

City of Euaharlee, Georgia

Ordinance No. 2025-06

AN ORDINANCE TO REGULATE PEDDLERS AND DOOR TO DOOR SOLICITATION WITHIN THE CITY OF EUHARLEE; TO PROVIDE FOR DEFINITIONS, PERMIT REQUIREMENTS, OPERATING REGULATIONS, ENFORCEMENT, PENALTIES, AND EXEMPTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Euaharlee find it necessary to regulate the activities of peddlers and solicitors to protect the health, safety, and welfare of the citizens; and

WHEREAS, it is the intent of the City to establish clear guidelines for permitting, operations, and enforcement while ensuring the rights of property owners are respected;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EUHARLEE, GEORGIA, AS FOLLOWS:

SECTION 1. DEFINITIONS

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

- **Charitable organization** means any corporation, partnership, limited liability company, association, joint-stock company, trust, or unincorporated organization, who requests or receives contributions from the public, with any portion of those contributions used for charitable purposes.
- **Charitable purpose** means any charitable purpose related to religion, health, education, social welfare, arts, environment, or public interest.
- **Peddler** means, for purposes of licensing and registration under this article, a person not having and maintaining a permanent and fixed place of business in the city who goes from place to place exhibiting goods, wares, and merchandise of any description whatsoever, for the purpose of sale, either retail or wholesale. This definition is intended to include any person who is engaged in any type of itinerant or mobile business operation which actually sells any goods or merchandise whatsoever within the city.
- **Solicitation**: The act of going door-to-door at private residences or businesses, uninvited, for the purpose of selling, offering for sale, or taking orders for goods, wares, services, subscriptions, or merchandise.
- **Transient merchant or vendor** means a merchant or vendor who is conducting business at a predetermined location for a brief period of time not to exceed 45 days.

(1) No transient merchant shall apply for or be issued more than two transient merchant permits in any calendar year.

- (2) No transient merchant shall apply for or be issued more than one transient merchant permit more than once every six months from the date of the prior approval.

SECTION 2. REGISTRATION OF PEDDLERS

Before offering or exposing any goods or merchandise for sale, the peddler shall first register, be approved and issued a license in accordance with the provisions of this article; provided, that the foregoing provision of this section shall not apply where a license is otherwise required in this article. Charitable organizations or individuals with solely charitable purposes are exempted from the registration and licensing requirements of this ordinance.

- (b) In addition to the licensing requirements of peddlers under this article, applicants for a peddling license shall complete a form to be provided by the city clerk. This form will require the applicant to describe the nature of the business, the item or items applicant wishes to sell, where the applicant intends to sell these items, the source of the items he wishes to sell, the applicant's criminal history, and a list of three references. Each applicant shall also submit to a criminal background check and business reference review to be performed by the chief of police of the city or his designee.
- (c) The chief of police shall make a recommendation to the city manager concerning the granting or denial of a peddler's license, not less than one day nor more than five business days from the time of the application. Any person, firm, or corporation aggrieved by a decision of denial by the city manager shall have the right to appeal this denial within ten days to the city council, which shall conduct a hearing within 30 days on the denial of the license. The party denied a license may present evidence and witnesses in support of the granting of the license. The decision of the city council shall be final subject to appeal to the superior court of the county.

SECTION 3. ENTRY ON PRIVATE PROPERTY & SOLICITATION BAN

(a) The practice of going in, or otherwise entering, a private residence, private property, commercial establishment, or similar business or residence within the city by peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant of such private residence, private property, commercial establishment or similar business or residence for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance.

(b) **Door-to-Door Solicitation Prohibited:** It shall be unlawful for any person to engage in door-to-door solicitation within the City of Euharlee. The penalty will be a fine in the amount set in the fee schedule

(c) **Exemption:** This prohibition shall not apply to charitable organizations or individuals soliciting solely for charitable purposes, as defined in Section 1.

