

ARTICLE I - Title, Authority, and Jurisdiction

1.1 Title. This ordinance shall hereinafter be known and may be cited as the "Peddler's and Itinerant Merchant's Ordinance of Wythe County, Virginia", Ordinance 88-2.

Authority. It is adopted pursuant to the authority of Section 58.1-3703 et. seq. of the Code of Virginia of 1950, as amended and Section 58.1-3717 of the Code of Virginia of 1950, as amended.

1.3 Jurisdiction. The provisions of this ordinance shall apply to all land within Wythe County, Virginia, which is not within the jurisdictions of incorporated municipalities.

ARTICLE II - Purpose

This ordinance is adopted for the purpose of imposing a license tax upon peddlers and itinerant merchants.

ARTICLE III - Rules

In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise;

3.1:1 Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural singular;

The word "shall" is mandatory and not discretionary;

3.1:3 The word "may" is permissive and not mandatory;

3.1:4 The word "approve" shall be considered to be followed by the words "or disapprove,";

3.1:5 The masculine gender includes the feminine and neuter;

3.1:6 Any reference to this ordinance includes all ordinances amending or supplementing the same.

ARTICLE IV - Definitions

Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

4.1 "Administrator" shall mean the duly appointed agent to administer this ordinance.

"Peddler" shall mean any person who shall carry from place to place any goods, wares, or merchandise and offer to sell or barter the same, or actually sell or barter the same shall be deemed to be a peddler.

4.3

"Itinerant Merchant" shall mean any person who engages in, does, or transacts any temporary or transient business in Wythe County, and who, for the purpose of carrying on such business, occupies any location for a period of less than one year.

ARTICLE V

There is hereby imposed a license tax upon peddlers and itinerant merchants in the amount of \$100 for a six month license.

ARTICLE VI

This ordinance shall have no application to a peddler at wholesale as defined by the Code of Virginia, or to those who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits, or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale; furthermore,

This ordinance shall not apply to the sale of farm or domestic products or nursery products, ornamental or otherwise, for the planting of nursery products, as an incident to the sale thereof outside of the regular market houses and sheds of Wythe County; provided, such products are grown and produced by the person offering such products for sale.

This ordinance shall not apply to the privilege or right of printing or publishing any newspaper, or for the privilege or right of operating or conducting any radio or television broadcast station or service.

This ordinance shall not apply on a manufacturer for manufacturing and selling goods, wares, and merchandise at wholesale at the place of manufacture.

This ordinance shall not apply to a wholesaler or retailer for the privilege of selling bicentennial medals on a nonprofit basis for the benefit of the Virginia Independence Bicentennial Commission or any local bicentennial commission.

This ordinance shall not apply to the sales of used clothes or household goods being sold from the residence of the owner so long as said sales are not conducted on a regular or systematic basis.

This ordinance shall not apply to any bona fide non-profit sales.

6.8

This ordinance shall not apply to

A. A licensed wholesale dealer who sells, and at the time of such sale, delivers merchandise to retail merchants.

- B. A distributor or vendor of motor fuels and petroleum products.
- C. A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him.
- D. A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him.
- E. A farmers' cooperative association.

ARTICLE VII

It shall be unlawful for any person to engage in the business of that of a "peddler" or that of an "itinerant merchant" without obtaining a license for said occupation from the Administrator of this ordinance.

Any application for said ordinance shall include:

- 7.2:1 The name and address of the applicant and the name and address of each employee who will operate under the permit.
- 7.2:2 The permit shall also include the location or locations upon which the applicant and each employee thereof will operate under the permit.
- 7.2:3 The permit shall also state the period of time during which such applicant wishes to operate as a peddler or itinerant merchant.

All permits issued pursuant to this ordinance shall be for a period of six months.

ARTICLE VIII

A violation of any provisions of this ordinance shall constitute a Class I Misdemeanor, punishable by confinement in jail not to exceed twelve months, or by a fine not to exceed \$1,000, or by both fine and imprisonment, not to exceed twelve months in jail and \$1,000 fine, either or both.

Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the Planning Commission, the County Administrator, and the Clerk of the Circuit Court of Wythe County, Virginia.

This Ordinance was duly considered following a required public hearing held on September 13, 1988, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on September 13, 1988, the members voting:

NAME	FOR	AGAINST	ABSENT
George F. James	X		
David W. Blair	X		
Sidney N. Crockett	X		
Charlotte H. Crockett	X		
Donald M. Heldreth	X		
George T. Johnstone	X		
Robert C. Williams	X		

This ordinance shall become effective on and after 12:01 a.m. September 14, 1988.

I certify this is a true and correct copy taken from the September 13, 1988, minutes of the Wythe County Board of Supervisors.

Billy R. Branson
Billy R. Branson, County Administrator

AMENDMENT TO ORDINANCE 88-2
PEDDLER'S AND ITINERANT MERCHANTS ORDINANCE

A public hearing was held on Tuesday, July 10, 1990 at a.m. in the Board Room of the Wythe County Office Building to consider an amendment to Ordinance No. 88-2, Peddler's and Itinerant Merchants Ordinance of Wythe County, as follows:

Add the following to Section 6.7, "Bona fide non-profit sales shall include any event sponsored by a non-profit group or organization at which merchandise is sold."

Motion was made by Supervisor DuPuis to approve this amendment. Duly seconded by Supervisor Dunford and the roll call is as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Robert C. Williams	X		
Sidney C. Crockett	X		
Alan A. Dunford	X		
R. T. DuPuis	X		
George T. Johnstone	X		
G. Andrew Kegley, Jr.	X		
Charlotte H. Naber	X		

This amendment shall become effective on and after 12:01 a.m., on July 11, 1990.

I certify that this is a true and correct copy taken from the July 10, 1990, minutes of the Wythe County Board of Supervisors.

Billy R. Branson

Billy R. Branson, Clerk