Peddlers and Solicitors Permit Application Instructions

Thank you for applying for a Peddlers and Solicitors Permit with the City of Ferris. Please follow this guide to assist you with completing this application Packet.

Do I Need a Peddlers and Solicitors Permit?

You **WILL** need to complete this application if you intend to peddle, sell, solicit, canvass, hawk, bark, or take orders for any goods or services on a sidewalk or parkway, a parking lot, or door to door within the city limits of Ferris.

If you plan to open a traditional storefront business, please contact the City of Ferris at 972-544-2110 to discuss the requirements for obtaining a Certificate of Occupancy.

If you fall into any of these categories, you do **NOT** need to register with the city:

(1) Solicitations related to non-profit activities, including, but not limited to, public and/or private school-related activities, Girl Scouts, Boy Scouts, and Big Brothers and Sisters, which may involve children under the age of 16 years. Children under the age of 16 years may participate in such activities to the extent they are actively supervised by a parent, guardian, or other adult person, at least 18 years of age, who is responsible for the well-being of the child.
(2) Religious, political, or non-profit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public. A donation received from the distribution of handbills or pamphlets does not affect this exemption.
(3) Ordinary commercial travelers who sell, or exhibit for sale, goods, wares, or merchandise to persons selling and dealing in the same within the city; and
(4) City citizens conducting a survey.

Fees.

$50.00 for the initial applicant
$20.00 for each additional solicitor listed under the application

Note:

Public utilities, local businesses, Insurance agents and Real estate agents with a valid Texas License are exempt from permit fees, background check, and bond requirement. Proof of licensure or affiliation required.

Rules

Included in your packet is Sections 11.15 through 111.99 which regulate peddlers and solicitors. It is recommended you read this document and familiarize yourself with the solicitation restrictions for the City of Ferris. It is also recommended that you give a copy of these regulations to each solicitor listed on your application.

Completing the Application.

This application consists of several parts and requires supporting documentation to be attached. Please be sure to read this section carefully to ensure you complete all required portions and include all required attachments. **An incomplete application will not be accepted.** In your application packet you will find the following forms:

- Peddlers and Solicitors Permit Application
- Form A – Partnerships
- Form B – Corporations
- Form C – Associations
- Form D – Items and Services
- Form E – Solicitor Information
- Criminal History Release

If any of these forms are missing, please contact the City of Ferris at 972-544-2110 for a replacement packet.

Peddlers and Solicitors Permit Application

Applicant

Fill in all information for the applicant. Name should include First, Last and Middle Initial. At least one phone number is required.

Business

Circle the type of organization (Sole Proprietor, Partnership, Corporation, or Association.) Fill in all company information. At least one phone number is required. Check whether the business falls into any of the listed categories. A local business is considered a business operating within the City Limits of Ferris under a valid Certificate of Occupancy. Also, complete Forms A, B, or C as appropriate (See "Forms A, B, & C" below.)

Location

List all locations in which you plan to sell or solicit goods and services. This could be a single location from which you intend to vend or could include whole neighborhoods if you are planning on going door-to-door. Continue your location list on a separate sheet of paper if necessary.

Duration & Method

Fill in the date you plan to begin solicitation and the date you plan to no longer plan to solicit under this permit. Please note that the permit is only good for one year; end dates beyond one year will be truncated to the one-year mark. List how often you plan to solicit under this permit.

Examples: Once a Month or Every other Saturday or every day for three weeks.

Under "methods and means by which the solicitation of funds is to be accomplished," list how you will solicit.

Examples: from a mobile food cart or from a stationary temporary stand or door-to-door.

Goods & Services

Give a general description of goods and/or services to be offered.

Examples: Insurance or ice cream or vacuum cleaners.

A detailed list of items will be supplied on Form D. (See "From D" below)

Personal History

List all cities where a solicitor's permit was obtained in the last five years. This list should only include cities where a permit was issued. Check whether the applicant has ever been convicted of a crime other than Class C traffic violations. Supply the applicant's state issued driver's license or ID card number and give the issuing state. All other solicitors to be covered by the permit will be listed on Form E. (See "Form E" below)

Vehicle

List the Make, Model Year, License Plate Number and Vehicle Identification Number (VIN) of all vehicles to be used during sales times. VIN numbers are generally located on the edge of the driver's side door, on the driver's side dash when viewed through the windshield and can be found on the vehicle registration paperwork.