SECTION 4. PEDDLERS NEAR SCHOOLS

It shall be unlawful for any peddler, hawker or any other person to sell, offer for sale, or cause to be sold or offered for sale, within 500 yards of any public schoolhouse or campus in the city, any food or beverage of any kind; provided that this section shall not apply to any person dealing in food or beverages and having an established place of business conducted in a building, if such established place of business conducted in a building is conducted in accordance with the laws and ordinances of the city and is approved by proper health officers of the city, county and state.

SECTION 5. DUTY OF POLICE TO ENFORCE ORDINANCE

It shall be the duty of any police officer of the city to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license, and to enforce the provisions of this article against any person found to be violating the provisions of this article.

SECTION 6. LICENSE FEE; EXCEPTION

- (a) (a) The amount of the license fee shall be as set forth in the license fee schedule.
- (b) No fee shall be required of a person selling products of the farm or orchard actually produced locally by the seller.

SECTION 7. PEDDLER/TRANSIENT MERCHANT REGISTRATION FEE

In addition to the fee to be paid for the license required, there is a background registration fee per employee per license as approved by the City of Euharlee Council in the schedule of fees and charges; for any renewals said fee shall be per employee per license as approved by the City of Euharlee Council in the schedule of fees and charges. The purpose of this fee is to reimburse the city for a criminal records search on the individual applying for the license and administrative costs to ensure the protection of the public. No license shall be issued until these registration fees have been paid.

SECTION 8. TRANSIENT MERCHANT PERMIT REQUIREMENTS AND RESTRICTIONS

- (a) A transient merchant permit may be issued by the city manager or his/her designee for the sale of merchandise or services at a location, whether it is in the interior or exterior of a structure if the following conditions are met:
 - (1) Written permission of the property owner is provided;
 - (2) Services are not provided and merchandise is not located within 50 feet of any street or roadway at the discretion of the city manager;

- (3) A sign (not portable) may be erected on the property, provided it does not exceed a total of 16 square feet in height, and provided it is not placed within 20 feet of any public right-of-way (sign permits may apply);
 - (4) Adequate parking, ingress and egress are provided on-site or written permission from the adjoining property owner is obtained if such parking, ingress and egress are provided by an adjoining property; and
 - (5) All other requirements set forth in this chapter are met.
- (b) Each transient merchant permit shall be valid for up to a maximum of 45 consecutive days.
 - (c) No transient merchant shall apply for or be issued more than two transient merchant permits in any calendar year.
 - (d) No transient merchant shall apply for or be issued more than one transient merchant permit more than once every six months from the date of the prior approval.
 - (e) A given parcel of property, or any portion thereof, can only be used as a location for a permitted transient merchant for up to a maximum of 45 consecutive days in any calendar year.
 - (f) No transient merchant permit shall be issued for a given parcel of property, or any portion thereof, more than once in any calendar year.
 - (g) No transient merchant permit shall be issued for a given parcel of property, or any portion thereof, more than once every six months from the date of the prior approval.
 - (h) No transient merchant permit shall be issued for a given parcel of property unless the sale of goods or services offered by the transient merchant would be an allowable use within the given parcel of property's zoning classification.

SECTION 9. REVOCATION OF PERMIT

Permits issued under the provisions of this article may be revoked, suspended or probated by the city manager or his/her designee after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for permit, or made in the course of carrying on his/her business as peddler or transient merchant;
- (2) Any violation of this article or this Code;
- (3) Conviction of any crime involving moral turpitude;
- (4) 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 county health department regulation 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 manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
- (8) A person whose permit has been revoked may appeal the revocation as set forth in section 2(c).

SECTION 10. SEVERABILITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any parts thereof.

SECTION 11. REPEALER

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

SECTION 12. EFFECTIVE DATE

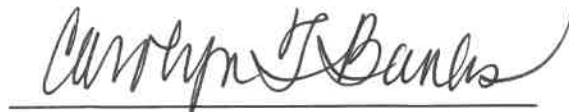
This ordinance shall become effective immediately upon adoption by the City Council.

ADOPTED THIS 21st DAY OF October, 2025

City of Euaharlee, Georgia



Craig B. Guyton, Mayor



Carolyn T. Banks, City Clerk

