



PEDDLER, SOLICITOR, TRANSIENT MERCHANT & MOBILE VENDOR TEMPORARY PERMIT

City of Elberton
203 Elberton Street
Elberton, Georgia 30635
706-213-3000

PERMIT NUMBER _____

Permit applications must be submitted at least **14 days** prior to your intended business start date in the City of Elberton. Please ensure all requested information is complete and accurate. This application is governed by the rules and regulations established in the City of Elberton Code.

Type of Application applying for: ___ 30 days (\$30) ___ 90 days (\$80) ___ non-profit (\$15) *Copy of Organizations Articles of Incorporation stating NON-PROFIT status, must be attached.*

Applicant Information:

Name(s): _____ Today's Date: _____

Home Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Driver's License #: _____ (attach copy to form)

Length of Residence: _____ Email: _____

List addresses for the past 3 years: _____

Business Information:

Name of Business: _____

Mailing Address of Business: _____

City: _____ State: _____ Zip: _____

Length of Employment: _____ List employers for the past 3 years, if different: _____

Product Information (For food service or sales, see Environmental Health section):

Description of products to be sold or distributed: _____

Location where products will be sold. List ALL if more than one. Written permission from each property owner MUST accompany this application:

Section 10-2(h) Prohibits conducting business before 8:00 a.m. and after 8:00 p.m.:

Requested Start Date: _____ Start Time: _____

Requested End Date: _____ End Time: _____

Days of the week you plan to conduct business (check all that apply): Sunday

Monday Tuesday Wednesday Thursday Friday Saturday

Phone # you can be reached at during the time above: _____

Environmental Health (Non-Profit Temporary Events are exempt): *Copy of required permit must be attached to application for processing.*

Prepackaged-temperature controlled foods (meats, ice cream, sandwiches, etc.) require permit from the Georgia Dept of Agriculture at 404-656-3627 or retailfoodinfo@agr.georgia.gov.

Cottage permitted foods (baked goods, cakes, preserves, dry goods, etc.) no Cottage Permit required, but adherence to strict food safety protocols & operational rules are still required. *ServSafe or FoodSafePal certification is required. ServSafe at 800-765-2122 or servicecenter@restaurant.org; FoodSafePal at support@foodsafepal.com.*

Temporary food vendors (hotdogs, tacos, hot snacks) require temporary food service permits from the Elbert County Health Department at 706-213-3775.

Direct-to-Consumer Sales of Eggs (Farm, Roadside, Farmers Market) effective 7/1/2026 no longer require Georgia Dept of Agriculture candling certification. Contact the GDA at 404-656-3627 or retailfoodinfo@agr.georgia.gov for packaging requirements.

Criminal History:

Have you ever been convicted of any crime, misdemeanor, city ordinance violation: No

Yes, please list the offense, location, and date below:

Applicant Acknowledgement:

I agree to follow all permit conditions, pay all applicable fees, and ensure high-quality work at this location. I have reviewed the City of Elberton fee schedule and certify that all information in this application is true and accurate.

Signature of Applicant: _____ **Date:** _____

SAVE AFFIDAVIT

Affidavit Verifying Status for Public Benefit

Pursuant to O.C.G.A. 50-36-1(E)(2)

By executing this affidavit under oath, as an applicant for a license, permit or other public benefit as referenced in O.C.G.A. 50-36-1, from the City of Elberton, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

Select one:

____ I am a United States citizen.

____ I am a legal permanent resident of the United States or otherwise a **qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.** *

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

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

Print Name of Applicant

SWORN TO AND SUBSCRIBED BEFORE ME THIS
_____ DAY OF _____, _____.

[SEAL]

NOTARY PUBLIC

Chapter 10

BUSINESSES*

Article I. In General

- Sec. 10-1. Street Sales Regulated.
- Sec. 10-2. Peddlers and Solicitors, Transient Merchants and Mobile Vendors.
(amended 9/2012)
- Sec. 10-3. Solicitation Permits for Charitable Contributions.
- Sec. 10-4 –10-25 Reserved

ARTICLE I. IN GENERAL

Sec. 10-1. Street Sales Regulated.

The streets, sidewalks, alleys or any other public property of the city shall not be used for the sale of merchandise of any character unless permission is granted in writing by the city manager. In no instance shall permission be granted for such sales for a period in excess of three days.

