

MINUTES
Lyman Town Council Meeting
Monday, February 9, 2026, at 6:00 p.m.
Lyman Town Hall, 81 Groce Road, Lyman, S.C.

CALL TO ORDER

The meeting of the Lyman Town Council was called to order at 6:00 p.m. by Mayor David Petty.

FOIA

Notice of the meeting with an Agenda was publicly posted, published, and forwarded to the media no less than 24 hours prior to adjournment.

Present:

David Petty
Cindy Behm
Jack Bellaire
Adam Crisp
Rebecca Martin
Phil McIntyre

Reading and Approval of Minutes from the Meetings of Town Council

- **January 12, 2026**
- **January 14, 2026 - Special Meeting**
- **January 22, 2026 – with Planning & Zoning, and Board of Zoning Appeals**

Adam Crisp made a motion to approve the Minutes from all three (3) meetings. Rebecca Martin seconded the motion, and all were in favor. The Minutes from all three meetings were approved.

Announcement of Yard of the Month for February – The Mill Village

- **Council Member Rebecca Martin**
Brian Evans, 13 Brooke Street, Lyman, SC, was the recipient of the Yard of the Month for February. Mr. Evans was not present, and the Yard of the Month sign will be placed in his yard by Council Member Rebecca Martin.

Announcement of Business of the Month for February

- **Mayor David Petty**
Lyman Family Dentistry, owner Dr. Chris Ayers, 301 Spartanburg Road, Lyman, SC, was the recipient of the February Business of the Month. Mayor Petty presented a representative with a Certificate and the Business of the Month sign. He will deliver the Business of the Month sign to the business.

Updates to Council:

- **Town Update**

Mayor David Petty said that the Council participated in training at Town Hall with the Municipal Association of South Carolina. Council Member Jack Bellaire informed the citizens and the Council that the link for the South Carolina Department of Transportation (SCDOT) to report repairs has been added to the website.

Request to Appear Before Council

A. Andrew Karas, 32 Crescent Street, Lyman, SC

Mr. Karas would like to address the Council about information regarding the Town of Lyman Mill Village Infrastructure. Regular Council Meeting for Monday, February 9, 2026.

Mr. Karas stated that over the past eight (8) years, he has appeared before the Council to address concerns regarding the water entering his home. He noted that his most recent appearance was approximately six (6) months ago and that he has been waiting for a response from the Town Administrator or Council.

Mr. Karas presented water filters and a sample of water from his residence to show the effects he believes the aging pipes are having on his water. He further stated that he attended a meeting of the Spartanburg Water District (SJWD) to voice his concerns. According to Mr. Karas, SJWD representatives indicated they had not been contacted by the Town regarding any efforts to work together toward resolving the issue.

Mr. Karas stated that he will continue attending SJWD meetings until a resolution is reached. He requested that his letter be included in the Minutes.

Review of Treasurer’s Report was given by Donna Perry

Ms. Perry informed the Council that the audit field work was completed on February 9, 2026.

Rebecca Martin made a motion to approve the Treasurer’s Report. Cindy Behm seconded the motion, and all were in favor.

Department Reports

Police Department	Chief Jay Hayes
Fire Department	Chief Jim Redd
Public Works/Wastewater & Pre-Treatment	Given by Scott Miller
Zoning and Planning/Code Enforcement	Written Report Submitted to Council
Business License Report	Written Report Submitted to Council

Old Business

Discussion and possible action regarding the appointment of Community Members for the Community Care Committee.

Jack Bellaire informed Council that he would present applications for consideration for appointments to the Community Care Committee at the next meeting.

Second reading of an Ordinance accepting zoning reclassification of property located at 12999 East Wade Hampton Blvd., Duncan, SC 29334, Parcel Number 5-14-06-001.00 from Central Business District, CBD, to General Business District-1, GBD-1, zoning classification.

Rebecca Martin made a motion to approve the second reading of the Ordinance accepting the zoning reclassification of property located at 12999 East Wade Hampton Blvd. to GBD-1, General Business District-1. Cindy Behm seconded the motion, and all were in favor.

