

**CITY OF RINGOLD
STATE OF GEORGIA**

ORDINANCE NO. 2018 – 0723-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY AMENDING CHAPTER 22 CAPTIONED “BUSINESSES” BY THE ADDITION OF A NEW ARTICLE VIII CAPTIONED “PEDDLERS AND SOLICITORS” TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:

Section 1.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 22 captioned “Businesses” by the addition of a new Article VIII captioned “Peddlers and Solicitors” which shall read as follows:

ARTICLE VIII - PEDDLERS AND SOLICITORS

Sec. 22-241. - Definitions.

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

Canvassing means door-to-door calls by a person for the purpose of a non-commercial exercise of such person’s First Amendment rights.

Charitable organization means any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) corporation, partnership, limited liability company, association, joint-stock company, trust, governmental agency or entity, unincorporated organization or individual who solicits or obtains contributions solicited from, or conducts the sale of merchandise to, the general public, which contributions are used for charitable purposes or governmental purposes.

Charitable purpose means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic or public interest.

Peddler or *solicitor* means any person who sells or solicits for sale in the city any new or used goods, wares, merchandise, services, produce or other things of value and goes about from place to place within the city selling or offering for sale any of such things to either merchants or customers shall be deemed a peddler or solicitor. Businesses located within the City holding occupation tax certificate are deemed peddlers for the purpose of this ordinance if such businesses solicit for sales door-to-door. 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.

Vehicle means motorized conveyance fully functioning and moving under its own power. A vehicle shall include a trailer or anything pulled by the vehicle. Vehicles shall not be in excess of 20 feet in length, ten feet in width, and eight feet in height.

Sec. 22-242. - Permit required; photo identification badge.

- (a) It shall be unlawful for any person to engage in business as a peddler or solicitor without first having obtained a permit from the city manager or designated representative. Each registrant shall be required to fill out an application form giving complete identification, signature, name of employer, products sold, name of manufacturer of products, name of organization he is representing, time of operation in the city and proposed method of operation within the city and to provide such other identification of information as may be required. The applicant shall file with the application proof that the applicant or the business applicant represents possesses a valid state sales tax number issued by the commissioner of revenue of the state. All statements made by the applicant upon the application or in connection therewith shall be under oath. The applicant shall submit to a background investigation by the city police department.
- (b) No permit shall be issued to any person: (1) who has been convicted of a felony or crime of moral turpitude within five years of the date of the application; (2) who has been convicted of a violation of any of the provisions of this article; or (3) whose permit issued hereunder has previously been revoked as herein provided.
- (c) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than six months.
- (d) In addition to the permit, the city manager shall issue an identification badge to every permittee. The badge shall contain a photo of the permittee. Such person shall wear the badge in such a way that the badge may be easily read while doing business. If a badge becomes damaged or obscured, the peddler shall return it to the city and receive another badge upon payment of the applicable fee. An identification badge shall only be used by the person to whom it is issued and may not be transferred to any other person.

Sec. 22-243. - Application fee.

Each applicant shall pay to the city an application fee as established by the mayor and council to cover the cost of the identification badge and the administration of this ordinance.

Sec. 22-244. - Permit denial, suspension or revocation; hearings.

- (a) Any permit issued hereunder shall be denied, suspended or revoked by the city manager or designee if the applicant or holder of the permit is convicted of a violation of any of the provisions of this article, has made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this article. Should the city manager or designee deny an application under this article, written notice of the denial shall be provided to the applicant by the city manager or designee setting forth the reason(s) for the denial, and advise the applicant of the right to appeal said decision to the mayor and council within 30 days of the city manager's denial.
- (b) Whenever the city manager or designee determines there is cause to suspend or revoke the permit issued hereunder, the city manager or designee shall give the permit holder written notice at least 15 days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the charge(s) upon which the administrative hearing before the city manager or designee shall be held in accordance with this section.
- (c) The procedure for administrative hearings heard under this article by the city manager or designee shall be set forth by the city manager. The city manager or designee shall reach a decision on the matter before them within 10 days following the close of the hearing and give written notice of said decision. The decision of the city manager or designee shall be final unless the permit holder files a notice of appeal to the city manager or designee within 30 days of receiving notice of said decision.
- (d) The mayor and council or designated hearing officer shall hear appeals to decisions by the city manager or designee to deny applications for permits, as well as appeals to decisions by the city manager or designee to suspend or revoke such permits.
- (e) Any such appeal to the mayor and council or designated hearing officer shall be subject to de novo review and shall be in accordance with subsections (e), (f) and (g) of this section. A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager or designee of the applicant or permit holder's notice of appeal.
- (f) Applicants or permit holders shall be given written notice of the date, time, and place when the matter at issue will be heard by the mayor and council or designated hearing officer. The applicant or permit holder shall be afforded the opportunity to be heard and present evidence.

