

CHAPTER 82: PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS

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§ 82.01 Peddler or Solicitor Defined

For the purpose of this chapter, a "peddler", "itinerant vendor", "itinerant merchant", or "solicitor" shall mean any person, partnership, firm, or corporation going from place to place in the City soliciting, exhibiting, selling, canvassing, or taking orders for or offering to sell or take orders for any goods, wares, merchandise, food stuffs, services, and subscriptions to magazines or publications. The same shall also include any person, partnership, firm, or corporation soliciting, exhibiting, selling, canvassing, or taking orders for or offering to sell or take orders for any goods, wares, merchandise, food stuffs, services, and subscriptions to magazines or publications upon or from a truck or other vehicle whether on the streets or from any property whatever in the City, whether public or private. Anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade these provisions shall be deemed a "peddler", "itinerant merchant", or "solicitor".

§ 82.02 Permit Required

It shall be unlawful for any person, partnership, firm, or corporation to peddle, sell, solicit, exhibit, or take orders or offer to take orders for any goods, wares, merchandise, food stuffs, services, and subscriptions to magazines or publications without first having obtained a permit to do so from the City Secretary.

§ 82.03 Application for Permit

(a) Any person desiring to obtain a permit as required by this chapter shall make written application to the City Secretary. The application shall show at least the following:

- (1) The name of the applicant and his address;

- (2) The name and address of the person or firm the applicant represents;
- (3) A physical description and the social security number and driver's license number of the applicant;
- (4) A record indicating any prior conviction of a felony or misdemeanor involving theft, fraud, robbery, or perjury;
- (5) The name of the immediate last preceding three municipalities in which the applicant works;
- (6) The product or service offered or to be offered for sale;
- (7) Whether the applicant will demand, accept, or receive payment or deposit of money in advance of final delivery of any product or service ordered;
- (8) The date the permit was issued; and
- (9) The period of time such applicant wishes to take orders in the City.

(b) In addition, there shall also be attached to each application for a permit the following:

- (1) A recent photographic likeness of the applicant's face as well as any person(s) working with the applicant; and
- (2) Satisfactory proof that the applicant represents the company or individual he purports to represent.

(c) In addition, the applicant may be required to submit to fingerprinting. Such fingerprinting shall be kept as a permanent record with the application.

(d) No permit shall be issued until such written application has been filed with the City Secretary for a period of 24 hours.

§ 82.04 Bond Required

(a) If the application shows the applicant is to take orders for future delivery, he shall give a bond signed as surety by some surety company authorized to do business in Texas, condition for the final delivery of goods or services in accordance with the terms of such order obtained and also conditioned to indemnify any and all purchasers or customers for any and all defects and material or workmanship that may exist in the article sold by the principal in such bond, at the time of delivery, that may be discovered by such purchaser or customer within 30 days after delivery. Such bond shall be in the sum of not less than \$1,000 and shall remain in full force and effect for the entire duration of the license permit.

(b) Any bona fide charitable, religious, educational, or philanthropic organization or any person engaged in interstate commerce shall not be required to give a surety bond, even though orders may be taken for future delivery.

§ 82.05 Investigation of Applicant

It shall be the duty of the City Secretary to investigate each person that has made an application for a permit.

§ 82.06 Issuance and Duration of Permit

Upon completion of the investigation, the City Secretary shall issue or refuse to issue a permit. All permits issued shall be valid for a period of one year, unless sooner revoked.

§ 82.07 Permit Fees

Each applicant for a permit under this chapter shall be charged a permit fee as prescribed in in the Schedule of Fees (Appendix A of this Code). Such fee shall be paid by the person desiring such permit and is payable at the time of application. This fee shall not be prorated nor refunded regardless of whether a permit is issued. No fee shall be charged to persons offering for sale agricultural products, meats, poultry, or other articles of foods grown or produced by such persons. The permit shall be issued to such person by the City Secretary upon satisfactory proof that they have produced or grown the product(s) should be peddled and such license shall so state. No fee shall be charged to any bona fide charitable, religious, educational, or philanthropic organization, or persons engaged in interstate commerce. The term "interstate commerce" means soliciting, selling, or taking orders, or offering to take orders, for any goods or services which, at the time the order is taken, are in or will be produced in any federal, district, or territory, any commonwealth, or any state other than the state of Texas, and shipped or introduced into this City in the fulfillment such orders.