NEW BUSINESS

Resolution accepting donations of a Sewer Right-of-Way and Easement Deeds by: Tractor Supply Company, Tax Map No. 5-14-00-027.08, permanent Right-of-Way and Easement 25 feet in width, as shown in attached Exhibit “A”; and For 8 Corporation Inc, Tax Map No. 5-15-05-246.00, perpetual and exclusive Right-of-Way and Easement 25 feet in width, described as Common Area #1 containing 4.01 acres as shown on Exhibit “A”, East Wade Hampton Storage, for the purpose of laying, constructing, maintaining, operating, repairing, replacing, and removing an underground sewer line and the necessary appurtenances, together with an estimated value of \$100,000.00.

Adam Crisp made a motion to accept the donations of the Sewer Right of Ways and Easement Deeds by Tractor Supply Company and For 8 Corporation Inc., with an estimated value of \$100,000.00. Rebecca Martin seconded the motion, and all were in favor.

A Resolution to approve the purchase of 20 laptops from Mobile Concepts Technology (MCT). These laptops need immediate replacement as the software is not compatible with updated security requirements.

Cindy Behm made a motion to approve the purchase of 20 laptops from Mobile Concepts Technology (MCT). Phil McIntyre questioned if this quote was the lowest, and it was the lowest of the three (3) quotes. Adam Crisp seconded the motion, and all were in favor.

An Ordinance Amending Town of Lyman, South Carolina, Code of Ordinances Article 1, Section 2.4, Mayor Pro Tempore, Regarding Election of Mayor Pro Tempore Procedures.

Jack Bellaire made a motion to amend Item 2 “b” of Article 1, Section 2.4, of the Ordinance, stating that the list of candidates should be read in alphabetical order. Council Member Bellaire believes that the nominations and votes should be done by paper ballot and read in random order so as not to give anyone favoritism based on their last name. After a lengthy discussion by Council, Phil McIntyre seconded the motion to amend the Ordinance. A vote was taken, with Jack Bellaire, Adam Crisp, and Phil McIntyre voting in favor of the amendment. Cindy Behm, David Petty, and Rebecca Martin voted in opposition to the amendment. The motion failed.

There was a discussion between Council Members Cindy Behm and Phil McIntyre about whether the motion should be “tabled” or “postponed.”

Cindy Behm asked if each member of Council only received one vote, and Phil McIntyre answered with yes. Cindy Behm made a motion to postpone the Ordinance until the next meeting. Rebecca Martin seconded the motion. A vote was taken. Cindy Behm, David Petty, and Rebecca Martin voted in favor of postponing the Ordinance until the next meeting. Jack Bellaire, Adam Crisp, and Phil McIntyre voted in opposition to the postponement. The motion failed.

Rebecca Martin stated that until a seventh member was elected to Council, it looked like it would be a 3 – 3 vote, and that this matter should be postponed until after the election. All the Council members agreed except Phil McIntyre.

Cindy Behm made a motion to postpone Items 12 “C”, “D”, and “E” of the Agenda until the March meeting. Adam Crisp seconded the motion, and all were in favor, except Phil McIntyre, who voted in opposition.

An Ordinance Amending Town of Lyman, South Carolina, Code of Ordinances Article 1, Section 2.6 Operational Guidelines, Subsection 2 “Model Committees”, Regarding Appointment of Committee Member Procedures.

Cindy Behm made a motion to postpone Items 12 “C”, “D”, and “E” of the Agenda until the March meeting. Adam Crisp seconded the motion, and all were in favor, except Phil McIntyre, who voted in opposition.

An Ordinance Amending Town of Lyman, South Carolina, Code of Ordinances, Chapter 24, Planning, Section 24.2, Members Appointment Terms, Addition of Subsection (D) & (E)

Cindy Behm made a motion to postpone Items 12 “C”, “D”, and “E” of the Agenda until the March meeting. Adam Crisp seconded the motion, and all were in favor, except Phil McIntyre, who voted in opposition.

A Resolution Awarding a Request for Proposals for Engineering Services for Meadow Street Stormwater Repairs.

The Town only received one bid for the engineering services for Meadow Street Stormwater Repairs.

