

## Chapter 17 - PEDDLERS<sup>(1)</sup>

### Footnotes:

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**Cross reference**— Street maintenance tax, § 11-91 et seq.

**State Law reference**— Authority for regulation by local governments, O.C.G.A. § 48-13-9.

## ARTICLE I. - IN GENERAL

### Sec. 17-1. - Definition.

The word "peddler" as used in this chapter shall mean any individual, whether a resident of this city or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within this city for the sole purpose of exhibiting samples and taking orders for future delivery. The word "peddler" shall include the term "canvasser," "solicitor," "transient or itinerant merchant or vendor" or "transient or itinerant photographer."

### Sec. 17-2. - Exceptions to chapter.

The provisions of this chapter shall not apply to the following:

- (a) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business;
- (b) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
- (c) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor;
- (d) Solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity within this city.

### Sec. 17-3. - Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

### Sec. 17-4. - Refusing to leave.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of a violation of this chapter.

Sec. 17-5. - Misrepresentation.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Sec. 17-6. - Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the city between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

Secs. 17-7—17-17. - Reserved.

ARTICLE II. - PERMIT

Sec. 17-18. - Required.

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so.

Sec. 17-19. - Application.

Applicants for a permit under this article shall file with the city clerk a sworn application in writing, in duplicate, on a form to be furnished by the city clerk, which shall give the following information:

- (a) The name and a description of the applicant;
- (b) The permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right to do business is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (i) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;
- (j) The last five (5) municipalities wherein the applicant has worked before coming to this city; and
- (k) Such other relevant information as may be required by the investigation of the applicant.

Sec. 17-20. - City business license prerequisite.

No permit shall be issued under the provisions of this article unless the applicant shall have first obtained the required city business license.

Sec. 17-21. - Driver's license.

At the time of filing his application for a permit required by this article, the applicant shall present his driver's license, if he has one, to the city clerk.

Sec. 17-22. - Application fee.

At the time of filing the application, a fee of six dollars (\$6.00) shall be paid to the city clerk to cover the cost of investigation of the facts stated therein.

Sec. 17-23. - False information.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this article.

Sec. 17-24. - Fingerprints.

At the time of making application for a permit required by this article, the applicant shall submit to fingerprinting by the director of public safety or his delegate.

(Ord. No. 12-29, § 1(a), 8-23-12)

Sec. 17-25. - Bond.

- (a) Every applicant, not a resident of the city, or who is a resident of the city and represents a firm whose principal place of business is located outside the state, shall file with the city clerk a surety bond running to the city in the amount of one thousand dollars (\$1,000.00), with surety acceptable to and approved by the mayor, conditioned that the applicant shall comply fully with all the applicable provisions of this Code, the ordinances of the city and state law regulating and concerning the business of peddling and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the peddler, and further guaranteeing to any citizen of the city doing business with such peddler that the property purchased will be delivered according to the representations of such peddler. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.
- (b) If the applicant is an agent, employee, canvasser or solicitor of a corporation authorized to do business in this state or registered under the fictitious name act of the state, such corporation or fictitious name business may furnish one (1) bond in the amount of one thousand dollars (\$1,000.00) for any and all of its agents, employees, canvassers or solicitors.

Sec. 17-26. - Service of process.

Before any permit shall issue under this article, there shall also be filed with the city clerk an instrument in writing, signed by the applicant under oath, nominating and appointing the city clerk his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on the behalf of such applicant; and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the city clerk.

Sec. 17-27. - Investigation.

Upon receipt of an application for a permit required by this article, the original shall be referred to the director of public safety, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The director of public safety shall complete his investigation within one (1) week of receiving the application.

(Ord. No. 12-29, § 1(b), 8-23-12)

Sec. 17-28. - Denial.

If, as a result of investigation, the applicant's character or business responsibility is found to be unsatisfactory, the director of public safety shall endorse on the application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no permit shall be issued.

(Ord. No. 12-29, § 1(c), 8-23-12)

Sec. 17-29. - Issuance.

If, as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the director of public safety shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return the permit along with the application to the city clerk, who shall, upon payment of the required fee, deliver the permit to the applicant.

(Ord. No. 12-29, § 1(d), 8-23-12)

Sec. 17-30. - Contents.

Each permit issued under this article shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such business.

Sec. 17-31. - Record.

The city clerk shall keep a permanent record of all permits issued under this article.

Sec. 17-32. - Display.

Every peddler having a permit issued under the provisions of this article and doing business within the city shall display his permit upon the request of any person, and failure to do so shall be a violation of this chapter.

Sec. 17-33. - Duration.

Every permit issued under the provisions of this article shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of twelve (12) months.

Sec. 17-34. - Revocation.

Any permit issued under the provisions of this article may be revoked by the mayor and council, after a hearing affording due process, for the violation by the permittee of any applicable provision of this Code, state law or city ordinance, rule or regulation.