

Steps for Obtaining a Peddlers License

Definition of Peddler: Any person who solicits, excluding, however:

- a. Transient merchants;
- b. Any person who sells agricultural, forestry or other farm products;
- c. Any person who conducts business at any industry or association trade show;
- d. Any person who sells items at a rummage, garage, antique or similar sale, or a flea market, where such sale is not part of the regular business activity of such person; and
- e. Any person who exclusively donates the net proceeds of all sales or moneys otherwise obtained to one (1) or more nonprofit organizations.

Sec. 11-142. License required for peddlers

Check List

- Application Process.**
All peddlers desiring to do business within the city shall apply for and obtain a license prior to any operation of such business. The license shall be available for inspection by officials of the city at all times. Cost of Peddlers License is \$42.00.
- Agreement from resident of Fulton or Clayton County as registered agent upon whom any process, notice or demand required or permitted by law to be served upon the peddler may be served in the same manner provided by law for the service of a summons and complaint.**
Agreement from registered agent must be in writing and filed with application.
- Certificate of Insurance** and a blanket or specific endorsement.
Provide proof of general liability insurance including products liability and property damage in the amount of Five Hundred Thousand Dollars (**\$500,000.00**) combined single limit Sec. 11-150 (b).
- Surety Bond** (guaranteeing performance of contract or obligation). in an amount of not less than One Thousand Dollars (**\$1,000.00**) by a surety company authorized to do business in the State of Georgia. The bond shall run in favor of the City and continue in force so long as the agent holds a valid license under Sec. 11-150 (a).
- Cottage Food License from Department of Agriculture (404-656-3627)
WWW.AGR.GEORGIA.GOV If you're selling items such as; Cakes, Cookies, Candies, etc...
- Licenses shall be issued by the city clerk upon submission of a proper application and upon payment of the appropriate license fee.
- Criminal History Release Consent Form

No such license shall be issued, however, when the licensee, applicant, or any employee of the licensee, within the five (5) years preceding the date of application, has been convicted of or pleaded nolo contendere to a crime of moral turpitude or a felony or when the city clerk determines, based on the information contained in an application.

See Code Section 11-146 regarding solicitation in residential areas.



**LICENSE APPLICATION FOR PEDDLERS
CITY OF COLLEGE PARK, GEORGIA**

DATE _____

SOCIAL SECURITY NO. (last four digits) _____

PHONE NO. _____

1. Name of applicant _____
2. Permanent Address _____
3. Name of Licensee _____
4. Permanent Address _____

5. Name and permanent address of registered agent for service of process. (must be resident of Fulton or Clayton County and must agree in writing to act as such agent; copy of which must be filed with license application).

6. Provide proof of general liability insurance including **products liability** and **property damage** in the amount of Five Hundred Thousand Dollars (\$500,000.00) combined single limit. A certificate of insurance and a blanket or specific endorsement shall be delivered to the City Clerk prior to the issuance of a license and shall name as additional insures the City and its employees regarding any liabilities that may arise in connection with the operations of the applicant.

7. Obtain a surety bond (guaranteeing performance of a contract or obligation) in an amount of not less than One Thousand Dollars (\$1,000.00) by a surety company authorized to do business in this State. The bond shall run in favor of the City and continue in force so long as the agent holds a valid license under this Sec. 11-149 (a).

8. Name and address of each employee working in College Park.

9. Description of the business to be conducted in College Park.

10. The address of proposed business location or a description of the area to be canvassed.

11. Has licensee, applicant or any employee been convicted or pleaded nolo contendere regarding a federal or state felony within the five (5) years preceding the date of application?

12. _____

13. Is license for a temporary period or for a one year period? _____
If temporary, list dates requested _____

Signature of Applicant

Notary Public

____ \$42.00 License Fee
____ Gross Receipts/Employee Tax
____ Bond Required
____ Total Due

____ License Number
____ Date
____ Temp/Annual
____ Receipt No.

CITY OF COLLEGE PARK
P.O. Box 87137 College Park, GA 30337
COLLEGE PARK POLICE DEPARTMENT
3717 College St., COLLEGE PARK, GA 30337
404-767-1537

CRIMINAL HISTORY RELEASE CONSENT FORM

I, THE UNDERSIGNED, HEREBY AUTHORIZE THE City of College Park Police Department and _____ to receive any criminal history record information pertaining to me, which may be in the files of any federal, state, county or local criminal justice agency.

