



CITY OF LAVONIA

"A GEORGIA CITY OF EXCELLENCE"

12221 Augusta Road • P.O. Box 564
Lavonia, GA 30553



Office: (706) 356-8781
Fax: (706) 356-4694
Website: lavonia-ga.com

Application for Door-To-Door Sales Person Permit

Date: ___/___/___ PERMIT # _____ PERMIT VALID FROM ___/___/___ TO ___/___/___

1. Name of applicant: _____ Phone: _____

2. Date of birth: ___/___/___ Social Security # : ___-___-___ Sex: ___ Race: _____

3. Local address: _____ City: _____ State: _____ Zip: _____

4. Home address: _____ City: _____ State: _____ Zip: _____

5. Previous home address last three years _____

6. Company Name: _____ Phone: _____

Company Address: _____ City: _____ State: _____ Zip: _____

Company Contact: _____ Phone: _____

7. Name of local supervisor: _____ Phone: _____

Supervisors Address: _____ City: _____ State: _____ Zip: _____

8. Type of product to be sold _____

9. Have you ever been issued a citation, arrested, convicted or entered a plea of nolo contendere within (10) ten years prior to the filing of this application for any felony or misdemeanor of any state or of the United States or for any municipal ordinance? Yes () No ()

If answer is yes, describe in detail and provide dates: _____

10. Are you familiar with the City of Lavonia Ordinance governing the operation of door-to-door sales?
Yes () No () Do you agree to abide with such ordinances and regulations? Yes () No ()

I affirm that the facts stated by me are true, I understand that any misrepresentation or fraudulent statement is grounds for automatic dismissal of this application and or revocation of permit.

I hereby authorize the City of Lavonia Police Department to receive any criminal history record information pertaining

Notary Public _____ Date _____

Signature of Applicant _____ Date _____

*Affidavit Verifying Status
Of The City of Lavonia Business License Application*

By executing this affidavit under oath, as an applicant for a City of Lavonia Door to Door Sales Person Permit, I am stating the following with respect to my application for a City of Lavonia Business License for _____ **[INSERT BUSINESS NAME]**:

_____ I am a United States citizen or legal permanent resident 18 years of age or older;

OR

_____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant

Date

Printed Name

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 20____

Notary Public

My Commission Expires:

Solicitor Permit Application

The City of Lavonia has established the following application to allow for registration of persons, firms, or corporations to engage in the business of soliciting or calling on residences door-to-door in accordance with the City of Lavonia Ordinance Chapter 26, Article V as it pertains to door-to-door salesman.

By way of example, soliciting includes activities including seeking to: obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description; seeking to obtain prospective customers for application or purchase of insurance or publication of any type; and seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and other types of publications.

This excludes solicitation for charitable, political, or other nonprofit purposes provided that all sales proceeds are the property of and used by the nonprofit organization. This also excludes officers or employees of the city, county, state, or federal governments, or any subdivision thereof, when on official business.

Solicitor Permits are issued to individual applicants and each person shall at all times while soliciting in the City of Lavonia carry upon his or her person the permit so issued to be exhibited by such solicitor whenever he or she is requested to do so by any police officer or person solicited. The permit will not be valid for more than six (6) months and the permit shall state the expiration date thereof.

Individuals applying for the permit shall make themselves available for photographing, fingerprinting, and such other investigation as may be required by the police department. As part of the application process, the Chief of Police or his designee shall have a complete and extensive search made to determine if there is a police record of such person. If there is a record of conduct prohibited by the City of Lavonia's Ordinance Chapter 10, Business Occupation tax, Licenses and Regulation or evidence that granting a Solicitor's Permit would adversely affect the public health, safety, or welfare, issuance of a permit shall be denied.

The fee for a Solicitor Permit is made up of two (2) components: a background check by the City of Lavonia Police Department for \$50.00 and the permit fee of \$75 totaling \$125.00.

Please submit the following Solicitor Permit Application and all required supplemental materials to the city clerk of the City of Lavonia, Georgia, P. O. Box 564, Lavonia, Georgia 30553.

Application for Door-To-Door Sales Person Permit

Date: ___/___/___ PERMIT # _____ PERMIT VALID FROM ___/___/___ TO ___/___/___

1. Name of applicant: _____ Phone: _____

2. Date of birth: ___/___/___ Social Security # : ____ - ____ - ____ Sex: ____ Race: _____

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6. Company Name: _____ Phone: _____

Company Address: _____ City: _____ State: _____ Zip: _____

Company Contact: _____ Phone: _____

7. Name of local supervisor: _____ Phone: _____

Supervisors Address: _____ City: _____ State: _____ Zip: _____

8. Type of product to be sold _____

9. Have you ever been issued a citation, arrested, convicted or entered a plea of nolo contendere within (10) ten years prior to the filing of this application for any felony or misdemeanor of any state or of the United States or for any municipal ordinance? Yes () No ()

If answer is yes, describe in detail and provide dates: _____

10. Are you familiar with the City of Lavonia Ordinance governing the operation of door-to-door sales?
Yes () No () Do you agree to abide with such ordinances and regulations? Yes () No ()

I affirm that the facts stated by me are true, I understand that any misrepresentation or fraudulent statement is grounds for automatic dismissal of this application and or revocation of permit.

I hereby authorize the City of Lavonia Police Department to receive any criminal history record information pertaining

Notary Public

Date

Signature of Applicant

Date

**CITY OF LAVONIA
ORDINANCE**

**AN ORDINANCE TO CREATE AND ESTABLISH RULES AND REGULATIONS FOR
LICENSING DOOR-TO-DOOR PEDDLERS AND SOLICITORS WITHIN THE CITY
OF LAVONIA, GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, the mayor and council of Lavonia, Georgia deem it necessary to protect the health, safety and welfare of the citizens of Lavonia, Georgia by regulating commercial door-to-door solicitation and canvassing.

