

SOLICITORS/PEDDLERS APPLICATION

Reference Ordinance # 1053

Date of Submittal: _____ Permit # _____

Applicants Name: _____

Applicants Address:
(Physical) _____

Applicants Mailing
Address (if different) _____

Applicants Phone # () _____

Drivers License # _____ State: _____

Applicants DOB: _____

Brief description of the business activity to be conducted: _____

The hours and location for which the right to peddle or solicit is desired:

Employers/Agent Name: _____

Employers/Agent Address:
(Physical) _____

Employers/Mailing Address:
(if different) _____

Employers/Agent Phone # () _____

APPROVED DISAPPROVED

Dewitt Nobles, City Clerk Date

Reason for Denial: _____

Mailing Date of certified denial notification _____

ATTACHMENTS THAT MUST BE PROVIDED; pursuant to Ordinance #1053

1. Credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer, or principal, as the case may be.
2. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violation), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
3. Proof of possession of any license or permit which, under federal, state or local laws or regulation, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this Ordinance;
4. One (1) photograph of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure 2 inches by 2 inches and show the head and shoulders of the applicant in a clear and distinguishing manner.
5. All solicitors requiring cash deposits or taking orders for cash on delivery purchases (C.O.D.), or who require a contract or agreement to finance the sale of any goods, services, or merchandise for future deliver, or for services to be performed in the future, shall furnish to the City a bond in the amount of five hundred dollars (\$500.00).

Application Processing Fee: \$ 35.00
Permit Fee (if approved): \$100.00

- *The fee shall not be assessed against or collected from persons engaged in interstate commerce whose sole contact with the City of Milton and its residents is to solicit orders for goods, wares, or merchandise to be shipped directly to the City of Milton resident by interstate commerce.*
- *Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a permit fee, shall cite to the Clerk the statute or other legal authority under which exemption is claimed and shall present to the Clerk proof of qualification for such exemption.*

I have read and have been provided a copy of the following: Permit Requirements and Exemptions, Permit for Sponsoring Juvenile Peddlers, Denial of Permit, Permit Expiration, Identification Badges, Permit Exhibition, Transfer Prohibited, Entry Upon Signed Premises Unlawful, Hours of Solicitation, Permit Revocation, and Appeals, and do hereby agree to abide by all the regulations.

Applicant's Signature

Date

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Date

IDENTIFICATION BADGES

At the same time the permit is issued, the Clerk shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the City.

PERMIT EXHIBITION

Every person required to obtain a permit under the provisions of this Ordinance shall exhibit the permit when requested to do so by any prospective customer or City employee.

TRANSFER PROHIBITED

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this Ordinance.

ENTRY UPON SIGNED PREMISES UNLAWFUL

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," "No Trespassing" or words of similar import.

HOURS OF SOLICITATION

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 9:00 a.m.

PERMIT REVOCATION

Any permit issued under this Ordinance may be revoked or suspended by the Clerk, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;

PERMIT REQUIREMENTS AND EXEMPTIONS

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Milton without first obtaining a permit issued by the office of the Milton City Clerk; provided, however, that the following are exempted from the provisions of this Section:

- (a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- (b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a bonafide charitable organization;
- (d) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- (e) Sales of newspapers, magazines or periodicals. Nothing contained in this division shall be deemed to prohibit or regulate the sale or distribution of any item protected by the First Amendment of the United States Constitution;
- (f) Sales of goods raised on any farm or garden located within the county;
- (g) Individuals peddling or soliciting for educational, charitable or religious organizations, or political organizations or parties;
- (h) Laundry, dry cleaning, recycling, garment storage, linen supply, towel supply, and diaper services agents operating from vehicles that are clearly marked, and newspaper delivery persons on regular routes;
- (i) Service or repair agents responding to service calls including wrecker service;
- (j) Persons commonly called a "drummer" whose only activity is soliciting sales of which goods are thereafter to be shipped in interstate commerce.

PERMIT FOR SPONSORING JUVENILE PEDDLERS

- (a) No person under the age of eighteen (18) shall be permitted to engage in peddling except as provided in this Section.
- (b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.
- (c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

- (b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation of peddling activities.
- (c) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
- (d) Conviction for any crime involving moral turpitude; or
- (e) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

APPEALS

- (a) Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this Ordinance shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- (b) An appeal shall be taken by filing with the Milton City Clerk a written statement setting forth the grounds for the appeal.
- (c) The Milton City Clerk shall transmit the written statement to the City Manager within ten (10) days of its receipt and the City Manager shall set a time and place for a hearing on the appeal.
- (d) A hearing shall be set no later than twenty (20) days from the date of the receipt of the appellant's written statement.
- (e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- (f) The decision of the City Manager on the appeal shall be final and binding on all parties concerned.
- (g) The City Manager shall not be bound by the strict rules of evidence. Following the hearing, the Clerk shall issue an order revoking or refusing to revoke the permit, or suspending the permit, which order shall set forth the City Manager's findings of fact and conclusions of law.

- (d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

DENIAL OF PERMIT

- (a) Upon the Clerk's review of the application, the Clerk may refuse to issue a permit to the applicant under this Ordinance for any of the following reasons:
- 1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers, or their customers;
 - 2) An investigation reveals that the applicant falsified information on the application;
 - 3) The applicant has been convicted of a felony, misdemeanor or local violation involving a sex offense, trafficking in controlled substances or any violent acts against persons or property, such conviction being entered within the five (5) years immediately preceding the date of application;
 - 4) The applicant is a person against whom a judgement based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;
 - 5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - 6) The applicant has been denied a permit under this Ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.
- (b) The Clerk's disapproval and the reason for disapproval shall be noted on the application, and applicant shall be notified that this application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

PERMIT EXPIRATION

All permits issued under the provision of this Ordinance shall expire one (1) year from the date of issuance, unless earlier expiration date is noted on the permit.

STATEMENT OF APPLICANT REGARDING ANY VIOLATIONS

I, _____ **HEREBY CERTIFY THAT I**

- HAVE* *HAVE NOT* **BEEN CONVICTED OF A FELONY**
- HAVE* *HAVE NOT* **BEEN CONVICTED OF A MISDEMEANOR**
- HAVE* *HAVE NOT* **BEEN CONVICTED OF AN ORDINANCE VIOLATION**

PLEASE EXPLAIN ANY VIOLATION, PROVIDING DATE, CHARGE, AND PUNISHMENT:

I hereby authorize the City Clerk to conduct credit and/or criminal background checks on me.

Signed

Print Name

Social Security Number