

ORDINANCE NO. 141

AN ORDINANCE GOVERNING THE DOOR TO DOOR SOLICITATION OR PEDDLING OF GOODS AND SERVICES AND PROVIDING FOR A PENALTY FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE.

SECTION I - DEFINITIONS

- A. "Solicitor" means any person who solicits or attempts to solicit, from house-to-house or upon public property, funds or orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time.
- B. "Peddler" means any person who engages in commercial activities within City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from house-to-house, or upon public property.

SECTION II – PERMIT REQUIRED

It is unlawful for any peddler or solicitor to engage in business within the City without first obtaining a permit from the City of Enchanted Oaks Appointed Representative through the Town Hall.

SECTION III – PERMIT EXEMPTIONS

The following are excluded from permitting provisions:

- A. Newspaper carriers;
- B. Farmers who sell agricultural products that were raised or grown by them;
- C. Locally based non-profit organizations;
- D. Religious proselytizing or distribution of religious literature;
- E. Political speech; or
- F. Canvassers who attempt only to solicit political support or to determine opinions or sentiments.

SECTION IV - WRITTEN APPLICATION FOR PERMIT REQUIRED

Any person or groups of people who desire to engage in activities as a peddler or solicitor within the City must complete and file a written application for permit with the Appointed Representative, which application shall give the following information:

- A. Applicant's full name, telephone number, address (including city, state and zip), birth date, physical description, and either:
 - 1. Driver's license number and state, or
 - 2. Social security number and an official, government-issued picture identification card;
- B. If the applicant is peddling or making solicitations for any commercial organization, the name, telephone number and address of such organizations;
- C. Full and complete list of goods to be sold and/or services to be delivered;

- D. For each individual involved in the peddling or solicitation campaign: name, telephone number, address (including city, state and zip), birth date, physical description, and either:
 - 1. Driver's license number and state, or
 - 2. Social security number and an official, government-issued picture identification card;**
- E. Description (year, make, model) and license plate number and state of all vehicles to be used in soliciting and peddling;**
- F. Applicant must provide original identifying documents to the Appointed Representative, The City Council, or the Police Chief upon request.**

SECTION V - PERMIT FEES

All peddlers and solicitors not exempt by Section III shall pay a permit fee to the City of Enchanted Oaks through the Appointed Representative of \$50 (Fifty Dollars) for one individual or \$100 (One Hundred Dollars) for any group of two or more.

SECTION VI – PERMIT DENIAL

- A. A copy of the application for permit will be referred to the Police Department who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for permit under this chapter may be denied where:
 - 1. Required application information is incomplete or incorrect; or
 - 2. Applicant to currently wanted on warrant for arrest**
- B. If the Appointed Representative denies a permit, the applicant may appeal the decision in writing to the City Council, who may affirm, modify or reverse the decision of Appointed Representative.**

SECTION VII – DURATION OF ISSUED PERMIT

- A. If the Appointed Representative finds that the application is completed in conformance with Section IV through Section VI, a permit shall be issued within five working days. The permit shall be the original application under Section IV, with an official stamp indicating approval. Each permit will be valid for 30 days from the date of issue.**
- B. The permittee is required to notify the Appointed Representative before any peddling or soliciting under the issued permit is conducted in any new calendar month after the issuance of the permit. At this time, the permittee will update any information required under Section IV that has changed.**
- C. The Appointed Representative will retain one copy of the approved permit for official records. The permit may not be represented as an endorsement or approval by the City of the purposes of a solicitation or a product offered by the permittee.**

- D. Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply the Appointed Representative with the information required in Section IV.**

SECTION VIII – DISPLAY OF PERMIT

Each peddler or solicitor will carry his or her permit at all times while engaging in business in the City. Upon request or demand, the peddler or solicitor will exhibit the permit to indicate compliance with all of the relevant requirements of this chapter.

SECTION IX – PERMIT NONTRANSFERABILITY

Permits issued under the provisions of this chapter are not transferable in any situation and will be clearly marked “Not Transferable.”

SECTION X – SUSPENSION OF PERMIT

- A. The Chief of Police or the City Council may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this chapter.**
- B. Peddlers and solicitors whose licenses are suspended have three business days during which to request an administrative review of the suspension. If request for administrative review is not made within three working days, the permit is revoked.**

SECTION XI – REVOCATION OF PERMIT

- A. Upon permittee’s request, the Appointed Representative shall provide the permittee with written notice containing particulars of any and all complaints against him or her, and the time, date and place for an administrative review of the suspension.**
- B. The City Council will conduct an administrative review to determine whether the permit shall be restored or revoked.**
- C. After notice and review, the Appointed Representative may revoke any permit issued under this chapter for the following reasons:**
- 1. Fraudulent statements, omissions on permit application or in conduct of permitted business;**
 - 2. Violation of law;**
 - 3. Endangerment of public welfare, health or safety.**
- D. Revocation of any permit shall bar the permittee from eligibility for any person under this chapter for a period of one year.**

SECTION XII – HOURS OF OPERATION

No peddler or solicitor may conduct activities defined in Section I except between the hours of eight (8) a.m., and sunset.

SECTION XIII – NO SOLICITORS SIGNS

Any peddler or solicitor who conducts or attempts to conduct business at a place where a sign clearly indicates that solicitors or peddlers are unwelcome is in violation of this chapter.

SECTION XIV – VIOLATION/PENALTY

Any person violating the provisions of this chapter is guilty of a Class C misdemeanor and upon conviction shall be fined not more than allowed by law.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2002

**OLENA BONER, MAYOR
ENCHANTED OAKS, TEXAS**

ATTEST:

**DAWN NIXON-SMITH
CITY SECRETARY**