

City of Calhoun
226 South Wall Street, Calhoun, GA 30701
(706) 602-5631

**PEDDLER/ITINERANT MERCHANTS/MAGAZINE AND PUBLICATION
SOLICITORS PERMIT APPLICATION**

Application Instructions:

1. Fill out the application completely. Incomplete applications will not be accepted.
2. Attach proof of employment with company.
3. Copy of State issued identification is required with application.
4. **Peddler/Itinerant Merchant fee** shall be the sum prescribed by the per-employee rate schedule, and will also have the following fees: Criminal history \$28.00.
5. **Magazine and Publication Solicitors fee** shall be \$50 and will also have a fee for the Georgia criminal history of \$28.00. Contact the Calhoun Police Department at (706)629-1234 for appointment.
6. Copy of Certificate of Insurance is required.
7. **Peddlers and Itinerant Merchants** must provide a license bond in the amount of \$5,000 executed by the applicant as principal, and complete the included Consent to Serve as Authorized Agent form upon which service of process may be had in the state. The bond to be conditional upon the applicant complying fully with all of the provisions of the ordinances of this City and the statutes of the State regulating and concerning the sale of goods, wares and merchandise, and will pay all judgements rendered against applicant for any violation of said ordinances or statutes, together with all judgments and costs that may be recovered against applicant by any persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, or applicant's agent or employee.
8. **Magazine and Publication Solicitors** shall file or post a bond with the City Clerk in the amount of \$1,000 and filed in the office of the City Clerk in the form of cash or a surety bond issued by a commercial insurance company registered with the Insurance Commissioner or Comptroller of the State and authorized to do business in the State, for each person desiring to sell, solicit or canvass for such literature.
- 9.

PLEASE NOTE: Addresses which contain "Calhoun, GA" are not necessarily in the CITY LIMITS of Calhoun and may be in unincorporated Gordon County. A Peddler/Itinerant Merchants permit issued by the City of Calhoun is **ONLY** effective for business and home locations in the city limits. Unincorporated Gordon County requires its own permit. A Calhoun City Limits map can be found our website at: <https://www.cityofcalhoun-a.com/utilities/geographic-information-system-gis/>

A permit issued by the City of Calhoun does not give the permitted person the authority to solicit on a property where a "NO SOLICITING" sign is posted. This includes subdivisions with a posted "NO SOLICITING" sign at the front entrance. It is also unlawful to not leave the premises of any person when asked.

A COPY OF THE CALHOUN CODE OF ORDINANCES PERTAINING TO PEDDLERS AND ITINERANT MERCHANTS; SOLICITORS IS ATTACHED. PLEASE READ CAREFULLY TO ENSURE YOUR UNDERSTANDING OF QUALIFICATIONS AND REQUIREMENTS OF REQUESTED PERMIT. IT IS THE APPLICANT'S RESPONSIBILITY TO BE KNOWLEDGEABLE OF ALL FEDERAL, STATE AND LOCAL REGULATIONS FOR THE ACTIVITY REQUESTED.

Date Printed Name of Solicitor Signature of Solicitor

Notary _____ My commission expires _____

SEAL

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226 South Wall Street, Calhoun, GA 30701
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**PEDDLER/ITINERANT MERCHANTS/MAGAZINE AND PUBLICATION
SOLICITORS PERMIT APPLICATION**

Check# _____ ID# _____

Please check one of the following: () Peddler () Itinerant Merchant () Magazine & Publication Solicitor

Business Name _____

Business Address _____

City/State/Zip _____ Phone _____

Email Address _____

Name of Applicant _____

Home Address _____

Phone _____ SSN# _____

Make, Year, and Model of Vehicle _____

Driver's License No. _____ Issuing State _____

Sales tax ID number _____ and Certificate of Insurance is required.

Places within the last six months, other than the permanent place of business of the applicant, where the applicant has conducted a transient business:

Nature, character, and quality of the goods, wares or merchandise to be sold or offered for sale in the city by applicant:

Nature and character of any advertising done or proposed to be done in connection with the conduct of business:

List all person's name/Make, Year, and Model of vehicle/Driver's License #that are participating in the soliciting, or calling from house to house within the City of Calhoun:

Itinerant merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses, or occupies any open lot or portion thereof, any open area which is a part of an active or inactive business premises, any building, structure, motor vehicle, tent, railroad boxcar, boat, or public room in any hotel, lodging house, apartment, or shop within the city for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

Peddler means any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden produce, farm products, or provisions, who offers and exposes the same for sale, or who, without traveling from place to place,

sells or offers the same for sale from a wagon,

NUMBER OF EMPLOYEES	AMOUNT DUE
1	75.00
2	148.00
3-5	275.00
6-9	500.00
10-19	825.00
20-29	1,100.00
30-49	1250.00
50-99	1650.00
100-199	2070.00
200-399	2800.00
400-499	3165.00
500-750	3900.00
Over 750	4275.00

auto
motiv
e
vehicl
e,
railro
ad
car,
or
other
vehicl
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conve
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Dates and Locations of Solicitation:

Attach a separate sheet if more space is needed to provide additional required information.

I understand that the permit is a privilege and it may be revoked at any time. I am also aware that soliciting or canvassing outside the city limits, or at homes or subdivisions with signs stating "No Soliciting" is prohibited. In addition, I understand that my business must conform to all rules and regulations of the City of Calhoun Code of Ordinances and that I must produce a copy of my license upon request of any citizen. The hours for soliciting are 9:00AM to 7:00PM, Monday through Saturday and no soliciting on Sundays. I understand that Permits expire thirty days after issuance and that a previous application will not be used for renewal or serve as automatic renewal. It is my responsibility to be knowledgeable of all Federal, State and Local regulations for the activity requested.

Applicant Signature

Date

Consent to Serve as Authorized Agent

I acknowledge, accept and consent to my designation as authorized agent in Calhoun, Gordon County for:

Name of represented entity

I am a resident of the state of Georgia and understand that it will be my responsibility to receive any process, notice, or demand that is served on me as the authorized agent of the represented entity; to forward such to the represented entity; and to immediately notify the represented entity and submit a statement of resignation to the City of Calhoun if I resign as authorized agent.

Signature of authorized agent

Printed name of authorized agent

Date(mm/dd/yyyy)

SUBSCRIBED AND SSORN BEFORE ME

ON THIS THE _____ DAY OF _____

NOTARY PUBLIC

My Commission Expires:

E-VERIFY AFFIDAVIT

Private Employer Affidavit Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1.

Please check only one:

- (A) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed more than ten (10) employees.
- (B) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

*** If the employer selected Section 1(A), please fill out Section 2 below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer _____

Federal Work Authorization User Identification Number _____

(Also called E-verify#, usually 4-6 digits)

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed on _____, _____, 201_ in _____ (city), _____ (state).

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 202_.

NOTARY PUBLIC

My Commission Expires: _____

SAVE AFFIDAVIT

By executing this affidavit under oath, as an applicant for the City of Calhoun, Georgia Business License as referenced in O.C.G.A. § 50-36-1, from the undersigned applicant verifies one of the following with respect to my application for public benefit:

1. _____ I am a United State citizen
2. _____ I am a legal permanent resident of the United States
3. _____ I am a qualified alien or non-immigrant under Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration.

My alien number issued by the Department of Homeland Security or other federal immigration agency is:
_____.

The undersigned applicant also hereby verifies that he or she is 18 years or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

A copy of your driver's license must be attached is number 1 is checked:

A copy of one of the following cards must be attached if numbers 2 or 3 are checked:

Permanent Resident, Employment Authorization Document, US Passport, US military ID, or a Certificate of Citizenship.

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 O.C.G.A. § 16-10-20. And face criminal penalties as allowed by such criminal statute.

Signature of Applicant: _____ Date: _____

Printed Name: _____

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

_____ DAY OF _____, 20_____ NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien," legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

Issued July 10, 2013 by the Office of the Attorney General, Georgia

The Illegal Immigration Reform and Enforcement Act of 2011 (“IIREA”), as amended by Senate Bill 160, signed into law as Act No. 27, (2013), provides that “[n]ot later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law’s website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General.” O.C.G.A. § 50-36-2(g). The Attorney General may modify this list on a more frequent basis, if necessary.

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- An unexpired United States passport or passport card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired United States military identification card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired driver’s license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired tribal identification card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at: <http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm> [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An unexpired United States Permanent Resident Card or Alien Registration Receipt Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]

DIVISION 7. PEDDLERS AND ITINERANT MERCHANTS; SOLICITORS¹

Subdivision I. In General

Sec. 22-391. Definitions.

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

Itinerant merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses, or occupies any open lot or portion thereof, any open area which is a part of an active or inactive business premises, any building, structure, motor vehicle, tent, railroad boxcar, boat, or public room in any hotel, lodging house, apartment, or shop within the city for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

Peddler means any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden produce, farm products, or provisions, who offers and exposes the same for sale, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance.

(Code 1988, § 12-120)

Cross reference(s)—Definitions generally, § 1-2Cross reference(s)—.

Sec. 22-392. Applicability to nonresidents selling goods in city.

Any nonresident person engaged in soliciting and selling in the city any goods, wares, merchandise or commodities and delivering such goods, wares, merchandise or commodities at the time of sale by wagon, truck or other vehicle or manner, other than by public carrier in the usual course, shall be subject to the same license as prescribed and fixed in this chapter for residents doing a like business in the city and subject to the same regulations and penalties as resident dealers.

(Code 1988, § 12-121)

Sec. 22-393. Peddling in streets.

It shall be unlawful for any person to display, advertise, offer for sale, or peddle any merchandise of any kind whatsoever, including perishable food items, from any contrivance or motor vehicle upon the public streets of the city, from curb to curb, including the designated parking spaces located on the public streets between the curbs.

