

## ARTICLE T. - TRANSIENT MERCHANTS, PEDDLERS, SOLICITORS<sup>101</sup>

Footnotes:

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**Cross reference**— Streets and sidewalks, § 4-1001 et seq.

Sec. 6-1601. - Short title.

This article shall be known and may be recited as "The Transient Merchant, Peddler, and Solicitor Ordinance of 1980."

(Code 1977, § 6-1601)

Sec. 6-1602. - Definitions.

The following words and phrases shall have the meanings set forth below unless the use of any such word or phrase in context clearly indicates otherwise:

- (a) *City*. The word "city" shall mean the mayor and aldermen of the City of Savannah, Georgia, a municipal corporation, and the jurisdictional authority of that municipal corporation.
- (b) *Street*. The word "street" shall mean and include any street, alley, lane, avenue, court, sidewalk, public right-of-way, or any other public place within the City of Savannah.
- (c) *Transient merchant*. A "transient merchant" is any person, firm or corporation, whether resident or nonresident of Savannah, who has no permanent, regular place of business within the city and who engages in the business of selling or offering to sell goods or services from a temporary fixed place of business located within the city, such temporary places of business to include any room or space in a hotel or motel, boardinghouse, public or private building, or any other fixed place of business within the city; however, no merchant shall be considered a transient merchant under this article if:
  - (1) Such merchant is a bona fide commercial traveler selling goods at wholesale by samples; or
  - (2) Such merchant has already paid a license to the City of Savannah for the privilege of conducting a permanent business; or
  - (3) Such merchant is a peddler otherwise licensed by the city to sell goods from place to place.
- (d) *Transient peddler*. A "transient peddler" is any person who is a nonresident of the city; who has no permanent, regular place of business within the city; and who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.
- (e) *Local peddler*. A "local peddler" is any person who is a resident of the city, who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.
- (f) *Street barker*. For purposes of this article, a "street barker" is defined as any peddler, whether transient or local, who does business during recognized festival days in Savannah, and who

limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

- (g) *Solicitor for charitable or religious purposes.* Any person who solicits contributions from the public, either on the streets of the city or from door to door, for any charitable or religious organization, and who does not sell or offer to sell any single item of a cost to the purchaser in excess of \$10.00, shall be defined as a "solicitor for charitable or religious purposes." No qualification as a "charitable" or "religious" organization shall exist unless the applicant:
- (1) Is able to demonstrate a current exemption certificate from the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or
  - (2) Has maintained in Chatham County a continuous existence as a charitable or religious organization for a period of three years prior to the date of its application pursuant to this article.
- (h) *Solicitor for subscriptions.* Any person who solicits subscriptions by going from place to place within the city, and who offers for sale subscriptions to magazines or other materials protected by provisions of the First Amendment to the Constitution of the United States of America shall be defined as a "solicitor for subscriptions."
- (i) *License.* A "license" is the right or privilege granted by the City of Savannah to engage in business as a transient merchant or peddler within the corporate limits of the city. Evidence that such right or privilege has been granted shall be in the form of a license document issued by the city treasurer, which document shall be kept at the merchant's place of business within the city or on the peddler's person or within the peddler's vehicle.
- (j) *Permit.* A "permit" is the authorization granted by the City of Savannah to solicit for charitable or religious purposes or to solicit subscriptions as defined by this article, there being no fee nor charge for such permit. Evidence that such authorization has been granted shall be in the form of a permit document issued by the city treasurer.
- (k) *Booth, stand.* A "booth" or "stand" is any table, shelf, counter, cart or other facility, whether mobile or fixed, which is placed on a street or other public place within the city for the purpose of selling or offering to sell any goods or service to the public or for soliciting for any purpose, except for any nonmotorized wheeled vehicle which is properly licensed under section 6-1616 of this article.

(Code 1977, § 6-1602)

Sec. 6-1603. - License or permit required.

No person, firm or corporation shall operate a business as a transient merchant or peddler within the city unless a license for such business has first been granted by the city, and no solicitor for charitable or religious purposes or solicitor for subscriptions as defined by this article shall solicit within the city unless a permit has been granted by the city in accordance with the provisions of this article. Such license or permit shall be effective only for the period stated in the document unless suspended or revoked prior to expiration.

Application for a license or permit shall be made on forms provided by the city treasurer and shall provide such information as is required by this article and such additional information as may be necessary to define completely the activities to be conducted within the city.

(Code 1977, § 6-1603)

Sec. 6-1604. - Application for transient merchant's license, transient peddler's license.

An application containing the following information shall be completed and filed with the city treasurer by each applicant for a license to do business within Savannah as a transient merchant or as a transient peddler:

- (a) Name of the applicant;
- (b) Permanent address and telephone number of the applicant;
- (c) Local address and telephone number of the applicant;
- (d) The applicant's date of birth and age, if an individual;
- (e) The applicant's social security number or federal employer identification number;
- (f) If the applicant is a partnership or corporation, the name and home address of each partner, principal or corporation officer;
- (g) If the applicant is a corporation, the state and date of incorporation;
- (h) If the applicant is a partnership or corporation, the name, home address, date of birth, age and social security number of the principal representative in the city;
- (i) Name and home address of all employees to work in Savannah;
- (j) Name of business represented by the applicant, if different from the applicant;
- (k) Permanent address of the business represented by the applicant;
- (l) Name of agent conducting sale, if any;
- (m) Local address and telephone number of sales agent, if any;
- (n) Type merchandise or service to be offered for sale;
- (o) Place where business is to be conducted;
- (p) Date to be in business, and total number of days to be in business;
- (q) Hours during which business will be conducted;
- (r) Manner in which business is to be conducted;
- (s) Georgia sales tax number or authorization;
- (t) Georgia state business license number, if required;
- (u) State and license tag number of each vehicle to be used in the business;
- (v) List of cities where business has been conducted by the applicant within the past 12 months.

The license application shall be signed under oath by the applicant.

(Code 1977, § 6-1604)

Sec. 6-1605. - Registered agent required; transient merchant.

Any transient merchant shall submit evidence with his license application showing that such transient merchant has filed with the clerk of the superior court of Chatham County the name and permanent address of the transient merchant's registered agent. Such registered agent shall be a resident of Chatham County and shall be an agent of such transient merchant upon whom any process, notice or demand required or permitted by law to be served upon the transient merchant may be served in the same manner provided by law for the service of a summons or complaint. Said registered agent shall agree in writing to act as such agent, and a copy of the agreement shall be filed with the license application.

Any such registered agent shall act in the same capacity and have the same duties and responsibilities and be subject to the same actions of the superior court, as would any agent registered as

required by H.B. 1568 of the General Assembly of Georgia adopted in 1980 and known as the Transient Merchant Act of Georgia.

(Code 1977, § 6-1605)

Sec. 6-1606. - Exception; Georgia corporations and registered corporations.

No applicant which is a corporation, and which submits evidence that the corporation is chartered by the State of Georgia, shall be required to secure a registered agent within Chatham County.

No applicant which is a corporation chartered outside the State of Georgia, and which submits evidence that the corporation is currently registered with the secretary of state of the State of Georgia, shall be required to secure a registered agent within Chatham County.

(Code 1977, § 6-1606)

Sec. 6-1607. - Basis for disapproval or revocation of license.

No application shall be approved and any license previously issued may be revoked if an investigation determines that:

- (a) Any false statement, material omission, or untrue or misleading information is contained in or left out of the application; or
- (b) The applicant, or any principal participant in the business, has been convicted within the past five years of a felony or of any crime involving moral turpitude, whether in connection with operation of the business or not; or
- (c) Said business is operated, or is proposed to be operated, in violation of any law of the United States or the State of Georgia, or in violation of any ordinance of the City of Savannah.

(Code 1977, § 6-1607)

Sec. 6-1608. - Inspections department approval required.

Any application for a transient merchant's license or a transient peddler's license shall be reviewed by the city inspections department to ensure compliance with zoning and safety code requirements of the city. The application must be approved by the inspections director, or by his designated representative, before a license may be issued.

(Code 1977, § 6-1608)

Sec. 6-1609. - License fee for transient merchant.

Any transient merchant as defined by this article shall pay a base annual license fee in the amount of \$200.00, not to be prorated, plus additional license fees in the amount of \$150.00 per day or portion thereof during which business will be conducted within Savannah; however, the total of the annual base fee and daily license fees shall not exceed \$1,100.00 in any one calendar year. In any case where a higher license fee is required by the annual revenue ordinance, the higher fee shall apply. Any transient merchant license shall expire no later than December 31 of the year issued.

(Code 1977, § 6-1609)

Sec. 6-1610. - License fee for transient peddler.

A license fee of \$20.00 per day shall be paid by any transient peddler as defined by this article, up to a maximum fee of \$100.00 for any one period of continuous business operation within the city during a calendar year; however, in any case where a license fee higher than the \$100.00 limit is required by the annual revenue ordinance, the higher fee shall apply; and, further, any such license shall expire no later than December 31 of the year in which business is conducted.

(Code 1977, § 6-1610)

Sec. 6-1611. - License fee for local peddler.

Any local peddler as defined by this article shall be licensed in the same manner and in the same amount as is required of any other local merchant, as provided by the annual revenue ordinance.

(Code 1977, § 6-1611)

Sec. 6-1612. - Exception; street barker.

No peddler who does business as a street barker as defined by this article shall be required to comply with the foregoing application requirements for transient merchants and transient peddlers. Application for such license shall be on the regular license application form, and such license shall be issued for a period not to exceed the duration of the festival or parade. The license fee for each such street barker shall be \$10.00 per day, up to a maximum fee of \$50.00 for any one period of continuous business operation within the city during a calendar year; however, any such license shall expire no later than December 31 of the year in which business is conducted.

(Code 1977, § 6-1612)

Sec. 6-1613. - Application for permit; solicitor.

