

FORSYTH COUNTY, GEORGIA
ORDINANCE NO. 99

An Ordinance of Forsyth County, Georgia, to create and establish Rules and Regulations for Licensing Door to Door Peddlers and Solicitors within Forsyth County, Georgia.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 11, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Forsyth County has determined that there has been an increase in door-to-door solicitation in the County and that such solicitation carries with it the growing threat of abusive techniques being used by such solicitors and canvassers; and

WHEREAS, the Board of Commissioners of Forsyth County has determined that door-to-door solicitation and canvassing can be used as a pretext for inspecting a premises or the occupants thereof in anticipation of future criminal activity at the residence or premises or the occupants thereof in anticipation of future criminal activity at the residence or premises; and

WHEREAS, The Board of Commissioners of Forsyth County, Georgia deems it necessary to protect the health, safety and welfare of the citizens of Forsyth County, Georgia by regulating commercial door-to-door solicitation and canvassing; and

WHEREAS, appropriate notice and hearings on the amendments contained herein have been carried out according to general and local law; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of same that Ordinance Number 99, known as the "Forsyth County DOOR-TO-DOOR SOLICITATION ORDINANCE," is hereby enacted.

Sec. 99-1. Intent and Purpose.

The intent of the Board of Commissioners in enacting this article is to regulate the sale of goods and services by solicitors or canvassers at residences in the County in order to diminish criminal activity in the County and abusive techniques utilized by any such solicitor or canvasser with adversely affect the public health, safety and welfare in the County. This article is not intended as a de facto prohibition of door-to-door solicitation, nor is it an attempt to adversely affect interstate commerce. Instead, this article is intended to balance competing interests, reduce criminal activity and protect County citizens from abusive sales techniques versus the conduct of proper commercial sales activity. This article is not intended to allow any business activity with would otherwise be unlawful.

Sec. 99-2. Definitions.

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

Solicitor of Canvasser means any person who solicits orders or appointments on behalf of a firm, corporation, company, association, partnership or individual for any goods, wares, services, or merchandise or other things of value, from house to house. Any person who obtains orders or appointments for merchandise, services, or other things of value shall be deemed a solicitor. The term Solicitor or Canvasser shall not mean an individual or field sales representative working for or on behalf of a bona fide charitable or nonprofit organization, or students or parents of students (i.e., PTA, booster club organizations) participating in approved school-sponsored fund raisers.

Handbill means any printed or written material, any leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original copies of any matter or literature pertaining to any speech, whether commercial or noncommercial.

Sec. 99-3. Solicitor/Canvasser permit.

(a) Permit required; applicability of division.

- (1) Resident/nonresident solicitors/canvassers. All solicitors or canvassers are subject to all rules and regulations of this article.
- (2) Persons holding business license. Any applicant who has paid a business license fee or tax shall receive a credit of the amount so paid toward the payment of the solicitor's registration and permit fee. However, such applicant shall in all manners and all respects be subject to all other provisions of this article.

(b) Application; investigation of applicant; ground for denial.

- (1) No solicitor/canvasser shall be authorized to solicit orders until he files an application with the Forsyth County Sheriff's Office/Support Division and obtains a permit and registers as a solicitor. This application shall be upon forms prescribed by the Forsyth County Sheriff's Office/Support Division. Upon application, the Forsyth County Sheriff's Office/Support Division, within ten days, shall examine the police record, if any, of the applicant. No permit shall be given to any applicant who shall have either a pending charge or a conviction for a crime of moral turpitude or an offense involving the elements of assault and battery, or any civil judgement involving unethical and improper business actions, including but not limited to action which would constitute fraud and deceit under the laws of the state.
- (2) No application for a permit under this section shall be received or acted up on if the applicant has submitted the same or a similar application for a permit within the preceding 12 months, which prior application has been dismissed, denied or abandoned. No permit shall be granted if the applicant is in violation of this article or has, within 12 months preceding the application, been in

violation of this article or any law or ordinance regulating the activities for which such permit is sought.

(c) Fee. The applicant for a solicitor's permit shall pay a fee as specified by the Forsyth County Sheriff's Office/Support Division, as a cost for investigation and regulation under this article. This fee shall be used for payment of the cost of such registration, investigation and regulation of persons subject to this article.

(d) Term; renewal. A permit issued under this article shall be valid for 90 days from the date the permit is issued. The permit may be renewed by filing a renewal application with the Forsyth County Sheriff's Office/Support Division upon forms prescribed by the office and paying a renewal fee as set out in the schedule of fees, to cover the expense of updating the investigative report.

Sec 99-4. Badge for Solicitors.

All solicitors/canvassers shall wear a badge, the design of which shall be in the discretion of the Forsyth County Sheriff's Office/Support Division, but which shall be uniform as to all solicitor or canvasser, the name of the company, and an identification number, in large enough type to be read and seen by persons with normal vision at a distance of ten feet. At all times, the solicitor or canvasser shall wear the badge on either the left or right shoulder so that such badge can be readily seen by the owner or occupant of the premises.

