

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES BY REVISING CERTAIN REQUIREMENTS OF DOOR-
TO-DOOR SALESMEN REGULATIONS**

WHEREAS, the Mayor and City Council of the City of Dunwoody are charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council has previously adopted Chapter 10, Article III to regulate the business of door-to-door solicitation for profit in the City; and

WHEREAS, due to recent complaints about the operation of door-to-door solicitors, the Mayor and Council desire to revise said regulations to create additional restrictions to make sure that the operation of door-to-door solicitors is conducted in a lawful and peaceful manner; and

WHEREAS, the Mayor and City Council find that these additional regulations will help protect the health, safety and welfare of the citizens.

NOW, THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

ADDITIONS = UNDERLINED

DELETIONS = ~~STRIKETHROUGHS~~

Section 1: Chapter 10, Article III (“Door to Door Salesmen) of the City of Dunwoody Code of Ordinances is hereby amended by revising Section 10-89 (“Permit Required”) to read as follows:

Sec. 10-89. Permit Required

- (a) It shall be unlawful for any person to engage in the business of soliciting, calling on residences door-to-door without first having obtained a permit in accordance with the provisions contained in this chapter.
- (b) The requirement of subsection (a) of this section is meant to apply to door-to-door solicitations for commercial transactions for profit only.
 - (1) It is not meant to regulate solicitation for charitable, political, or other nonprofit purposes provided that all sales proceeds are the property of and used by the nonprofit organization.
 - (2) It does not apply to officers or employees of the city, county, state, or federal governments, or any subdivision thereof, when on official business.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-09-30

- (c) Each person shall at all times while soliciting in the city carry upon his person the permit so issued and the same shall be exhibited by such solicitor whenever he is requested to do so by any police officer or by any person solicited.
- (d) Each permit issued shall contain the name of the solicitor, the name and address of the person, firm or corporation or association by whom the solicitor is employed or represents, a photograph of the solicitor, and physical description. Such photograph shall be provided by the solicitor and shall be at least two inches by two inches in size.
- (e) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than ~~six~~three (3) months. Upon expiration of the maximum three-month period, the permit holder may receive a renewal for an additional three-month period without any additional fees and without having to comply with Section 10-90 below, so long as no more than one (1) complaint has been submitted to the City concerning the permit holder.

Section 2. Chapter 10, Article III of the City of Dunwoody Code of Ordinances shall be further amended by revising Section 10-91 (“Permit Revocation”) to read as follows:

Sec. 10-91. Permit Revocation

- (a) Any permit issued hereunder shall be revoked by the City Manager if the holder of the permit is convicted of a violation of any of the provisions of this Chapter or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this Chapter.
- (b) The permit may be revoked by the City Manager after a hearing in front of the City Manager or designee if the City receives at least two complaints against the permit holder alleging any violations of this Article. The hearing shall be noticed in writing, by certified mail, return receipt requested, to the permit holder and shall not be less than ten (10) days following the receipt of the notice by the permit holder. The notice shall state in specificity the time and place of the hearing and the reason(s) for the intended revocation. At the hearing, the City shall present evidence of the permit holder’s violation of this Article either through documents or affirmative testimony of the complaining parties and the permit holder shall be given an opportunity to rebut same and present his own evidence that no such violations have occurred. The burden of proof shall be on the City by preponderance of the evidence. If the City meets its burden, the City

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-09-30

Manager shall revoke the permit no later than five (5) days following the date of the hearing.

- (c) Immediately upon such revocation, written notice thereof shall be given to the holder of the permit in person or by certified United States mail addressed to his residence address set forth in the application.
- (d) Immediately upon the giving of such notice the permit shall become null and void and must be turned in to the City Manager's office.
- (e) A permit holder whose permit has been revoked in accordance with subsection (b) shall have the right to appeal said revocation to the City Council or designated hearing officer by giving notice to the City Manager no later than ten (10) days following receipt of the revocation notice by the permit holder. The appeal hearing shall be scheduled no later than thirty (30) days following the receipt of said appeal request and notice of same given to permit holder by mail no later than ten (10) days prior to the hearing. At the hearing, the permit holder shall have the right to present evidence as to why the decision of the City Manager or designee should be overturned and shall have the burden to show same by the preponderance of the evidence. The City Council or designated hearing officer shall make a decision to sustain or reverse the City Manager's decision within five (5) days of the hearing and shall notify the permit holder of same in writing.
- (f) Any permit holder aggrieved by the final decision of the City Council or designated hearing officer may appeal same by Petition for Writ of Certiorari to the Superior Court of DeKalb County in accordance with the law.

Section 3: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this the ___ day of _____, 2011.

Approved:

Ken Wright, Mayor

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**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-09-30

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk
Seal

Brian Anderson, City Attorney