

**CITY of MARIETTA**  
**Business License and Revenue Division**  
**205 Lawrence Street**  
**PO Box 609**  
**Marietta, Georgia 30061**  
**Phone: (770) 794-5520 Fax: (770) 794-5685**

For Office Use Only  
Tax Cert. No. \_\_\_\_\_  
Account No. \_\_\_\_\_  
SIC Code \_\_\_\_\_  
Zoning \_\_\_\_\_  
Date \_\_\_\_\_

**TRANSIENT VENDOR/TEMPORARY BUSINESS APPLICATION**

Name of Business \_\_\_\_\_ Phone Number \_\_\_\_\_

Business Address \_\_\_\_\_

Property Owner's Name & Address \_\_\_\_\_

Property Owner's Mailing Address \_\_\_\_\_ E-Mail \_\_\_\_\_

Federal Tax ID Number \_\_\_\_\_ Sales Tax Number \_\_\_\_\_

Date(s) of Operation in City of Marietta: From \_\_\_\_\_ to \_\_\_\_\_ Type of Ownership \_\_\_\_\_

Nature of Business \_\_\_\_\_ Type of Merchandise \_\_\_\_\_

Shelter Used: Vehicle \_\_\_ Truck \_\_\_ Trailer \_\_\_ Mobile Tent \_\_\_ Description \_\_\_\_\_

\_\_\_ Owner \_\_\_ Partner \_\_\_ President **Residential Information**

\_\_\_\_\_  
Name Address City State Zip

\_\_\_ Owner \_\_\_ Partner \_\_\_ Vice President **Residential Information**

\_\_\_\_\_  
Name Address City State Zip

**TO BE COMPLETED BY APPLICANT: Residential Information**

\_\_\_\_\_  
Name Address City State Zip

How Long at Present Address \_\_\_\_\_ Date of Birth \_\_\_\_\_ Phone \_\_\_\_\_

Applicant's Address for Past 5 Years \_\_\_\_\_

Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Driver's License No. \_\_\_\_\_ State \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn according to law, do swear that the facts stated by me in the above and foregoing answers to questions are true, and no false or fraudulent statement is made herein. I agree to follow all rules and regulations in the Transient Vendors and Temporary Businesses Ordinance.

Date \_\_\_\_\_ Applicant's Signature \_\_\_\_\_

**TRANSIENT VENDOR/TEMPORARY BUSINESS**  
**CHECK-OFF LIST**

- \_\_\_\_\_ 1. Written permission (letter) from the property owner.
- \_\_\_\_\_ 2. Copy of lease agreement.
- \_\_\_\_\_ 3. Copy of plat from property owner indicating 25 feet from the existing right-of-way line.
- \_\_\_\_\_ 4. 1000-ft. distance requirement from nearest transient vendor/temporary business.
- \_\_\_\_\_ 5. Description and number of vehicles, tents or stands used.
- \_\_\_\_\_ 6. For Zoning Regulations, contact Shelby Little at (770) 794-5671.
- \_\_\_\_\_ 7. For Fire Regulations, contact Grant Pearson at (770) 794-5458 or Patrick Stewart at 770-794-5456.
- \_\_\_\_\_ 8. For Permits, call (770) 794-5669.
- \_\_\_\_\_ 9. Certificate of fire-retardant tent or stand.
- \_\_\_\_\_ 10. Marietta Police Department Criminal History Consent Form.
- \_\_\_\_\_ 11. Copy of Georgia Sales Tax Certificate.
- \_\_\_\_\_ 12. Copy of Applicant's Driver's License and Social Security Card
- \_\_\_\_\_ 13. \$144 license fee (\$600 license fee for CFRS Stands) paid in certified funds
- \_\_\_\_\_ 14. Copy of Certificate of Liability Insurance \_\_\_\_\_
- \_\_\_\_\_ 15. Consumer Fireworks Distribution License \_\_\_\_\_
- \_\_\_\_\_ 16. Application made seven (7) days prior to business beginning \_\_\_\_\_
- \_\_\_\_\_ 17. Fire Approval by \_\_\_\_\_ Date \_\_\_\_\_
- \_\_\_\_\_ 18. Zoning Approval by \_\_\_\_\_ Date \_\_\_\_\_
- \_\_\_\_\_ 19. No longer than 45 consecutive days
- \_\_\_\_\_ 20. No more than 2 temporary use permits may be allowed per parcel for a total of 90 days, annually.
- \_\_\_\_\_ 21. Christmas Tree Deposit of \$200, refundable after inspection of the lot by Business License and premises is deemed clean.

**Affidavit Verifying Status (O.C.G.A. § 50-36-1(e)(2) Affidavit)**

**Please read carefully before completing**

Affidavit must be notarized prior to being submitted to the Business License Division.

The City cannot notarize this affidavit. \*\*\*

- Include a copy of applicant's secure and verifiable identification document. A list of secure and verifiable documents is provided by the Attorney General on the Georgia Department of Law website.