The Council of the City of Lavonia hereby ordains:

- I. Be it ordained by the city council of the City of Lavonia, Georgia that the Code of Ordinances, City of Lavonia, Georgia is hereby amended by adding a section to be numbered Chapter 26 Article V which said section reads as follows:

ARTICLE V. - DOOR-TO-DOOR SALESMEN

Sec. 26-170. - Definitions.

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

Licensed solicitor means any person who has obtained a valid permit as hereinafter provided, which permit is in the possession of the solicitor on his person while engaged in soliciting.

Residence means every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

Soliciting means any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

Sec. 26-171. - Penalties.

Any person violating any of the provisions of this article shall be punished as provided in section 12 of the Code of Ordinances of the City of Lavonia.

Sec. 26-172. - Permit required.

- (a) It shall be unlawful for any person to engage in the business of soliciting or calling on residences door-to-door without first having obtained a permit in accordance with the provisions contained in this article.
- (b) The requirement of subsection (a) of this section is meant to apply to door-to-door solicitations for commercial transactions for profit only. The requirement:
 - (1) Is not meant to regulate solicitation for charitable, political or other nonprofit purposes provided that all sales proceeds are the property of and used by the nonprofit organization.
 - (2) Does not apply to officers or employees of the city, county, state or federal government, or any subdivision thereof, when on official business.
- (c) Each person shall at all times while soliciting in the City of Lavonia carry upon his person the permit so issued and the same shall be exhibited by such solicitor whenever he is requested to do so by any police officer or by any person solicited.
- (d) Each permit issued shall contain the name of the solicitor, the name and address of the person or association by whom the solicitor is employed or represents, a photograph of the solicitor and a physical description. The solicitor shall make themselves available for photographing and such other investigation as may be required by the city.
- (e) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than six months.

Sec. 26-173. - Permit applications.

- (a) Application for a permit shall be made upon a form provided by the city. The city manager shall have applications available on request. The applicant shall truthfully state in full the information requested on the application:
 - (1) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
 - (2) Addresses of places of residence during the past three years if other than present address;
 - (3) Age of the applicant;
 - (4) Physical description of the applicant;
 - (5) Name and address of the person or association by whom the applicant is employed or represents and the length of time of such employment or representation;
 - (6) Name and address of employer during the past three years if other than the present employer;
 - (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;

- (8) Period of time for which the certificate is applied;
 - (9) Proposed route, including streets to be included on each day, which applicant intends to follow;
 - (10) The date, or approximate date, of the latest previous application for permit under this chapter, if any;
 - (11) Whether the applicant has ever been convicted of a felony, a crime of moral turpitude or any other violation of any state or federal law;
 - (12) Names of magazines, books or journals to be sold;
 - (13) Names of the three most recent communities where the applicant has solicited house-to-house;
 - (14) Proposed method of operation;
 - (15) Description and license plate number of vehicles intended to be operated by the applicant;
 - (16) Signature of applicant; and
 - (17) Social Security number of applicant.
- (b) All statements made by the applicant upon the application or in connection therewith shall be under oath.
- (c) The applicant shall submit to a background investigation by the City of Lavonia police department or designee.
- (d) The city manager shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued shall be identified with the duplicate number of the application upon which it was issued.
- (e) 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 chapter; or
 - (3) Whose permit issued hereunder has previously been revoked as herein provided.
- (f) The nonrefundable fee for a permit for six months for each solicitor shall be as established by resolution.

Sec. 26-174. - 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 deny an application under this article, written notice of the denial shall be provided to the applicant by the city manager 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 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 or the charge(s) upon which the administrative hearing before the city manager shall be held in accordance with this section.

(c) The procedure for administrative hearings heard under this chapter by the city manager shall be set forth by the city manager. The city manager shall reach a decision on the matter within ten days following the close of the hearing and give written notice of said decision. The decision of the city manager shall be final unless the permit holder files a notice of appeal to the city manager within 30 days of receiving notice of said decision.

(d) The mayor and council shall hear appeals to decisions by the city manager to deny applications for permits, as well as appeals to decisions by the city manager to suspend or revoke such permits.

(e) Any such appeal to the mayor and council shall be subject to de novo review and shall be in accordance with subsections (e), (f) and (g). A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager 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 city council. The applicant or permit holder shall be afforded the opportunity to be heard and present evidence. Twenty days' notice shall be deemed reasonable.

(g) The procedure for hearings of the mayor and council under this chapter shall conform to the administrative hearings procedure as passed by resolution of the city council. Upon close of the public hearing, the city council shall reach a decision on the matter before it, and the decision of the city council shall be final unless the applicant or permit holder applies to the Franklin County Superior Court by filing a petition for writ of certiorari within 30 days of the decision rendered by the city council.

Sec. 26-175. - Routes.

To the extent practical, each solicitor shall identify the streets and routes which he will follow on each day he is engaged in the business of soliciting. If changes in routes are made, then such changes must be immediately reported to the city manager's office.

Sec. 26-176. - Prohibitions.

(a) Any licensed 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 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 soliciting as herein defined, prior to 8:00 a.m. or after 9:00 p.m.

II. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF LAVONIA.

It is so ordained and approved by vote of the City Council of the City of Lavonia this ____ day of _____, 2010.

Approved:

Ralph Owens, Mayor

Council Member Don Canady

Council Member Larry E. Floyd, Jr.

Council Member Harold Harbin

Council Member David Howell

Attest:

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