

CITY OF LOGANVILLE
ORDINANCE NO. 10-225

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, TO ADD ARTICLE VI, SECTION 225 TO CHAPTER 10, ENTITLED "PEDDLER'S LICENSE"; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

Section 1. The City of Loganville Code of Ordinances is amended by reserving Sections 10-223 and 10-224.

Section 2. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 225, which shall read as follows:

"Sec. 2-225. Scope. It shall be unlawful for any person to sell items door to door, either at businesses or residences, or to sell to the public from a non-permanent location without a license as required by this Article."

Section 3. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 226, which shall read as follows:

"Sec. 2-226. Definitions and Exceptions.

- (a) Peddler.** Any person who goes from place to place within the city, whether on foot, out of any mobile vehicle, or from any temporary location, carrying with him goods, wares, merchandise, foods, or other items of value which he exhibits, exposes for sale, vends or offers for sale to merchants or to customers shall be deemed a peddler; provided, however, a peddler shall not include:
- (1)** Any person who sells agricultural, forestry, or farm products grown and sold on his farm, orchard, dairy, garden or similar facility;
 - (2)** A traveling salesman representing a business located in the state, who is taking orders for future delivery;
 - (3)** A person who is a retail or wholesale merchant with a permanent place of business in the city limits;
 - (4)** Any person who conducts business at any authorized industry or association trade show;
 - (5)** A person holding a garage, yard, rummage or similar sale when such person is a city resident or has a permanent place of business within the city and such sale is not part of the regular business activity of such person or when the net proceeds of such sale are to be used for charitable purposes;
 - (6)** Newspaper carriers or bona fide merchants who merely deliver goods such as milk, bakery goods, or flowers in the regular course of business;

- (7) Any officer or employee of any city, county, state or federal government or the of any subdivision thereof or of the school system who is on official business; or
- (8) Any non-profit organization such as scouts, civic clubs, veteran's organizations, school organizations when the membership of the club, troop or organization does the soliciting itself and the net proceeds of any such sales are to be used solely for charitable purposes, but this Article shall apply when the soliciting is done by a paid solicitor. Exempted non-profit organizations shall have written permission from the property owner or his designee to sell at the temporary location.

(b) Nonprofit Organization. No organization shall be considered a nonprofit organization within the meaning of this Article except a tax-exempt organization within the meaning of the Internal Revenue Code or the Georgia Income Tax Law as such are now or may hereafter be amended.

Section 4. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 227, which shall read as follows:

“Sec. 2-227. Operating Regulations.

- (a) It shall be unlawful to solicit, canvass, or make calls within a residential neighborhood except between the hours of 10:00 a.m. to 6:00 p.m., Eastern Standard Time, or 10:00 a.m. to 7:00 p.m. Eastern Daylight Saving Time.
- (b) It shall be unlawful to solicit, canvass, or make calls at any residence where the owner or any person residing within a residence has posted a sign reading “No Solicitors,” or similar warning.
- (c) It shall be unlawful for any person to fail to leave immediately the premises of any person when requested to do so by such person.
- (d) It shall be unlawful for any person using a motor vehicle or other vehicle in the operation of its business to operate such vehicle upon the streets of the city and use a loudspeaker or other device to create noise or attract customers.
- (e) It shall be unlawful for any person to set up or display merchandise within any public right-of-way.

Section 5. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 228, which shall read as follows:

“Sec. 2-228. Application for and issuance of peddlers license.