By executing this affidavit under oath, as an applicant for a(n) Business License/Occupation Tax Certificate, as referenced in O.C.G.A. § 50-36-1, from the City of Marietta, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1)  I am a United States citizen. (Provide state issued identification document. Example: driver's license)
- 2)  I am a legal permanent resident of the United States. (Provide copy of alien registration document)
- 3)  I am 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. (Provide copy of alien registration document)

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

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

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 allowed by such statute.

Executed in \_\_\_\_\_ (city), \_\_\_\_\_ (state)

**SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
DAY OF \_\_\_\_\_, 20\_\_ .**

\_\_\_\_\_  
**Signature of Applicant**

NOTARY PUBLIC

\_\_\_\_\_  
**Printed Name of Applicant**

My Commission Expires:

*\*\*\*This affidavit does not apply to an applicant applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of Georgia Code Section 50-36-2 by submission of a secure and verifiable document, as defined in Code Section 50-36-2, and a signed and sworn affidavit affirming that such applicant is a United States citizen.*

**Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)**

By executing this affidavit under oath, as an applicant for a(n) business license/occupation tax certificate as referenced in O.C.G.A. § 36-60-6(d), from the City of Marietta, Georgia, the undersigned applicant representing the private employer known as

\_\_\_\_\_, *printed name of private employer i.e. business name* verifies one of the following with respect to my application for the above mentioned document:

**1. Check box (a) or (b) below**

(a)  On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed more than ten (10) employees.

(b)  On January 1<sup>st</sup> of the below signed year the individual, firm, or corporation employed ten (10) or fewer employees.

**\*\*\*If the employer checked box (a) must fill out Section 2 below.**

2. By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. Furthermore, the undersigned private employer hereby attests that its federal work authorization company identification number (not federal employer identification number) and date of authorization are as follows:

Federal Work Authorization Company Identification Number

\_\_\_\_\_  
Date of Authorization

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 allowed by such statute

Executed on the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State)

\_\_\_\_\_  
Signature of Authorized Officer or Agent of Company

\_\_\_\_\_  
Printed Name of and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

MARIETTA POLICE DEPARTMENT  
240 LEMON ST. MARIETTA, GA. 30060  
PHONE 770-794-5334 FAX 770-794-5301  
CHIEF OF POLICE - DAN FLYNN

Georgia Crime Information Center  
Criminal History Consent Form

I hereby authorize MARIETTA POLICE DEPARTMENT to receive and review 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. I understand that this information will be used as part of a background investigation completed by the Marietta Police Department.

Full Name (PRINT)

\_\_\_\_\_  
LAST FIRST MIDDLE (MAIDEN)

\_\_\_\_\_  
ADDRESS CITY STATE ZIP CODE

\_\_\_\_\_  
SEX RACE DATE OF BIRTH PLACE OF BIRTH SOCIAL SECURITY NUMBER

List any convictions and/or plea of nolo contendere that has been entered on your record for any felony or misdemeanor charge in any Superior, State, and/or Municipal Court of any state of the United States

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE DATE

Special provisions (check if applicable):

- Permit Application, (Purpose code 'E')  
 Business License Application (Purpose code 'E')  
 Other (Purpose code 'E')

One of the following must be checked:

This authorization is valid for 90 / 180 days (circle one) from date of signature.

DO NOT WRITE BELOW THIS LINE. POLICE USE ONLY

\_\_\_\_\_  
GEORGIA RECORD FOUND (SEE ATTACHED)

NO GEORGIA RECORD FOUND

EMPLOYEE SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## ARTICLE 8-12-26 - TRANSIENT VENDORS AND TEMPORARY BUSINESSES

## 8-12-26-010 - Definitions.

- A. "Transient vendor" shall mean any person, firm or corporation whether as owner, agent or employee that sells, offers or exhibits for sale any goods, wares or services from private premises, but remains at one place for a temporary period only.
- B. "Temporary business" shall mean the sale of goods or services by a business being operated out of a vehicle, truck, trailer or mobile tent for a specified period of time not to exceed 45 days.
- C. "Tent" shall be a portable shelter consisting of canvas or skins stretched over poles or other like devices and attached to stakes or anything suggestive of a portable shelter.
- D. "City sanctioned event" is one which is approved by a vote of the mayor and council or one for which a permit is granted to any department, agency, board or commission of the City of Marietta, the Downtown Marietta Development Authority, the Marietta Welcome Center, the Board of Lights and Water or the Marietta Housing Authority.

(Code 1978, § 8-3241; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 7690, 10/9/2013, § 1)

## 8-12-26-020 - Registration and occupation tax certificate required.

Every person desiring to operate a temporary business within the City of Marietta shall be required to register with the business license manager and obtain an occupation tax certificate. Any temporary business currently operating within the city shall also register and obtain an occupation tax certificate and shall be subject to all provisions set forth herein. It is unlawful for any person, agent, servant or employee of any person to engage in, carry on or conduct the business of a transient vendor without having first obtained an occupation tax certificate as provided herein. The requirement of registration and occupation tax certificate in no way grants the right or an occupation tax certificate to conduct such business within the city.

