Peddlers

&

Solicitors

Application

Package

CITY OF FAYETTEVILLE, GEORGIA

Permit # _____

APPLICATION FOR PEDDLING, CANVASSING & SOLICITING

Fee: _____

Applicant/Business Information

Applicant/Business Name _____

Mailing Address _____

Telephone Number _____

Name of Employer or Organization Represented _____

State Tax ID Number _____

Products Sold with Names of Manufacturer _____

Time of Operation (Dates) _____

Property Owner (Use back if multiple names) _____

Mail Address _____

Phone Number _____

Present Zoning Classification _____

Planning & Zoning Department Approval _____

Building Department Approval _____

Police Department Approval _____

Requirements:

- Each registrant shall pay a non-refundable $75.00 registration fee and a $25.00 fee to cover the cost of a background check as set forth in the schedule of fees to cover any/all applicable administrative costs associated with the application process. Any additional persons working with the registrant shall pay a fee of $25.00 each to cover said costs.

- Each applicant must undergo a background check, as well as obtain a photo identification badge with expiration date from the Police Department. The identification badge shall be worn and displayed in a prominent place o his/her person so as to be visible to those being solicited.

- No person shall be allowed to canvass, solicit, or peddle within the City except with the permission and a permit issued by the City.

- It shall be unlawful for any person to stand within 10 feet of a street, road, or highway for the purpose of canvassing, soliciting or peddling without approval from the City of Fayetteville.

- In the event that a merchant or peddler attempts to sell on the premises of a business within the City other than their own the merchant/peddler must complete the attached form showing proof of the property owner's consent for the merchant to engage in such sales upon the property.

- Anyone conducting peddling, canvassing or soliciting activities is prohibited from displaying any signage associated with the business unless it is first approved by the City, or is in compliance with the provisions of the City's sign ordinance.

- The hours of operation for any door-to-door solicitor within a residential zoning district shall only be between the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday. It shall be unlawful for anyone to solicit door-to-door on Sunday.

- Peddling, Canvassing and Soliciting shall be allowed only in the following zoning districts: Door-to-door solicitation is allowed in all residential zoning districts and C-1, C-2, C-3, C-4, O-I and M-1 zoning districts. Peddling is allowed in C-1, C-2, C-3, C-4, O-I and M-1 zoning districts only.

I do hereby certify the information provided herein is complete and accurate to the best of my knowledge and, I understand that any inaccuracies may be considered just cause for invalidation of this application and the approval or denial action taken by the City of Fayetteville regarding this application.

_____ _____

Applicant Signature Date

CITY OF FAYETTEVILLE, GEORGIA
Property Owner's Authorization

The undersigned below, or as attached, is the owner of the property which is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a Peddlers and Solicitors application on this subject property.

Name of Property Owner: _____

Telephone Number: _____

Address of Subject Property: _____

_____

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Fayette County, Georgia.

_____
Signature of Property Owner

Personally appeared before me

_____
Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

(Affix Seal Here)

_____
Notary Public

_____
Date

REQUEST FOR CRIMINAL HISTORY CHECK

PERMIT NUMBER _____

DATE _____

I hereby authorize the City of Fayetteville, Georgia to receive any criminal history record information pertinent to me that may be in the files of any state or local criminal justice agency.

Have you ever been:					
	Arrested	Yes	☐	No	☐
	Convicted of a crime(s)	Yes	☐	No	☐
	Entered a Plea of Nolo Contendere	Yes	☐	No	☐
	Entered a Plea of First Offender	Yes	☐	No	☐
	Entered a Guilty Plea	Yes	☐	No	☐

_____ _____

Print Full Name Current Employer

_____ _____ _____

Street Address City, State Zip Code

Home Phone _____ Social Security # _____

_____ _____ _____ _____ _____

Sex Race Date of Birth Age Place of Birth (City, State)

_____ _____ _____ _____

Height (Ft/In) Weight (Pounds) Eye Color Hair Color

If this request is for a Peddlers & Solicitors Permit, Check box and sign below after reading: ☐

I swear and/or affirm that the information provided in this application is true and accurate. Furthermore, I understand that misrepresentation of any or all information will result in no issuance or revocation of the permit. By signing this document, I attest that I have received, read, and understand the City of Fayetteville Ordinances and Georgia State Laws that pertain to peddling and soliciting. Furthermore, I understand that if I violate these ordinances or laws that I may be subject to criminal prosecution and that my permit may be revoked.