- (g) Upon close of the public hearing, the mayor and council or hearing officer shall reach a decision on the matter before it, and such decision shall be final unless the applicant or permit holder applies to the county superior court by filing a petition for writ of certiorari within 30 days of the decision rendered by the mayor and council or hearing officer.

Sec. 22-245. – Prohibitions.

- (a) Any peddler or solicitor who shall be guilty of any fraud, cheating or misrepresentation, whether by himself or through an employee, while acting as a solicitor in the city, shall be deemed guilty of a violation of this article.
- (b) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined if the occupant of said residence has made it clear, by written sign or otherwise, that peddlers or solicitors are not invited.
- (c) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
- (d) It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether licensed under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in peddling or soliciting as herein defined, between the hours of 8:00 p.m. and 9:00 a.m. from April 1 through September 30; and 7:00 p.m. and 9:00 a.m. from October 1 through March 31;

Sec. 22-245. - Exceptions.

Except for the regulations set forth in section 22-246, nothing in this article shall apply to the following:

- (a) Officers or employees in the city, county, state or federal governments or the school system, or any subdivisions thereof, when on official business;
- (b) Canvassing;
- (c) Any person selling only agricultural or forestry products;
- (d) Any person who conducts business at any industry or association trade show;
- (e) Any person selling items at a rummage, garage, antique or similar sale when such person, firm, corporation or other legal entity is a resident of this state or has a

permanent place of business within this state and such sale is not part of the regular business activity of such person, firm, corporation or legal entity or when the net proceeds of such sale are to be used for charitable purposes;

- (f) Any person selling such items at a city-sponsored festival or event, provided that such person has obtained the necessary approvals from the city to operate at said festival or event.
- (g) Provided such person receives a certificate of exemption issued by the commissioner of veterans service; any disabled veteran of any war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, any blind person or any veteran of peace-time service in the United States armed forces who has a physical disability incurred during the period of such service.

Sec. 22-246. - Regulations for solicitors and peddlers operating on public lands or from vehicle.

- (a) No person shall stand on or adjacent to a street, road, or highway or on rights-of-way within the city limits for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (b) No person shall locate and/or conduct a business from a mobile vehicle or upon the public sidewalks, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way within the city limits.
- (c) No solicitor, peddler, or door-to-door salesperson shall:
 - (1) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or Peddlers Invited," "No Solicitation," or using similar language;
 - (2) Engage in door-to-door soliciting at residences on Sundays or between the hours of 8:30 p.m. and 9:00 a.m. from April 1 through September 30; and 7:00 p.m. and 9:00 a.m. from October 1 through March 31;
 - (3) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave;
 - (4) Fail to register and carry or produce for inspection a permit when required under this chapter;
 - (5) Make any false or deceptive statement on any registration hereunder.
- (d) A person who is soliciting or selling on behalf of a nonprofit organization shall be required to verify the nonprofit status of such organization.

Sec. 22-247. - Obstruction of street, highway or sidewalk prohibited.

No peddler or solicitor authorized to engage in any business in the city shall, in carrying on such business, obstruct the whole or any part of any sidewalk, street or highway of the city, and any such person peddling in the city or using the streets or sidewalks in the city for the purpose of selling or offering for sale any goods, wares, medicines or merchandise of any kind, shall

continually move from place to place in the city, and shall not in the conduct or carrying on of such business obstruct the whole or any part of any sidewalk, street, or highway in the city.

Sec. 22-248. – Bond; damages.

All peddlers requiring cash deposits or taking orders for cash on delivery (COD) purchases or who require a contract or agreement to finance the sale of any goods, services or merchandise for future delivery or for services to be performed in the future shall furnish to the city a cash bond in the amount of \$500.00. The cash bond shall be refunded to the peddler not later than 30 days after the expiration of the permit, provided that no claims against the peddler have been filed prior to the date of such refund. Any person aggrieved or damaged by the action of a solicitor shall have a right of action on the bond for recovery of money deposited or damages or both.

Sec. 22-249. - Violations; enforcement.

Any violations of the provisions in this article shall subject the license or permit to revocation. In addition, any person violating this article shall be punished as provided in section 1-11. The provisions of this article may be enforced by the city police department or the city code enforcement staff.

Section 2.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 3.

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4.

The adoption date of this Ordinance shall be July 23, 2018. The effective date of this Ordinance shall be its adoption date.

SO ORDAINED, this 23rd day of July, 2018.

CITY OF RINGGOLD, GEORGIA

NICK MILLWOOD, MAYOR

ATTEST:

CITY CLERK