

SPALDING COUNTY, GEORGIA

2018-ORD-08 ORDINANCE

AN ORDINANCE AMENDING THE CODE OF SPALDING COUNTY, GEORGIA, PART VI LICENSING AND REGULATION, BY CREATING A NEW CHAPTER 9 REGULATION AND PROCEDURES FOR CANVASSING, PEDDLING AND DOOR TO DOOR SALES, TO ESTABLISH A PERMITTING SYSTEM AND STANDARDS GOVERNING CANVASSING, PEDDLING AND DOOR TO DOOR SALES; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF SPALDING COUNTY A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AS MODIFIED HEREIN; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Sec. 9-5001 - 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

- (1) *Canvasser, peddler, or solicitor* means any person who sells or solicits for sale in the unincorporated county any new or used goods, wares, merchandise, services, produce or other things of value and goes about from place to place within the unincorporated county selling or offering for sale any of such things to either merchants or customers shall be deemed a peddler or solicitor. Excluded from this definition are persons who sell or solicit for sale goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.
- (2) *Door-to-door salesperson* means any person who shall solicit orders on behalf of a firm, corporation, company, association, partnership or individual of any goods, wares or merchandise, or other things of value from house to house shall be deemed a door-to-door salesperson. Any person who obtains orders for merchandise or other things of value shall be deemed a door-to-door salesperson. Excluded from this definition are persons who solicit orders for goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

Sec. 9-5002 - Door to door canvassing and soliciting prohibited; exceptions.

It shall be unlawful for any person to engage in business as a solicitor or canvasser, calling on the residences within the unincorporated areas of the county for the purpose of soliciting orders, sales, subscriptions, or business of any kind, without first registering with the Spalding County Community Development Office and paying the appropriate regulatory fee. Each registrant shall furnish his/her name and permanent address, his/her signature, the name and address of his/her employer, the nature of products sold or displayed, and the proposed method of operation within the county. Said registration shall include a copy of a consent form obtained from the Sheriff's office authorizing a GCIC/NCIC criminal history check of the applicant. Each registrant shall be fingerprinted and photographed by an employee of the county.

(1) *Regulatory fee; identity cards.*

- (a) The Spalding County Community Development Office shall collect a fee of one hundred dollars (\$100.00) for each registration. Upon approval, a registration card will be issued in the name of the solicitor and showing the name of the firm or corporation they represent. Such registration shall be valid for ninety (90) days from the date of issuance. The registration may be renewed during the same calendar year for an additional ninety-day period without another investigation or additional fees.
- (b) The registration card shall bear the name and photograph of the solicitor, the company name, and the expiration date of the registration. Each solicitor must carry such identity card at all times while soliciting or canvassing within the county and shall display such card to each customer and upon appearance at each residence and/or business establishment canvassed or solicited.
- (c) No permit shall be given to any applicant who, based on the information obtained Spalding County Community Development Office, shall have either a pending charge or a conviction for a crime of moral turpitude, a crime involving the elements of assault and battery, a crime involving fraud and deceit, or any sexual offense under the laws of the state.

(2) *Hours of operation; other requirements.*

- (a) Soliciting or canvassing on the public streets, areas, or parks of the county shall be conducted only between the hours of 9:00 a.m. and Civil Dusk.
- (b) Soliciting or calling from house to house within the unincorporated areas of the county shall be conducted only between the hours of 9:00 a.m. and 6:00 p.m.
- (c) Prior to any solicitation of funds within the county, each canvasser or solicitor shall identify the organization which he represents. Additionally,

each canvasser or solicitor must inform each person solicited of any minimum payment, deposit, or donation required for the acceptance of any merchandise, wares, goods, or any similar items provided by each canvasser or solicitor prior to such acceptance by each person solicited.

(d) It shall be unlawful for a canvasser or solicitor to perform any of the following acts:

1. Falsely represent, either directly or by implication, that funds being solicited are on behalf of any person other than the person or business registered with the Spalding County Community Development Office;
2. Solicit door to door at residences, offices or businesses or in subdivisions clearly displaying a sign stating "No solicitors or peddlers invited," "No solicitation," or using similar language;
3. Engage in door-to-door soliciting at residences on Sundays or between the hours of 8:00 p.m. and 9:00 a.m.;
4. Enter any private dwelling without the consent of the owner or occupant, or to remain thereafter being requested or directed to leave; or
5. To remain on private premises after being asked to leave or to continue solicitation after being refused upon the public streets, areas, or parks; such action shall constitute harassment.

(3) *Special requirements for religious or charitable soliciting.*

(a) Any person desiring to solicit or canvass upon the public streets, areas, or parks, or call from house to house within the unincorporated areas of the county for the purpose of raising funds or seeking donations for any religious, charitable, or eleemosynary organization shall register with and obtain a license from the county. Such person shall furnish the following information to the Spalding County Community Development Office:

1. Applicant's name and permanent address;
2. Name, address, and telephone number of the firm, corporation, or organization represented;
3. Names and addresses of all persons canvassing or soliciting within the county;
4. The nature of any merchandise or goods to be sold or offered for sale in conjunction with such solicitation; and

5. Proof of tax-exempt status shall be required when registering with the Spalding County Community Development Office.
 - a. The business license division shall collect a fee of one dollar (\$1.00) from each organization to cover costs of processing the license. Each organization shall be issued an identity card bearing the name of each individual who shall engage in solicitation or canvassing on behalf of the organization, the organization's name, and the expiration date of the license. Each applicant does not have to be fingerprinted or photographed.
 - b. The license shall be valid for ninety (90) days from the date of issuance.

(4) *License revocation.* Any license issued under this article may be suspended and/or revoked by the board of commissioners, revenue collection officer, business license director, sheriff, due to any violation of any ordinance or resolution of the county, or of any state or federal law, or whenever the license holder shall cease to possess the qualifications and character required in this article for the original application.

(5) *Activity not regulated hereby.* This section is not intended to, nor shall it operate to, regulate door-to-door visitation for the following purposes: political canvassing or religious canvassing, provided that such canvassing does not include the soliciting of orders, sales, subscriptions or business of any kind.

(6) *Penalty.*

- (a) Citations for violation of this chapter may be issued by the county manager or his designee, code enforcement personnel, the Sheriff or Sheriff's deputies.
- (b) Any person violating any of the provisions of this article shall, upon conviction or entering a plea of guilty or nolo contendere in the Spalding County Magistrate Court, shall be punished by a fine of not more \$1,000.00 or by confinement for a period of not more than sixty (60) days or by both fine and confinement.
- (c) Any permit may be revoked by the Community Development Office because of any violation by the registrant (or any one of a group of registrants) of these regulations, or of any ordinance of the county, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and good character required in this chapter for the original registration.

Approved on first reading this second day of April, 2018.

Approved on second reading this sixteenth day of April, 2018.

Raymond Ray, Chairman

William P. Wilson, Jr. County Clerk