Signature & Notarization

The applicant must sign and date the application before a notary, and the application must display they notary's signature and seal.

Forms A, B, & C.

If you are a sole proprietor who sells their own goods or services, and does not represent another company whether by employment, contract, or other agreement, you will not need to fill out Form A, B, or C. Please write "Does Not Apply" across the top of each form and return all with the application packet.

If you represent another company by employment, contract, or other agreement, you will need to fill out Form A if the company is a partnership or Form B if the company is a corporation. Please write "Does Not Apply" across the top of each remaining Forms A or B, and C and return all with the application packet.

If you represent an association, you will need to fill out Form C. Please write "Does Not Apply" across the top of each remaining Forms A and B and return all with the application packet.

Form D

On Form D – Items and Services, list each item or service to be offered for sale. Next to each item or service provide a description of the item or service. The description should clearly define the item and differentiate it from other similar items on the list.

Example:

Item/Service	Description
Life Insurance	Met Life, Whole Life Insurance
Life Insurance	Met Life, Term Life Insurance

You may include a catalog for clarification, however all items to be offered must be listed on Form D.

Form E

Form E – Solicitor Information is your opportunity to list all person who you want to be listed under the permit. Only the applicant and persons listed on Form E will be allowed to operate under the permit. Writing "None" on this form will only allow the applicant to operate under the permit. The full name, Driver's License or State ID number, and the issuing state are required for each person listed. Incomplete or erroneous information will delay approval of the permit. Two passport photos will also be required for each person listed. Please write the name of the person depicted in the photo on the back. It is important to include all persons whom you will have soliciting within the city limits of Ferris. A permit card will be issued to the applicant and each solicitor listed. **Failure to produce your permit card during times of solicitation within the city limits of Ferris may result in a citation being issued**. If you have a change of personnel during the permit period contact the City to amend the permit.

Criminal Background Release

The criminal Background release form must be completed by the applicant, buy the business contact listed on the application, and by all persons listed on Forms A, B, C, & E. Failure to include a form for each person listed will result in a rejection of your application.

Attachments

In addition to the required forms, the following supporting documentation must be included with the application:

1. Texas State Sales Tax Permit or letter from the Texas State Comptroller stating you are exempt.
2. Letter from the Texas State Comptroller showing no tax due.
3. A notarized statement of permission from the property owner where solicitation activities are to take place.
4. Two recent passport photos of the applicant and of each solicitor listed. Photos may not exceed 1 square inch in size.
5. A letter on company letterhead from the President, Vice-President, General Manager, Sales Manager, Assistant Sales Manager, or District or Area Manager of the company for which the applicant works, sells, or solicits stating that the applicant is an employee and/or agent of such company.
6. A reference to a recognized financial rating publication, which reference shall show the page on which the company's or firm's financial standing can be found; or a letter or a certificate from an association or organization which has as its purpose the protection of citizens of the United States against illegal or unsavory business practices stating that the firm or company is a member in good standing of such association or organization.
7. A copy of a valid health permit for any applicant engaged in the sale or distribution of food or beverages.
8. A copy of the current liability insurance certificate for each vehicle.
9. A cash bond certificate in the amount of $10,000, naming the applicant for the permit as principal. The bond shall be in full force and effect for one year from the date of issuance of the permit.

Submittal

You must submit your complete application in person at 100 Town Plaza, Ferris, Texas 75125.
Monday through Friday, 8:00am to 5:00pm.
Depending on the application and number of solicitors listed, permit processing can take some time. On average, expect 14 business days for review.

PEDDLERS & SOLICITORS PERMIT APPLICATION

100 Town Plaza
Ferris, Tx 75125
972.544.2110

APPLICANT

Name: _____

Home Address: _____

City: _____ State:_____ Zip: _____

Telephone: _____ Cell Phone: _____

Circle One: Sole Proprietor Partnership Corporation Association

BUSINESS

Company Name:_____Contact Person: _____

Physical Address: _____

City: _____ State:_____ Zip: _____

Telephone: _____ Cell Phone: _____

Does your business fall into any of these categories? Check all that apply:

Public Utility Company

Insurance Real Estate Local Business

If a partnership, complete Form A If a corporation, complete Form B If an association, complete Form C

LOCATION

Describe specific location(s) in which you intend to solicit under this permit:

_____

_____

DURATION & METHOD

Begin Date:_____End Date: _____

How often to you plan to solicit:

List methods and means by which the solicitation of funds is to be accomplished:

_____

_____

GOODS & SERVICES

General description of goods and/or services to be offered for sale:

_____

_____

_____

_____

_____

Also, complete Form D

PERSONAL HISTORY

List all cities where the applicant has been issued a solicitor permit within the last 5 years:

Has the applicant ever been convicted of a felony or misdemeanor, excluding traffic violations?
Check one:

Yes No

Driver's License or State ID # _____ State: _____

VEHICLE

List all vehicles to be used during solicitation:
Make: _____

Model: _____

Year: _____

License: _____

Vin: _____

Continue a separate sheet if necessary.

