

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE III, SECTION 8-67 OF THE CODE OF ORDINANCES SO AS TO PROVIDE UPDATES TO THE CODE AND ADD NEW PROCEDURES RELATING TO SOLICITATION

WHEREAS, The provisions of Chapter 8, Article III, Section 8-67 (herein referred to as "Section 8-67") are intended to balance the First Amendment rights of door-to-door solicitors in the Town with the privacy, safety, health and welfare of the Town residents by:

- 1) Requiring all commercial solicitors to conduct any door-to-door solicitation within the Town pursuant to a permit issued by the Town;
- 2) Reasonably limiting the hours of door-to-door solicitation activities; and,
- 3) Prohibiting all door-to-door solicitations at residences where the owner or occupant has prohibited solicitation in a manner consistent with the provisions of Section 8-67 of the Code of Ordinances.

WHEREAS, the intent of Section 8-67 is to protect against criminal activity, including fraud, disorderly conduct, burglary, and assault, to minimize the unwelcome disturbance of citizens and the disruption of privacy, and to otherwise preserve the public health, safety and welfare by regulating, controlling and licensing Door-to-Door Solicitors.

WHEREAS, the Town has an interest in attempting to protect the well-being, tranquility, and privacy of the home. The privacy includes an ability to avoid unwelcome intrusions and the Town has a responsibility to protect citizens from such intrusions.

WHEREAS, the Town also has an interest in attempting to protect consumers from inappropriate or fraudulent practices and to protect its citizens from criminal activity such as disturbing the peace, theft, trespass and assault.

WHEREAS, the Town has the responsibility to attempt to protect its citizens from actual harm as well as to attempt to protect them from potential harm which may result from unregulated Door-to- Door Solicitation.

WHEREAS, there must be a balance of these legitimate interests of the Town and the effect of the regulations on the rights of those who are regulated. The Town finds that the procedures, rules and regulations set forth in Section 8-67 are tailored narrowly to preserve and protect the Town's interests reflected herein while at the same time balancing the right of those regulated.

Whereas the Town of Fort Mill is authorized to request any supporting documentation in conjunction with applications filed for a Door-to-Door Solicitor Permit, or to ascertain requests for exemption from a permit as set forth in Section 8-67.

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

SECTION I. The Code of Ordinances for the Town of Fort Mill; Section 8-67; is hereby amended to read as follows:

Sec. 8-67. – Door-to-door solicitation.

(a) Solicitation prohibited.

1. No person shall engage in commercial solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed “No Commercial Solicitors” or “No Commercial Solicitation”. For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon.
2. No person shall engage in any form of solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed “No Solicitors” or “No Solicitation”. For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon. This provision shall apply to all solicitation including, but not limited to commercial, religious, charitable, non-profit, or political.

(b) Commercial Solicitation Permit required.

1. It shall be unlawful for any person to engage in door-to-door commercial solicitation activities within the Town without first obtaining a Door-to-Door Solicitation Permit issued by the Town of Fort Mill. Unless authorized or permitted pursuant to the terms and provisions of Sec. 8-67 of the Code of Ordinances, the practice of being in and upon private residential property within the Town by solicitors for the purpose of commercial solicitation, the same is prohibited and is punishable as set forth herein.

(c) Exemptions.

1. Any solicitor previously invited by the owner or occupant of the private residential property is exempt from the prohibitions under Sec. 8-67(a)

and Sec. 8-67(b). Such invitation shall not relieve the commercial solicitor from complying with all other terms and provisions of Sec. 8-67 including the requirement to obtain a Door-to-Door Solicitation Permit.

2. Those persons engaged in non-commercial solicitation as defined in Sec. 8-67(k), are not required to obtain a Door-to-Door Solicitation Permit.

(d) Possession and display of license.

1. Every person permitted pursuant to Sec. 8-67 must at all times possess and display their Door-to-Door Solicitation Permit in a conspicuous place while soliciting, and shall produce the same whenever requested to do so by a police officer or other person.

(e) Door-to-door solicitation restrictions.

1. No person will engage in solicitation upon any residential premises after having been asked by the owner or occupant thereof to leave such premises or residence.
2. There will be no solicitation upon any residential premises, other than upon prior invitation by the occupant, prior to 9:00 a.m. or after 7:00 p.m., of any day.
3. Not more than two individuals will engage in solicitation upon any residential premises at the same time for the same goods or merchandise, services, or for religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision will be deemed to have violated such provision.
4. Every person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, immediately identify himself and truthfully state the purpose of the solicitation.

(f) Application contents; fees.

1. Each person applying for a Door-to-Door Solicitation Permit shall submit written application on forms provided by the Town of the Fort Mill with payment of the permit fee, to the Town of Fort Mill. The applicant shall state upon oath or affirmation that the information contained in the application is truthfully provided to the best of their knowledge and belief.
2. The applicant shall supply the following information and any such additional information that the Town of Fort Mill may include upon the application form:
 - i. Applicant's true and correct name, and any former names or aliases;
 - ii. Applicant's business address and business telephone number;
 - iii. If different from the applicant, the name, address and phone number of the responsible person or entity;
 - iv. The name, address and phone number of the applicant's immediate supervisor, if any;

