

## **CHAPTER 14, ARTICLE VIII - PEDDLERS AND TRANSIENT MERCHANTS**

### **Sec. 14-200. Definitions.**

The following terms shall have the meaning set forth below, unless the use of any such term in context clearly indicates otherwise.

*License:* the right or privilege granted by the city to engage in business as a transient merchant or peddler within the city. Evidence that such right or privilege has been granted shall be in the form of a license document issued by the County Clerk, which document shall be kept at the merchant's place of business within the city or on the peddlers' person or within the peddler's vehicle.

*Street:* As defined by O.C.G.A. § 36-39-1, which includes any street, alley, lane avenue, court, sidewalk, public right-of-way, or any other public place in the city.

*Local peddler:* A local peddler is any person who is a resident of the city, who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.

*Transient merchant:* Any person, whether resident or nonresident of the city, who has no permanent, regular place of business within the city, and who engages in the business of selling or offering to sell goods or services from a temporary fixed place of business located within the city, such temporary place of business to include any room or space in a hotel or motel, boarding house, public or private building, or any other fixed place of business within the city; provided however, that no merchant shall be considered a transient merchant under this article if:

- (1) Such merchant is a bona fide commercial traveler selling goods at wholesale by samples;
- (2) Such merchant has already paid a license to the city for the privilege of conducting a permanent business; or
- (3) Such merchant is a peddler otherwise licensed by the city to sell goods from place to place.

*Transient peddler:* Any person, who is a nonresident of the city, who has no permanent, regular place of business within the city, who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.

### **Sec. 14-201. License or permit—Required.**

Before any person shall engage in any of the pursuits defined in section 14-200, such person shall obtain a permit or license as provided in this article.

### **Sec. 14-202. Same—Application.**

- (a) Application for a license or permit shall be made at the office of the County Board of Commissioners and shall provide such information as is required by this article, and such additional information as made be necessary to define completely the activities to be conducted within the city.
- (b) An application containing the following information shall be completed and filed with the County Clerk by each applicant for a license to do business within as a transient merchant or as a transient peddler:

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- (1) Name of the applicant;
  - (2) Permanent address and telephone number of the applicant;
  - (3) Local address and telephone number of the applicant;
  - (4) Applicant's date of birth and age, if an individual;
  - (5) If applicant is a partnership or corporation, the name and home address of each partner, principal, or corporate officer;
  - (6) Applicant's social security number, or federal employer identification number;
  - (7) If applicant is a corporation, the state and date of incorporation;
  - (8) If applicant is a partnership or corporation, the name, home address, date of birth, age, and social security number of the principal representative in the city;
  - (9) Name and home address of all employees to work in the city;
  - (10) Name of business represented by the applicant, if different from applicant;
  - (11) Permanent address of the business represented by the applicant;
  - (12) Name of agent conducting sale, if any;
  - (13) Local address and telephone number of sales agent, if any;
  - (14) Type of merchandise or service to be offered for sale;
  - (15) Place where business is to be conducted;
  - (16) Dates to be in business, and total number of days to be in business;
  - (17) Hours during which business will be conducted;
  - (18) Manner in which business is to be conducted;
  - (19) Georgia sales tax number or authorization;
  - (20) Georgia state business license number, if required;
  - (21) State and license tag number of each vehicle to be used in businesses;
  - (22) List of cities where business has been conducted by the applicant within the past 12 months;
- (c) The applicant shall sign the license application under oath.

**Sec. 14-203. Same—County Manager approval required.**

Any application for a transient merchant's license or a transient peddler's license shall be reviewed by the County Manager or his or her designee, to insure compliance with zoning and safety code requirements of the city. The application shall be approved by the County Manager or by the County Manager's designated representative, before a license may be issued.

**Sec. 14-204. Same—Basis for disapproval or revocation.**

No application shall be approved and any license previously issued may be revoked if an investigation determines that:

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- (1) Any false statement or untrue or misleading information is contained in or material omissions is left out of the application;
  - (2) The applicant, or any principal participant in the business, has been convicted within the past five years of a felony, or of any crime involving moral turpitude, whether in connection with operation of the business or not; or
  - (3) Such business is operated, or is proposed to be operated, in violation of any law of the United States or the state, or in violation of any ordinances of the city.

**Sec. 14-205. License and permit fees; expiration.**

- (a) *Transient merchant.* A license fee of \$200.00 per year shall be paid by any transient merchant; provided, however, that in any case where a higher license fee is required by ordinance, the higher fee shall apply; and provided further that any such license shall expire not later than December 31 of the year in which business is conducted.
- (b) *Transient peddler.* A license fee of \$200.00 per year shall be paid by any transient peddler; provided, however, that in any case where a license fee higher than the \$200.00 limit is required by ordinance, the higher fee shall apply; and provided further that any such license shall expire not later than December 31 of the year in which business is conducted.
- (c) *Local peddler.* Any local peddler shall be licensed in the same manner and in the same amount as is required of any other local merchant, as provided by ordinance.

\* pro-rated amount for one-time use.

**Sec. 14-206. Issuance of license or permit.**

After all provisions of this article have been met by an applicant for a transient merchant's license or peddler's license, the County Clerk shall be authorized to issue a license or permit.

**Sec. 14-207. Registered agent of transient merchant or peddler.**

- (a) *Required.* Any transient merchant or peddler shall submit evidence with his license application showing that transient merchant has filed with the clerk of superior court of the county the name and permanent address of the transient merchant's or peddler's registered agent. Such registered agent shall be a resident of the county and shall be an agent of such transient merchant or peddler upon whom any process, notice, or demand required by law to be served upon the transient merchant or peddler may be served in the same manner provided by law for the service of a summons or complaint. Such registered agent shall agree in writing to act as such agent and a copy of the agreement shall be filed with the license application. Any such registered agent shall act in the same capacity and have the same duties and responsibilities, and be subject to the same actions of the superior court, as would any agent registered as required by O.C.G.A. § 43-46-5 through § 43-46-7.
- (b) *Exceptions.* No applicant which is a corporation, and which submits evidence that the corporation is chartered by this state, shall be required to secure a registered agent within the county. No applicant which is a corporation chartered outside the state and which submits evidence that the corporation is currently registered with the secretary of state of this state shall be required to secure a registered agent within the county.

**Sec. 14-208. Compliance; penalty for violation.**

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Any person doing business within the city as a transient merchant, transient peddler, local peddler, solicitor, or in any other manner covered by this article who violates any provision of this article, or any merchant, peddler, or solicitor who makes any false statement in any application for a business license or permit, shall be subject to revocation of any license or permit according to procedures established by ordinance, and shall be subject to subpoena to municipal court under a misdemeanor charge, and punishment thereof.

**Secs. 14-209—14-230. Reserved.**