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Vanessa Wright, Registrar

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER
RESOLUTION NO. R-2023-01**

**A RESOLUTION RELATING TO THE BUSINESS AND LICENSURE OF PEDDLERS
AND HAWKERS.**

WHEREAS, S. C. Code of Laws Section 40-41-10, *et seq.*, provides that no person shall as a hawker or peddler expose or sell any goods, wares and merchandise in any county in this State unless he has received and is ready to produce and exhibit a license of such county so to sell or expose for sale goods, wares and merchandise in such county; and

WHEREAS, S. C. Code of Laws Section 40-41-30 provides that the governing body of each county shall fix and establish such fees in its county at the first meeting in January of each year; and

WHEREAS, S. C. Code of Laws Section 40-41-90 provides for an exemption from the provisions of Chapter 41, Article 1, except for the provisions of Sections 40-14-70 and 40-41-100 (regarding sales within one-half mile of certain religious meetings and penalties), to vendors of newspapers, magazines, vegetables, tobacco, provisions of any kind or agricultural products or to sales by sample by persons traveling for established commercial houses, but provides for applicability to vendors of every other class and kind of goods, wares and merchandise and to sales by sample or otherwise by such hawkers and peddlers of stoves, ranges, clocks, lightning rods, sewing machines, pianos or organs; and

WHEREAS, Jasper County Council adopted a Business License Ordinance, codified at Section 8-31 *et seq.* of the County Code of Ordinances, which incorporates in Section 8-51 a Business License Schedule identified as “Exhibit B;” and

WHEREAS, Appendix B establishes a general classification as Rate Class 9.41 “NAICS CODE 454390 *Other Direct Selling Establishments (Regular Peddlers)*” which includes rates for both resident and non-residents; and

WHEREAS, Jasper County wishes to allow peddlers, hawkers and solicitors to operate only under prescribed conditions in accordance with the aforementioned statute, and confirm by Resolution the applicable fees for hawkers and peddlers;

NOW, THEREFORE, BE IT RESOLVED, by Jasper County Council, in a meeting duly assembled, as follows:

Section 1 - Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Resolution, except where the context clearly indicates a different meaning:

- a) "Peddler" means any person who goes from house to house or from place to place soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, or services; except vendors of newspapers, magazines, vegetables, tobacco, provisions of any kind or agricultural products, to sales by sample by persons traveling for established commercial houses, or any other vendor specifically exempted by State Statute, and includes those who may otherwise be identified as "hawkers" or "solicitors."
- b) "County" means the County of Jasper.
- c) "License official" means a person designated to administer the County Business License program.
- d) "Person" means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- e) "Profession" means a calling, occupation, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.


Section 2 - License and fee: Every Person engaged in or intending to engage in the Profession of Peddler, in whole or in part, within unincorporated Jasper County, is required to pay an annual license fee to obtain a license.


- a) The required license fee shall be paid for each Peddler before commencing business and will be good in the County until the last day of December next after the date of issue.
- b) The license fee per Peddler shall be as follows for Persons with a principal place of business as provided for under the Business License Ordinance:

1. Resident: \$100.00 on the first \$2,000.00 of gross sales, plus \$1.00 per \$1,000.00, or fraction thereof, over \$2,000.00
2. Non-Resident: \$200.00 on the first \$2,000.00 of gross sales, plus \$2.00 per \$1,000.00, or fraction thereof, over \$2,000.00