(Code 1988, § 12-133)

¹Cross reference(s)—Streets, sidewalks and other public places, ch. 82Cross reference(s)—.

State law reference(s)—Peddlers and itinerant merchants, O.C.G.A. § 43-32-1 et seq.

Sec. 22-394. Soliciting funds from or distributing literature to occupants of vehicles.

In fundraising or solicitation, charitable or otherwise, the use of roadblocks or canvasses of vehicles upon the public streets of the city is prohibited. Under no circumstances may any person solicit funds from or distribute literature to occupants of any vehicles traveling upon the public streets of the city.

(Code 1988, § 12-134)

Sec. 22-395. Permit required for erection of stands on public property.

It shall be unlawful for any person to erect stands or other contrivances to be used as a place to sell or advertise goods, wares or any other kind of merchandise or anything else on which a price would be asked on any street, alley or other place controlled by the city, except by special permit of the governing body.

(Code 1988, § 12-135)

Sec. 22-396. Permit required for concerts, entertainment or similar advertising on public property.

It shall be unlawful for any person to advertise any patent or proprietary medicine or any other article of merchandise of any kind upon the public squares, the public streets, alleys or other places in the city by lecture, special entertainment, concert or other like manner without first obtaining the written permission of the mayor and council.

(Code 1988, § 12-136)

Secs. 22-397—22-410. Reserved.

Subdivision II. Licenses and Permits

Sec. 22-411. License for peddlers and itinerant merchants.

- (a) *Required.* Each peddler and itinerant merchant who does business within the city shall obtain a license from the city clerk in the manner specified in this article.
- (b) *Exemptions.* Subsection (a) of this section shall not be applicable to traveling salespersons or nonresident merchants as provided in O.C.G.A. § 48-5-354, or to newspaper delivery persons or salespersons, or to bona fide merchants who merely deliver goods in the regular course of business, or to bona fide charitable, religious or philanthropic organizations, or to persons selling agricultural products or implements or flower pots or jugs as provided in O.C.G.A. § 43-32-6.
- (c) *Application.* An application for a license under this section shall contain the following additional information:
 - (1) The places in the city where the applicant proposes to carry on the applicant's business and the length of time contemplated for the conduct of such business.
 - (2) The places within the last six months, other than the permanent place of business of the applicant, where the applicant has conducted a transient business.

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- (3) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale in the city by the applicant.
 - (4) A brief statement of the nature and character of any advertising done or proposed to be done in connection with the conduct of the applicant's business.
 - (d) *Bond.* Before any license under this section shall be issued for engaging in a transient or itinerant business as provided in this section, the applicant shall file with the city clerk a bond running to the city in the sum prescribed by the governing body, filed in the office of the city clerk, executed by the applicant as principal, and two sureties upon which service of process may be had in the state, such bond to be conditional upon the applicant complying fully with all of the provisions of the ordinances of the city and the statutes of the state regulating and concerning the sale of goods, wares and merchandise, and paying all judgments rendered against the applicant for any violation of such ordinances or statutes, together with all judgments and costs that may be recovered against the applicant by any persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant or the applicant's agent or employee.
 - (e) *Fee.* The business license fee for each peddler and itinerant merchant doing business in the city shall be the sum prescribed by the governing body in the per-employee rate schedule on file in the office of the city clerk.
 - (f) *Exhibition.* All persons obtaining a license under this section shall exhibit such license at the request of any citizen.

(Code 1988, §§ 12-122—12-127)

State law reference(s)—License required, O.C.G.A. § 43-32-1; license, O.C.G.A. § 48-13-9.

Sec. 22-412. License for magazine and publication solicitors.

- (a) *Required.* It shall be unlawful for any person to go door to door or to canvass the city soliciting subscriptions to any magazine, book, literature or publication of like nature without having first obtained a license from the city clerk in the manner specified by this article.
- (b) *Fee.* The fee for such license to peddle or solicit such subscriptions for literature shall be the sum prescribed by the governing body in the rate schedule filed in the office of the city clerk.
- (c) *Bond; registration; fingerprinting.* Before the city clerk shall issue a license to sell, solicit or canvass for the type of literature designated in this section, the applicant for such license shall meet the following conditions:
 - (1) *Bond.* The applicant shall file or post a bond with the city clerk in the amount prescribed by the governing body and filed in the office of the city clerk in the form of cash or a surety bond issued by a commercial insurance company registered with the insurance commissioner or comptroller of the state and authorized to do business in the state, for each person desiring to sell, solicit or canvass for such literature.
 - (2) *Registration.* Each person desiring to sell, solicit or canvass for such literature shall register such person's name and address with the city clerk at least one week in advance of the date of such desired solicitation or canvassing.
 - (3) *Fingerprinting.* Each person desiring to sell, solicit or canvass for such literature shall be fingerprinted by the police department prior to the issuance of such license.

(Code 1988, §§ 12-128—12-130)