_____ _____

Signature Witness

U. S. CITIZEN/QUALIFIED ALIEN AFFIDAVIT

By executing this affidavit under oath, as an applicant for a City of Fayetteville, Georgia Business License or Occupational Tax Certificate, Alcohol License, or other public benefit as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Fayetteville Business License or Georgia Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit (CIRCLE ONE) for:

_____
(Name of natural **PERSON** applying on behalf of individual, business, corporation, partnership, or other private entity)

1) _____ I am a United States Citizen

OR **(check one)**

2) _____ I am a legal permanent resident 18 years of age or older, or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act, 18 years of age or older and lawfully present in the United States.* (NOTE: Please provide copy of driver's license or photo ID and a front and back copy of at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(e)(1).

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant: Date:

_____ _____

Printed Name:

_____

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE ____ DAY OF _____, _____

*_____
Alien Registration Number for Non-Citizens

_____
Notary Public
My Commission Expires:_____

*Note: O.C.G.A. 50-36-1(e)(2) requires that aliens under the Federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the Federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

_____

Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)
Required by Georgia Law

By executing this affidavit under oath, as an applicant for a(n) _____ [business license, occupational tax certificate, or other document required to operate a business] as referenced in O.C.G.A. § 36-60-6(d), from the City of Fayetteville, Georgia, the undersigned applicant representing the private employer known as

_____ [printed name of business]

verifies one of the following with respect to my application for the above mentioned document:

(CHECK ONE)

_____ On January 1st of the below signed year the individual, firm, or corporation employed **MORE THAN TEN (10) EMPLOYEES.**

_____ On January 1st of the below signed year the individual, firm, or corporation employed **TEN (10) OR LESS EMPLOYEES.**

IF THE EMPLOYER SELECTED MORE THAN TEN (10) EMPLOYEES, PLEASE FILL OUT FEDERAL WORK AUTHORIZATION USER ID NUMBER BELOW. THIS IS NOT THE SAME AS THE TAX ID NUMBER.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6(a). The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as listed below:

_____
Federal Work Authorization User Identification Number

_____
Date of Authorization

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties allowed by such statute.

Executed on the _____ day of _____, 201___ in _____(City)_____(State)

_____
Signature of Authorized Officer or Agent (Representative of Business)

_____
Printed Name of and Title of Authorized Officer or Agent (of Business)

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 201____.

_____
NOTARY PUBLIC

My Commission Expires:

_____

Proposed Ordinance # 0-5-09
Subject Matter: Peddlers and Solicitors Ordinance
Date First Presented at Council Public Meeting: 3-19-09
Date of Public Hearing Before City Council: 3-19-09
Date of Second Reading and Adoption: 4-2-09
Date of Notice Published in Fayette County News: 3-17-09

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-5-09
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the "City") has determined that to serve the needs of the community certain amendments are needed in the City's Code; and

WHEREAS, these amendments are necessary to further the general health and welfare of the community; and

WHEREAS, the City hereby adopts, ordains, and enacts the foregoing ordinance as follows:

WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS THE FOLLOWING ORDINANCE:

ARTICLE ONE

The City Council ordains and enacts the following language, which shall be the City's Peddlers and Solicitors Ordinance and which shall be codified at Chapter 91 of the City's Code of Ordinances and shall be entitled "Peddlers and Solicitors", to wit:

Chapter 91 PEDDLERS AND SOLICITORS [1]

Sec. 91-1 Definitions.
Sec. 91-2. Registration required.
Sec. 91-3 Registration fee prescribed; application for identification or registration form.
Sec. 91-4 Evidence of good character; issuance of permit, possession, display
Sec. 91-5 Applicability of provisions; exceptions.
Sec. 91-6 Revocation of permit.
Sec 91-7 Regulations for solicitors and peddlers; operating on public lands or from vehicle
Sec. 91-8 Applicability of provisions to farm products and food products
Sec 91-9 Exemption of disabled or indigent veterans of armed forces
Sec 91-10 Obstruction of street, highway or sidewalk prohibited
Sec. 91-11 Enforcement.

Sec. 91-1. Definitions.

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

Canvasser, peddler, or solicitor means any person who sells or solicits for sale in the city any new or used goods, wares, merchandise, services, produce or other things of value and goes about from place to place within the city selling or offering for sale any of such things to either merchants or customers shall be deemed a peddler or solicitor. Excluded from this definition are persons who sell or solicit for sale goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

Charitable organization means any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) corporation, partnership, limited liability company, association, joint-stock company, trust, governmental agency or entity, unincorporated organization or individual who solicits or obtains contributions solicited from, or conducts the sale of merchandise to, the general public, which contributions are used for charitable purposes or governmental purposes.