(Please Print Clearly)

Full Name _____
Last First Middle

Complete Street Address _____

City _____ State _____ Zip _____

Sex _____ Race _____ Date of Birth _____

Social Security # _____ Driver's License # _____ State _____

Note: Before signing this consent form, check all answers to see that you have answered all questions fully and correctly. This consent form is to be executed under oath and is subject to the penalties of false swearing.

VERIFICATION

STATE OF GEORGIA, FULTON/CLAYTON COUNTY
CITY OF COLLEGE PARK

I, _____ do solemnly swear or affirm, subject to the penalties of false swearing, that the above information in the foregoing consent form is true and correct and that I do willingly give my consent.

Signature (Full Name)

I, hereby certify that _____ (the above named individual) signed his or her name to the foregoing consent form stated to me that he or she knew and understood the reason for the consent form and willingly signed said consent form, and under oath actually administered by me, has sworn or affirmed, that said information is true and correct.

This ____ day of _____ 20____

Notary Public (Place Notary Seal)

DO NOT WRITE BELOW THIS LINE, POLICE DEPARTMENT USE ONLY

NO CRIMINAL RECORD CRIMINAL RECORD

**HOLD HARMLESS AND RELEASE AGREEMENT
REGARDING PARTICIPATION IN NONPROFIT ACTIVITIES
WITHIN 15 FEET OF A RIGHT OF WAY**

The Undersigned, to the fullest extent permitted by law, agrees to release, discharge, indemnify and hold harmless the City of College Park, its officers, management, employees, agents, representatives and members of City Council, of and from any and all claims, actions, demands, loss, and causes of action, including costs and expenses, arising from injury, including death, to any person, or damage to any property arising out of or by virtue of the participation of the Undersigned in nonprofit activities within 15 feet of a right of way, except damage caused by the sole negligence of the City of College Park. Indemnification of the City of College Park shall include, but not be limited to, any expenses, including but not limited to attorney fees and court costs, incurred by the City of College Park in the defense of any claim described herein or as a result of any breach by the Undersigned of the terms of this Agreement.

The Undersigned also understands and acknowledges that the terms of this Agreement apply to any and all present or future demands, actions, causes of actions, liens of any kinds, cost, expenses, debts, liabilities, judgments, sums of money, damages, or claims of any kind or character that in any way relate to the participation of the Undersigned in nonprofit activities within 15 feet of a right of way and that Undersigned ay have against the City of College Park, as well as its officers, management, employees, agents representative and members of the City Council.

Undersigned understands and accepts that participation of the Undersigned in nonprofit activities within 15 feet of a right of way may involve certain hazards. The Undersigned expressly assumes all risks and damages incidental to participation of the Undersigned in nonprofit activities within 15 feet of a right of way.

This Agreement is executed by the Undersigned for and on behalf of the Undersigned, his or her heirs, administrators, executors, personal representatives, and assigns, and is intended to be a full and complete release of the City from any and all claims that the Undersigned may now or hereafter have against the City arising out of, or in any way connected with, the Authority's presence on or near the Property. Undersigned understands and acknowledges that this Agreement binds Undersigned's heirs, administrators, executors, personal representatives, and assigns to the greatest extent allowed by law.

UNDERSIGNED HAS BECOME FAMILIAR WITH THE TERMS OF THIS FORM. UNDERSIGNED UNDERSTANDS AND AGREES TO ITS CONTENTS. UNDERSIGNED HAS HAD AN OPPORTUNITY TO ASK QUESTIONS, AND UNDERSIGNED'S QUESTIONS HAVE BEEN ANSWERED TO UNDERSIGN'S SATISFACTION.

As evidenced by the below signature, the Undersigned has read and agrees to abide by the above Hold Harmless and Release Agreement.

Signed

Date

Name (Printed)

Organization Name

Address

Organization Address

Sworn to and subscribed
Before me this ____ day
Of _____ 20__.

