

ORDINANCE 553

AN ORDINANCE PERTAINING TO VENDORS AND PEDDLERS

BE IT RESOLVED by the Mayor & Council of the City of Thomson,

Section 1.

It shall be unlawful for any person without first obtaining a Vendor's License from the City of Thomson

- a. to peddle, vend, sell or offer to sale any goods at public or private sale upon any City of Thomson street, highway, sidewalk, public place, state highway within the City of Thomson or land abutting such city and state streets or highways (hereafter "vending" or vend"); or
- b. to solicit, take or attempt to take orders for the sale of such goods, including magazines and other printed mater, for future delivery if full payment, whether by cash, check credit card, debit card or financing is required at the time of solicitation of such goods, or for services to be performed at that time without previous arrangement with such persons being solicited for such services.

Section 2.

It shall be unlawful for any person without first obtaining a Peddler's License from the City of Thomson

- a. to peddle, vend, sell or offer to sale any goods, wares, merchandise, food and /or beverage items (hereinafter collectively referred to as "goods") from house to house, or by entering upon residential property, within the City of Thomson (hereinafter "peddling" or "to peddle"); or
- b. enter upon residential property to solicit, take or attempt to take orders for the sale of such goods, including magazines and other printed mater, for future delivery if full payment, whether by cash, check credit card, debit card or financing is required at the time of solicitation of such goods, or for services to be performed at that time without previous arrangement with such persons being solicited for such services.

Section 3.

An applicant for a Vendor's License or Peddler's License shall complete and application form provided by the City of Thomson which application shall contain such information as deemed necessary by the City Council but at a minimum the following information shall be required:

- a. The name, permanent home address, local address if any and business address of the applicant;
- b. A physical description of the applicant including age, height, weight, color of their and eyes;
- c. Applicant's State of Georgia Taxation Number;

- d. The name and address of the applicant's employer and if applicable the name and address of the person for whom or through whom orders are to be solicited cleared or approve;
- e. The length of service of the applicant with said employer;
- f. A description of the goods to be peddled, vended, sold, offered for sale or for which orders will be solicited, or of the services to be performed by the applicant;
- g. Where applicable, the name and address of the manufacture, publisher distributor or parent company of the goods to be peddled or for which orders will be solicited;
- h. The make, model color identification number and state marker number of the vehicle if any to be used by the applicant in the performance of the vending or soliciting activities, whether said vehicle be owned by applicant, his or her employer or any other persons;
- i. Two prints of a full face photograph taken not more than thirty days prior to the date of the application of any person who will be vending or peddling with the City of Thomson;
- j. Proof of an insurance policy issued by an insurance company licensed to do business in the State of Georgia, protecting the applicant and the City of Thomson from all claims for damages to property and bodily injury including death, which may rise from operations under or in connection with the license in a single limit amount of not less than \$1,000,000.00. Such insurance shall name as an additional insured the City of Thomson and shall prove that the policy shall not terminate or be cancelled prior to the expiration date without thirty days advance written notice to the City of Thomson;
- k. A statement as to whether the applicant has been convicted of any offense and if so the nature of the offense and the penalty imposed, if any; and
- l. The applicants' finger prints to be taken by the Police Department which will remain with said application for a period not to exceed five years.

Section 4.

Any and every person wishing to peddle or vend goods within the City of Thomson is required to possess and individual permit. The City of Thomson will not issue company-wide permits.

Section 5.

A license to Peddle or Vend may be denied, revoked or suspended for any of the following reasons:

- a. fraud or misrepresentation contained in the application for the license;
- b. Fraud or misrepresentation made in the course of carrying on the business of vending or peddling;

- c. conduct of the licensed business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morals;
- d. conduct which is contrary to or in violation of the provisions of this ordinance; or
- e. conviction of a crime

Section 6.

This ordinance shall not apply to the following:

- a. "Yard Sales" conducted by City of Thomson residents on their own premises;
- b. The display of goods by persons having established places of business in the City on the sidewalks or areas adjacent to their places of business if and as permitted by the zoning regulations of the City of Thomson and/or other applicable laws;
- c. Sales by farmers and gardeners of the produce of their farms and gardens;
- d. The sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods;
- e. Sales on approval, conditional sales of merchandise, or the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation;
- f. Sales by sales persons selling foods to retail or wholesale stores for resale;
- g. Sales of goods in the manner and in the places described in Section 1 and 2 hereof on behalf of an organization, society or association for charitable, religious, patriotic, philanthropic or City purposes or if authorized by the City of Thomson licensees or contractors of such an organization, society or association for such purposes.

Section 7.

At time of submitting an application for Vending, the application shall:

- a. Be completed and notarized.
- b. be submitted with a \$25.00 check or such other fee as may be designated from time to time payable to the City of Thomson. This fee is per person for the duration of the event.
- c. be submitted with a \$65.00 money order payable to City of Thomson or such other fee as may be designated from time to time. This fee is charged by the McDuffie County Sheriff's Department for fingerprint processing.
- d. be submitted with proof of an insurance policy issued by an insurance company licensed to do business in the State of Georgia of not less than \$1,000,000.00. Such insurance shall name as an additional insured, the City of Thomson.

e. be submitted with two prints of a full face photograph taken no more than 30 days prior to the date of any person who will be vending within the City of Thomson.

f. be submitted with a valid motor vehicle operator's license or other state issued photo identification.

Section 8.

At time of submitting an application for Peddling, the application shall:

a. be completed and notarized application.

b. Shall be submitted with a \$125 check or such other fee as may be designated from time to time payable to City of Thomson.

c. be submitted with a \$65 money order payable to City of Thomson or such fee as may be charged by the McDuffie County Sherriff's Department for fingerprint processing.

d. be submitted with proof of insurance policy issued by an insurance company licensed to do business in the State of Georgia of not less than \$1,000,000. 00. Such insurance shall name as an additional insured, the City of Thomson.

e. be submitted with two prints of a full face photograph taken no more than 30 days prior to the date of any person who will be peddling within the City of Thomson.

f. be submitted with a valid motor vehicle operator's license or other state issued photo identification

Section 9.

Vendors and Peddlers will be licensed separately than those entities and persons doing business within the City of Thomson who must pay an occupational tax. The fees charged for Peddling and Vending shall be in lieu of and not in addition to an occupational tax.

Section 10

A violation of this ordinance shall be punishable by the maximum allowed under Chapter 1 of the City of Thomson Code.

Approved by City Council of City of Thomson, this 15 day of July, 2013.

Attest:
Deanne Sanders CITY
Clerk of Council SEAL

Kenneth Usry
Kenneth Usry, Mayor

First Reading 6-13-13
Second Reading 7-11-13