Adam Crisp made a motion to approve the Resolution awarding the Request for Proposals for Engineering Services for the Meadow Street Stormwater Repairs to Goldie Associates. Jack Bellaire seconded the motion, and all were in favor.

Discussion and possible action donation to Tyger River Firefighters Foundation (Council Member Jack Bellaire)

Jack Bellaire made a motion to donate the amount of \$1,000.00 to the Tyger River Firefighters Foundation for smoke detectors. Rebecca Martin suggested that the amount be increased to \$2,500.00. All Council Members agreed to increase the amount of the donation to \$2,500.00. Rebecca Martin made a motion to increase the donation to the Tyger River Firefighters Foundation

for smoke detectors to \$2,500.00. Adam Crisp seconded Rebecca Martin's motion, and all were in favor.

Mayor David Petty suggested that the Town start a grant program in the next budget year to stay within our budget for donations.

Discussion and possible action pertaining to the acquisition of a generator from the 1033 Program for the Event Center (Pacific Place) for use during storms. (Chief Jay Hayes)

Chief Jay Hayes informed the Council that he had access to a 35,000-watt generator through the 1033 program, but we would have to pick it up in Virginia, and after a certain amount of time, the generator would become the property of the Town. The generator would be used at the Event Center (Pacific Place) during storms.

Cindy Behm made a motion to approve the acquisition of the generator from the 1033 Program for the Event Center (Pacific Place). Jack Bellaire seconded the motion, and all were in favor.

Discussion and possible action regarding peddlers' licensing. (Mayor David Petty)

Chief Jay Hayes addressed the Council and explained the peddlers' ordinance, licensing, and their rights. He also explained the extent to which the police officers could get involved.

Discussion and possible action regarding use of Robert's Rules of Order in Town Council meetings. (Mayor David Petty)

Mayor David Petty discussed Robert's Rules of Order during Town Council meetings, as the Municipal Association of South Carolina (MASC) mentioned at the training session held at Town Hall. He also discussed with the Council that he may, on occasion, implement some aspects of Robert's Rules of Order during the meetings.

Executive Session

Mayor David Petty made a motion at 7:06 p.m. to go into Executive Session for the purposes of:

- Discussion of contract negotiations.
- Discussion of compensation of persons regulated by a public body.

Cindy Behm seconded the motion, and all were in favor.

Mayor David Petty made a motion to come out of Executive Session at 8:11 p.m. Jack Bellaire seconded the motion, and all were in favor.

No actions or votes were taken during the Executive Session.

Discussion pertaining to "Request to Appear before Council" as detailed in item 8 "A" of this Agenda.

Mayor David Petty instructed Noel Blackwell, Town Administrator, to send Mr. Karas a letter regarding Item 8 "A" outlining the Town's position on the water issue.

In reference to the announcements on the Agenda, Council Member Adam Crisp added that Congressman Timmons has a packet of information for grants for students to apply as cadets, if they are interested.

Adjournment

Adam Crisp made a motion to adjourn at 8:13 p.m. Cindy Behm seconded the motion, and all were in favor.

Andrew Karas
32 Crescent Street
Lyman, SC 29365

February 9, 2026

Town of Lyman
Mayor and Council
81 Groce Rd.
Lyman, SC 29365

My name is Andrew Karas, and I reside at 32 Crescent Street in Lyman, SC 29365.

Over the past eight years, I have appeared before the previous Mayor and Town Council to address the issue with the water that comes into my home. The most recent time was in the summer of 2025. At that time, I was told by Mayor Greer per Lyman's Resolution/Ordinance either someone from the council or the town administrator would be back to me in a reasonable amount of time to address the water issue. Is six months a reasonable amount of time for a response from the town?

Before you tonight I bring the water filter I changed in my home on January 19, 2026 and a jar of water drawn from the point of entry to my home and the water filter from 25 Crescent Street which belongs to my neighbor, Lori Dendy which was changed on Saturday, January 17, 2026.

On January 20, 2026, I took these same items to the Commissioners of SJWD Water District's Meeting. I spoke before them addressing my concerns about the water which was being transmitted to our homes in the village of Lyman.