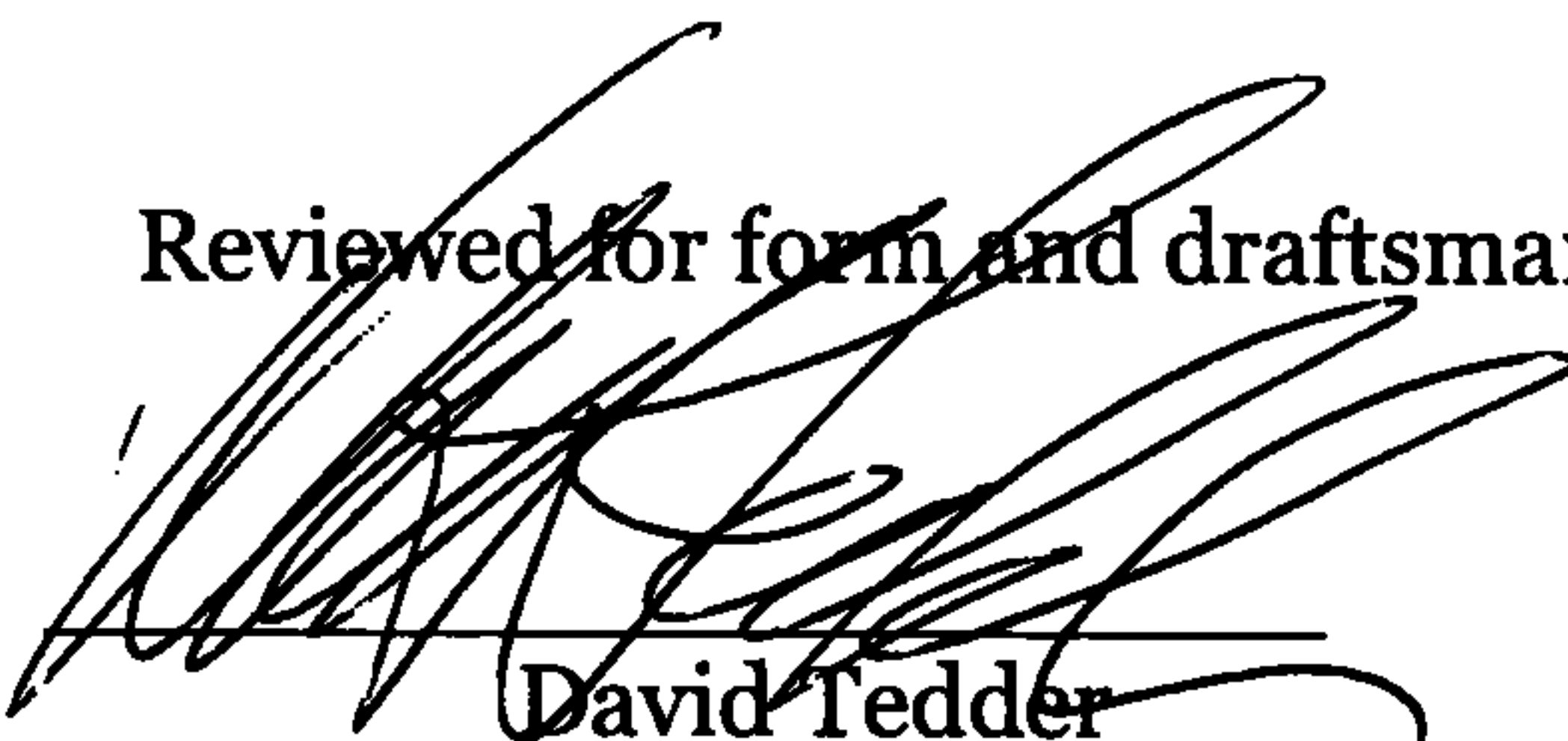
Section 3 - Application for Peddler license: Any Person may apply for one or more Peddler licenses at the Clerk of Court' Office, or upon receipt by the Jasper County Administrator of a letter from the Clerk of Court requesting to delegate the administration the Peddler license program to the County License Official's office and a confirmation by the Administrator of such responsibilities, at the Jasper County Business License Office (in-person or on-line). The Clerk of Court, or in the case there has been a delegation of authority, the Business License Office, shall issue such permit upon payment of the applicable fee.

Adopted this 3rd Day of January, 2023


Wanda Simmons, Clerk to Council


L. Martin Sauls IV., Chairperson

Reviewed for form and draftsmanship by the Jasper County Attorney:


David Tedder

1-3-23
Date