(Code 1978, § 8-3242; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

## 8-12-26-030 - Application.

- A. Every person required to procure an occupation tax certificate under the provisions of this article shall submit an application an occupation tax certificate to the business license manager upon a form to be supplied by the city. The application shall include, but shall not be limited to the following information: Name under which business is to be conducted; name of the applicant; (if the applicant is a corporation, provide the names and addresses of all corporate officers. If the applicant is a partnership, provide the names and addresses of all the partners); residential address of applicant and length of time at such address; residence

of applicant during past five years; address where business is to be conducted; property owner's address; written consent of property owner or his agent and any conditions to lease agreement; statement from property owner indicating the existing right-of-way; nature of the business; type of merchandise; description and number of vehicles or tents to be used; time within which the temporary business will be operated; name and address of the person or persons who will be in direct charge of conducting the temporary business; statement by applicant as to arrests and dispositions for violations of the law by applicant. The applicant shall also supply the business license manager with a current copy of its Georgia sales tax certificate.

- B. The application shall be sworn to or affirmed and filed with the city manager at least seven days prior to the time in which the occupation tax certificate applied for shall become effective to allow for verification of the information contained therein.

(Code 1978, § 8-3243; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-040 - Investigation.

The city manager shall examine each application for an occupation tax certificate filed under this article and shall make such further investigation of the application and applicant as he shall deem necessary. The city manager will issue an occupation tax certificate upon determination that all of the statements in the application are true and correct; that the applicant has not engaged in any fraudulent transaction or enterprise; and that the temporary business will not violate any provision of the ordinances of the City of Marietta.

(Code 1978, § 8-3244; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-050 - Occupation tax certificate and annual renewal fees.

An occupation tax shall be submitted with any and every application to operate a transient or temporary business pursuant to the ordinance providing for the issuance of such tax certificate. The occupation tax and annual renewal fee shall be determined by the gross receipts schedule.

(Code 1978, § 8-3245; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-060 - Exemptions.

This chapter shall not apply to city sanctioned events.

(Code 1978, § 8-3246; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-070 - Transfer of occupation tax certificate.

An occupation tax certificate issued hereunder shall not be transferable.

(Code 1978, § 8-3247; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-080 - Location.

Any temporary business which sells its goods or services from more than one location within the city shall pay the occupation tax for each location. Any business regulated hereunder which moves to another location after the expiration of the temporary period shall obtain a new occupation tax certificate from the city and pay the required fees.

(Code 1978, § 8-3248; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-090 - Regulations.

- A. The premises where such temporary business is located shall be kept in a clean and sanitary condition.
- B. The vendor shall have sufficient parking on the premises to provide parking for the customers and must not allow parking on the streets or adjoining property.
- C. The vendor shall meet all the requirements and conditions of the Zoning Code of Marietta, Georgia.
- D. The vendor's tent shall comply with the fire code provisions.
- E. The vendor shall not be located within any public right-of-way.
- F. The vendor may not sell any goods or services by means of any outcry, sound, speaker or amplifier of any kind.
- G. The vendor shall possess any and all other occupation tax certificates required by federal, state or county law.

(Code 1978, § 8-3249; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96; Ord. No. 7690, 10/9/2013, § 2)

#### 8-12-26-100 - Signs.

Any signs erected in conjunction with the operation of a temporary business must be permitted in accordance with Section 7-4001 et seq. of the Marietta City Code, and the vendor must comply with all the conditions and regulations set forth therein. No sign shall be located on public property or within the street right-of-way or utility easement.

(Code 1978, § 8-3250; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

#### 8-12-26-110 - Penalties for failure to make timely payment.



Any person failing to register and apply to the city for an occupation tax certificate to operate a temporary business prior to commencement of operation shall be subject to a penalty of ten percent of the fee due. All fees not paid as required herein shall be considered delinquent and shall from the due date bear interest at the rate of one percent per month. For purposes of this section, any period of less than one month shall be considered to be one month.

(Code 1978, § 8-3251; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

8-12-26-120 - Penalties for operation without an occupation tax certificate.

Any temporary business which operates within the city without first registering with the city and obtaining the occupation tax certificate provided herein shall be charged with violating the ordinance. Violations shall be punishable by a fine not to exceed \$200.00, and each day any violation of this article shall continue shall constitute a separate offense.

(Code 1978, § 8-3252; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

8-12-26-130 - Revocation of an occupation tax certificate.

Any occupation tax certificate issued to conduct a temporary business may be temporarily suspended by the city manager due to the failure of the vendor, his agent or employees to comply with the provisions herein or for any violation of any other ordinance of the city or of any state or federal law. Thereafter, the occupation tax certificate may be permanently revoked by the mayor and council after a hearing with due notice to the vendor to appear at the hearing.

(Code 1978, § 8-3253; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)

8-12-26-140 - Prohibited businesses.

Notwithstanding anything contained herein, this article may not be used by a temporary business or transient vendor to procure an occupation tax certificate for a business prohibited or not authorized by the Marietta City Code.

(Code 1978, § 8-3254; Ord. No. 5390, § 3, 12/20/94; Ord. No. 5575, 6/12/96)