- (a) Every peddler, as defined in the preceding section, shall be required to obtain a license as required by this Article.
- (b) Any person desiring to peddle any goods, wares, foodstuffs, or merchandise of any kind shall make petition to the Mayor and Council, describing the article to be peddled and the period for which the license is requested.
- (c) Application for a peddler license shall be made on the forms provided by the city and shall contain the following information:
 - (1) The name and permanent address of the applicant;

- (2) The name and permanent address of the applicant's registered agent for service of process;
 - (3) If a vehicle is to be used, a brief description of the vehicle, including the license number or other means of identification of such vehicle;
 - (4) A photograph of the applicant taken within 60 days prior to the date of filing the application, which photograph shall be two inches by two inches, showing the head and shoulders of the applicant in a clear manner;
 - (5) A statement whether the applicant has been convicted of any crime and, if so, the nature of the offense and the penalty assessed for such offense;
 - (6) The fingerprints of the applicant and the names of at least two reliable property owners within the county who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator designated by the city to properly evaluate the applicant's character and business responsibility.
 - (7) If the applicant is a corporation, the names and addresses of the current corporate officers, the registered office of the corporation, and a duly attested corporate resolution acknowledging the authority of the corporation to transact the type of business as set forth in the application;
 - (8) If the applicant is a corporation or form of business other than a sole proprietorship, the names and addresses of all employees who will engage in the occupation of peddler on behalf of the corporation. All information for the application for a license as enumerated in subsections (3) – (6) of this section shall be provided for each such employee.
 - (9) A description of the article or articles to be peddled;
 - (10) The address of the proposed business location or a description of the area to be canvassed; and
 - (11) The period for which the license is requested;
- (d) **Regulatory Fee.** Application shall be accompanied by a nonrefundable regulatory fee as set forth in the schedule of fees and charges.
- (e) **Location Authorization.** Applications for a peddler's license also shall contain written authorization for the use by the peddler of the designated premises. Peddlers may sell and display their goods, wares, foodstuffs, or merchandise only upon private property with the permission of the property owner upon compliance with the other provisions of this Article.
- (f) **Investigation.** The petition shall be referred to the city official designated by the Mayor, who shall investigate the same and promptly report his findings to the Mayor and Council, who in the exercise of due regard for the preservation of the public health, peace and good order, as well as the proper regulation of trade in the city, shall grant or refuse such application, and shall fix the period of the license in each particular case.

- (g) **Disapproval.** If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory or required information is lacking, the Mayor and Council shall note disapproval on the application, as well as their reasons that no license will be issued. The investigator will forward the denial to the applicant.
- (h) **Approval.** If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the mayor and council will endorse approval on the application and execute a license addressed to the applicant. Upon payment of the prescribed license fee, the investigator shall deliver the license to the applicant. The city manager or designee shall keep a permanent record of all licenses issued.
- (i) **Transferability.** No license issued under the provisions of this Article shall be used at any time by any person other than the person to whom it was issued.
- (j) **Expiration.** All annual licenses issued under the provisions of this Article shall expire on December 31 in the year when issued. Other licenses shall expire on the date specified in the license.

Section 6. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 229, which shall read as follows:

“Sec. 2-229. Requirement to Carry License. Persons selling or peddling goods, foodstuffs, wares, or merchandise of any kind, shall be required to carry their licenses for such business with them. A peddler shall exhibit his license to the person solicited within thirty seconds after beginning his conversation with the potential customer. A peddler shall exhibit his license on the demand of an officer of the city having the right to enforce this Article.”

Section 7. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 230, which shall read as follows:

“Sec. 2-230. Any peddler offering goods, wares, foodstuffs, or merchandise for sale within the city, without license from the city, shall be subject to immediate arrest for the offense of “Peddling without a License”.

Section 8. The City of Loganville Code of Ordinances is amended by adding a section to Chapter 10 to be numbered 231, which shall read as follows:

“Sec. 2-231. Penalty. Any person who is found guilty of the offense of “Peddling without a License” or any other provision of this Article, on conviction thereof, shall be punished as provided by Section 1.8 of this Code.” [Or \$25 per each offense, with a maximum of \$1,000? A separate offense shall be deemed committed on each day on which a violation occurs or continues.]

Section 9. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 10. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11. This ordinance shall become effective on the date of its adoption.

CITY OF LOGANVILLE

ATTEST:

William Jones, City Manager

Ray Nunley, Mayor