



SOLICITATION PROCESS

Attached is a copy of the Ordinance of the City of Avondale Estates, regarding peddlers and door-to-door sales persons. Please make sure you and your canvassers read the ordinance and adhere to it as outlined.

Before we can proceed with the processing of your solicitation permit, the City will need the following:

- A letter from the company who you are soliciting for which will include, the scope of your solicitation, timeframe for soliciting in the City of Avondale Estates, and a complete list of all canvassers. The City will also need verbal confirmation from your company.
- A copy of all literature that you plan to distribute to the residents.
- A personal questionnaire **MUST** be completed by all of your canvassers which will include a copy of their driver's license and work ID. The police department shall review the application and perform a background check on **EACH** canvasser for the purpose of ascertaining whether the applicant has pled to or has been convicted of a felony, or a misdemeanor involving violence or mural turpitude.
- If you are tax exempt, provide proof of your tax exempt status.
- There is a fee of \$25.00 for **EACH** permit issued by The City of Avondale Estates.

Once the City has received all of the documents requested and the City Manager has reviewed, we will proceed with providing you with a Solicitation Permit Badge and Permit Authorization Letter. **Please note that once approved, each of the canvassers will be provided with a City of Avondale Estates Solicitation Permit Badge, they will also be required to wear a badge from your company and carry a copy of the permit authorization letter with them at all times. The City requires that you provide a list each day of the canvassers who will be soliciting. Should you have new canvassers, you are required to complete all the necessary documents and background check before any new canvassers are allowed to solicit.**

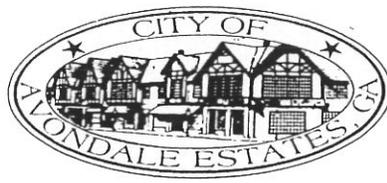
While soliciting in The City of Avondale Estates, be mindful of the following while:

- No solicitation is allowed between the hours of 9:00 p.m. and 9:00 a.m..
- Do not solicit on **any** property that has a "NO SOLICITING, NO SOLICITATION, NO PEDDLERS" sign displayed on the premises.
- Do not trespass on any resident's property. You are to only gain access to the residence by public streets and resident's driveway. You are only to approach the resident's front door, never side door, garage door or back door.
- Do not enter into any residence unless you obtain express permission from the resident.
- Always verbally identify yourself and the organization, company and product line you represent for the purpose of solicitation.
- Always wear your soliciting permit badge and have copy this letter on you while soliciting door-to-door.

Please note that any person charged with a violation of this article shall be apprehended by the police department or summoned to appear in the municipal court and, if found guilty, shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisoned in the common jail of the county for a period not exceed sixty (60) days for each offense (Ord. No. 825, § 1 (13-92, 10-23-89).

If you have questions or concerns, do not hesitate to contact the City.

Gina Hill, City Clerk
404-294-5400 phone, 404-299-8137 fax



City of Avondale Estates

Personal Information Questionnaire

Sec. 14-81(2): Any person engaged in or desiring to engage in any type of selling, soliciting, canvassing, survey-making, or any other business, occupation or vocation, which involves going door-to-door or house-to-house in the residential areas of the city, whether on a temporary or permanent basis, and whether or not it be for any religious, charitable, non-profit or profit-making organization, shall first register with the city clerk by completing a personal information questionnaire and then obtaining a Solicitation Permit Badge from the city which shall be his/her permit to engage in the activities set out above.

Name (First, Last): _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone:(h) _____ (w) _____ (o) _____
Driver's license number: _____ Issuing State: _____
Social Security Number (for identification purposes only): _____
Race: _____ Sex: _____ Height: _____ Weight: _____
Eye Color: _____ Hair Color: _____

Name of organization: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Supervisor: _____

Product or Service: _____

List all arrests, convictions and disposition of each charge, other than minor traffic violations. Include date(s), location(s), and description of violation(s). (If none, write NONE).

Date of Violation	Description, Location, and Disposition of Charge
_____	_____
_____	_____
_____	_____
_____	_____

I, _____ do hereby affirm that the information given herein is true and correct.