Any applicant for a permit to solicit funds for a charitable or religious organization, and any applicant for a permit to solicit for subscriptions, shall make application to the city treasurer. Such applicant shall provide the name and address of the applicant, the name and address of the business or organization represented, the dates during which activities will be conducted within the city, the identity of all persons to solicit within the city, and such other information that the city treasurer may find necessary to identify the solicitors and define the activities to be conducted. Any such applicant who has not resided in Chatham County for the preceding six months shall register at the Savannah police department and shall be subject to police investigation of any and all solicitors listed in the application. Any solicitor's permit may be denied or revoked under any circumstances as shown in section 6-1607 above.

(Code 1977, § 6-1613)

Sec. 6-1614. - Issuance of license or permit.

After all provisions of this article have been met by an applicant for a transient merchant's license or peddler's license or a solicitor's permit, the city treasurer shall be authorized to issue a license or permit.

(Code 1977, § 6-1614)

Sec. 6-1615. - Peddler and solicitor regulations.

The following regulations shall apply to any peddler doing business within Savannah, whether transient or local, and to any solicitor for a charitable or religious organization or for subscriptions who is required to obtain a license or permit:

- (a) No peddler or solicitor shall be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city, except with the written permission of the city manager.
- (b) No peddler or solicitor shall stand or sit in or near the entrance to any house or place of business, and no peddler or solicitor shall stand or sit in any place which may disrupt or impede pedestrian or vehicular traffic.
- (c) No peddler or solicitor shall offer to sell goods or services or solicit in vehicular traffic lanes of the city, and no such peddler or solicitor shall operate a "road block" directed toward vehicular traffic.
- (d) If any officer of the city police department or the revenue department should determine that pedestrian or vehicular traffic congestion is such that public hazard or inconvenience would result from peddling or soliciting in the congested area, such officer shall have authority to require any peddler or solicitor to move from the area.
- (e) Broughton Street is deemed to be an area of heavy traffic congestion, and no peddler shall be permitted to sell or offer to sell any goods or services in the public right-of-way of Broughton Street nor at its intersection with any street which crosses Broughton Street. Soliciting on Broughton Street by any charitable or religious organization shall be only with the written permission of the city manager.
- (f) No peddler or solicitor shall enter a private residence, place of business, public building or other premises within the city under false pretenses for the purpose of peddling goods or services, soliciting orders for the sale of goods or services, soliciting subscriptions, or soliciting contributions; no peddler or solicitor shall remain in or on such premises after the owner, occupant or other person in charge has requested the peddler or solicitor to leave; and no peddler or solicitor shall go in or on such premises when the owner, occupant or other person in charge has displayed a "No Soliciting" sign or other similar sign on the premises.
- (g) Any peddler's or solicitor's stand or booth to be located on private property shall be with the express permission of the property owner and shall meet zoning regulations and all safety and health code requirements of the city.
- (h) No peddler or solicitor shall harass or intimidate the public in any manner.
- (i) Each peddler, each solicitor for subscriptions, and each solicitor for a religious or charitable organization shall be required to display a valid license or permit issued by the city, or a copy thereof, in a manner which can be clearly observed by any person being solicited for a sale, subscription or contribution; however, each member or representative of a religious or charitable organization which has been issued a permit to solicit contributions within the city may, in lieu of displaying a copy of the permit, display an identification badge or insignia of the organization if such insignia has been established by a statutory service or trademark, in a manner which can be clearly observed by any person being solicited.
- (j) When any officer of the Savannah police department or the revenue department, or any other authorized city officer deems that a peddler or solicitor is in violation of any provision of this article, such officer shall have authority to direct the peddler or solicitor to correct the violation immediately, and such peddler or solicitor shall comply with the directive or be subject to the penalties prescribed by this article.

(Code 1977, § 6-1615)

Sec. 6-1616. - Sales from nonmotorized wheeled vehicles.

Sale of any item from a nonmotorized wheeled vehicle at a stationary site shall be confined to the area of streets contiguous to and around the squares, parks and recreation areas of the city; no sales from such vehicles shall be permitted on sidewalks either along streets, within, or around parks or squares. Any person making sales from such vehicles shall be responsible for collecting trash and discarded materials by customers of the business within a 50-foot radius of the vehicle. Such vehicles shall be licensed in accordance with the provisions of the annual revenue ordinance, and no such license shall be issued to a transient merchant or transient peddler until such vehicle is licensed as provided by the annual revenue ordinance.

(Code 1977, § 6-1616)

Sec. 6-1617. - Compliance required; penalty for violation.

Any person, firm or corporation doing business within the city as a transient merchant, transient peddler, local peddler, solicitor, or in any other manner covered by this article who violates any provision of this article or any merchant, peddler or solicitor who makes any false statement in any application for a business license or permit shall be subject to revocation of any license or permit according to procedures established by ordinance and shall be subject to subpoena to the municipal court under a misdemeanor charge and the punishment thereof.

(Code 1977, § 6-1617)

Secs. 6-1618—6-1700. - Reserved.