Notary Public
Seal/ Notary Expiration

Sec. 11-140. - Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

- (1) *Transient merchant*: Any person who sets up or displays merchandise for sale outside of a building on any lot where the person or entity setting up or displaying such merchandise does not also lawfully conduct business regularly in a building located on that lot.
- (2) *Peddler*: Any person who solicits, excluding, however:
 - a. Transient merchants;
 - b. Any person who sells agricultural, forestry or other farm products;
 - c. Any person who conducts business at any industry or association trade show;
 - d. Any person who sells items at a rummage, garage, antique or similar sale, or a flea market, where such sale is not part of the regular business activity of such person; and
 - e. Any person who exclusively donates the net proceeds of all sales or moneys otherwise obtained to one (1) or more nonprofit organizations.
- (3) *Solicit*: To sell products or services, conduct nonprofit activities, or otherwise represent an entity by traveling to customers' homes, places of business or other places where customers are located.
- (4) *Nonprofit organization*: Any tax-exempt organization within the meaning of the Internal Revenue Code or the Georgia Income Tax Law, as such code and such law are now or may be hereafter amended.
- (5) *Nonprofit activities*: Solicitation of funds or donations as a peddler or transient merchant for any nonprofit organization.
- (6) *Seasonal items*: Christmas trees sold in October, November and December, and pumpkins sold in October.
- (7) *Special Events*: Any event sponsored by the city, and any parade permitted by the city.

(Ord. No. 2001-20, § 1, 9-4-01)

Sec. 11-141. - Transient merchants prohibited.

It shall be unlawful for transient merchants to do business within the city. This prohibition shall not apply to nonprofit activities, sale of seasonal items, or sales at special events, so long as such activities are conducted in a commercially zoned area of the city.

(Ord. No. 2001-20, § 2, 9-4-01)

Sec. 11-142. - License required for peddlers; application; contents; background checks.

- (a) All peddlers desiring to do business within the city shall apply for and obtain a license prior to any operation of such business. The license shall be available for inspection by officials of the city at all times.
- (b) Any application for a peddler's license shall be made to and on forms provided by the city clerk.
- (c) The application shall contain the following information:
 - (1) The name and permanent address of the applicant;
 - (2) The name and permanent address of the prospective licensee (if different from the applicant);
 - (3) The name and permanent address of the registered agent for service of process and a copy of the agreement with the registered agent required by section 11-143(c);
 - (4) The name and address of each employee;

- (5) A description of the business to be conducted;
- (6) A description of the area where solicitation will occur;
- (7) Payment of the license fees as provided in section 11-145(b);
- (8) Whether the licensee intends to do business in the city permanently (i.e., for at least one (1) year) or temporarily (i.e., for less than one (1) year);
- (9) If the licensee intends to do business in the city temporarily as described in subsection (c)(8) of this section, then the period of time for which the license is requested.

(Ord. No. 2001-20, § 3, 9-4-01)

Sec. 11-143. - Registered agent.

- (a) All peddlers shall have and continuously maintain a registered agent, whose name and permanent address shall be kept on file with the city clerk.
- (b) Said registered agent shall be a resident of Fulton County or Clayton County and shall be an agent upon whom any process, notice or demand required or permitted by law to be served upon the peddler may be served in the same manner provided by law for the service of a summons and complaint.
- (c) Said registered agent shall agree in writing to act as such agent, and a copy of the agreement shall be filed along with the license application.
- (d) Nothing herein shall limit or affect the city's right to serve any process, notice or demand in any other manner now or hereafter permitted by law.

(Ord. No. 2001-20, § 4, 9-4-01)

Sec. 11-144. - Issuance of license; grounds for denying.

Licenses shall be issued by the city clerk upon submission of a proper application and upon payment of the appropriate license fee. No such license shall be issued, however, when the licensee, applicant, or any employee of the licensee, within the five (5) years preceding the date of application, has been convicted of or pleaded nolo contendere to a crime of moral turpitude or a felony or when the city clerk determines, based on the information contained in an application for a license or on a licensee's or licensee's employee's past and/or present activity and conduct, that operation of such business would be in violation of any applicable state, federal or local law, statute, ordinance, resolution, or regulation.

(Ord. No. 2001-20, § 5, 9-4-01)

Sec. 11-145. - License periods; location, fees.

- (a) Licenses issued on a temporary basis shall issue for the period specified in the application, and permanent licenses shall issue for one (1) year periods, and may be renewed by the city annually.
- (b) The license fee for each peddler's license and each renewal thereof shall be forty-two dollars (\$42.00). Disabled veterans may receive a peddler's license without payment of the license fees prescribed herein.
- (c) In addition to the regulatory fees outlined in subsection (b) above, peddlers operating inside the city shall be subject to all business and occupation taxes set out in Article I of this chapter. Licensees may be required to post bond in an amount satisfactory to the city clerk to ensure payment of all business and occupation taxes, the liability for which occurs as a result of operations of licensee in the city.