The commissioners, CEO of SJWD and management of SJWD after reviewing the filters and water asked me additional questions during their meeting. I explained I have been changing filters monthly for the past eight years, had been in contact with SJWD field representatives who had explained why we had this issue and had appeared many times before my town council who had yet to respond.

SJWD's CEO and Commissioners found the entire scenario unacceptable. They are transmitting good clean water from their plant to the lines coming into Lyman. The issue again is aging infrastructure. When I asked if anyone from the town of Lyman had been in contact with SJWD to determine how their company and town could work together and resolve the issue they responded no one had contacted them. Not the mayor, nor anyone from town council or the town administration.

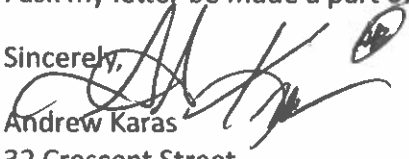
SJWD is willing to work with the Town of Lyman. Funding and a plan of action need to be put in place to update the aging infrastructure to correct the issue.

I have the contacts for SJWD, but I am sure they are the same ones the Town of Lyman has but has never contacted. It is unthinkable the Town of Lyman cares so little for its residents that it allows clean processed water to flow through tainted aging cast iron pipes to be the main source of the water for homes in the Village. Water that is used for drinking, cooking, bathing and washing their clothes.

I will continue to go back to SJWD until there is some resolve for our Town. Someone in this town has to speak up to have this issue resolved and it will be me. No one from the council or town administrator needs to contact me as the lack of response in the past has spoken for itself.

I ask my letter be made a part of tonight's Town of Lyman Council Meeting minutes.

Sincerely,



Andrew Karas
32 Crescent Street
Lyman, SC 29365



KARAS
32 CRESCENT ST

GE F27634 FS/SD

GE Appliances, Appliance Park,
Louisville, KY 40225
Model/Modelo: GXWH40L
SERIAL NUMBER: VHT04203H

MAX TEMP 180°F (82°C)
MAX PRESS 100 PSI (700 kPa)
COLD WATER ONLY
D'EAU FROIDE SEULEMENT

OWAL STUB END 1/2" DIA. 10' L. 1/2" DIA. 10' L. 1/2" DIA. 10' L.



KARAS
32 CRESCENT S-

E R27634 FS/SD

GE Appliances, Appliance Parts,
Louisville, KY 40223
Model/Modelo: GEWM40L
SERIAL NUMBER: VHW4203M

MAXIMUM 100°F (38°C)
MAX PRESS 60 PSI (4.14 bar)
COLD WATER ONLY
D'EAU FROIDE MAXIMUM

7/18



13

KARAR
32 CRESCENT ST.

3/8



KARAS
32 PRESIDENT ST
468

DEADY
25 CRESCENT ST.

Whirlpool
USE WITH REPLACEMENT CARTRIDGE
UTILISER AVEC CARTOUCHE
DE REMPLACEMENT
PARA USARSE CON EL CARTUCHO
DE REMPLAZO
40-100°F
25-125 psi
25-125 lb/pt² (lb/pulg²)
Maximum operating pressure
Presión de trabajo máxima
Maximum operating pressure
Presión de trabajo máxima

