



APPLICATION PROCEDURES FOR PEDDLERS AND SOLICITORS

According to the Code of Ordinances of the City of Fitzgerald, Georgia, Soliciting means and includes any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, and/or services, of any kind, character or description whatsoever, for any form of consideration whatsoever.
2. Seeking to obtain prospective customers for application or purchase of insurance of any kind, type or publication; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and/or publications of any form whatsoever.

INSTRUCTIONS

1. **Application Fee is \$50.00.** Check, money order or cashier's check should be made payable to the City of Fitzgerald. Complete Peddlers and Solicitors Application form.
2. **Affidavit Verifying Status for City of Fitzgerald Public Benefit:** The City of Fitzgerald is required by Georgia law to verify the lawful presence in the United States of any person 18 years of age or older who applies for local public benefits that are administered by the City of Fitzgerald. Please list full name of applicant and name of business. Check the appropriate line for either United States citizen or legal permanent resident. **Please note that you MUST sign in the presence of a Notary Public.**
3. **Consent Form:** This form gives authorization for the City of Fitzgerald to receive any criminal history record information which may be in the files of any state or local criminal justice agency in Georgia. Please list full name, address, and sex, and race, date of birth and social security number. **Please note that you MUST sign in the presence of a Notary Public.**
4. **Fingerprint and Criminal Background Check:** Applicant must take application packet to the **Ben Hill County Sheriff's Department** for applicant to be fingerprinted and photographed.
5. **Return packet to City Hall:** After Applicant has been fingerprinted and photograph, **Applicant must take the application packet back to City Hall** in order for the process of issuing a permit to be completed.
6. **Business License:** If applicant is approved, the applicant must obtain a business license and pay the required license fee. A permit will not be issued until the required license fee has been obtained and license issued.
7. **Permit:** After successful completion of Instructions 1 – 6, a Permit will be issued which will include, at a minimum, the name of the solicitor, the name and address of the person, firm, corporation, or association by whom the Solicitor is employed, a photograph of the Solicitor, and a physical description of such person. The permit will have a term of three (3) months from the date of issuance.
8. **Identification Badge:** The Applicant must visit the **Fitzgerald Police Department** to be issued an identification badge that will include the applicant's name, a photograph, organization or employer, and the date range that permits is valid. The identification badge must be worn by the applicant at all times while engaged in the act of solicitation.

IMPORTANT NOTES

- It is unlawful for any person to engage in the business or action of soliciting, selling, canvassing, survey-making or any other business, occupation or vocation which by its nature requires such person to call on residences door-to-door or house-to-house without first having obtained a permit in accordance with the provisions of the Code of Ordinances of the City of Fitzgerald, Georgia.
- No permit will be approved/issued to any person who has been convicted of a misdemeanor involving violence, a felony, or crime of moral turpitude within five (5) years of the date of the application.
- Any person engaged in the act of soliciting must at all times carry the permit issued and make it available at any time which it is requested by any police officer, city marshal, or person being solicited.
- The permit shall state the expiration date of three (3) months from the date of issuance.
- It is unlawful for any person to engage in the act of soliciting outside of the hours between 10:00 a.m. and 7:00 p.m. local time.
- No more than two (2) individuals can engage in the act of soliciting at any premise at the same time for the same goods and services.
- It is unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance or part of the dwelling other than the main entrance to such dwelling.
- It is unlawful for any person, or such person's agents, employees, or representatives, to make more than one (1) uninvited solicitation call at the same premises for identical goods or services within any consecutive two-week period.
- It shall be unlawful for any person to engage in the act of soliciting upon any private property or premises when the owner thereof has posted or caused to be posted, in a conspicuous place, a notice stating "No Soliciting", or similar language upon the premises.
- The permittee shall be issued an identification badge that shall include, at minimum, the permittee's name, a photograph of said permittee, permittee's organization or employer, and the date range such permittee's permit is valid. Such identification badge shall be visibly and conspicuously worn by any person engaged in the act of solicitation at all times.



City of Fitzgerald Business License Department

302 East Central Avenue
City Hall
Fitzgerald, Ga 31750

Phone: (229) 426-5060
Fax: (229) 426-5066
fitzcity@mehsi.com
<https://www.fitzgeraldga.org>

Peddlers and Solicitors Application for Permit

Each person peddling must have copy of current Business License and Peddlers Permit on them at all times.