§ 82.08 Permit Must Be Carried

It shall be unlawful for any peddler, itinerant merchant, or solicitor to engage in any activity for which a permit is required by this chapter, unless he carries such permit on his person while so engaged. Every peddler, itinerant merchant, or solicitor shall display his permit on request of any person and failure to so display such permit shall be grounds for revocation and shall constitute a violation of this chapter.

§ 82.09 Revocation of Permit

After such permit has been issued and the City finds that the permit was obtained by false presentation in the application or that the permit holder has committed any act or practice that violates § 17.46 et seq., Texas Business & Commerce Code, otherwise known as the Texas Deceptive Trade Practice Act, or has committed any crime or misdemeanor involving moral turpitude or any violation of this chapter or any other City ordinance or state or federal law, the City may revoke such permit by giving written notice to the holder and a hearing held. Such notice shall be given by depositing same in the United States mail, certified or registered mail, turn receipt requested, addressed to the permittee at the address stated on the license application. Such hearing shall be held not less than ten (10) days after the service of such notice.

§ 82.10 Permit Not Transferable

No permit issued under this Chapter shall be transferable or signable nor give authority to more than one person to engage in business as a peddler, itinerant merchant, or solicitor, but any person having obtained such permit may have the assistance of one or more person in conducting such business.

§ 82.11 Refusal to Leave Premises Prohibited

It shall be unlawful for any peddler, itinerant vendor, or solicitor who enters upon premises owned, occupied, or leased by another person to willfully refuse to leave such premises after having been notified by the owner or possessor of such premises or his agent.

§ 82.12 No Peddling Where Posted

It shall be unlawful for any peddler, itinerant vendor, or solicitor to enter upon any private premises when the same is posted with a sign stating "no peddlers allowed" or "no solicitation allowed" or other words to such effect.

§ 82.13 Hours When Peddling Prohibited

It shall be unlawful for any peddler, itinerant vendor, or solicitor to engage in the business of peddling at any time between sunset and 30 minutes after sunrise, except when the peddler, itinerant vendor, or solicitor has specific invitation and appointment with the customer.

§ 82.14 Exemptions

The following persons, partnerships, firms, or corporations shall be exempt from the permit provisions of this chapter

- (a) Ordinary commercial travelers who sell or exhibit for sale goods or services to local firms or businesses and not to residences;
- (b) Daily deliveries of milk, bakery, and other food products, liquor deliveries, or newspaper deliveries; and
- (c) Insurance salesmen, real estate salesmen, and other professionals licensed by the state, except that insurance salesmen shall personally solicit only at the specific request of the owner or occupant of the business or residence at which the solicitation is being made.



CITY OF OVERTON, TEXAS
 1200 S. Commerce St. * P.O. Drawer D
 Overton, TX 75684 * Phone: 903-834-3171

Solicitor / Peddler / Itinerant Vendor	
Permit #:	_____
Application Fee:	_____
Permit Fee:	_____

APPLICANT INFORMATION

Name of Applicant _____

Date of Birth _____ Driver's License # _____ State _____

Address _____ Phone #: _____

Other communities solicited in last twelve (12) months _____

Companies represented in last twelve (12) months _____

BUSINESS INFORMATION

Sole Proprietorship Yes No

Legal Name of Business Entity _____

Permanent Business Address (NO P.O. Box) _____

State of Incorporation or Filing of Partnership/ Articles of Incorporation/Assumed Name _____

Sales Tax Number _____ Business Phone _____

EMPLOYEE INFORMATION

[Attach separate listing for additional employees that will be working the City of Overton]

Employee Name _____

Date of Birth _____ DL # _____ State _____

Permanent Address _____ Phone# _____

Employee Name _____

Date of Birth _____ DL # _____ State _____

Permanent Address _____ Phone# _____

Employee Name _____

Date of Birth _____ DL # _____ State _____

Permanent Address _____ Phone# _____

As the employer of individuals whose names are listed in this application, I accept the responsibilities imposed by State Law for the acts of my employees. [Initial] _____

- Yes No; Has the applicant or any employee listed above been found guilty of any criminal offense in any Court in this State or any other State?

If "Yes," identify the individual, offense, State of conviction and penalty imposed:

- Yes No; Does the applicant or any employee listed above have any unpaid civil judgments against him/her in any State or U.S. possession arising from a business activity which would have been covered this Section?

If "Yes," identify the unpaid civil judgments against him/her and explain: