
Town of Hillsborough Itinerant Merchant Permit Policy

Pursuant to N.C.G.S. 160A-178 and N.C.G.S. 153A-125, the Town of Hillsborough has enacted the following policy to regulate activity of itinerant merchants within the Town's jurisdiction. The public interest served by this policy is to preserve public safety by clearly identifying all itinerant merchants operating within the Town's jurisdiction and to prevent individuals, merchants, and/or entities that pose a threat to public safety from operating within the Town's jurisdiction.

Under this policy, an itinerant merchant is any individual, business, corporation, or entity that attempts to engage in an act of commerce (as defined below) within the Town's jurisdiction and does not maintain a fixed place of business therein. While the final determination for which merchants classify as itinerant shall be left to the Town's administration, merchants that do not continuously operate in the same, fixed location for at least six months each year will generally be classified as itinerant and subject to this policy.

Acts that qualify as commerce under this policy include, but are not limited to: [1] acceptance of payment of any kind (including donations); [2] solicitation of payment of any kind (including donations; regardless of whether a payment is processed); [3] entering into an agreement to engage in an act of commerce in the future; and [4] distribution of information with the intent of generating an act of commerce now or in the future.

Acts that do not qualify as commerce under this policy include: [1] giving away free merchandise without solicitation for and/or acceptance of payment of any kind (both now and in the future); and [2] exclusively providing information to the public without the intent to generate an act of commerce now or in the future.

All merchants that sell prepared food and/or prepared beverages shall also be subject to the Town's **prepared food and beverage tax**.

The Town's Planning Department shall maintain overall responsibility for permitting policy (including policy formulation and promulgation). The Planning Department shall publish additional guidance and/or changes to this policy as directed by the Town Manager and/or Board of Commissioners as necessary.

All itinerant merchants subject to this policy shall complete and submit an Itinerant Merchant Permit Application to the Town's Finance Department. A reasonable permit fee shall be assessed by the Finance Department to recoup the administrative and enforcement costs of this regulation. Fees shall be published in the Town's **annual budget**. The Finance Department shall review and process all applications within a reasonable amount of time. Permits shall be valid for a period of time as published on approved permits issued by the Town's Finance Department.

Application Instructions

A copy of the Town's Itinerant Merchant Permit Application may be downloaded by clicking **HERE** ("Forms" section). **Please submit a signed and completed application (including payment) in person or via U.S. Mail before conducting business within the Town's jurisdiction. The only acceptable form of payment is a personal or business check.** Please do not mail cash.

If submitting your application in person, please visit the Town of Hillsborough Finance Department *located in the Town Annex at 137 N. Churton St, Hillsborough, NC 27278*.

If submitting your report via U.S. Mail, please mail your application and check to:

*Town of Hillsborough Finance Dept.
Attn: Accounts Payable, Itinerant Merchant
P.O. Box 429
Hillsborough, NC 27278*

Any questions pertaining to the Town's Itinerant Merchant Permit policy may be submitted via e-mail to **Accounts.Payable@hillsboroughnc.org** or via phone by calling (919) 732-2104.