

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, BY
AMENDING CHAPTER 22, "BUSINESSES" TO ADD A NEW ARTICLE VII, "DOOR-TO-DOOR SALESMEN"
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

Chapter 22, "Businesses" shall be amended by adding a new Article VII titled "Door-to-Door Salesmen" and said new article shall read as follows:

ARTICLE VII. - DOOR-TO-DOOR SALESMEN

Sec. 22-200. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensed solicitor means and includes any person who has obtained a valid permit as hereinafter provided, which permit is in the possession of the solicitor on his person while engaged in soliciting.

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.

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, services, of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

Sec. 22-201. - Permit required.

- (a) It shall be unlawful for any person to engage in the business of soliciting, calling on residences door-to-door without first having obtained a permit in accordance with the provisions contained in this chapter.
- (b) The requirement of subsection (a) of this section is meant to apply to door-to-door solicitations for commercial transactions for profit only.
 - (1) It is not meant to regulate solicitation for charitable, political, or other nonprofit purposes provided that all sales proceeds are the property of and used by the nonprofit organization.
 - (2) It does not apply to officers or employees of the city, county, state, or federal governments, or any subdivision thereof, when on official business.

- (c) Each person shall at all times while soliciting in the city wear and display upon his person the permit so issued and the same shall be exhibited by such solicitor whenever he is requested to do so by any police officer or by any person solicited.
- (d) Each permit issued shall contain the name of the solicitor, the name and address of the person, firm or corporation or association by whom the solicitor is employed or represents and photograph of the solicitor.
- (e) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than three months. Upon expiration of the maximum three-month period, the permit holder may receive a renewal for an additional three-month period without any additional fees and without having to comply with section 22-202, so long as no more than one complaint has been submitted to the city concerning the permit holder.

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;
 - (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.
- (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) The fee for a permit shall be valid for a six-month period.

Sec. 22-203. - Permit revocation.

- (a) Any permit issued hereunder shall be revoked by the city manager if the holder of the permit is convicted of a violation of any of the provisions of this chapter or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter.
- (b) The permit may be revoked by the city manager after a hearing in front of the city manager or designee if the city receives at least two complaints against the permit holder alleging any violations of this article. The hearing shall be noticed in writing, by certified mail, return receipt requested, to the permit holder and shall not be less than ten days following the receipt of the notice by the permit holder. The notice shall state in specificity the time and place of the hearing and the reason(s) for the intended revocation. At the hearing, the city shall present evidence of the permit holder's violation of this article either through documents or affirmative testimony of the complaining parties and the permit holder shall be given an opportunity to rebut same and present his own evidence that no such violations have occurred. The burden of proof shall be on the city by preponderance of the evidence. If the city meets its burden, the city manager shall revoke the permit no later than five days following the date of the hearing.
- (c) Immediately upon such revocation, written notice thereof shall be given to the holder of the permit in person or by certified United States mail addressed to his residence address set forth in the application.
- (d) Immediately upon the giving of such notice the permit shall become null and void and must be turned in to the city manager's office.

- (e) A permit holder whose permit has been revoked in accordance with subsection (b) shall have the right to appeal said revocation to the city council or designated hearing officer by giving notice to the city manager no later than ten days following receipt of the revocation notice by the permit holder. The appeal hearing shall be scheduled no later than 30 days following the receipt of said appeal request and notice of same given to permit holder by mail no later than ten days prior to the hearing. At the hearing, the permit holder shall have the right to present evidence as to why the decision of the city manager or designee should be overturned and shall have the burden to show same by the preponderance of the evidence. The city council or designated hearing officer shall make a decision to sustain or reverse the city manager's decision within five days of the hearing and shall notify the permit holder of same in writing.
- (f) Any permit holder aggrieved by the final decision of the city council or designated hearing officer may appeal same by petition for writ of certiorari to the Superior Court of DeKalb County in accordance with the law.

Sec. 22-204. - Routes.

To the extent practical, each solicitor shall identify the streets and routes which he will follow on each day he is engaged in the business of soliciting. If changes in routes are made, then such changes must be immediately reported to the city manager's office.

Sec. 22-205. - Prohibitions.

- (a) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined if the occupant of said residence has made it clear, by written sign or otherwise, that solicitors are not invited.
- (b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- (c) It is unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence.
- (d) Times allowed.
 - (1) It is hereby declared to be unlawful, whether licensed under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 10:00 a.m. or after 7:00 p.m. Monday through Saturday, or at any time on Sunday, or on a state or national holiday.
 - (2) Solicitations for political purposes shall not occur prior to 10:00 a.m. or after 7:00 p.m.
- (e) It is unlawful for any person to lend, rent or sell a solicitor's permit card to another.

Sec. 22-206. - Penalties.

Any person violating any of the provisions of this article shall be punishable, upon conviction, as provided by Section 1-6 of this Code; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 22-207—22-299. - Reserved.

PART II

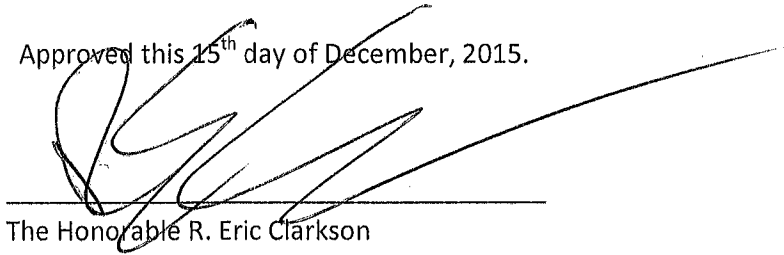
It is hereby declared to be the intention of the Mayor and City council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment 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 Robeson with a motion that the same be adopted. Said motion was seconded by Council member Zanger. 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 December, 2015.



Emmie Niethammer
City Clerk, City of Chamblee, Georgia

Approved this 15th day of December, 2015.


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

Approved as to form:


Joe Fowler, City Attorney

First reading: November 17, 2015

Second reading: December 15, 2015