O.C.G.A. § 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgement of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement. I further understand that if I have made omission or misrepresentations, my permit will be revoked and/or a citation issued under the applicable city ordinances.

Signature: _____ Date: _____

Georgia Bureau of Investigation
Georgia Crime Information Center

Consent Form

I hereby authorize _____
to receive any Georgia criminal history record information pertaining to me which may be in the
files of any state or local criminal justice agency in Georgia.

Full Name (print)

Address

Sex

Race

Date of Birth

Social Security Number

Signature

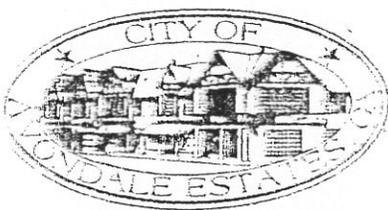
Date

Special employment provisions (check if applicable):

- Employment with mentally disabled (Purpose code 'M')
- Employment with elder care (Purpose code 'N')
- Employment with children (Purpose code 'W')

One of the following must be checked:

- This authorization is valid for 90/180/____ (circle one) days from date of signature.
- I, _____ give consent to the above
named to perform periodic criminal history background checks for the duration of my
employment with this company.



Police Department

21 North Avondale Plaza
Avondale Estates, Georgia 30002

Telephone (404) 294-5410
Fax (404) 294-4108

BACKGROUND CHECK FOR CRIMINAL HISTORY INVESTIGATION AUTHORIZATION (NOT TO BE USED FOR EMPLOYMENT WITH THE CITY OF AVONDALE ESTATES)

I, _____ do hereby authorize the review of, and full disclosure of, all criminal history records concerning myself to the duly authorized agent of the City of Avondale Estates, Georgia.

The intent of this authorization is to give my consent to the City of Avondale Estates to obtain any criminal history record from state or Avondale Estates Police files.

I understand that any information obtained by a personal investigation, which is developed directly or indirectly, in whole or part, upon this release authorization, will be considered in any report for the City of Avondale Estates, Georgia. I certify that any person(s) who may furnish such information concerning me shall not be held accountable for giving this information; and I do hereby release said person(s) from any and all liability, which may be incurred as a result of furnishing such information.

A photocopy of this release form will be valid as an original thereof, even though the said photocopy does not contain an original writing of my signature.

Signature (Including Maiden Name)

Date

Sworn and subscribed before
me this _____ day of _____

Notary Public

State of: _____

Expiration Date: _____



Police Department

21 North Avondale Plaza
Avondale Estates, Georgia 30002

Telephone (404) 294-5410
Fax (404) 294-1038

Criminal History/Arrest Record Request

I hereby authorize _____ to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia. An original copy of these completed forms will be maintained at the Avondale Estates Police Department for a period of one (1) year after the request.

(Only one company per form)

PLEASE PRINT OR TYPE CLEARLY:

Last Name First Name M.I. Maiden Name (If Applicable)

Street Address City State Zip Code

Sex Race Hgt. Wgt. Date of Birth Place of Birth Social Security Number

REASON FOR CHECK: _____

DO NOT WRITE BELOW THIS LINE (OFFICIAL USE ONLY)

This statement is to certify that a search of criminal arrest record information was conducted in the files of the State of Georgia and AEPD files only. This search was conducted by name only as submitted on the consent form and at the time of search, the following information was revealed on the above name (Check all that apply):

- No arrest record found through AEPD Files
- Arrest record found through AEPD files
- Active Warrant Found
- No arrest record found through State/GCIC Files
- Arrest record found through State/GCIC Files
- See attached GCIC printout

Purpose Code ()

Researched By (Print and sign) _____

Date _____

Not valid without accompanying notarized Investigation Authorization Form.