(Code 1968, Section 13-12).

Cross reference – Streets, Sidewalks and Other Public Places, ch. 32.

Section 10-2. Peddlers, Solicitors, Transient Merchants and Mobile Vendors.

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

Non-Commercial Door-to-Door Advocate. means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this Ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

Peddler. means any person who travels from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting.

Person. means any natural individual, organization, corporation, partnership, or similar association.

Professional Fundraiser. means any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, political, social, or other charitable organization.

Solicitor. means a person who goes from house-to-house, door-to-door, business to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, foodstuffs, insurance, merchandise, other personal property, or services, or which he or she may be carrying or transporting, samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as set forth above. The purpose of this ordinance, the term solicitor shall have the same meaning as the term canvasser.

Transient Merchant. means a person who has no permanent place of business within the City of Elberton and who temporarily sets up or otherwise engages in business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property.

(b) Exceptions to Definitions. For the purposes of this Section, the terms Peddler, Solicitor and Temporary Merchant shall not apply to:

- (1) Non-commercial door-to-door advocates. Nothing within this Ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. The person engaging in non-commercial door advocacy shall not be required to register as a solicitor as provided herein.
- (2) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
- (3) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products.
- (4) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (5) Any person making deliveries in newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (6) Any person conducting the type of sale commonly known as garage sales, rummage sales, yard sales, or estate sales.
- (7) Any person participating in an organized multi-person bazaar or flea market.
- (8) Any person conducting an auction as a properly licensed auctioneer.
- (9) Any officer of a Court conducting a court-ordered sale.
- (10) Any person selling products grown, produced, cultivated or harvested on their own property.

Exception from these definitions shall not, in the scope of this ordinance, excuse any person from complying with any other applicable provision or requirements that may be provided for by another city ordinance.

(c) Penalties. Any person violating any of the provisions of this section shall be punished as provided in Section 1-9, General Penalty, of the Code of Ordinances of Elberton, Georgia.

(d) Permitting; Exemptions. City License required. Except as may otherwise be provided for by this ordinance, it shall be unlawful for any person to conduct business within the corporate limits of Elberton, Georgia as a peddler, solicitor, transient merchant, or a temporary merchant without first obtaining a permit. Solicitors need not obtain a permit but are required to register with the City of Elberton as provided for herein. Applications for a permit shall be made upon a form provided by the City of Elberton; the City Manager or his designee shall provide applications to a desired applicant; and an application for a permit shall be made at least fourteen (14) days before the applicant desires to begin conducting his or her business.

(e) Permit Applications. All applications shall be truthfully answered and signed by the applicant, and all applications shall include the following information:

- (1) The applicant's full legal name.
- (2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
- (3) The applicant's present place of residence and length of residence at such address; also, the business address of the applicant if other than the present address.
- (4) Addresses of the applicant during the past three years if other than present address.
- (5) A physical description of the applicant, including hair color, eye color, height, weight, and any distinguishing features or marks.
- (6) Age of the applicant.
- (7) Telephone numbers of applicants, including residence, business and cellular.
- (8) 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.
- (9) Name and address of applicant's employers during the past three years.
- (10) The type of Business for which the applicant is applying for a permit.
- (11) Whether the applicant is applying for a monthly, seasonal, or non-profit permit.
- (12) Proposed route or location which applicant intends to conduct business.
- (13) Whether the applicant has ever been convicted of a felony, a crime or moral turpitude or any other violation of any state or federal law.
- (14) Social security number of applicants.
- (15) Driver's license number of applicants is different from social security number.
- (16) Written permission of the property owner for any location to be used by a temporary merchant.

The applicant shall submit to a criminal background investigation by the City of Elberton Police Department, as may be requested in the full and complete discretion of said Department.

(f) Permit and License Fees. The required fees for permits and licenses as required herein shall be as set forth from time to time by Resolution of the governing body of the City of Elberton, its duly elected and constituted City Council.

(g) Permit Denial; Suspension or Revocation; Hearings.

- (1) Any permit issued or sought to be issued shall be denied, suspended or revoked by the City Manager or his designee if the applicant or holder is convicted of a violation of any of the provisions of this Ordinance; has made a false statement in the application; fails to pay the required fee; has had any previous license revoked within the past three (3) years; or has suffered any conviction within the past five (5) years

of the application for any violation of any federal or state statute or regulation, or any local ordinance, which adversely reflects upon the person's ability to conduct business in a professional, honest and legal manner, examples being burglary, theft, swindling, fraud, unlawful business practices and any form of actual or threatened physical violence against another person.