- v. Information regarding the business including, without limitation, its legal status and proof of registration with, or a certificate of good standing from the South Carolina Secretary of State;
- vi. Proof the applicant or the Applicant's company has registered with the South Carolina Department of Revenue for the payment of sales tax;
- vii. Proof that the Applicant or the Applicant's company has obtained a valid Town of Fort Mill Business License in accordance with the Town's Code of Ordinances (this may also include, if necessary, a Home Occupation Permit and/or Contractor's License).
- viii. A brief explanation of the nature and duration of the solicitation activity that requires a permit under this ordinance;
- ix. Whether a permit, license or registration in connection with soliciting has ever been revoked by any jurisdiction and an explanation of the circumstances;
- x. A complete list of all persons to be authorized to solicit under the permit;
- xi. For each person authorized to solicit under a permit, the following information:
 - 1. Name, address, phone number and date of birth;
 - 2. Proof of identification by submittal of any of the following that bear a photograph of said person:
 - a. A valid U.S. driver's license or identification card issued by any state;
 - b. A valid United States uniformed service identification card;
 - c. A valid U.S. passport; or
 - d. U.S. Citizenship & Immigration Services Green Card.
 - 3. A copy of a criminal background check conducted by the South Carolina Law Enforcement Division, such copy being no more than 30 days old at the time of application for the permit.
- xii. Any other information determined to be relevant by the administrative official; and,
- xiii. Permit fees as adopted annually in the Town of Fort Mill Schedule of Fees. For FY 2025-26, the fee shall be \$100.

(g) Commercial Permit holder responsibilities.

- 1. Any person seeking to engage in door-to-door commercial solicitation must obtain a Door-to-Door Solicitation Permit from the Town of Fort Mill and pay the permit fee as provided in this Sec. 8-67 before commencing any such solicitation.

2. All Door-to-Door Solicitation Permits shall be issued in the name of the applicant. Upon issuance of each permit, the Town of Fort Mill shall create and maintain a list of all persons authorized to engage in commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:
 - i. Provide a copy of the permit to each person authorized to engage in solicitation under the permit;
 - ii. Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Sec. 8-67;
 - iii. Notify the Town of Fort Mill in writing of any persons added to or deleted from the list of authorized solicitors; and,
 - iv. Submit to the Town of Fort Mill, for each person to be added to such list, the information required under Sec. 8-67(f).
3. The Town of Fort Mill shall, within five (5) business days of the Town's receipt of a complete application for a permit under this Sec. 8-67, issue such permit, together with a list of all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the Town of Fort Mill determines that the permit application is denied under the criteria stated in Sec. 8-67(i).

(h) Persons prohibited.

1. A person shall not be eligible for issuance of a permit nor be authorized under a permit under this Sec. 8-67 if any of the following are true:
 - i. A permit previously issued to such person by the Town of Fort Mill under Sec. 8-67(g) has been revoked by the Town of Fort Mill under Sec. 8-67(i).
 - ii. The person has been convicted of a felony or misdemeanor involving a sex offense, controlled substance, or any violent act against person or property.
 - iii. The person has had a civil judgement or criminal conviction entered against them based upon fraud, deceit or misrepresentation.
 - iv. The person has an outstanding warrant.

(i) Denial or Revocation of a Permit.

1. The Town of Fort Mill shall deny an application for a permit, refuse to renew a permit or revoke a permit issued under this Sec. 6-87 if the Town of Fort Mill determines that the applicant has:
 - i. Made any material misrepresentation or false statement in the application for the permit;
 - ii. Failed to notify the Town of Fort Mill if any person authorized to solicit under the permit, including the applicant, becomes a prohibited person as outlined in Sec. 8-67(h) of this Chapter, after the issuance of the permit.

- iii. Failed to obtain necessary licenses as required by the Town, including but not limited to a Town of Fort Mill Business License;
- iv. Failed to conduct and/or supervise solicitation activities under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Sec. 8-67; or,
- v. Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(j) Permit term.

- 1. Unless otherwise revoked under Sec. 8-67(i), a Door-to-Door Solicitation Permit shall expire when the applicant's Town of Fort Mill Business License expires.

(k) Definitions.

- 1. The following definitions shall apply in the interpretation and enforcement of this Chapter:
 - i. *Commercial Solicitor* shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.
 - ii. *Door-to-Door Commercial Solicitation* shall mean attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:
 - 1. Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;
 - 2. Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation;
 - 3. Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a future time.
 - iii. *Door-to-Door Non-Commercial Solicitation* shall mean attempting to make personal contact with any person at his

residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

1. Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
 2. Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
 3. Personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service;
 4. Distribution of religious tracts and information on behalf of a religious organization;
 5. Door-to-door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot.
- iv. *Door-to-Door Solicitation Permit* shall mean a document issued by the Town of Fort Mill authorizing a commercial solicitor to engage in door-to-door commercial solicitation.
- v. *Employer* shall mean any person, company, corporation, business, partnership, organization, or any other entity on behalf of whom a person is acting.
- vi. *“No Commercial Solicitors” or “No Commercial Solicitation” Sign* shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating “No Commercial Solicitors” or “No Commercial Solicitation” and applies only to commercial solicitation.
- vii. *“No Solicitors” or “No Solicitation” Sign* shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating “No Solicitors” or “No Solicitation” and applies to all form of solicitation.
- viii. *Non-Commercial Solicitor* shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door non-commercial solicitation.

- ix. *Permit Holder* shall mean any person to whom a permit has been issued under the provisions of this Chapter.
- x. *Public Entity* shall mean the state, county, municipality, school district, special improvement district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.
- xi. *Residence* shall mean a private residence in the Town, including but not limited to condominium units and apartments, and shall include the yards, grounds or hallways, thereof.

(l) Violations and penalties.

1. It is a misdemeanor for any person to violate any of the provisions of this chapter, and upon conviction thereof shall, if a penalty is not otherwise specified, be punished by a fine of not more than seven hundred fifty dollars (\$750.00), to which court costs shall be added. In situations found appropriate by the trial court restitution may also be required.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be on and after November 1, 2025.