Business Information

1. Business Name _____
2. Doing Business As (if different) _____
3. Federal ID/Social Security #: _____ Business License #: _____
4. Date Business Started _____
5. Local Business Phone _____ Emergency Phone _____
6. NAICS Code _____ (see www.census.gov/naics/)
7. Type of business _____

Peddling/Soliciting Information

1. Type of merchandise to be sold: Clothing Household Goods Jewelry/Crafts
 Food/Beverages (requires Health Inspection) Other _____
2. Number of employees who will be peddling: _____
3. Type of peddling: Door to door On private property (requires written owner approval)
4. Location(s) of Peddling: _____

Solicitor Information

1. Solicitor Name _____ Title: _____
2. Work Phone: _____ Emergency Phone: _____
3. E-mail Address _____
4. Business Mailing Address _____
5. Other affiliated companies, firms, or corporations: _____
6. Description of Solicitor: Height: _____ Weight: _____ Color Hair: _____ Color Eyes: _____
Sex: Male Female Race: Asian Black or African American White Hispanic

Certifications

I hereby certify that all information given here for this business is true and correct to the best of my knowledge. I am also aware that all City licenses and permits must be obtained, and all City fees and taxes must be paid in full before this permit can be issued. I understand that errors, omissions, or falsifications will be grounds for immediate revocation of this Peddler's permit. I further certify that I have read the Application Procedures and Important Notes in regards to Peddling/Soliciting.

Signature of Applicant: _____

Printed Name: _____

Title: _____

Date: _____

FITZGERALD POLICE DEPARTMENT
Record Check for Peddlers and Solicitors

CONSENT FORM

I hereby authorize the City of Fitzgerald, located at 302 East Central Avenue, Fitzgerald, Georgia 31750, to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Full Name: (Print) _____

Address _____

Sex _____ Race _____ Date of Birth _____ Social Security Number _____

Signature _____ Date _____

NOTARY PUBLIC

NOTARY EXPIRATION DATE

Private Individuals – Public and Private Agencies:

If a licensing decision adverse to the record subject is made, the record subject must be informed by the Individual or Agency making the adverse decision of all information pertinent to that decision. This disclosure must include information that a criminal history record check was made, the specific contents of the records, and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision is a misdemeanor. I have read and understand the above statement.

City of Fitzgerald
302 East Central Avenue
Fitzgerald, Georgia 31750

Deputy Administrator

FOR OFFICE USE ONLY:

Record Check made by: _____ Date: _____



**Affidavit Verifying Status for City of Fitzgerald
Public Benefit Application O.C.G.A. Section 50-36-1(e)(2)**

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

As a representative of _____
(The name of business, corporation, partnership or private entity)

- 1) _____ I am a United States citizen.
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as: _____

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 as allowed by such criminal statute.

Executed in _____ (city), _____ (state).

SUBSCRIBED AND SWORN BEFORE ME ON
THIS _____ DAY OF _____, 20__

Signature of Applicant

Printed Name

Date

Notary Public
My Commission Expires:

{SEAL}

INSTRUCTIONS: PLEASE CHECK THE APPROPRIATE BOX, COMPLETE ALL INFORMATION, SIGN AND HAVE NOTARIZED

PRIVATE EMPLOYER AFFIDAVIT PURSUANT TO O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that as of July 1, 2013, the individual, firm or corporation employs more than Ten (10) employees and has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90. Furthermore, the undersigned private employer hereby attests that its federal work authorization user identification number and date of authorization are as follows:

I do not employ more than 10 employees.

Please list number of employees _____.

Name of Private Employer

Federal Work Authorization User Identification Number

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 201____ in _____ (City), _____ (State).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer/Agent

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE _____ DAY OF _____, 201____.

NOTARY PUBLIC

My Commission Expires:

{SEAL}

AN ORDINANCE TO AMEND ARTICLE VII, "PEDDLERS AND SOLICITORS" OF CHAPTER 16, "LICENSES, TAXES AND BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF FITZGERALD, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to update and amend Article VII "Peddlers and Solicitors" of Chapter 16 "Licenses, Taxes and Business Regulations" of the Code of Ordinances of the City of Fitzgerald, Georgia, in the interest of public safety and general welfare, in order to reasonably regulate door-to-door soliciting; and

WHEREAS, the Mayor and Council of the City of Fitzgerald, Georgia, for such stated reasons find it necessary and proper to amend said Article VII "Peddlers and Solicitors" of Chapter 16 "Licenses, Taxes and Business Regulations";

NOW, THEREFORE, it is hereby ordained by Mayor and Council of the City of Fitzgerald, Georgia, as follows:

SECTION 1: That Section 16-251 "Unlawful Peddling", Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby deleted and replaced by the addition of a new Section 16-251 "Definitions" which shall read as follows:

Sec. 16-251. Definitions

- (a) For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not

inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include words in the plural number. The word "shall" is always mandatory and not merely directory.