DENDY
25 CRESCENT ST,

KARAS
32 CRESCENT ST

KARAS

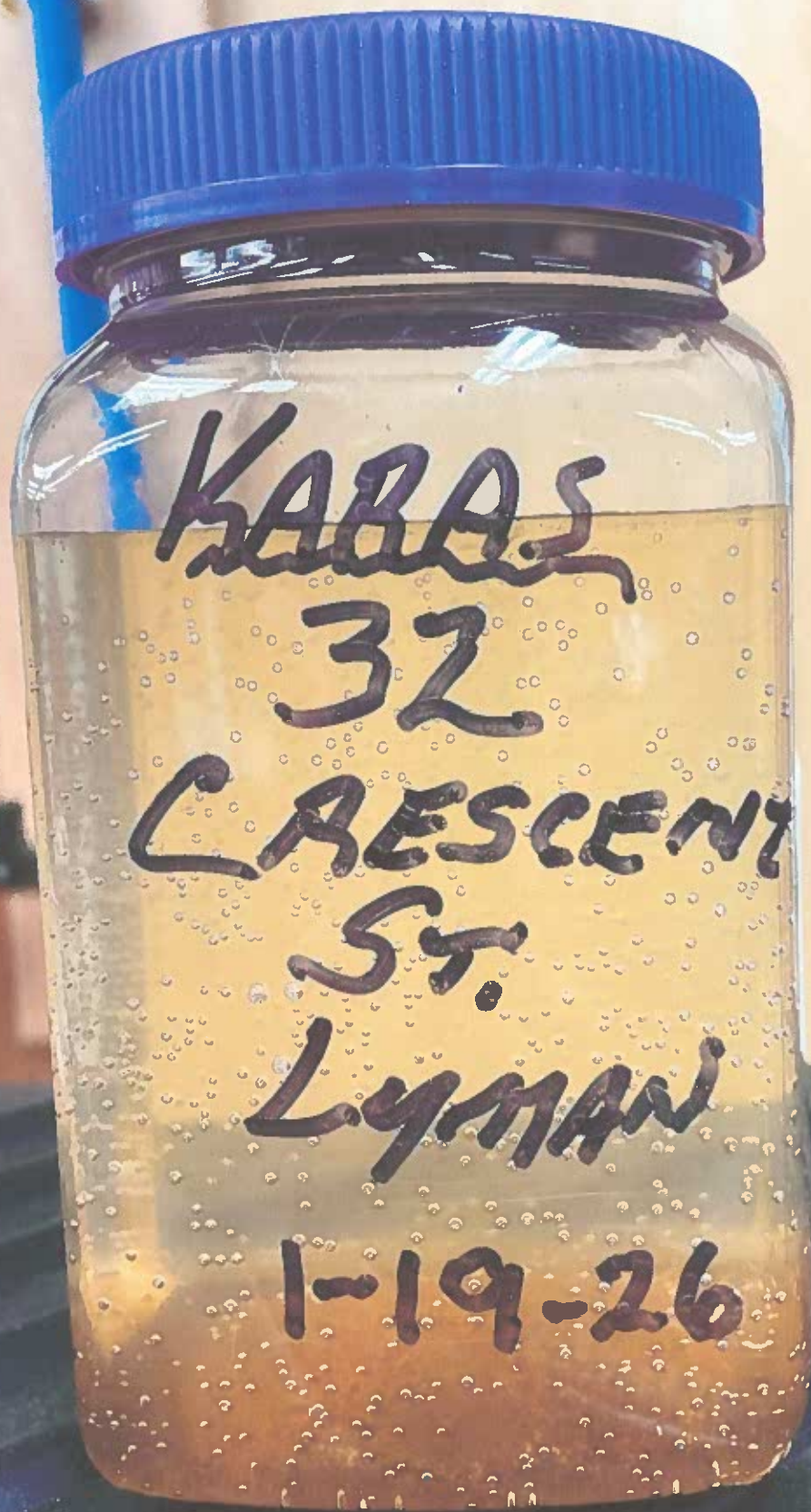
32

CAESCENT

St.

LYMAN

1-19-26



KARAS

32

CRESCENT

ST.

LYMAN

1-19-26

8-7

Proposed Amendment to the Town of Lyman's Peddler/Solicitation Ordinance

Incorporating Stronger Enforcement Provisions Modeled on the City of Greer's Solicitors Ordinance

Date: February 9, 2026

Submitted for Consideration by: Misty Dunn 268 Springlakes Estates Drive

Current Ordinance Language (Relevant Sections)

- **Sec. 8-189. - Failure or refusal to leave.**
Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave the premises after having been notified by the owner or possessor of the premises, or his agent, to leave the premises, shall be deemed guilty of a misdemeanor.
- **Sec. 8-190. - Hours of operation.**
It shall be unlawful for any peddler to engage in the business of peddling between the hours of one-half hour before sunset and 9:00 a.m. the following morning; or at any time on Sundays.
- **Sec. 8-191. - Sale of goods on streets, parking lots.**
It shall be unlawful for any person to sell or offer for sale or peddle goods, wares or merchandise upon the public streets or public parking lots in the town.
- **Sec. 8-192. - Loud noises and sound devices.**
No peddler or solicitor, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loudspeaker or sound amplifying device, upon any of the streets, alleys, parks or other public places within the corporate limits without first having obtained a license to do so from the clerk-treasurer.
- **Sec. 8-193. - Use of streets.**
No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

- Sec. 8-194. - Enforcement by police.