- (2) Whenever the City Manager determines there is cause to deny, suspend or revoke a permit, the City Manager shall give the applicant/permit holder written notice at least (10) 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.

The procedure for administrative hearings heard by the City Manager in such matters shall be set forth by the City Manager. The City Manager shall reach a decision on the matter within five (5) business 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 fifteen (15) days of receiving notice of said decision.

The Mayor and Council shall hear appeals against decisions by the City Manager to deny applications for permits, as well as appeals to decisions by the City Manager to suspend or revoke permits.

Any such appeal to the Mayor and Council shall be subject to do novo review and shall be scheduled within thirty (30) days following the receipt by the City Manager of the notice of appeal. Applicants or permit holders shall be given written notice of the date, time and place when the appeal will be heard, and the applicant or permit holder shall be afforded the opportunity to be heard and to present evidence. Fifteen (15) days' notice shall be deemed reasonable.

The decision of the City Council shall be final unless a petition for writ of certiorari is filed in the Superior Court within thirty (30) days of the decision being rendered.

(h) Prohibited Activities. No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or any other person engaged in other similar activities shall conduct business in any of the following manners.

- (1) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, or by any other noise so as to be unreasonable audible within an enclosed structure.
- (2) Obstructing the free flow of traffic, either vehicle or pedestrian, on any street, sidewalk or other public right-of-way, and this shall specifically include any signage that obstructs view of traffic in any direction.
- (3) Conducting business before 8:00 a.m. or after 8:00 p.m.
- (4) Failing to provide proof of permit and identification when requested.
- (5) Remaining on the property of another after being requested to leave.
- (6) Entering the grounds or premises of any private residence not having been requested or invited so to do by the owner or occupant of the private residence and grounds, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling, hawking, soliciting or selling the goods, wares and merchandise.

(ORD 2177, 09/14/2012)

Sec. 10-3. Solicitation Permits for Charitable Contributions.

(a) No person shall stand on any public highway, street, sidewalk, or alley for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle, without first obtaining a special written solicitation permit, as provided for below. Any individual or organization participating in such activity without a special written solicitation permit shall be subject to citation and punishment under the provisions of this chapter and in accordance with Section 1-9, Code of Ordinances, City of Elberton, Georgia.

(b) Upon written application by any charitable organization registered in accordance with O.C.G.A. Section 43-17-5, or any charitable organization exempt from such registration in accordance with O.C.G.A. Section 43-17-9, the chief of police with approval from the city manager, may issue a special written solicitation permit for the purpose of soliciting contributions from vehicles traversing any public highway, street, sidewalk or alley.

(c) Each and every applicant must, without exception, be received not less than three (3) weeks prior to any intended solicitation and must contain the following information: (1) The name and address of the charitable organization; (2) Proof of charitable status of the organization; (3) The proposed date and time of any intended solicitation; (4) The number of intended solicitors; and (5) At statement of the intended charitable purpose for the solicitation. Any failure to comply with the above-referenced application conditions shall result in the immediate denial of said application. Applications may be obtained from the city clerk.

(d) Special written solicitation permits shall only, and without exception, be issued upon the following conditions: (1) Permits must be in writing; (2) Permits must display signature of the chief of police and city manager; (3) Permits must be for a specific time, date and location; (4) Solicitation shall only be permitted on Saturdays, between the hours of 8:00 and 4:00 p. m.; and (5) Parties acting under a special written solicitation permit must wear appropriate high visibility safety apparel that complies with ANSI/MUTCDE standards.

(e) If, in the discretion of the chief of police or city manager, it is found that the granting of any solicitation:

- (1) Will result in the creation of any unsafe traffic conditions; or
- (2) Is not being conducted for charitable purposes; or
- (3) Is not being conducted by a charitable organization and defined above; then said solicitation application shall be denied.

(f) The final time, date, and location of any solicitation shall be set at the discretion of the chief of police and must be approved by the city manager.

(Ord. No. 2132, Sections 1-6, 5-2-05)

Secs. 10-4 – 10-25. Reserved.