



Minimum Permit Fee: \$125.00

TRANSIENT MERCHANT AND CHARITABLE SOLICITATIONS APPLICATION

Is Applicant applying for a temporary seasonal sales permit? Yes No

Time period requested: From _____ To _____
(The time period requested may not exceed 45 days).

Will a sign be erected? Yes No _____

If yes, note that a sign may be erected on the property provided it does not exceed a total of 16 square feet or 10 feet in height and is not placed within 20 feet of any public right-of-way.

If a Transient Merchant Permit is requested:

1. Attach to this application written permission of the property owner; and
2. Attach to this application written permission of adjoining property owner(s) if ingress/egress and parking will be provided on adjoining property.

*See City of Lithonia Peddlers, Transient Merchants and Charitable Solicitations Ordinance, Section 5-24-14, copy of which is attached hereto.

OATH

I, the undersigned applicant for a Transient Merchant and Charitable Solicitations Ordinance and WILL COMPLY with Section 5-24-14 set out below:

Sec. 5-24-14 Transient Merchant and Charitable Solicitations Permit Requirements and Restrictions.

A Transient Merchant and Charitable Solicitations permit may be issued by the Police Department for the sale of merchandise at an interior or exterior location for a time period not to exceed forty-five (45) days if the following conditions are met: (1) written permission of the property owner is provided: (2) merchandise is not located within 50 feet of any public right-of-way: (3) a sign (not portable) may be erected on the property not placed within 20 feet of any public right-of-way; (4) adequate parking, ingress and egress are provided on-site or written permission is obtained if provided on an adjoining property and (5) all other requirements set forth in this chapter are met.

A permit for any Transient Merchant and Charitable Solicitations use on the same property may not be applied for or renewed for a period of not less than six months from the date of any prior approval of a transient merchant use.

APPLICANT _____ PRINT NAME _____

Note: The following documents must be submitted with this application:

1. **TWO (2) RECENT TWO BY TWO INCH (2" X 2") PHOTOGRAPHS OF APPLICANT.**
2. **A COMPLETE AND ACCURATE DESCRIPTION OF ALL ARTICLES TO BE SOLD.**
3. **Proof that all conditions for the sale imposed by the DEKALB COUNTY HEALTH DEPARTMENT have been met. (if applicable).**
4. **Proof of liability insurance (if applicable).**
5. **Written permission of property owner[s] for temporary seasonal sales.**
6. **Written permission of property owner[s] for transient merchant's permit.**

I, the undersigned applicant, understand that this application is not complete until the above information is provided, all listed documents are submitted in completed form and all fees paid.

Application is hereby made according to the requirements of the Code of Ordinances, City of Lithonia, Georgia for a permit to go from place to place exhibiting wares and selling them whenever the opportunity arises. I/We agree to conform to all laws, ordinances and resolutions regulating same.

Signature of Applicant

Date

CITY USE ONLY

APPROVED

DENIED

City Clerk [or his/her designee]

Date

ASSESSMENT OF FEES:	
Application Fee	\$125.00



If Approved
PEDDLER PERMIT NUMBER: _____

PEDDLER AND TRANSIENT MERCHANT SALES PERMIT APPLICATION
CITY OF LITHONIA

Applicant Name: _____

Applicant Permanent Address: _____

Applicant Telephone Numbers: _____

Name of Registered Agent or Office (if applicable): _____

Address of Registered Agent or Office (if applicable): _____

Telephone numbers of Registered Agent or Office (if applicable): _____

Date of Incorporation of Applicant's Corporation (if applicable): _____

State in which Applicant's Corporation is Registered (if applicable): _____

**ATTACH TWO (2) RECENT TWO BY TWO INCH (2" X 2") PHOTOGRAPHS OF
APPLICANT BELOW:**

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ATTACH to this application a COMPLETE AND ACCURATE DESCRIPTION OF ALL ARTICLES TO BE SOLD.

/.ATTACH ADDITIONAL PAGES AS NECESSARY FOR COMPLETE ANSWERS/

ATTACH proof that all conditions for the sale imposed by the DEKALB COUNTY HEALTH DEPARTMENT have been met. (if applicable).

