

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, BY AMENDING ARTICLE VII, "DOOR-TO-DOOR SALESMEN" OF CHAPTER 22, "BUSINESSES", AND FOR ALL OTHER LAWFUL PURPOSES

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the Code of Ordinances of the City of Chamblee shall be amended as follows:

PART I

Article VII, "Door-To-Door Salesmen" of Chapter 22, "Businesses" shall be amended by deleting section 22-202 in its entirety and inserting in lieu thereof a new section 22-202 and said new section shall read as follows:

Sec. 22-202. - Permit applications.

- (a) Application for a permit shall be made upon a form provided by the city. The city shall have applications available on request. The applicant shall truthfully state in full the information requested on the application, to wit:
 - (1) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
 - (2) Address of place of residence during the past three years if other than present address;
 - (3) Age of applicant;
 - (4) Physical description of the applicant;
 - (5) Name and address of the person, firm, or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation;
 - (6) Name and address of employer during the past three years if other than the present employer;
 - (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
 - (8) Period of time for which the certificate is applied;
 - (9) Proposed route, including streets to be included on each day, which applicant intends to follow;
 - (10) The date, or approximate date, of the latest previous application for permit under this chapter, if any;
 - (11) Whether the applicant has ever been convicted of a felony, a crime of moral turpitude, or any other violation of any state or federal law;
 - (12) Names of magazines, books, or journals to be sold;
 - (13) Names of the three most recent communities where the applicant has solicited house to house;

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- (14) Description and license plate number of vehicles intended to be operated by applicant;
 - (15) Signature of applicant; and
 - (16) Social security number of applicant.
- (b) All statements made by the applicant upon the application or in connection therewith shall be under oath.
- (c) The application form shall also bear the following statement:
- "Georgia Code section 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."
- (d) The applicant shall submit to fingerprinting and background investigation by the police department in connection with the application for the permit. The Police Department shall make a complete search relative to any police record of the applicant. A complete set of fingerprints of each applicant shall be required. Upon receipt of the fingerprints and the appropriate fees, the Chamblee Police Department will transmit both sets of fingerprints and appropriate fees (unless a satisfactory billing arrangement has been entered into between the Chamblee Police Department and GCIC and/or FBI) to GCIC. GCIC will compare the subject's fingerprints against its criminal file and submit the fingerprints to the FBI for comparison with nationwide records, unless submission to the FBI is automatic pursuant to the use of live-scan. The results of the FBI check will be returned to the Chamblee Police Department if submissions are manually sent to GCIC, or electronically from both the GBI and FBI where submissions are made electronically to GCIC.
- (e) The city manager shall cause to be kept in his office or designee's office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued shall be identified with the number of the application upon which it was issued.
- (f) No permit shall be issued to any person who has been convicted of a felony or crime of moral turpitude within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.
- (g) In rendering a fitness determination, the Police Department will decide whether the record applicant has been convicted of, or is under pending indictment for enumerated disqualifiers, as set forth in 22-202(f).
- (h) A record applicant may request and receive a copy of his/her criminal history record information from the Police Department. Should the record applicant seek to amend or correct his/her record, he/she must contact GCIC as to state records and/or the FBI for records from other jurisdictions maintained in its file
- (i) The fee for a permit shall be valid for a six-month period.

PART II

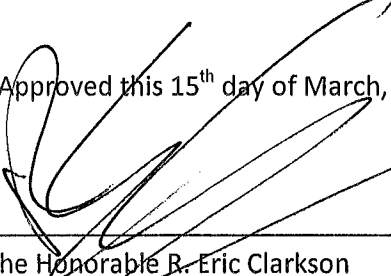
It is hereby declared to be the intention of the Mayor and City council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member Hogan with a motion that the same be adopted. Said motion was seconded by Council member Robson. Same was then put to a vote and 5 Council members voted in favor of the ordinance, and 0 Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this 15th day of March, 2016.



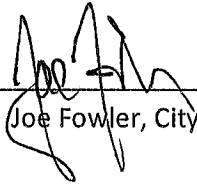
Emmie Niethammer, CMC
City Clerk, City of Chamblee, Georgia

Approved this 15th day of March, 2016.



The Honorable R. Eric Clarkson
Mayor, City of Chamblee, Georgia

Approved as to form: _____


Joe Fowler, City Attorney

First reading: February 16, 2016

Second reading: March 15, 2016