It shall be the duty of any police officer to require any person seen peddling or soliciting, and who is not known by the officer to be duly licensed or registered, to produce his peddler's license or proof of registration and to enforce the provisions of this article against any person found to be violating the provisions of this article.

Issue with the Current Enforcement Framework

The primary enforcement mechanism (Sec. 8-189) relies on a resident notifying the peddler/solicitor to leave and then documenting a willful refusal. In practice, this leads to:

- Officers typically issuing only a verbal “move along” directive rather than a citation.
- Repeat offenders simply moving to the next street or neighborhood with no meaningful consequence.
- Many representatives returning to the same area the very next day.
- “No Soliciting” signs posted by residents being largely unenforceable because they are not backed by a specific ordinance violation.

Without a clear, objective violation tied directly to approaching a clearly marked property, enforcement remains reactive, subjective, and ineffective against persistent violators.

Comparison to City of Greer’s Solicitors Ordinance

The City of Greer’s ordinance (as updated by Ord. No. 5-2024 and Ord. No. 50-2024) includes stronger, more objective provisions, including:

- A clear prohibition on approaching properties or subdivisions with posted “No Soliciting” signs.
- A specific penalty section (Sec. 18-316):
“Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days, or both, upon conviction, in accordance with section 18-49.”

These provisions create immediate, citation-worthy violations and reduce reliance on resident confrontation or subjective “failure to leave” determinations.

Proposed Amendments

1. **Add Prohibition on Approaching Properties with “No Soliciting” Signs**

Suggested new section (recommended as Sec. 8-189.5 or inserted after Sec. 8-189):

“It shall be unlawful for any peddler, solicitor, hawker, canvasser, or representative to enter upon any private property, residence, or subdivision within the Town where a sign clearly indicating ‘No Soliciting,’ ‘No Peddlers,’ ‘No Trespassing,’ ‘No Canvassing,’ or substantially similar language is posted in a conspicuous location visible from the point of approach.

Any person violating this section shall be deemed in clear violation of this article, regardless of whether they were asked to leave or refused to do so.”

2. **Replace or Supplement Sec. 8-189 with Clearer Violation Language**

Suggested revised or new enforcement/penalty section (to replace/supplement Sec. 8-189 and tie into Sec. 8-194):

“Any person violating any provision of this article—including but not limited to approaching a property with a posted ‘No Soliciting’ sign, operating outside permitted hours, using prohibited sound devices, or selling on public streets/parking lots—shall be deemed guilty of a misdemeanor and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days, or both, upon conviction.”

3. **Retain Existing Strong Provisions**

Sections 8-190 through 8-194 provide valuable restrictions (hours, street sales ban, noise limits, no stationary/congested locations, police enforcement authority) and should remain in full force.

Benefits of the Proposed Changes

1. **Empowers Residents**

Homeowners with visible “No Soliciting” signs can expect immediate respect for their preference without needing to confront or argue with representatives. Officers can enforce the rule objectively.

2. Improves Enforcement Effectiveness
Creates clear, citation-eligible violations instead of relying on “move along” warnings. Reduces repeat visits by imposing real-world consequences.
3. Reduces Burden on Residents and Officers
Eliminates the need for residents to personally order someone to leave before enforcement can occur. Gives police objective criteria to act quickly and consistently.
4. Aligns with Neighboring Successful Model
Mirrors effective language from the City of Greer, promoting regional consistency while addressing Lyman’s specific resident concerns.

Summary of Value

These amendments modernize enforcement by closing the “No Soliciting sign loophole,” shift from verbal warnings to meaningful penalties, and better protect residential peace and privacy. They maintain respect for legitimate activities while giving law enforcement clear, defensible tools to address persistent commercial door-to-door practices.