- (b) *City* means the City of Fitzgerald, Georgia.
- (c) *County* means the unincorporated area of Ben Hill County, Georgia.
- (d) *Licensed Solicitor* means and includes any person who has obtained a valid permit as provided for in this Article and such person is in compliance with all requirements as set forth in this Article.
- (e) *Police Department* means the Police Department for the City of Fitzgerald, Georgia.
- (f) *Residence* means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- (g) *Soliciting* means and includes any one or more of the following activities:
 - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, and/or services, of any kind, character or description whatsoever, for any form of consideration whatsoever;
 - (2) Seeking to obtain prospective customers for application or purchase of insurance of any kind, type or publication; or
 - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and/or publications of any form whatsoever.

SECTION 2: That Section 16-252 "Posting of signs", Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby deleted and replaced by the addition of a new Section 16-252 "Permit Required" which shall read as follows:

Sec. 16-252. Permit Required.

- (a) It shall be unlawful for any person to engage in the business or action of soliciting, selling, canvassing, survey-making or any other business, occupation or vocation which by its nature requires such person to call on residences door-to-door or

house-to-house without first having obtained a permit in accordance with the provisions contained in this article.

(b) The requirement of subsection (a) hereinbefore is meant to apply to door-to-door solicitations for commercial transactions for profit only.

(1) This article is not meant to regulate solicitation for charitable, political, or other non-profit purposes provided that all sales proceeds of any sales by a non-profit organization are the sole property of the non-profit organization and for the sole use of said non-profit organization.

(2) This article shall not apply to officers or employees of the City, County, State of Georgia, or United States of America, or any subdivisions thereof, when on official business.

SECTION 3: That Section 16-253 "Charitable Purposes", Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby deleted and replaced by the addition of a new Section 16-253 "Application for Permit" which shall read as follows:

Sec. 16-253. Application for Permit.

(a) Application for a permit shall be made upon a form provided by the City and such application shall be available upon request. The application shall be verified and made under oath stating in full all information requested in such application.

(b) The applicant shall submit to fingerprinting and criminal background investigation by the Ben Hill County Sheriff's Department as part of such application process.

(c) The applicant shall be required to pay a non-refundable application fee which shall include the costs of such required criminal background investigation.

SECTION 4: That Section 16-254 "Violations", Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby deleted and replaced by the addition of a new Section 16-254 "Issuance or Denial of Permit" which shall read as follows:

Sec. 16-254. Issuance or Denial of Permit.

(a) Upon satisfactory review of the application and background investigation by the Clerk of the City such applicant shall be eligible for issuance of a permit. Upon the approval of such applicant, the applicant shall obtain a business license and pay the required license fee. Such license and fee must be acquired and paid prior to the issuance of such permit. All permits shall be issued for the term of three (3) months from the date of issue. Permits are non-transferrable.

(b) The issuance or denial of a permit under this Chapter shall be based upon consideration of the public welfare, peace, safety, health, good order and convenience of the City and the Citizens of the City.

(c) No permit shall be issued to any person who has been convicted of a misdemeanor involving violence, a felony, or crime of moral turpitude within five (5) 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 provided for herein. For purposes of this Section, the term 'convicted' shall include verdicts or pleas of guilty or nolo contendere, entered by a court of this state, any other state, or any federal court.

(d) In any case in which the issuance of a permit is denied, the City shall so inform the applicant. Upon delivery of the applicant's written request to the City Administrator for the City within five (5) days of such notification, the City shall furnish the applicant with a reasonably detailed written statement of the reasons for such denial.

(e) The permit of any solicitor being charged with a felony or misdemeanor involving violence or moral turpitude shall be deemed suspended from the time of lawful arrest, formal accusation or indictment, whichever shall first occur; such suspension shall remain in place until such solicitor is convicted or acquitted, or until the charge is dismissed, dead docketed, no billed, or until the expiration of such permit.

(f) The permit of any solicitor who is convicted of a felony or misdemeanor involving violence or moral turpitude shall stand revoked from the time of such conviction.

(g) The permit of any Solicitor convicted of having violated any provision of this article after issuance of such permit shall be deemed revoked from the time of such conviction.

(h) Any permit issued pursuant to this article shall be revoked if the holder of such permit has made any false material statement in the application for such permit.

