



ORDINANCE 2024-3

BUSINESS REGULATIONS

ARTICLE 2.000. PEDDLERS, SOLICITORS, AND ITINERANT VENDORS

2.001. DEFINITIONS.

Interstate commerce. The soliciting, selling, or taking orders for, or offering to sell or take orders for, any goods, wares, merchandise or other personal property or services which, at the time the order is taken, are in a state other than this state or will be produced in a state other than this state and shipped or introduced into this city in the fulfillment of such order.

Itinerant or transient vendor. One who sells commodities or services from a premises but remains at one place for said purpose for temporary periods.

Locally based. The geographic area Hopkins County.

Peddler. Any person who engages in a temporary business within the city limits by carrying goods or merchandise and who sells or offers for sale for immediate delivery such goods or merchandise from house to house, business to business or upon public property.

Solicitor. Any person who solicits or attempts to solicit, from house-to-house, business-to-business or upon public property, orders for services, commercial goods, wares, merchandise, subscriptions, or publications to be delivered at a future date or time. The term "canvasser" is included under this definition of "solicitor."

Temporary. For purposes of this article a merchant shall be considered temporarily in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business in the city as a merchant for a period of sixty (60) days or more.

2.002. Permit required; term.

It is unlawful for any peddler, solicitor, itinerant vendor or other person or group of persons to attempt to solicit, canvass or otherwise engage in business from house-to-house, business-to-

business or upon public property within the city without first obtaining a permit from the administrator or designee, as provided in this article. The permit required herein shall be valid for a period of six (6) months from the date of issuance.

2.003. Reserved.

2.004. Permit application.

Any peddler or solicitor desiring to engage in a temporary business within the city must file a written application for a permit with the administrator or designee. The application shall include the following:

- (1) Applicant's name, telephone number, address, birth date, physical description and either:
 - (A) Driver's License number and state; or
 - (B) Social security number and an official, government-issued picture identification card with photograph;
- (2) If the applicant is peddling or making solicitations for any commercial organization that is not engaged in interstate commerce, the name, telephone, and address of such organization;
- (3) Locally based nonprofit organizations are exempt from the formal permitting fee; however, they are required to notify the administrator, or his designee, as to the approximate dates of the campaign, the areas in which they will be selling and a description of items to be sold;
- (4) For each individual involved in the peddling or solicitation campaign: name, telephone number, address, birth date, physical description and either:
 - (A) Driver's license number and state; or
 - (B) An official, government-issued picture identification card with photograph;
- (5) Description (year, make, type) and license plate number and state of all vehicles to be used in soliciting and peddling;
- (6) A statement as to whether the applicant or any individual involved has been convicted of any crime, misdemeanor, or violation of any state or federal law or municipal ordinance or code; the nature of the offense; the punishment or penalty assessed therefore, if previously convicted; and the place of conviction;
- (7) Current copy of the sales tax permit issued by the comptroller of public accounts of the state;
- (8) If the applicant is a corporation, it shall file with its application a certified copy of its charter, and if it is not incorporated under the laws of the state, a certified copy of its present permit to do business in the state;
- (9) Applicant must provide original identifying documents to the administrator or his designee upon request;

- (10) Any property owner, tenant, or lessee who allows a peddler to utilize his private property shall be responsible, along with the peddler, for compliance with the adopted regulations of the city.

2.005. PERMIT FEES.

(a) All peddlers, solicitors or itinerant vendors not exempted by section **2.006** of this code shall pay a permit fee as provided in the fee schedule. If any person engages in any activity coming under the provisions of this article through one or more agents or employees, such person shall pay an additional \$5.00 for every additional agent or employee so engaged.

(b) Should a permit holder lose his or her permit, he or she may obtain a replacement permit for a fee as provided for in the fee schedule.

2.006. Permit fee exemptions.

The following are exempt from the permit fee:

- (1) Any individual soliciting or peddling for a philanthropic, charitable, political, or religious organization;
- (2) Any individual engaged in interstate commerce.

2.007. Permit denial.

(a) A copy of the application for a permit will be referred to the administrator 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 a permit under this article may be denied where:

- (1) Required application information is incomplete or incorrect;
- (2) The applicant is currently wanted on warrant for arrest.

(b) If the administrator denies a permit, the applicant may appeal this decision in writing to the city council, which may affirm, modify, or reverse the decision of the administrator.

2.008. Permit issuance and duration.

(a) If the administrator finds that the application is completed in conformance with section **2.004** through **2.007**, a permit shall be issued within one working day. The permit shall be the original application under section **2.004** with an official stamp indicating approval of the administrator.

(b) The administrator or designee shall retain one (1) copy of the approved permit for official records. The permit does not represent an endorsement or approval by the city of the purposes of a solicitation or a product offered by the permittee.

(c) 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 administrator with the information required in section **2.004**.

2.009 Permit display.

Each peddler or solicitor will carry his/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 article.

2.010. Permit transferability.

Permits issued under the provisions of this article are not transferable in any situation and will be clearly marked "not transferable."

2.011. Permit suspension.

(a) The administrator or designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this article.

(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.

2.012. Permit revocation.

(a) Upon the permittee's request, the administrator shall provide the permittee with written notice containing particulars of any and all complaints against him/her, and the time, date, and place for an administrative review of the suspension.

(b) The administrator will conduct an administrative review to determine whether the permit shall be restored or revoked.

(c) After notice and review, the administrator may revoke any permit issued under this article for the following reasons:

(1) Fraudulent statements or omissions on the permit application or in the conduct of the permitted business;

(2) Violation of law;

(3) Endangerment of public welfare, health, or safety.

(d) If the administrator revokes a permit, the applicant may appeal this decision in writing to the city council, which may affirm, modify, or reverse the decision of the administration.

(e) Revocation of any permit shall bar the permittee from eligibility for any permit under this article for a period of one (1) year.

2.013. Hours of operation.

No peddler or solicitor may conduct activities defined in section **2.001** except between the hours of 9:00 a.m. and sundown.

2.014. No solicitor 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 article.

2.015 Soliciting at intersections.

(a) Prohibition. It shall be unlawful for any person to solicit funds, advertise, or distribute any item, either on foot or in automobiles, for any cause whatsoever, at any intersection or crossing of streets within the city limits, where, in the opinion of the administrator, or designee, such solicitation or distribution would cause the blocking of traffic or create a traffic hazard.

(b) Exceptions. If, in the opinion of the administrator, or designee, it would not create a traffic hazard for solicitation of funds and advertising at an intersection of streets within the city, the person desiring to solicit funds, advertise, or distribute any item at such intersections, shall first make an application for permission to do so by making the application to the administrator, or designee. The application shall set forth the name of the organization, the location of the intersection where such solicitation shall transpire and the length of time the proposed solicitation shall take place, not to exceed 48 consecutive hours. If the solicitation is to be done by a person under the age of 18 years, no permit shall be issued unless such person shall have proper adult supervision as to be acquired prior to any actual solicitation, and any such permit shall be good for one such solicitation period only and any further solicitation shall require an additional permit. Such permit should be signed by the administrator, or designee.

2.016. Violation and penalty.

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

SECTION 10. PROVIDING A SAVING CLAUSE

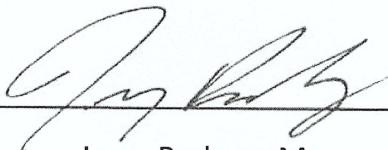
If any section, subsection, word, sentence or phrase of this ordinance is declared to be invalid, it shall not affect the validity or intent of this ordinance.

SECTION 11. PUBLIC HEARING

Before adopting this ordinance, the provisions for public notice and a public hearing as outlined in the Transportation Code 396.042 and 396.043 will strictly adhered to by the Commissioners' Court.

PASSED AND APPROVED by the City Council, City of Como, Texas, on this the

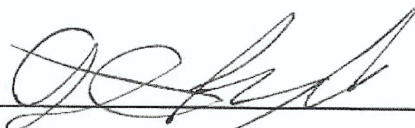
14th of MAY 2024.



Jerry Radney, Mayor

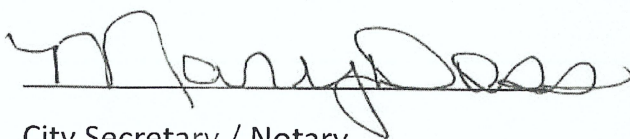


David Fordinal, City Councilman



Austin Baxley, City Councilman

ATTEST:



City Secretary / Notary