AN ORDINANCE TO AMEND ARTICLE III OF THE OCCUPATION AND BUSINESS TAXES, LICENSES, AND REGULATIONS ORDINANCE OF THE CITY OF AVONDALE ESTATES, REGARDING PEDDLERS AND DOOR-TO-DOOR SALES PERSONS, AND TO REPEAL ALL CONFLICTING PROVISIONS.

BE IT ORDAINED BY the City of Avondale Estates, as follows:

SECTION 1. The document entitled "2009 THE PEDDLERS AND DOOR-TO-DOOR SALES PERSONS ORDINANCE" attached hereto and consisting of 5 pages is hereby adopted as Article III of Chapter 14 of the City of Avondale Estates Code of Ordinances.

SECTION 2. The document referred to in Section 1 is hereby made public record and shall be maintained by the City Clerk as such and made accessible to the members of the general public at City Hall during normal business hours.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed. This ordinance shall become effective upon its adoption.

First Reading: 11/16/2009

Second Reading: 12/14/2009

Third Reading: 01/25/2010

ADOPTED THIS 25TH DAY OF JANUARY, 2010.

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA**



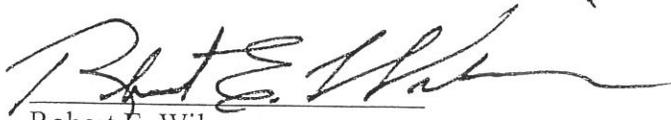
Ed Ricker, Mayor

ATTEST:



Juliette Sims-Owens, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Robert E. Wilson", written over a horizontal line.

Robert E. Wilson
City Attorney

2009 PEDDLERS AND DOOR-TO-DOOR SALES PERSONS ORDINANCE

DIVISION 1. GENERALLY

Sec. 14-56. Penalty for violation of article.

Any person charged with a violation of this article shall be apprehended by the police department or summoned to appear in the municipal court and, if found guilty, shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisoned in the common jail of the county for a period not to exceed sixty (60) days for each offense.

Sec. 14-57. Announced purpose of call.

At each dwelling, whether it be an apartment unit or private residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game, or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game, or competitive endeavor.

Sec. 14-58. Decorum required.

No solicitor shall use vulgar, insulting, or threatening language which by its very utterance tends to incite an immediate breach of the peace in the course of any solicitation, nor shall he remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation. For the purpose of this article, a solicitation shall be deemed to continue until the solicitor has left the premises.

Sec. 14-59. Posted property.

No solicitor shall enter a dwelling except at the express invitation of the occupant. No solicitation shall be made at any dwelling or in any group of apartments where a conspicuous "No Soliciting," "No Solicitation," "No Peddlers," or other similar sign is displayed at or near the main entrance or driveway to the premises.

Sec. 14-60. Prohibited acts.

It shall be a violation of this article:

- (1) For any person, business, partnership, corporation, association, organization, or a group of persons to engage in any solicitation without first obtaining a permit or, if exempted pursuant to section 14-82, a confirmation letter;
- (2) For any person to violate any of the provisions of this article or to violate any other city ordinance while engaging in any solicitation;
- (3) For any person to violate any criminal law of this state or to violate any state or federal consumer protection law while engaging in any solicitation for the purpose of this section, consumer protection law includes, but is not limited to, the Georgia Fair Business Practices Act (O.C.G.A. § 10-1-390 et seq.), the Georgia Home Solicitation Sales Act (O.C.G.A. § 10-1-1 et seq.), O.C.G.A. § 43-17-1 et seq. (dealing with professional fund raising), and the Federal Consumer Credit Protection Act (truth-in-lending and truth-in-leasing);
- (4) For any person to lend, rent, or sell his permit card to another;