(i) Any suspension or revocation pursuant to the provisions of this article shall be effective as an operation of law.

(j) It shall be unlawful for any person to act as a solicitor after such Solicitor's permit has been suspended, revoked or stands expired.

(k) Any person denied a permit or person who has had his permit suspended or revoked shall have the right to appeal such denial, suspension, or revocation to the Mayor and Council of the City of Fitzgerald or other designated hearing officer by giving notice to the City Administrator no later than ten (10) days following the receipt of such denial or the effective date of such suspension or revocation. Any appeal shall be scheduled to be heard not later than thirty (30) days from the date of delivery of such notice of appeal to the City Administrator.

SECTION 5: That Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby amended by the addition of a new Section 16-255 "Display of Permit" which shall read as follows:

Sec. 16-255. Display of Permit and Identification Badge.

(a) Any person engaged in the act of soliciting shall at all times carry upon his person the permit issued. Such permit shall be made available at the time such person is requested to exhibit such permit by any police officer, city marshal, or person being solicited.

(b) Each permit issued shall include and contain, at minimum, the name of the solicitor; the name and address of the person, firm, corporation, or association by whom the Solicitor is employed, under contract to, or represents; a photograph of the Solicitor; and a physical description of such person. Such photograph shall be provided by the Solicitor and subject to the approval of the City.

(c) The permit shall state the expiration date of such permit.

(d) The permittee shall be issued an identification badge that shall include, at minimum, the permittee's name, a photograph of said permittee, permittee's organization or employer, and the date range such permittee's permit is valid. Such identification badge shall be visibly and conspicuously worn by any person engaged in the act of solicitation at all times.

SECTION 6: That Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald,

Georgia, is hereby amended by the addition of a new Section 16-256 "Prohibitions" which shall read as follows:

Sec. 16-256. Prohibitions.

(a) *Hours of Operation.* It shall be unlawful for any person to engage in the act of soliciting or any conduct for which a permit is required under this article outside of the hours between 10:00 a.m. and 7:00 p.m., local time.

(b) *Number of Persons Soliciting.* It shall be unlawful for more than two individuals to engage in the act of soliciting upon any premises at the same time for the same goods or services. Each individual member of a group engaged in such act of soliciting shall be in violation of this provision and subject to punishment for such violation.

(c) *Frequency of Soliciting of Premises.* It shall be unlawful for any person, or such person's agents, employees, or representatives, to make more than one (1) uninvited solicitation call at the same premises for identical goods or services within any consecutive two-week period.

(d) *Soliciting to take place at main entrance.* It shall be unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance or part of the dwelling other than the main entrance to such dwelling.

(e) *Identification and Announcement of Purpose of Call.* It shall be unlawful for any person engaged in the act of soliciting to fail to first inform the occupant of such location at which such solicitation or attempted solicitation occurs of the purpose of such call, the company and product line represented, and the name of such Solicitor.

(f) *Selling or Renting Permit.* It shall be unlawful for any person to lend, rent, or sell a Solicitor's permit card to another.

SECTION 7: That Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby amended by the addition of a new Section 16-257 "Posting of Signs" which shall read as follows:

Sec. 16-257. Posting of Signs.

It shall be unlawful for any person to engage in the act of soliciting upon any private property or premises when the owner thereof has posted or caused to be posted, in a conspicuous place, a notice stating "No Soliciting," or similar language upon the premises.

SECTION 8: That Article VII, "Peddlers and Solicitors", of Chapter 16, "Licenses, Taxes and Business Regulations", of the Code of Ordinances of the City of Fitzgerald, Georgia is hereby amended by the addition of a new Section 16-258 "Penalties" which shall read as follows:

Sec. 16-258. Penalties.

Any Person violating any provision of this article shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine of not more than \$500.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 9: This Ordinance shall become effective immediately upon its final approval.

SECTION 10: In the event that any provision or portion of this ordinance shall be deemed unconstitutional or invalid, the remaining portion shall remain in full force and effect.

SECTION 11. Any portion of any ordinance in conflict with this ordinance is hereby repealed.

DATE OF FIRST READING: August 8, 2016

DATE OF SECOND READING: September 12, 2016

PASSED BY THE FOLLOWING VOTE:

"YES" 8

"NO" 0

"ABSTAIN" 0

APPROVED: 
MAYOR

ATTEST:



CITY CLERK

KCCDOC/CITYOFFITZGERALD/GENERAL/PEDDLING/ORDINANCE