Will applicant use the interior of any trailer or motor vehicle for any purpose other than storage of merchandise?

Yes No

If YES, ATTACH to this application proof of liability insurance.

ORDINANCE NO. 04 06 01

AN ORDINANCE TO AMEND ARTICLE V, CHAPTER 24 OF THE CITY OF LITHONIA, GEORGIA CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF PEDDLERS, TRANSIENT MERCHANTS AND CHARITABLE SOLICITATIONS: TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE: AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Lithonia wish to amend the Code of Ordinances for the City of Lithonia, Georgia to create a new Article V, Chapter 24 to provide for the regulation of peddlers, transient merchants and charitable solicitations;

NOW THEREFORE the Council for the City of Lithonia hereby ordains:

SECTION I. Article V, Chapter 24 of the Code of Ordinances of the City of Lithonia, Georgia is hereby created to read as follows:

Transient Merchants, Peddlers and Charitable Solicitations

***Note to Chapter 24**

State Law Reference: Licensing of peddlers by counties, O.C.G.A., Sec. 43-32-1 et seq.; transient merchants, O.C.G.A., Sec. 43-46-1 et seq.; no person shall stand in a roadway for the purpose of soliciting business or contributions from the occupant of any vehicle, O.C.G.A., Sec. 40-6-98; solicitation of sale of merchandise on public roads prohibited, O.C.G.A., Sec. 32-6-1.

ARTICLE A: TRANSIENT MERCHANTS AND PEDDLERS

Sec. 5-24-1 Intent and purpose.

It is the intent of the Mayor and City Council in enacting this article to:

- (1) Serve and protect the health, safety and welfare of the general public;
- (2) Establish a uniform set of rules and regulations which are fair and equitable;
- (3) Develop rules and regulations which will enhance the overall appearance and environment along public streets, pedestrian ways and other public properties; and
- (24) Provide economic development opportunities for small entrepreneurs in the City.

ORDINANCE NO. 04 06 01

- (c) All applicants shall attach to the application a complete and accurate description of all the articles to be sold.
- (d) If applicable, no permit shall be issued unless the applicant has satisfied all requirements imposed for the sale of merchandise, produce, or other food items, and proof is furnished that the DeKalb County Health Department conditions imposed have been met.
- (e) If the applicant uses the interior of any trailer or motor vehicle for any purpose other than storage of merchandise, the applicant shall provide proof of liability insurance.
- (f) if a property owner has given permission for the use of a portion of the interior of his structure for the temporary location of a transient merchant, the applicant shall furnish the property owner's name, written permission from the property owner, telephone number and the applicable street address as well as the approximate square foot dimensions of the interior temporary location. A permit for the temporary interior use of a portion of a property owner's business may be granted for a time period not to exceed forty-five (45) days.
- (g) All transient merchants shall comply with the provisions of Georgia law set forth in Title 43, Chapter 46 as hereinafter may be amended from time to time.
- (h) A peddler shall comply with the provisions set out in state law Title 43, Chapter 32 as hereinafter may be amended.
- (i) At the time of filing the application, a fee of \$50 shall be paid to the Police Department to cover the cost of investigation.

Sec. 5-24-5 Investigation and issuance.

The Police Department shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good and shall endorse on such application his/her approval or disapproval and his/her reasons for the same within thirty (30) days of receipt of a completed application. In no event shall a permit be granted to any person, officials or directors of any corporation who has been convicted, pled guilty to, or has entered a plea of nolo contendere to any crime involving moral turpitude as defined by the laws of this state within a period of 10 years prior to the filing of the application. If the permit is approved, the Police Department shall execute the appropriate permit upon payment of the prescribed permit fee, deliver the permit to the applicant and issue a permit. In the event a permit is denied, the applicant may appeal such denial to the Mayor and City Council by filing a written notice of

ORDINANCE NO. 04 06 01

Permits under this article must keep the original issued permit with them at all times while doing business in the City. Permits are required to exhibit the original permit at the request of any citizen, police officer or City official. A permit under this article shall be good for only one point of operation, such as a stand, building, motor vehicle or other conveyance. Additional points of operation shall require additional permits. Each peddler shall obtain an individual permit.

Sec. 5-24-10 Permit restrictions and prohibitions.