- (5) For any person to engage in any solicitation between the hours of 9:00 p.m. and 9:00 a.m., according to the standard time in effect at the time the violation is alleged to have occurred;
- (6) For any person to engage in any solicitation during a period in which his permit is in suspension or after his permit has been revoked;
- (7) For more than two (2) individuals to engage in solicitation upon any premises at the same time for the same goods or services; each individual member of a group engaged in solicitation in violation of this subsection shall be deemed to have violated this subsection;
- (8) For any person to make more than one (1) solicitation call at the same premises for identical goods or services within any consecutive two-week period without receiving a prior invitation therefor from the occupant of any such premises; this provision shall be construed to include solicitation upon the same premises by employees, agents, or representatives of any person more than once during the aforesaid period without a prior invitation as provided in this subsection;
- (9) For any person with a criminal record as described in section 14-87, whether or not otherwise eligible for an exemption under section 14-82, to engage in any solicitation;
- (10) For any person, at the time of initial contact with a prospective customer, to fail to verbally identify himself and the organization, company and product line he represents for the purpose of the solicitation;
- (11) For any person engaged in solicitation to misrepresent the purpose of his solicitation or use any false or deceptive statement or misrepresentation to induce a sale or contribution, or use any plan, scheme, or ruse which misrepresents the status or purpose of the person making the call; or
- (12) For any person to solicit or attempt to solicit at a place of residence at any entrance or part of the building other than the main entrance to the residence.

Secs. 14-61--14-80. Reserved.

DIVISION 2. PERMITS

Sec. 14-81. Definitions; permit required.

- (a) For the purposes of this article, "solicitation" shall mean the act of going door-to-door or house-to-house in the residential areas of the city and engaging in any type of selling, seeking donations, or any other business, occupation or vocation which involves any attempt to obtain money, orders, donations, subscriptions or the like; whether such activity be on a temporary or permanent basis, and whether or not it be for any charitable, non-profit or profit-making organization or enterprise.
- (b) "Solicitor" shall mean any person engaging in solicitation.
- (c) "Solicitation Permit Badge" shall mean a photographic identification badge to be issued to authorized Solicitors by DeKalb County after approval by the city.
- (d) Any person engaged in or desiring to engage in any type of solicitation shall first register with the city clerk by completing a personal information questionnaire, submitting to a background check, and then obtaining a Solicitation Permit Badge in accordance with the procedure described in Section 14-84.

Sec. 14-82. Exemptions.

(a) Persons, businesses and organizations engaging in religious, non-profit, charitable or political activities not involving solicitation, or who are otherwise exempted from local regulation by operation of state or federal law, or by the Constitution of the United States, or of the state, are exempt from the requirements of this article.

(b) Representatives or agents of charitable or nonprofit organizations, or non-profit corporations registered with the secretary of state, or tax-exempt organizations which have been recognized as such by the Internal Revenue Service of the U.S. Treasury Department, which intend to engage in solicitation, shall be treated as exempt from the provisions of sections 14-81, 14-83, 14-84, 14-85, and 14-86, provided that the organization first supplies proof of the recognized status to the city clerk and has received from the city written confirmation of its exempt status. The organization shall furnish each of its agents or representatives with a copy of the confirmation letter and furnish the city with a list of such agents or representatives to include name, date of birth, race, sex, and social security number. The organization shall promptly notify the city of changes in the list.

(c) Any person who calls upon prospective customers at their prior invitation shall be treated as exempt from the provisions of sections 14-81, 14-83, 14-84, 14-85, and 14-86.

Sec. 14-83. Application.

(a) The city clerk shall prepare a questionnaire for the purpose of obtaining pertinent information regarding the physical description, identity, and background of each applicant for a permit. The questionnaire shall include the following:

- (1) Name, local address, and telephone number;
- (2) Date and place of birth;
- (3) Driver's license number and issuing state;
- (4) Social security number;
- (5) Race and sex;
- (6) Height and weight;
- (7) Eye color and hair color;
- (8) Name, address, and telephone number of the organization represented;
- (9) Name and telephone number of immediate supervisor;
- (10) Product or service; and
- (11) A list of all arrests, convictions and the disposition of each charge, other than minor traffic violations.

(b) The questionnaire form shall also bear the following statement: "O.C.G.A. § 16-10-71 provides that a person who makes a lawful oath or affirmation or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement."