(Ord. No. 2001-20, § 6, 9-4-01)

Sec. 11-146. - Operating regulations.

- (a) It shall be unlawful for any person to solicit within a residential neighborhood except between the hours of 9:00 a.m. and 6:00 p.m.
- (b) It shall be unlawful for any person to solicit at any residence where there is posted in plain view a sign reading as follows: "No Solicitors."
- (c) It shall be unlawful for any peddler to fail to immediately leave any premises when requested to do so by any person.
- (d) It shall be unlawful for any peddler using a motor vehicle or other vehicle or mode of transportation while conducting business to operate said vehicle or mode of transportation upon the streets of the city while using any loudspeaker, bell or other device to create any noise, it being determined by the mayor and council that such sounds may cause children to be injured by encouraging them to enter roadways without paying proper attention to traffic.
- (e) It shall be unlawful for any peddler to conduct its business in such a manner that the flow of vehicular traffic is impeded. Additionally, no sales or gifts to vehicle occupants shall be permitted.

(Ord. No. 2001-20, § 7, 9-4-01)

Sec. 11-147. - Appeals; suspension; revocation.

Appeals of determinations of the city clerk and suspension or revocation of any license shall lie solely with the governing body. Suspension and revocation of licenses shall be conducted in the same manner as for the other business licenses issued by the city.

(Ord. No. 2001-20, § 8, 9-4-01)

Sec. 11-148. - Nonprofit activities.

- (a) Any person desiring to conduct nonprofit activities in the city shall register with and obtain a written permit to conduct nonprofit activities from the city clerk. Permits for nonprofit activities shall be issued without charge.
- (b) Any person desiring a permit to conduct nonprofit activities in the city shall file, on a form to be supplied by the city clerk, an application containing the following:
 - (1) Name of the applicant;
 - (2) Permanent home address of the applicant;
 - (3) Name and address of nonprofit organization or organizations to be represented;
 - (4) Names and addresses of any persons conducting or assisting in the conduct of nonprofit activities on behalf of applicant;
 - (5) Nature of any merchandise, wares, goods or any similar items to be sold or offered for sale or given away in conjunction with the nonprofit activities;
 - (6) Proof of tax-exempt status;
 - (7) Location or locations where nonprofit activities will be conducted.
 - (8) Sufficient documentation indicating that 11-48(d)(5) of this section has been satisfied.
 - (9) An agreement to fully indemnify and hold harmless the City of College Park and its officials, employees and agents from any and all causes of actions related to the conduct of nonprofit activities.
- (c) Upon proper registration with the city clerk, a written permit shall be issued to be valid for a period of sixty (60) days from the date of issuance. In addition, identity cards shall be issued which must be carried by all persons while engaged in nonprofit activities.

- (d) Nonprofit activities shall be subject to the following regulations:
- (1) They shall only occur between 9:00 a.m. and 5:00 p.m. (or 9:00 a.m. and 7:00 p.m. during daylight savings time) from Thursday through Sunday.
 - (2) The number of representatives conducting nonprofit activities for any single nonprofit organization shall not exceed ten (10) in number at any one time.
 - (3) Immediately prior to soliciting any person within the city, each representative shall present his or her identity card, issued by the city clerk, to each person solicited. Further, each representative must inform each person solicited as to any minimum donation required for the acceptance of any merchandise, wares, goods, or any similar items given by each representative prior to such acceptance by each person solicited.
 - (4) The representatives conducting nonprofit activities must each be at least eighteen (18) years of age.
 - (5) Each organization, group or person conducting nonprofit activities must secure sufficient insurance to cover risk of damage to persons or property while conducting nonprofit activities. The City of College Park must be named as an additional insured for any nonprofit activities conducted within fifteen (15) feet of a right-of-way. In the alternative, each organization, group or person conducting nonprofit activities must secure a letter of credit or surety bond in the amount of one thousand dollars (\$1,000.00) to ensure compliance with this section, with the City of College Park named as the obligee.
- (e) It shall be unlawful for a representative of a nonprofit organization to:
- (1) Falsely represent, directly or by implication, that funds are being solicited on behalf of any nonprofit organization other than the one registered with the city clerk.
 - (2) Without the express prior permission of any occupant or property owner, solicit at any residence, apartment complex, or shopping mall, other than areas open to public parking, where there is posted any sign forbidding any solicitation.
 - (3) Remain on private premises after being asked to leave the premises or continue solicitation after being refused upon the public streets, areas or parks; such action shall constitute harassment.
 - (4) Solicit at any residence where there is posted in plain view a sign reading as follows: "No Solicitors" or "No Peddlers."
 - (5) With respect to any person conducting nonprofit activities on or within fifteen (15) feet of any public right-of-way, to conduct its business in such a manner that the flow of vehicular traffic is impeded. Specifically, conduct of nonprofit activities from travel lanes shall not be permitted; provided however, that walking alongside a line of cars may only be permitted if the person conducting nonprofit activities stays out of the travel lanes and the conduct of nonprofit activities occurs when the traffic light is red and cars are stopped. Additionally, no sales or gifts to vehicle occupants shall be permitted.
- (f) Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to punishment as provided in section 1-8 for each offense.