Sec 99-5. Conduct of business by solicitors/canvassers; information to be provided to customers.

(a) Information card required; contents. The supervisor of the license office shall provide to each solicitor/canvasser an information card, and the solicitor/canvasser shall present the card to each household he visits. It is the responsibility of the solicitor/canvasser to make sufficient copies of the information card to furnish a copy to each household he visits. Such card shall contain such information as required by the business license supervisor. The following statements may appear on the information card:

The solicitor/canvasser is not to enter you home except at your express invitation.

You have the right to refuse entry or to ask the solicitor/canvasser to leave the premises, and if he/she should fail to leave the premises after your instructions, he/she shall be in violation of the laws of this state and/or ordinances of Forsyth County.

Report any discourteous conduct to the Forsyth County Sheriff's Office/Support Division.

A solicitor/canvasser shall place his/her name and permit number in the blank provided on the card and shall present it to the occupant of each home that he visits.

(b) Failure to present information card. It shall be unlawful for a solicitor/canvasser to fail to present the card to the resident or occupant of a home at which the solicitor/canvasser solicits business.

(c) Announcement to occupant. At each house, the solicitor/canvasser shall announce to the owner or occupant of the home his name and that he has been issued a permit by Forsyth County as a solicitor/canvasser, and shall announce the purpose of his call and present the card provided for by this section and shall allow time for the occupant or owner to read the card.

(d) Entry on private property. No solicitor/canvasser shall enter a home without the express invitation of the occupant or owner. If a "no soliciting" sign is posted, no solicitation shall occur.

(e) Courteous conduct required; compliance with request to leave premises. A solicitor/canvasser shall at all times maintain a courteous decorum and shall not use opprobrious, vulgar or slang words to any homeowner or occupant. No solicitor/canvasser shall remain upon the premises of an occupant or owner after such occupant or owner has requested the solicitor/canvasser to leave or indicated that he is not interested in purchasing the solicitor's/canvasser's product.

(f) Misrepresentation of effect of permit. It shall be unlawful for any solicitor/canvasser to represent by word, action or deed that the issuance of a permit by the county license bureau in any way represents approval or condonation of either the actions of the solicitor/canvasser or his product.

Sec 99-6. County records of solicitors/canvassers; complaints against solicitors/canvassers.

(a) The Forsyth County Sheriff's Office/Support Division shall maintain true and accurate records of the name and identification number of each solicitor/canvasser, together with other information required by this division, and shall maintain a log of all complaints for each solicitor/canvasser or organization represented by solicitors/canvassers.

(b) If the Forsyth County Sheriff's Office/Support Division receives any ordinance violation complaints concerning a particular solicitor/canvasser, or three violation complaints concerning an organization, the Forsyth County Sheriff's Office/Support Division shall notify the solicitor/canvasser and the organization the solicitor/canvasser represents of the complaints, and the business license department may suspend the permit until such time as the solicitor/canvasser or organization can show cause that he or it is in compliance with the rules and regulations of this division.

(c) The Forsyth County Sheriff's Office/Support Division shall maintain a true and accurate log of each complaint, showing the name of the complainant and the substance of the complaint. Such records shall be available to the solicitor/canvasser or his company or organization and shall be deemed a public record. Upon determination that the solicitor/canvasser has violated the ordinances of the county, the Forsyth County Sheriff's Office/Support Division shall revoke the permit of the solicitor/canvasser.

Sec 99-7. Appeals by solicitors/canvassers.

(a) A solicitor/canvasser shall have the right to file an appeal from the ruling of the Forsyth County Sheriff's Office/Support Division under this article to the Board of Commissioners.

(b) If any solicitor/canvasser or his company is dissatisfied with the decision of the board of commissioners, he shall have the right to appeal as provided by the laws of the state.

Sec 99-8. Enforcement.

Enforcement authority of this ordinance shall be vested with the Forsyth County Sheriff's Office/Support Division or any other duly authorized Sheriff's deputy of the County. Enforcement shall be based upon personal observation and upon a complaint lodged with the Forsyth County Sheriff's Office.

Sec 99-9. Penalties.

In addition to Section 99-6 of this article, any person who violates any provision of this article shall be subject to a fine of up to \$1,000.00 and/or imprisonment in jail for a period not to exceed sixty (60) days or both.

Sec 99-10. Entry on Private Property, Generally

If a “no soliciting” sign is posted, no handbills shall be left on the property. Irrespective of whether an individual is a solicitor/canvasser, any person who distributes handbills on property containing a “no-soliciting” sign shall be in violation of this ordinance and subject to citation.

Sec 99-11. Separability Clause.

If any Section, subsection, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provision of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the portions of this Ordinance not so held to be invalid or unconstitutional. It is hereby declared to be the intent of the Board of Commissioners of Forsyth County to provide for separable and divisible parties and it hereby adopts any and all parts hereof as may not be held invalid for any reason.

Sec 99-12. Effective Date.

This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS 11th day July 2019, the public welfare demanding it.