(c) The police department shall review the application and perform a background check on the applicant for the purpose of ascertaining whether the applicant has pled to or has been convicted of a felony, or a misdemeanor involving violence or moral turpitude. After ascertaining that the questionnaire has been properly completed, and that the applicant has not been disqualified by virtue of prior pleas or conviction, the city clerk

shall approve the application subject to the payment of a permit fee as provided in section 14-84.

Sec. 14-84. Fee; issuance.

Upon payment of the required permit fee of twenty dollars (\$20.00) to the city clerk, the applicant shall receive a copy of his permit approval if said application is approved. He shall then carry this card of approval to the license/permits unit of the DeKalb County department of public safety (or to such other governmental unit and location as the applicant is directed by the city clerk). Upon payment by the applicant of such additional fee as may be required by DeKalb County, the applicant shall be photographed and provided with a Solicitation Permit Badge which shall bear the applicant's photograph, name, and organization and which shall identify the applicant as a solicitor.

Sec. 14-85. Expiration and reapplication.

- (a) All permits expire sixty days from the date of issuance.
- (b) Each permit shall indicate thereon the expiration date.
- (c) Any solicitor desiring to continue solicitation within the city after the expiration of his permit must apply for a new permit pursuant to sections 14-83 and 14-84 of this chapter.

Sec. 14-86. Display.

Each permit holder will be furnished a device suitable for attaching the Solicitation Permit Badge to the outer clothing of the permit holder. No solicitor shall engage in any solicitation without wearing and displaying his Solicitation Permit Badge in a conspicuous manner.

Sec. 14-87. Denial or revocation.

- (a) No solicitor's permit shall be issued to any person who has been found guilty of any misdemeanor involving violence or moral turpitude any time within five (5) years prior to the date of application; nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that he either has been pardoned or that he has been free from any legal restriction for a period of five (5) or more years prior to the date of his application. For the purposes of this article, the terms "conviction" and "found guilty" shall be deemed to include verdicts or pleas of guilty, entered by a court of this state, a court of any sister state, or any federal district court; any permit issued as the result of willful false statements or omissions in the solicitor's application for the permit shall be deemed null and void from the time of its issue.
- (b) The permit of any solicitor who is convicted of a felony, or of a misdemeanor involving moral turpitude or violence, shall be deemed revoked from the time of the conviction. The permit of any solicitor convicted of having violated any provision of this article after issuance of the permit shall be deemed revoked from the time of the conviction.
- (c) Any revocation occurring pursuant to the provisions of this article shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.

Sec. 14-88. Surrender.

(a) Any permit issued pursuant to the provisions of this article for the use of any person is, and shall remain, the property of the city. Each permit holder shall surrender his Solicitation Permit Badge to the city clerk no later than three (3) business days following the expiration or revocation of the permit.

(b) Should any permit holder be arrested and charged with violating any law while engaging in solicitation, either within the city or in any other jurisdiction, then the city police chief or his designee shall be authorized to demand the immediate surrender of such permit holder's Solicitation Permit Badge.

(c) Any permit holder who is forced to surrender his permit pursuant to subsection (b) of this section shall be entitled to appeal such decision pursuant to section 14-89.

Sec. 14-89. Appeal upon denial, surrender or revocation.

(a) In any case in which it appears to the city clerk that a solicitor's permit should not be issued to an applicant, the city clerk shall so inform the applicant and, upon the applicant's request, shall furnish the applicant with a reasonably detailed written statement of the reasons why the permit will not be issued.

(b) If the city clerk refuses to authorize the issuance of a permit, or in the event that a permit is surrendered pursuant to the provisions of section 14-88, the applicant or permit holder shall have the right of review thereof by appeal to the governing body.

(c) Such appeal shall be by written petition filed in the office of the city clerk within fifteen (15) days after notification of the action of the city clerk.

(d) A hearing shall be conducted on each appeal within thirty (30) days of the date of filing with the city clerk.

(e) The decision of the governing body shall be final unless appealed within thirty (30) days of the date of such decision by certiorari to the superior court of the county.

Secs. 14-90--14-110. Reserved.