Recommendation

Amend the Peddler Ordinance (Chapter 8) by:

- Adding the proposed “No Soliciting” sign prohibition (new Sec. 8-189.5 or similar).
- Replacing or supplementing Sec. 8-189 with a clear penalty provision modeled on Greer’s Sec. 18-316.
- Retaining all other current restrictions in Secs. 8-190–8-194.

Thank you for your consideration of this important quality-of-life improvement for the residents of Lyman.

Sincerely,
Misty Dunn
268 Springlakes Estates Drive
(330) 881-3266
mistydunn30@gmail.com

Misty Dunn
268 Springlakes Estates Drive
Lyman, SC 29365
(330) 881-3266
mistydunn30@gmail.com

Date: February 9, 2026 Town of Lyman Town Council

Town Hall
85 Lyman Road
Lyman, SC 29365

**Subject: Submission of Proposed Amendments to the Town of Lyman
Peddler/Solicitation Ordinance – Resident Quality-of-Life Initiative**

Dear Honorable Members of the Lyman Town Council,

I am submitting this packet of materials to formally request consideration of two targeted amendments to the Town's Peddler/Solicitation Ordinance (Chapter 8). These proposals aim to modernize enforcement, close common loopholes exploited by current door-to-door commercial practices, empower residents, and provide clearer tools for law enforcement.

Enclosed Documents (Packet Contents – At a Glance):

1. Proposed Amendment: Incorporating Stronger Enforcement Provisions Modeled on the City of Greer's Solicitors Ordinance
 - Focuses on adding a clear prohibition against approaching properties with posted "No Soliciting," "No Peddlers," or similar signs.
 - Replaces/supplements the current "failure to leave" reliance (Sec. 8-189) with objective, citation-eligible violations and penalties (up to \$500 fine and/or 30 days imprisonment).
 - Retains existing strong restrictions (hours, street sales ban, noise limits, etc.).
 - Shifts enforcement from verbal "move along" directives to meaningful consequences to deter repeat offenders.

2. Proposed Amendment: Adding a Clear Definition of “Commercial Solicitation”

- Expands Sec. 8-176 (Definitions) to explicitly cover modern door-to-door tactics, including:
 - Sharing information, demonstrations, or promotions where the intent is to lead to future sales.
 - Soliciting appointments, estimates, quotes, or commitments for later transactions.
- Closes the common “I’m not selling anything today” loophole used by appointment setters and lead generators in industries such as home improvement, solar, roofing, pest control, and security systems.

3. Supporting Article: “What Is an Appointment Setter?” (Indeed.com)

- Explains the role of appointment setters (also called appointment generators or inside sales representatives).
- Key points: These professionals contact potential customers to arrange meetings with sales teams, persuade prospects to schedule appointments, and serve as the first step in the sales process—often without completing an immediate sale.
- Source: Indeed Career Advice articles (e.g., <https://www.indeed.com/hire/job-description/appointment-setter> and related pages, updated 2026).

4. Supporting Article: “Door-To-Door Sales: Definition and 12 Potential Benefits” (Indeed.com)

- Defines door-to-door sales (D2D sales) as:
“a direct selling and lead generation strategy often used in advertising, campaigning, marketing and sales efforts.”
- Describes representatives visiting homes to educate potential customers and convince them to purchase products/services, often involving lead generation rather than immediate sales.
- Source: <https://www.indeed.com/career-advice/career-development/door-to-door-sales> (updated December 19, 2025).

These supporting articles illustrate why the current ordinance definitions and enforcement mechanisms are outdated—they do not adequately address appointment setters and lead-generation-focused door-to-door activity, which now dominates many commercial solicitation efforts in our community. I respectfully request that the Council review these proposals at today's meeting and consider placing them on the agenda for discussion and potential adoption at a future meeting. I am available to attend any meeting, answer questions, or provide additional information. Thank you for your time and commitment to improving the quality of life for Lyman residents.

Sincerely,

Misty Dunn

Resident, Town of Lyman

Proposed Amendment to the Town's Peddler/Solicitation Ordinance

Rationale for Adding a Clear Definition of "Commercial Solicitation"

Date: February 9, 2026

Submitted for Consideration by: Misty Dunn 268 Springlakes Estates Drive

Current Ordinance Language (Relevant Sections)

Sec. 8-176. - Definitions

The term "peddler" means and includes any person who shall go from house to house or from place to place soliciting, selling or taking orders for or offering for sale or to take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines.