(Ord. No. 2001-20, § 9, 9-4-01; Ord. No. 2007-21, § 1, 6-4-07)

Sec. 11-149. - Sales of seasonal items and at special events.

- (a) Any person desiring to conduct sales of seasonal items or at special events in the city shall register with and obtain a written permit to conduct nonprofit activities from the city clerk. Permits for these activities shall be issued for a fifteen dollar (\$15.00) fee.
- (b) Any person desiring a permit to conduct sales of seasonal items or at special events in the city shall file, on a form to be supplied by the city clerk, an application containing the following:
 - (1) Name of the applicant;
 - (2) Permanent home address of the applicant;

- (3) Names and addresses of any persons conducting or assisting in the conduct of sales of seasonal items or at special events on behalf of applicant;
 - (4) Nature of any merchandise, wares, goods or any similar items to be sold or offered for sale;
 - (5) Location or locations where sales of seasonal items or at special events will be conducted;
 - (6) For sales of seasonal items, whether pumpkins or Christmas trees are to be sold; and
 - (7) For sales at special events, the name and date of the special event.
- (c) Upon proper registration with the city clerk, a written permit shall be issued to be valid as follows:
- (1) Sale of seasonal items: From October 1 to December 31 of the year in which application is made if Christmas trees are to be sold, and from October 1 to October 31 of the year in which application is made if pumpkins are to be sold;
 - (2) Sales at special events: On the day or days of the special event. In addition, identity cards shall be issued which must be carried by all persons while engaged in sales of seasonal items or at special events.
- (d) Sales of seasonal items or at special events shall only occur between 10:00 a.m. and 7:00 p.m.
- (e) Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to punishment as provided in section 1-8 for each offense.

(Ord. No. 2001-20, § 10, 9-4-01)

Sec. 11-150. - Bonding and insurance requirements.

- (a) All applicants under this article, except those conducting nonprofit activities, sales of seasonal items and sales at special events, shall, simultaneously with paying the fee called for herein, give proof of a surety bond conditioned that the applicant shall comply fully with all ordinances of the city and laws regulating the licensee's operation, and guaranteeing to any person or entity that all money paid by such person or entity will be accounted for and applied according to the representation of the licensee. Such bond shall issue in an amount of not less than one thousand dollars (\$1,000.00) by a surety company authorized to do business in this State. The bond shall run in favor of the city, but action may be taken on the bond by any person or entity who has suffered any damages as a result of the agent's actions. Any bond required by this section shall continue in force as to the surety so long as the agent holds a valid license under this article and for not less than one year from the date that the agent no longer holds a valid license under this article.
- (b) All applicants under this article, except those conducting nonprofit activities, sales of seasonal items and sales at special events, shall provide proof of general liability insurance including products liability and property damage in the amount of five hundred thousand dollars (\$500,000.00) combined single limit. A certificate of insurance and a blanket or specific endorsement shall be delivered to the city clerk prior to the issuance of a license and shall name as additional insureds the city and its employees regarding any liabilities that may arise in connection with the operations of the applicant.

(Ord. No. 2001-20, § 11, 9-4-01)

Sec. 11-151. - Background checks.

Whenever an applicant for any license or permit required by this article indicates that the licensee will be soliciting or otherwise conducting activities in any residential area, the city clerk shall ensure that the police chief conducts a background investigation on the applicant, the licensee or licensees, and any employee of the applicant, applicants, licensee or licensees who will be soliciting or otherwise conducting activities in any residential area.

(Ord. No. 2001-20, § 12, 9-4-01)