Charitable purpose means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic or public interest.

Door-to-door salesperson means any person who shall solicit orders on behalf of a firm, corporation, company, association, partnership or individual of any goods, wares or merchandise, or other things of value from house to house shall be deemed a door-to-door salesperson. Any person who obtains orders for merchandise or other things of value shall be deemed a door-to-door salesperson. Excluded from this definition are persons who solicit orders for goods, wares or

merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

Vehicle means motorized conveyance fully functioning and moving under its own power with valid vehicle tag. A vehicle shall include a trailer or anything pulled by the vehicle. Vehicles shall not be in excess of 20 feet in length, ten feet in width, and eight feet in height.

(Ord No 0-5-09 art 1. 4-2-09)

Sec. 91-2. Registration required.

It shall be unlawful for any person to engage in business as a canvasser, solicitor, or peddler, without first having registered at the business license department. Each registrant shall be required to fill out a registration form giving complete identification, signature, name of employer, products sold, name of manufacturer of products, name of organization he is representing, time of operation in the city and proposed method of operation within the city and to provide such other identification of information as may be required. Any person selling or peddling any objects or goods shall, before being issued a permit, file with the city proof that the applicant or their business proposed to be conducted pursuant to the license or permit possesses a valid state sales tax number issued by the commissioner of revenue of the state.

(Ord No 0-5-09 art 1 4-2-09)

Sec. 91-3. Registration fee prescribed; application for identification or registration form.

Each registrant shall pay a nonprorated, nonrefundable regulatory fee of $75.00. Each registrant shall make application with the city for authorization to peddle, canvass or solicit and be issued a permit which shall expire one year from the date of issuance. Permits will be renewed annually prior to the expiration date indicated on the handling permit.

(Ord No 0-5-09 art 1 4-2-09)

Sec. 91-4. Evidence of good character; issuance of permit, possession, display.

(a) No door-to-door salesperson, solicitor, peddler, or transient merchant shall be authorized to sell or to solicit orders until a signed application has been filed with the city in accordance with the provisions of this chapter. The chief of police shall make an investigation, including but not limited to an investigation of the police record of the applicant. The applicant will submit an annual administrative processing fee of $25.00 to the police department for a thorough background check to be completed. No permit shall be given to any applicant who, based on the information obtained by the police department, shall have either a pending charge or a conviction for a crime of moral turpitude or an offense involving the elements of assault and battery, or evidence of any other action by the applicant evidencing actions which would constitute fraud and deceit under the laws of the state.

(b) Each person, while peddling, canvassing or soliciting within the limits of the city, shall have the permit available for inspection by any person being solicited or to the police of the city. Possession of this permit shall not in any way represent an endorsement or approval of any product or project by the city.

(c) It shall be unlawful for any person to peddle, canvass or solicit without having first registered with the city in accordance with section 91-2, and obtained a permit from the city in

accordance with section 91-3 and this section, or to peddle, solicit or canvass without having the permit available in accordance with this section. Any person violating this chapter shall be punished as provided in section 91-11

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-5. Applicability of provisions; exceptions.

Except for the regulations set forth in section 91-7, nothing in this chapter shall apply to the following:

(1) Officers or employees in the city, county, state or federal governments or the school system, or any subdivisions thereof, when on official business;

(2) Any local nonprofit organization such as boy scouts, civic clubs, religious, charitable, political, or educational organizations and the like, when the membership of such club or organization does the soliciting itself; but it shall apply when the soliciting is done by a paid solicitor or by a solicitor on contract with an individual with only a percentage or portion of any sales or collections to go to the benefit of such nonprofit club or organization;

(3) Any person selling only agricultural or forestry products or selling food for immediate consumption;

(4) Any person who conducts business at any industry or association trade show;

(5) Any person selling items at a rummage, garage, antique or similar sale when such person, firm, corporation or other legal entity is a resident of this state or has a permanent place of business within this state and such sale is not part of the regular business activity of such person, firm, corporation or legal entity or when the net proceeds of such sale are to be used for charitable purposes;

(6) Any person selling such items at a city-sponsored festival or event, provided that such person has obtained the necessary approvals from the city to operate at said festival or event.