ATTACHMENTS

This application is incomplete and will not be processed without the following attachments included with this form:

1. Texas State Sales Tax Permit or letter from the Texas State Comptroller stating you are exempt.
2. Letter from the Texas State Comptroller showing no tax due.
3. A notarized statement of permission from the property owner where solicitation activities are to take place.
4. Two recent passport photos of the applicant and of each solicitor listed. Photos may not exceed 1 square inch in size.
5. The background check authorization form.
6. Company Authorization Letter.
7. Rating Reference.
8. A copy of a valid health permit for any applicant engaged in the sale or distribution of food or beverages.
9. A copy of the current liability insurance certificate for each vehicle.
10. Forms A, B, or C as applicable.
11. Forms D and E.
12. Bond Certificate

Applicant Signature: _____ Date: _____

State of Texas
County of _____

_____, personally appeared before me, and being first duly sworn declared that he/she signed this application in the capacity designated, if any, and further states that he/she has read the above application, attachments and supplemental information and the statements therein contained are true.

Notary Public's Signature: _____ Date:_____

	Approved By	***Date***	***Comments***
Code Compliance			
Police Department			

PEDDLERS & SOLICITORS PERMIT APLICATION

FORM A - Partnerships

List all partners of the Business:

Name	Principal Business Address	City	State	Zip	Phone Number

List all solicitors to be covered by this permit:

Name	Home Address	City	State	Zip	Phone Number

PEDDLERS & SOLICITORS PERMIT APLICATION

FORM B - Corporations

Name of Corporation: _____

Mailing Address: _____

Physical Address: _____

Corporate Telephone Number: _____

Local Director/Manager Name: _____

Country & State of Incorporation: _____

List all officers & directors or trustees of the corporation:

Name	Principal Business Address	City	State	Zip	Phone Number

List all solicitors to be covered by this permit:

Name	Home Address	City	State	Zip	Phone Number

PEDDLERS & SOLICITORS PERMIT APLICATION

FORM C - Associations

Name of Association: _____

Headquarters Mailing Address: _____

Headquarters Physical Address: _____

Headquarters Telephone Number: _____

Local Mailing Address: _____

Local Physical Address: _____

List all solicitors to be covered by this permit:

Name	Home Address	City	State	Zip	Telephone Number

PEDDLERS & SOLICITORS PERMIT APLICATION

FORM D - Items and Services

List all items or services to be offered individually:

Add Additional Sheets of Necessary.

Item/Service	Description

Item/ Service	Description

PEDDLERS & SOLICITORS PERMIT APLICATION

FORM E - Solicitor Identification

List all solicitors to be covered by this permit including Applicant:

Continue additional sheets of necessary.

Name (Last, First M)	State Issued ID or Driver's License Number	State

Name (Last, First M)	State Issued ID or Driver's License Number	State

CITY OF FERRIS, TEXAS
AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

I, _____, do hereby authorize a review of and full disclosure of all records and information concerning myself to any duly authorized agent of the City of Ferris, whether [or not] the said records [and information] are of a public, private or confidential nature. This authorization is intended for ALL forms of records and information, *to include information and opinions which may be verbalized* by any agent of the source or repository or by [or from] any person associated therewith.

The intent of this authorization is to give my consent and permission for full and complete disclosure of: credentials, special appointments and commissions, any form of records [and information] wherever known, kept, or filed; inclusive of employment, pre-employment, and any and all records and information associated with background reports, efficiency ratings, complaints, grievances, disciplinary actions [filed by me or filed against me]; and the records and recollections of attorneys at law, or of other counsel, whether representing me or another person or agency or entity in any case [either criminal or civil or administrative in nature] in which I presently have [or have had] an interest. I intend this release to include reports, records and information regarding arrests, detentions, convictions, incarcerations; all information related to criminal justice and criminal history matters associated with me.

I understand that any information obtained by a personal history background investigation which is developed directly or indirectly [in whole or in part] upon this release authorization will be considered in determining my suitability for receiving any form of permit, license or other appointment or authorization granted or given to me by the City of Ferris.

I also certify that any person(s), firms, corporations, or governmental agencies or entities who may furnish such information concerning me shall not be held accountable for giving this information to representatives or agents of the City of Ferris; and I hereby release, indemnify and hold harmless said person(s) firms, corporations, and governmental agencies or entities from any and all liability which may be incurred as a result of furnishing such information. I also release and hold harmless the City of Ferris from any claim or demand related to the City of Ferris in obtaining and / or considering any such information.

I also authorize the release of my name and full disclosure of all records and information concerning me to any other entities acting jointly with the City of Ferris in the consideration or approval of any application process made by me with the City of Ferris.

I further intend that a photocopy of this release form will serve to be as valid as the original thereof, even though said photocopy does not contain an original writing of my signature.

This release authorization is immediately effective from the date signed and granted as indicated below.

_____ _____

Signature of party granting this Release Authorization Printed Name

SUBSCRIBED BEFORE ME THIS THE_____ DAY OF_____ IN THE YEAR _____, at _____ AM / PM

_____

NOTARY PUBLIC

Identification Type: _____

Identification Number: _____

Social Security Number: _____

Phone Number: _____

PEDDLERS AND SOLICITORS

§ 111.15 TITLE.

The ordinance codified herein is hereby designated and shall be known and referred to as the "Peddlers and Solicitors Ordinance," and shall be referred to herein as the "subchapter".

(Ord. O-12-724, passed 2-6-2012)

§ 111.16 PURPOSE.

This subchapter is and shall be deemed an exercise of the police powers of the state and of the city for the public health, safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this subchapter shall be construed for the accomplishment of that purpose. The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic. Reasonable regulation of peddling and solicitation on public ways and in public places is necessary to protect the public health, safety, and welfare. The regulations contained in this subchapter are not intended in any way to prohibit or hamper speech that is protected by the Constitution of either the United States or the State of Texas.

(Ord. O-12-724, passed 2-6-2012)

§ 111.17 DEFINITIONS.

For the purposes of this subchapter, certain terms, phrases, words, and their derivatives shall be construed as specified in this subchapter or as specified in the building regulations, as adopted and as amended. Where a conflict exists, the building regulations control. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural, and words in the plural include the singular. Words used in the masculine gender include the feminine, and words in the feminine gender include the masculine.

AUTOMATED TELLER MACHINE. A machine, other than a telephone:

(1) That is capable of being operated by a customer of a financial institution.

(2) By which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

(3) The use of which may or may not involve personnel of a financial institution.

BARKER. A person who stands on the property of a business and solicits customers with a loud spiel or gestures.

CHARITABLE PURPOSE. The solicitation of money or property for the benefit of a charity, philanthropy, or non-profit organization or for poor, underprivileged, needy, crippled, or handicapped persons; the teaching of patriotism or assistance to veterans or veteran's organizations; or for existing educational institutions or for the establishment or endowment of educational institutions. Solicitation for oneself or one's family, commonly termed "panhandling," does not fall within this definition.

CITY. The City of Ferris, Texas.

PEDDLER, SOLICITOR, VENDOR, OR PERSON. Any individual, firm, company, partnership, corporation, association, trust, society, religious sect, organization, league, or other legal entity and includes any trustee, receiver, assignee, agent, or similar representative.

. ***SOLICITATION*** and ***SOLICIT.***

(1) Any conduct or act whereby a person or his or her agent, member, or representative:

(a) Either orally, in writing, or by gesture, asks for a ride, employment, goods, services, property, financial aid, money, or any article representing monetary value, for any purpose; or

(b) Whether orally, in writing, or by gesture, sells or offers to sell food, beverages, goods, services, publications, or subscriptions.

(2) The term ***SOLICITATION*** shall include persons engaged in the delivery of handbills or circulars door to door for the solicitation of money, products, services, or other items of pecuniary value. An offer of membership in any organization is expressly excluded from the definition of ***SOLICITATION***. The term ***SOLICITATION*** shall also include activities conducted by persons known as “hawkers” or “barkers”.

(Ord. O-12-724, passed 2-6-2012)

§ 111.18 PERMITS REQUIRED.

(A) It shall be unlawful for any person to peddle, sell, solicit, canvass, hawk, bark or take orders for, or to attempt to peddle, sell, solicit, canvass, hawk, bark or take orders for, any services, wares, merchandise, or goods, or any article of value, including, but not limited to plants, flowers, paintings, novelties, painting house numbers on streets, firewood, books, magazines, photographs, or any articles for future delivery, on a sidewalk, parking lot, or parkway within the city or from door to door without having first obtained a permit therefor from the city.

(B) Each person engaged in peddling, hawking, barking, soliciting, vending, or selling as defined in Division (A) of this section, must have a permit issued under the terms of this subchapter, and such permit shall be personal to the applicant and shall not be reproduced nor assigned nor transferred to any other person. Any such attempted transfer or reproduction shall render the permit void.

(C) Each permit shall expire as of the date noted thereon, which date shall be in accordance with the provisions of this subchapter, and such permit shall indicate thereon the hours when peddling, solicitation, and selling within the city is permitted in accordance with the provisions of this subchapter.

(D) It shall be unlawful for any person who shall solicit funds in the city to represent in connection with such solicitation of funds that the issuance of a permit by the city constitutes an endorsement thereof.

(E) It shall be unlawful for any person to solicit funds for a purpose other than that set out in the registration statement or application upon which the permit was issued.

(F) A permit shall not be issued to any person under 18 years of age.

(G) Solicitation shall be deemed completed when made, regardless of whether the person making the solicitation receives any contribution or makes any sale.

(Ord. O-12-724, passed 2-6-2012) Penalty, see § 111.99

§ 111.19 PERMIT APPLICATION.

(A) Every person desiring to solicit in the city shall, unless otherwise exempted, apply for a permit from the City Secretary. Each application for a permit required by this subchapter shall be in writing, under oath, notarized, and shall set out the following:

(1) The name of the applicant, with his permanent residence.

(2) Whether the person represents a partnership, corporation, or association, and:

(a) The business address and telephone number of the applicant.

(b) If a partnership, the names of all partners and the principal business address and telephone number of each partner.

(c) If a corporation, the person applying shall state whether the corporation is organized under the laws of the State of Texas or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of the local office of such corporation, and the names and addresses of all officers and directors or trustees of said corporation, and, if a foreign corporation, the place of incorporation; and

(d) If an association, the application shall show the association's principal business address and telephone number, and, if the association is part of a multi-state organization or association, the mailing address and business locations of its local office.

(3) The specific location in which the applicant intends to solicit under the permit.

(4) The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation of funds.

(5) The kind, type, and character of goods or services the applicant proposes to offer for sale, including the name brand, manufacturer and distributor of food, goods, and commodities, and the name, publisher, and distributor of all books, magazines, or periodicals to be offered for sale;

(6) A full description of goods and/or services for solicitation.

(7) How often the applicant will solicit during the year.

(8) The period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion.

(9) A description of the methods and means by which the solicitation of funds is to be accomplished.

(10) The names of any cities where the applicant has obtained a solicitation permit within the previous five years.

(11) Whether the applicant, or any solicitor listed in the application, has ever been convicted of a felony or a misdemeanor involving moral turpitude.

(12) The state driver's license number or a state approved identification card number of the applicant and of each solicitor.

(13) If a motor vehicle is to be used during the time when the applicant will be soliciting, a description of the vehicle, together with the motor vehicle registration number, license number, and a copy of the vehicle's current proof of liability insurance;

(14) A copy of the applicant's current State of Texas Sales Tax Permit together with written documentation from the State Comptroller that all sales taxes that may be due and owing by the applicant have been fully paid; and

(15) A sworn statement from the property owner, if applicable, consenting to the applicant's use of his or her property for the solicitation activities indicated in the permit application.

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

(1) Two recent photographic likenesses of the applicant's face, and any solicitor soliciting under said permit, which photographs shall not exceed one-inch square in size;

(2) A certificate or letter from the president, vice-president, general manager, sales manager, assistant sales manager, or district or area manager of the company for which the applicant works, sells, or solicits stating that the applicant is an employee and/or agent of such company;

(3) A reference to a recognized financial rating publication, which reference shall show the page on which the company's or firm's financial standing can be found; or a letter or a certificate from an association or organization which has as its purpose the protection of citizens of the United States against illegal or unsavory business practices stating that the firm or company is a member in good standing of such association or organization; and

(4) A copy of a valid health permit for any applicant engaged in the sale or distribution of food or beverages. A solicitor's food and beverage equipment shall be subject to inspections by the health department at the time of application and at periodic intervals thereafter.

(Ord. O-12-724, passed 2-6-2012)

§ 111.20 APPLICATION FEE.

The permit application shall be accompanied by a fee of $50 per year, as applicable, for the original solicitor or applicant, plus a fee of $20 as applicable, for each additional solicitor, for the city's investigation and administration of the provisions of this subchapter. All fees shall be paid to the City Secretary prior to acceptance of a permit application. All permits expire on December 31st of each year, regardless of when they were issued.

(Ord. O-12-724, passed 2-6-2012)

§ 111.21 PERMITS GENERALLY.

(A) *Investigation of applicant.* It shall be the duty of the Police Chief, or his or her authorized designee, to secure a background check through any lawful means on each applicant, and on all other persons listed on the application, before issuance of a permit, which investigation may include but is not necessarily limited to personal interviews with named individuals, criminal history checks, and verification of references and information contained within the permit application.

(B) *Issuance of permit.* A permit applied for under this subchapter shall be issued by the city within 30 days after the application is completed and filed, unless it is determined that the applicant has provided false or incomplete information on the application. A permit requested under this subchapter shall be issued for the length of time requested, not to exceed one year. An expired permit may be renewed under the same terms and conditions as the original application and subject to the same fees.

(C) *Form of permit.* Each permit shall be printed in black, and the following shall be printed prominently thereon: "The issuance of this permit is not an endorsement by the City of Ferris or any of its officers or employees". Each permit shall bear a permit number which is the same as the file containing the application filed by the applicant.

(D) *Permit to be displayed.* It shall be unlawful for any person to sell or solicit in the city without displaying the permit required by this subchapter on his or her person, in plain view, while engaged in such soliciting or selling.

(E) *Exhibiting permit.* Every solicitor or peddler or seller shall identify himself or herself as a salesperson upon approaching a citizen in a public place or at a private dwelling and explain his or her purpose, whether it be direct sales, solicitation or orders of the demonstration of goods or merchandise, or any combination of purposes thereof, and shall produce for inspection, upon request by any person, the solicitor's permit issued by the city.

(F) *Responsibility for acts of solicitors.* The recipient of a permit or named applicant shall be responsible for the acts of his or her authorized representatives or solicitors listed in the permit application in connection with solicitation activities. In this regard, the recipient of the permit shall actively supervise all persons listed in the permit application, which supervision shall include but not be limited to remaining within the corporate city limits during all solicitation activity and responding promptly (within ten minutes) to calls by city representatives related to the solicitation activity, which may include responding to an on-site complaint from a citizen.

(Ord. O-12-724, passed 2-6-2012) Penalty, see § 111.99

§ 111.22 REVOCATION OR DENIAL OF PERMIT; APPEAL.

(A) Revocation or denial of permit.

(1) If, after the permit required by this subchapter has been issued, the code enforcement official, or his or her authorized designee, finds that the permit was obtained by false representation in the application, or the permit has been reproduced or transferred or assigned to another person or the applicant has led someone to believe the permit is an endorsement of the applicant's product or service by the city, or in the event of fraud or misrepresentation by the permit holder, or in the event the permit holder has failed to furnish the items required by this subchapter, such permit may be revoked by the code enforcement official or his or her authorized designee. In the event that the Chief of Police or his or her designee, during the course of investigation finds a conviction of the permit holder of a felony or a misdemeanor involving moral turpitude, the permit can or will be denied, suspended, or revoked upon recommendation of the Chief of Police or his or her designee.

(2) If the Chief of Police or the code enforcement official has probable cause to believe that a solicitor has engaged in prohibited conduct as defined by this subchapter, the official may revoke the permit of the permit holder.

(3) If more than one complaint of misconduct by a solicitor or group of solicitors working for the same company is received, the permit may be immediately revoked by the city.

(B) *Appeal from denial or revocation of permit.* Should an applicant be denied a permit, or have a permit revoked, he or she may appeal that action to the City Council of the City of Ferris by submitting a letter to the City Manager or his or her designee within ten days to complain of that action. A hearing of the denial will then be scheduled for the next regular meeting of the City Council. The City Council shall render a decision on the appeal within one day of the date of the hearing. Such hearing shall be an administrative hearing. Adherence to formal rules of evidence shall not be required. The decision of the City Council shall be final and binding. No

new application for a permit will be considered for six months after denial or revocation, unless the denial or revocation is without prejudice or is conditional and the conditions have been satisfied as determined by the code enforcement official.

