

AN ORDINANCE RELATING TO THE REGULATION OF PEDDLERS AND TRANSIENT SELLING (TRANSIENT SELLERS) WITHIN THE CITY OF HAMPTON, GEORGIA AND ESTABLISHING A LICENSING REQUIREMENT FOR SUCH ACTIVITIES:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMPTON, GEORGIA:

Section 1. Enactment. This Ordinance is hereby added to the Municipal Code of the City of Hampton, Georgia, to read as follows:

PEDDLERS AND TRANSIENT SELLERS

Section 2. License Requirement. It is unlawful for any person to peddle, sell or engage in transient selling as defined in Section 3 within the corporate limits of the City without first obtaining a license as provided in Section 4.

Section 3. Definitions. For the purpose of this Ordinance, the following definitions shall apply and form a part of this Ordinance:

A. "Peddler" means any person who travels from place to place by any type conveyance, carrying his wares with him, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or any person who without traveling from place to place, sells or offers the same for sale from any type of vehicle or conveyance. A peddler generally offers for sale, consummates the sale, and delivers the goods at one and the same time to the ultimate consumer. Any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme or design to evade the provisions of this definition shall be deemed peddling and shall be subject to the provisions of this Ordinance.

B. "Transient selling" (transient seller) means any person, either as principal or agent, who engages in a temporary business of selling and delivering goods, wares and merchandise from a fixed location within the City and, who, in furtherance of such purpose hires, leases, uses, or occupies any lot, parking lot, street, or other place, whether public or private, within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at an auction. Any person who engages in transient selling shall not be relieved from complying with the provisions of this Ordinance by reason of associating himself with any established local dealer, trader, merchant, or auctioneer, or by conducting transient selling in connection with, as a part of, or in the name of any established local dealer, trader, merchant or auctioneer. In the event that the conduct of any person falls within the definitions of both peddler and transient selling as contained herein, he shall be deemed to be transient selling for the purpose of this Ordinance.

Section 4. License - Application - Fee. Every person transacting any business or other activity described in Section 3 shall first procure from the City Clerk a license permitting him to engage in any of the selling or soliciting activities referred to in this Ordinance. A transient dealer's license shall be issued in accordance with the following procedures:

A. Licenses issued for transient selling shall be issued for a period of seven (7) days and may not be renewed.

B. Applicants for a license shall file with the City Clerk, at least one (1) day prior to the date upon which the applicant desires to begin his business, a sworn application, in writing, on a form to be furnished by the Clerk, which shall give the following information:

1. Name, physical description, age, social security number, driver's license number of the applicant;
2. The permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and goods shown for sale or for future delivery, including manufacturer, producer, and supplier of said goods;
4. The length of time for which the right to do business is desired;
5. The exact location in which the applicant intends to do business (if the location is to change during the license period, the applicant must so state on the application); and, if any one or more vehicles are to be used, a description of the same, together with license number and other means of identification for each vehicle;
6. The particular manner and means by which he intends to sell his goods or take his orders;
7. At the time of filing his application for a permit required by this article, the applicant shall present the driver's license of each person working with him or any other identification that may be requested.

Section 5. License Fee. License fee shall be Fifteen Dollars per week for peddlers and transient sellers.

Section 6. License - Records Required. The City Clerk shall maintain a record of all licenses issued pursuant to the provisions of this Ordinance and all license fees collected, which fees shall be paid into the general fund for the City.

Section 7. License - Term - Cancellation.

A. A license issued under this Ordinance may be revoked by the City Council after notice to the licensee and a hearing at which the licensee may be heard, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application of the license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as a transient dealer;
3. Any violation of this Ordinance;
4. Conviction of any crime or misdemeanor involving moral turpitude; or
5. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the public health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served, or may be mailed, postage prepaid, to the licensee at his local address as set forth on the application, at least three (3) days prior to the date set for the hearing.

Section 8. License - One User Allowed. No more than one individual person shall engage in business or operate under the same transient dealer's license, whether as principal or agent, or as an assistant to any principal or agent.

Section 9. Selling on Streets Prohibited. No peddler or transient seller, as defined by this Ordinance, shall:

- A. Carry on his business upon any street, alley, sidewalk, park, or any other public place unless his license specifies that peddling or transient selling in such public place or places is permitted thereunder, and in no case shall such provisions be made without approval by the Mayor and City Council or their authorized representative;
- B. Sell from any established or permanent location upon any street, alley, sidewalk, park or other public place, or
- C. Park or stand his wagon, automobile, or other vehicle upon any sidewalk or sidewalk area, or upon any street, alley, highway, or public thoroughfare so as to obstruct the free travel thereon.
- D. The Mayor and Council may approve an application to use a public place or places.

Section 10. Selling or Possession of Pornographic or  
Obscene Material

No peddler or transient seller shall sell or have in their possession any pornographic or obscene material as defined under the Laws of the State of Georgia as codified in the Official Code of Georgia.

Section 11. Refusing to Leave. Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of an offense.

Section 12. Misrepresentation. It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Section 13. Violation - Penalty. Any person, firm, corporation or legal entity who violates any of the terms of this Ordinance shall be guilty of a misdemeanor. Any person, firm, corporation or legal entity who is found guilty of a violation of this Ordinance shall be punished by a minimum of One Hundred Dollars (\$100) to a maximum fine of One Thousand Dollars (\$1,000) or up to one hundred eighty (180) days in jail.

Section 14. Repeal. Ordinances in conflict herewith are hereby repealed.

Section 15. Severance Clause. If any section, subsection, sentence, clause, or phrase in this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 16. Effective Date. This Ordinance shall take effect on adoption thereof by the Mayor and Council.

*Sammy N Smith*

MAYOR, CITY OF HAMPTON,  
GEORGIA

1<sup>ST</sup> READING JANUARY 10, 1984

2<sup>ND</sup> READING FEBRUARY 14, 1984

*David Embrey*  
Councilman

*Wiley Evans*  
Councilman

*Art Rowland*  
Councilman

*Al M. Brayer*  
Councilman

*Dennis M. [unclear]*  
Councilman

*Quin Rayfield*  
Councilman

Attest:

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Clerk