No permittee shall use any part of the streets or sidewalks of the City for the display of goods or merchandise. The City Council may approve the use of streets and sidewalks by vendors, exhibitors and performers during City authorized festivals, in accordance with such standards and guidelines as it may establish from time to time.

Sec. 5-24-11 Use of streets.

No permit under this article shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location on public property.

State Law Reference: Solicitation in right-of-way prohibited, O.C.G.A., Sec. 40-698; on public roads, O.C.G.A., Sec. 32-6-1.

Sec. 5-24-12 Permits selling from motor vehicles.

- (a) Permittee selling ice cream or other food items out of motor vehicles shall be subject to this section.
- (b) Every permittee selling ice cream or other food items out of a motor vehicle shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the permit shall be stopped and shall not be resumed until the vehicle is again put in motion.
- (c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment before 9:00 a.m. or after 9:00 p.m. daily.
- (d) No vehicle shall stop or stand and do business for more than 30

minutes. **Sec. 5-24-13 Duration of Peddlers Permit.**

ORDINANCE NO. 04 06 01

- (1) fraud, misrepresentation, or false statement contained in the application for permit, or made in the course of carrying on his business as peddler, or transient merchant;
- (2) any violation of this article or the Code of Ordinances of the City of Lithonia;
- (3) conviction of any crime involving moral turpitude;
- (24) fraud, misrepresentation or false statements made in connection with the selling of any article, merchandise, produce or food item;
- (5) violations of the provisions of the DeKalb County Health Department regulations applicable to holders of food permits;
- (6) conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (7) conducting the business of a transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Appeal. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the Police Department, that person may appeal the decision in the following manner and sequence:

A person whose permit application has been denied or a permittee whose permit has been revoked may appeal to the Mayor and City Council within thirty (30) days of the date that the adverse decision is issued by the City Manager or his/her designee. Notice of the appeal shall be delivered in writing to the Clerk of the City of Lithonia. The Mayor and City Council may require the submission of additional written evidence from the aggrieved person and shall hold a hearing on the matter. The Mayor and City Council shall issue a written decision on the appeal within 30 days of the date of delivery of the notice of appeal. All decisions by the City Council shall be in writing and shall be served on the aggrieved person personally or by registered certified mail. All decisions of the City Council shall be final.

(c) The appeal process contained in this section shall be a condition precedent to the person whose permit application has been denied or a permittee whose permit has been revoked seeking judicial relief. Any decisions of the Mayor and City Council may be reviewed upon application for writ of certiorari before the Superior Court of DeKalb County filed within 30 days of the date of the service of the decision of the Mayor and City Council.

ORDINANCE NO. 04 06 01

(5) Whether or not the club or organization, if not exempt under state law (O.C.G.A., Sec. 43-17-18 or as hereinafter may be amended), has registered with the State of Georgia.

(6) An outline of the method or methods to be used in conducting the solicitation or sale.

(7) The estimated cost of the solicitation or sale.

(8) The amount of any wages, fees, commissions, expenses, or emoluments to be expended or paid to any person in connection with the solicitation or sale and the name and addresses of all such persons as provided by state law O.C.G.A. § 43-173 or as hereinafter may be amended.

(5) A financial statement for the last preceding fiscal year of any funds collected by the applicants may be required and if required, the statement shall give the amount of money so raised together with the cost of raising it and the final distribution thereof.

(10) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the City, or by any department or officer thereof

Sec. 5-24-24 Time period of permit.

The permit under this article shall be valid only for the day or days on which the solicitation or sale will take place.

Sec. 5-24-25 Issuance of permit.

The Police Department shall issue the permit provided for in this article whenever he finds the following facts to exist:

- (1) that all of the statements made in the application are true;
- (2) that the control and supervision of the solicitation will be adequate to prevent fraud and danger to the public and to the solicitors;
- (3) that the applicant has not engaged in any fraudulent transaction or enterprise;
- (24) that the solicitation will not be a fraud on the public; and

ORDINANCE NO. 04 06 01

Mayor of Lithonia

APPROVED AS TO FORM:

City Attorney

ATTEST:

CITY CLERK

Passed on 1st reading: x ___

Failed:
