

ORDINANCE NUMBER _____

DOOR TO DOOR SOLICITATION

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt ordinances and/or to amend existing ordinances:

AND

WHEREAS The Laws of the State of Georgia and the Charter of the City of Dallas, Georgia allow the Mayor and the Council of the City of Dallas, Georgia the authority to adopt Ordinances to protect the health, safety and general welfare of the citizens of Dallas, Georgia ; and

WHEREAS In the interests of the health, safety, and general welfare of the citizens of City of Dallas, Georgia, the City Council of City of Dallas desires to exercise its authority to enact an Ordinance for Door-To-Door Solicitation, and to establish regulations regarding door-to door solicitation; and

THEREFORE **BE IT ORDAINED** by the Mayor and Council of the City of Dallas, Georgia that the Chapter 10, Article X - Door to Door Solicitation for the Code of Ordinances of City of Dallas, Georgia. All conflicting Ordinances concerning the distribution of flyers, leaflets and other printed materials including regulations for door to door solicitation shall be hereby repealed and replaced with the following Chapter 10, Article X, Door to Door Solicitation;

**DOOR-TO-DOOR SOLICITATION
CHAPTER 10**

Sec. 10.279 - Intent and purpose.

The intent of the City Council in enacting this article is to regulate the sale of goods and services by solicitors or canvassers at residences in the city in order to diminish criminal activity in the city and abusive techniques utilized by any such solicitor or canvasser which adversely affect the public health, safety and welfare in the city. This article is not intended as a de facto prohibition of door-to-door solicitation, nor is it an attempt to adversely affect interstate commerce. Instead, this article is intended to balance competing interests, reduce criminal activity and protect city citizens from abusive sales techniques versus the conduct of proper commercial sales activity. This article is not intended to allow any business activity which would otherwise be unlawful.

Sec. 10.280 - Definitions.

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

City and any reference to City shall mean the City of Dallas, Georgia

Police and Chief of Police and any reference to Chief of Police or Police shall mean the Chief of Police and the Police Officers of the City of Dallas, Georgia.

Marshal or any reference to Marshal or City Marshal shall be the Marshal of the City of Dallas, Georgia

Municipal Court and any reference to Municipal Court shall be Municipal Court of the City of Dallas, Georgia

Municipal Judge or any reference to Municipal Judge or Judge shall be the Judge of the Municipal Court of the City of Dallas, Georgia

Solicitor or canvasser means any person who solicits orders or appointments on behalf of a firm, corporation, company, association, partnership or individual for any goods, wares, services, or merchandise or other things of value, from house to house. Any person who obtains orders or appointments for merchandise, services, or other things of value shall be deemed a solicitor. The term solicitor or canvasser shall not mean an individual or field sales representative working for or on behalf of a bona fide charitable or nonprofit organization, political organizations, or students or parents of students (i.e., PTA, booster club organizations) participating in approved school-sponsored fund raisers.

Handbill means any printed or written material, any leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original copies of any matter or literature pertaining to any speech, whether commercial or noncommercial.

Sec. 10.281 - Solicitor/canvasser permit.

(a) *Permit required; applicability of article.*

- (1) *Resident/nonresident solicitors/canvassers.* All solicitors or canvassers are subject to all rules and regulations of this article and hold a current business license within the State of Georgia or City of Dallas.

(b) *Application; investigation of applicant; grounds for denial.*

- (1) No solicitor/canvasser shall be authorized to solicit orders until he files an application with the Marshal of the City of Dallas, Georgia and obtains a permit and registers as a solicitor. This application shall be upon forms prescribed by the city and sworn to, under oath, by any solicitor/canvasser applying for such permit. Upon application, the Marshal of the City of Dallas, Georgia, within ten days, shall examine the police record, if any, of the applicant. No permit shall be given to any applicant who shall have either a pending charge or a conviction for a crime of moral turpitude

or an offense involving the elements of assault and battery, or any civil judgment involving unethical and improper business actions, including but not limited to action which would constitute fraud and deceit under the laws of the state.

(2) No application for a permit under this section shall be received or acted upon if the applicant has submitted the same or a similar application for a permit within the preceding 12 months, which prior application has been dismissed, denied or abandoned. No permit shall be granted if the applicant is in violation of this article or has, within 12 months preceding the application, been in violation of this article or any law or ordinance regulating the activities for which such permit is sought.

c) *Fee.* The applicant for a solicitor's permit shall pay a fee as specified by the Marshal of the city of Dallas, Georgia, as cost for investigation and regulation under this article. This fee shall be used for payment of the cost of such registration, investigation and regulation of persons subject to this article.

d) *Term; renewal.* A permit issued under this article shall be valid for 90 days from the date the permit is issued. The permit may be renewed by filing a renewal application with the Marshal of the City of Dallas, Georgia upon forms prescribed by the office, sworn to, under oath, and paying a renewal fee as set out in the schedule of fees, to cover the expense of updating the investigative report.

e) *Revocation.* If any application contains any false information, such application shall be immediately revoked or denied by the Marshal of the City of Dallas, Georgia.

Sec. 10.282 - Badge for solicitors.

All solicitors/canvassers shall wear a badge, the design of which shall be in the discretion of the Marshal of the City of Dallas, Georgia, but which shall be uniform as to all solicitors/canvassers. The badge shall provide the following information: the name of the solicitor or canvasser, the name of the company, and an identification number, in large enough type to be read and seen by persons with normal vision at a distance of ten feet. At all times, the solicitor or canvasser shall wear the badge on either the left or right shoulder so that such badge can be readily seen by the owner or occupant of the premises.

Sec. 10.283 - Conduct of business by solicitors/canvassers; information to be provided to customers.

(a) *Information card required; contents.* The Marshal of the City of Dallas, Georgia shall provide to each solicitor/canvasser an information card, and the solicitor/canvasser shall present the card to each household they visit. It is the responsibility of the solicitor/canvasser to make sufficient copies of the information card to furnish a copy to each household he visits. Such card shall contain such information as required by the business license supervisor. The following statements may appear on the information card:

The solicitor/canvasser is not to enter your home except at your express invitation. The solicitor/canvasser is not to have any contact, direct, indirect or otherwise, nor is the solicitor/canvasser to leave any leaflets or other written material with the person at your home or on your property if you have a **‘NO SOLICITING SIGN’** on your property.

You have the right to refuse entry or to ask the solicitor/canvasser to leave the premises, and if he/she should fail to leave the premises after your instructions, he/she shall be in violation of this Ordinance.

Report any discourteous conduct to the City of Dallas Police Department.

A solicitor/canvasser shall place his/her name and permit number in the blank provided on the card and shall present it to the occupant of each home that he visits, unless there is a "NO SOLICITING SIGN" posted on your property. If such sign is on your property, he/she should have absolutely no contact, indirect, direct or oral with you and shall not place any printed material on your property.

- (b) *Failure to present information card.* It shall be unlawful for a solicitor/canvasser to fail to present the card to the resident or occupant of a home at which the solicitor/canvasser solicits business as allowed by this Ordinance.
- (c) *Announcement to occupant.* At each house, if allowed by this Ordinance, the solicitor/canvasser shall announce to the owner or occupant of the home his name and that he has been issued a permit by the city as a solicitor/canvasser, and shall announce the purpose of his call and present the card provided for by this section and shall allow time for the occupant or owner to read the card.
- (d) *Entry on private property.* No solicitor/canvasser shall enter a home or come upon any property within the City limits of the City of Dallas, Georgia without the express invitation of the occupant or owner. If a "no soliciting" sign is posted. If such sign is posted, no solicitation shall occur.
- (e) *Courteous conduct required; compliance with request to leave premises.* If solicitation is allowed by this Ordinance, a solicitor/canvasser shall at all times maintain a courteous decorum and shall not use opprobrious, vulgar or slang words to any homeowner or occupant. No solicitor/canvasser shall remain upon the premises of an occupant or owner after such occupant or owner has requested the solicitor/canvasser to leave or indicated that he is not interested in purchasing the solicitor's/canvasser's product.
- (f) *Misrepresentation of effect of permit.* It shall be unlawful for any solicitor/canvasser to represent by word, action or deed that the issuance of a permit by the city license bureau in any way represents approval or condonation of either the actions of the solicitor/canvasser or his product.

Sec. 10.284 City records of solicitors/canvassers; complaints against solicitors/canvassers.

- (a) The Marshal of the City of Dallas, Georgia shall maintain true and accurate records of the name and identification number of each solicitor/canvasser, together with other information required by this article, and shall maintain a log of all complaints for each solicitor/canvasser or organization represented by solicitors/canvassers.
- (b) If the Police Department of the City of Dallas, Georgia or Marshal of the City of Dallas, Georgia receives any ordinance violation complaints concerning a particular solicitor/canvasser, or three violation complaints concerning an organization, the Marshal of the City of Dallas, Georgia shall issue a citation to the solicitor/canvasser notifying the solicitor/canvasser and the organization the solicitor/canvasser represents of the complaints, and notify the solicitor/canvasser that he/she shall appear before he Judge of the Municipal Court of the City of Dallas, Georgia, for a hearing at a date and time certain for a determination of such violation/violations, which violation/violations shall be a misdemeanor and may result in the suspension of such permit.
- (c) The Marshal of the City of Dallas, Georgia shall maintain a true and accurate log of each complaint, showing the name of the complainant and the substance of the complaint. Such records shall be available to the solicitor/canvasser or his company or organization, and shall be deemed a public record.

Sec. 10.285 - Appeal by solicitors/canvassers.

Any solicitor/canvasser found in violation of this Ordinance, by the Municipal Court of the City of Dallas, Georgia, may appeal by writ of certiorari, the entry of the Final Order of the Judge of the Municipal Court of the City of Dallas, Georgia in writing within thirty day, of the entry of the Final Order of the Judge of the Municipal Court of the City of Dallas, Georgia to the Superior Court of Paulding County, Georgia.

Sec. 10.286 - Enforcement.

Enforcement authority of this article shall be vested with the Police Chief of the City of Dallas, Georgia, any Police Officer of the City of Dallas, Georgia or the City Marshall of the City of Dallas, Georgia.

Sec. 10.287 - Penalties.

Violation of this Ordinance shall be a misdemeanor.

This Ordinance shall become effective immediately upon its adoption by the Governing Authority.

Adopted and Approved this ____ day of _____, 2019.

Boyd L. Austin, Jr., Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

L. James Kelly, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls Councilmember

Attest: _____
Tina Clark, City Clerk

