

**CITY OF THORNDALE
ORDINANCE 2007-02**

AN ORDINANCE OF THE CITY OF THORNDALE, TEXAS, PROVIDING REGULATIONS FOR PEDDLERS AND SOLICITORS; PROVIDING A REPEALLING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT LESS THAN \$25.00 NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION WHICH GOVERNS PUBLIC HEALTH OR SANITATION WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNDALE, TEXAS:

DEFINITIONS

“Peddler” means any person who engages in commercial activities within the 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.

“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.

PERMIT REQUIRED

It is unlawful for any peddler or solicitor to engage in business within the city without first obtaining a permit from the Thorndale Police Department.

PERMIT APPLICATION

Any person desiring to engage in activities as a peddler or solicitor within the City must file a written application for permit with the Thorndale Police Department. The application shall give at least the following information:

- A. For the applicant and each individual involved in the peddling or solicitation campaign: name, permanent and local telephone numbers, address, birth date,

physical description, finger or thumbprint, and a copy of an official, government-issued picture identification card.

- B. Whether the applicant is a natural person, partnership, corporation, or association. If other than a natural person, the legal business name, business address, phone number, sales tax number, and name and phone number of the main individual in charge of the local office of the business. In addition, the web address for the organization, person, or group where residents having subsequent questions can go for more information.
- C. Full and complete list of goods, wares, and/or merchandise to be sold and/or services to be delivered along with a brief description of the proposed activities.
- D. The motor vehicle make, model, year, color, and state license plate number of any vehicle which may be used by the applicant or any other individual involved in the above mentioned proposed activities.
- E. Whether the applicant will demand, accept, or receive payment or the deposit of money in advance of final delivery.
- F. A list of all misdemeanor and felony convictions of the applicant and other individuals involved in the peddling or solicitation campaign. In no event shall an application be approved unless there is compliance with this requirement.
- G. Applicant must provide original identifying documents to the Thorndale Police Department upon request.
- H. Any other information the applicant wishes to provide, or that may be reasonably requested such as copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

PERMIT FEES.

All peddlers and solicitors not exempted by the exempt section below shall pay a permit fee to the City of Thorndale of twenty-five dollars (\$25.00). No permit hereunder shall be issued until such fee has been paid.

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. Any individual soliciting or peddling for a philanthropic, charitable, political or religious group.
- E. Public Utility Companies or others operating under franchises granted by the City of Thorndale.

PERMIT DENIAL.

After a completed application for permit has been submitted to the Thorndale Police Department, an investigation of the applicant and other individuals records and backgrounds shall be performed 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;
2. Applicant is currently wanted on warrant for arrest.
3. Applicant has been convicted of any offense reportable to the Texas Department of Public Safety or the Federal Bureau of Investigation or other law enforcement reporting systems.

If the Thorndale Police Department denies a permit, the applicant, within 3 business days, may appeal this decision in writing to the Thorndale City Council, which may affirm, modify or reverse the decision of the Thorndale Police Department.

PERMIT ISSUANCE/DURATION.

If the Thorndale Police Department finds that the application is completed in conformance with this ordinance, a permit shall be issued within five working days. The permit shall be a copy of the original application with an official stamp indicating approval by the Thorndale Police Department. Each permit will be valid for six months from date of issue.

PERMIT – DISPLAY.

Each peddler or solicitor shall 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 ordinance.

IDENTIFICATION CARD.

Each peddler or solicitor who is issued a permit will also be issued an identification badge. This identification badge will communicate to the citizens of Thorndale that the peddler or solicitor has been issued a permit to conduct business in the City. This identification badge shall be worn while engaging in business in the City, and shall be visible to the public at all times.

PERMIT – NONTRANSFERABILITY.

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

PERMIT SUSPENSION.

The Chief of Police or the Chief's designee, upon documented complaint or violation of law, discovery of fraudulent statements, omissions, or improper conduct under the permit, or upon a reasonable good faith basis deemed necessary to protect the public welfare, health or safety, may suspend and confiscate a permit issued by this ordinance.

Peddlers and solicitors whose licenses are suspended have three (3) 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.

ADMINISTRATIVE HEARING.

Upon permittee's request, the Chief of Police shall provide the permittee with written notice containing the particulars of complaints against him or her, and the time, date and place for an administrative review of the suspension.

The City Administrator will conduct an administrative review to determine whether the permit shall be restored or revoked.

If the City Administrator revokes the permit, the applicant may within three (3) business days appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision of the City Administrator.

Revocation of any permit shall bar the permittee from eligibility for any person associated with the revoked permit.

HOURS AND PLACES OF SOLICITATIONS.

No peddler or solicitor may conduct activities defined above except between the hours of eight a.m. and sunset.

No peddler or solicitor may peddle or solicit in public or from medians in the streets, or in any way block, obstruct, or unduly hinder passage on public streets within the City limits.

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 ordinance.

VIOLATION – PENALTY.

A violation of this article shall be punishable by a fine of not less than Twenty Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2000.00) for each offense. Each and every day such violation is continued shall be deemed a separate offense.

REPEALING CLAUSE.

All provisions of any ordinance of the City of Thorndale, Texas in conflict with the provisions of this ordinance are hereby repealed, and all other provisions not in conflict with the provisions of the Ordinance shall remain in full force and effect.

SEVERABILITY CLAUSE.

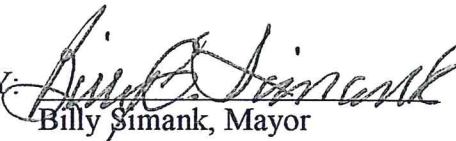
If any word, phrase, paragraph, or section of this Ordinance would be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the Ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid.

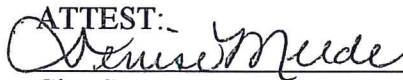
The City council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times this ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, APPROVED AND ADOPTED this the 14th day of February, 2007 at a regular meeting of the Thorndale City Council.

SEAL

CITY OF THORNDALE, TEXAS

BY: 
Billy Simank, Mayor

ATTEST:

City Secretary