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-6. Revocation of permit.

Any permit may be revoked by the police chief or his/her designated representative because of any violation by the registrant (or any one of a group of registrants) of these regulations, or of any ordinance of the city, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and good character required in this chapter for the original registration.

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-7. Regulations for solicitors and peddlers; operating on public lands or from vehicle.

(a) No person shall stand on or adjacent to a street, road, or highway or on rights-of-way within the city limits for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(b) No person shall locate and/or conduct a business from a mobile vehicle or upon the public sidewalks, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way within the city limits.

(c) The provisions of section 94-311 of the city zoning ordinance, pertaining to outside displays, shall be applicable to any solicitor or peddler.

(d) The provisions of section 42-188 of the city environment ordinance, pertaining to stormwater and illicit discharges, shall be applicable to any solicitor or peddler.

(e) No solicitor, peddler or door-to-door salesperson shall:

(1) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or Peddlers Invited," "No Solicitation," or using similar language;

(2) Engage in door-to-door soliciting at residences on Sundays or between the hours of 6:00 p.m. and 9:00 a.m.;

(3) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave;

(4) Fail to register and carry or produce for inspection a permit when required under this chapter;

(5) Make any false or deceptive statement on any registration hereunder.

(f) A person who is soliciting or selling on behalf of a nonprofit organization shall be required to verify the nonprofit status of such organization.

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-8. Applicability of provisions to farm products and food products.

The legal right of the local farmer and producer to sell the products of his own farm, orchard, poultry yard, etc. is recognized. No permit shall be required from any bona fide farmer who is selling the products of his own farm, orchard, poultry yard, etc.; provided, however, that no such sales shall occur as a door-to-door salesman.

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-9. Exemption of disabled or indigent veterans of armed forces.

(a) *Scope of exemption.* It shall be lawful for any disabled or indigent veteran of the armed forces, such veteran is defined in O.C.G.A. § 43-12-1, to peddle without obtaining a permit for the privilege of so doing, and a certificate from the probate court of the county stating the fact of his being such disabled or indigent veteran shall be sufficient proof thereof; provided, that this section shall not authorize peddling ardent spirits. The privileges hereby granted shall not be transferred to or used by any other person.

(b) *Effect of exemption.* All such persons are authorized to peddle in the city without first obtaining a license therefor from the city and without being subject to any tax therefor.

(c) *Affidavit required.* Before any such person shall avail himself of the privilege conferred by this section, he shall go before the judge of the probate court of the county and make oath in writing that he served as a soldier and that the business which he proposes to carry on (stating what he proposes to peddle) is his own, and that he will not sell or offer to sell any article for another, directly or indirectly.

(d) *Issuance of certificate.* Upon making and filing the affidavit provided for in subsection (a), the judge of the probate court shall issue a certificate stating that such person has taken the oath prescribed, which certificate shall authorize such person making such affidavit and holding such certificate to peddle in the city without procuring a license or being subject to any tax therefor.

(Ord. No. 0-5-09, art. 1, 4-2-09)

Sec. 91-10. Obstruction of street, highway or sidewalk prohibited.

No canvasser, solicitor, or peddler authorized to engage in any business in the city shall, in carrying on such business, obstruct the whole or any part of any sidewalk, street or highway of the city, and any such person peddling in the city or using the streets or sidewalks in the city for the purpose of selling or offering for sale any goods, wares, medicines or merchandise of any kind, shall continually move from place to place in the city, and shall not in the conduct or carrying on of such business obstruct the whole or any part of any sidewalk, street, or highway in the city.

(Ord No 0-5-09 art 1 4-2-09)

Sec. 91-11. Enforcement.

Citations for violation of this chapter may be issued by the city manager or his/her designee, or a police officer of the city. The citation shall be returnable to and tried before the municipal court of the city. Any person, firm or corporation violating any provisions of this chapter may, upon conviction, be fined in an amount, and/or imprisoned for such term as authorized by the city's Charter. Each day said violation shall continue shall constitute a separate offense.

(Ord No 0-5-09 art 1 4-2-09)

FOOTNOTE(S):

-- (1) ---

State Law reference— *Peddlers and itinerant traders O C G A § 42-32-1 et seq exception from local peddler or itinerant vendor licensing requirements for persons selling agricultural products O C G A § 43-32-6 Transient Merchant Act of Georgia O C G A § 43-46-1 et seq* *(Back)*