The term "peddler" also includes all peddlers as they may be otherwise defined and all solicitors, hawkers, canvassers, itinerant or transient merchants or vendors of goods, wares, merchandise or services as may commonly be defined by state law or ordinance.

Sec. 8-178. - License—Required

It shall be unlawful for any peddler to pursue his trade within the corporate limits without first having obtained a license to do so from the clerk-treasurer.

Issue with the Current Definition

The existing ordinance primarily focuses on individuals who are actively "soliciting, selling or taking orders" for goods, services, or subscriptions. It does not explicitly address modern door-to-door practices in which no immediate sale occurs. Many companies now send representatives to homes who claim they are not required to obtain a permit because they are:

- "Just sharing information"
- "Providing a free demonstration"
- "Setting up an appointment or estimate"
- "Not actually selling anything today"

These representatives are often appointment setters, lead generators, or information sharers working on behalf of home improvement, solar, roofing, pest control, security system, or similar industries. Because the current definition does not clearly cover these preliminary or facilitative activities, residents and enforcement officers face ambiguity and inconsistent application.

Proposed Addition – Definition of “Commercial Solicitation”

It is recommended that the Town add (or expand the definitions section to include) the following clear and comprehensive language:

“Commercial solicitation” means any in-person attempt, at a residential property and without prior invitation or appointment, to:

1. Sell, offer for sale, lease, rent, or obtain payment or a contract for goods, services, or business opportunities;
2. Share information about, demonstrate, promote, advertise, describe, explain, or present a product, service, subscription, plan, program, installation, repair, improvement, or business opportunity where the primary purpose or reasonably foreseeable effect is to induce, facilitate, encourage, or lead to a purchase, subscription, contract, agreement, or other commercial transaction either immediately on that day or at some time in the future;
3. Solicit orders, commitments, deposits, signatures, appointments, estimates, quotes, or agreements for future delivery, performance, installation, or provision of goods or services for private economic gain.

Benefits of the Proposed Change

1. Empowers Homeowners

The explicit wording gives residents clear, objective language they can use when speaking directly to door-to-door representatives.

Common arguments such as “I’m not selling anything,” “I’m just providing information,” or “I’m only setting an appointment” are directly addressed by the

numbered items—especially #2 (sharing information with intent to lead to a future sale) and #3 (soliciting appointments, estimates, quotes, or future agreements).

Homeowners can calmly and factually refer to the specific provisions and state: “This activity is defined as commercial solicitation under our ordinance and requires a permit—regardless of whether a sale is completed today.”

This reduces arguments, frustration, and pressure on residents to engage with unwanted visitors.

2. Improves Enforcement for the Town

The current broad and somewhat dated language requires police, code enforcement officers, or the clerk-treasurer to make subjective judgment calls about whether an activity qualifies as solicitation. This leads to:

- Inconsistent enforcement from case to case
- Time spent debating semantics rather than resolving complaints
- Reluctance to issue citations in borderline situations
- Potential challenges or accusations of selective enforcement

The proposed definition provides clear, specific, measurable criteria that:

- Reduce ambiguity and gray areas
- Allow officers to determine coverage more quickly and confidently
- Promote consistent, fair application of the rule
- Strengthen the Town’s legal position if a citation is contested
- Deter non-compliant companies and representatives by closing the “we’re not selling” loophole

Summary of Value

This amendment modernizes the ordinance to match current door-to-door commercial practices, closes exploitable gaps, empowers residents to assert their rights more easily, and gives local authorities a clearer, more defensible tool for efficient and equitable enforcement. Similar explicit definitions have been adopted by many municipalities to address evolving solicitation tactics while still respecting legitimate First Amendment-protected activities (such as political, religious, or charitable canvassing, which can remain separately exempted).

Recommendation

Amend Sec. 8-176 (Definitions) to include the proposed definition of “Commercial solicitation” and update any related sections (e.g., permit requirements) to reference this term. This change will better protect residents’ privacy and peace while providing clearer guidance for both the public and Town staff. Thank you for your consideration.