(Ord. O-12-724, passed 2-6-2012)

§ 111.23 BOND.

Each person engaging in solicitation activities requiring cash deposits or taking orders for cash on delivery (COD) purchases or who requires a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the city a cash bond in the amount of $10,000, naming the applicant for the permit as principal. The bond shall be in full force and effect for one year from the date of issuance of the permit, unless otherwise extended by demand of the City due to the revocation of the permit, or an anticipated delivery date beyond 12 months, in order to protect the citizens of the City from potential losses associated with such solicitations. The city will not pay any interest on any bonds or other financial instruments required by applicant as part of this permit.

(Ord. O-12-724, passed 2-6-2012)

§ 111.24 PERMIT EXEMPTIONS.

(A) The following persons engaged in the activities set forth in divisions (A) (1) through (3), below, in the city shall first register with the city by filling out a form to be promulgated by the city in accordance with the provisions of this subchapter and by furnishing proof that he or she is actually engaged in such activity in the city, and the city shall issue to such person a registration certificate exempting him from the terms and conditions of this subchapter and from paying a fee therefor, namely:

(1) Public utility companies or others operating under a franchise granted by the city;

(2) Commercial agents dealing with local business establishments in the usual course of business; and

(3) Insurance salesmen, real estate salesmen, and others licensed by the State of Texas.

(B) The following persons engaged in the activities set forth in divisions (B)(1) through (4), below, in the city are exempt from any registration requirements in addition to the exemption from the permit requirements:

(1) Solicitations related to non-profit activities, including, but not limited to, public and/or private school-related activities, Girl Scouts, Boy Scouts, and Big Brothers and Sisters, which may involve children under the age of 16 years. Children under the age of 16 years may participate in such activities to the extent they are actively supervised by a parent, guardian, or other adult person, at least 18 years of age, who is responsible for the well-being of the child;

(2) Religious, political, or non-profit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public. A donation received from the distribution of handbills or pamphlets does not affect this exemption;

(3) Ordinary commercial travelers who sell, or exhibit for sale, goods, wares, or merchandise to persons selling and dealing in the same within the city; and

(4) City citizens conducting a survey.

(Ord. O-12-724, passed 2-6-2012)

§ 111.25 PROHIBITED LOCATION, ACTIVITIES, AND CONDUCT.

(A) It shall be unlawful for any person to peddle, solicit, hawk, sell, or take orders for or offer to take orders for any goods or services in the following places in the city:

(1) On any public street, alley, or traffic island; or

(2) Within 25 feet of the following facilities:

(a) Automated teller machines.

(b) Entrances and exits of banks, credit unions, or other financial institutions.

(c) Exterior public pay telephones.

(d) Self-service car washes.

(e) Self-service fuel pumps; and

(f) Public transportation stops; or

(3) At any residence which has exhibited in a conspicuous place upon or near the main entrance to the residence a sign containing the words “NO SOLICITORS.” The letters shall be not less than two-thirds of an inch in height and should be displayed on a weatherproof card not less than three inches by four inches in size.

(4) For purposes of division (A)(2) of this section, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(a) The nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine.

(b) The nearest entrance or exit of a bank, credit union, or other similar financial institution.

(c) The nearest part of an exterior public pay telephone.

(d) The nearest part of the structure of a self-service car wash.

(e) The nearest part of a self-service fuel pump; or

(f) The nearest point of any sign or marking designating an area as a public transportation stop.

(B) It shall be unlawful for any person to peddle, solicit, hawk, sell, or take orders for or offer to take orders for goods or services in a manner that blocks, obstructs, or hinders the free flow of

traffic in the lawful use of the street or free passage of pedestrians in the lawful use of the sidewalk.

(C) It shall be unlawful for a person engaged in solicitation to.

(1) Misrepresent the purpose of the solicitation.

(2) Misrepresent the affiliation of those engaged in the solicitation.

(3) Continue efforts to solicit from an individual once that individual informs the solicitor that he or she does not wish to give anything to or buy anything from that solicitor.

(4) Represent the issuance of any permit or registration under this subchapter as an endorsement or recommendation of the solicitation.

(5) Remove, deface, or render illegible a card placed by the occupant of a residence pursuant to division (A)(3) of this section.

(6) Go onto property upon which the owner of the property or the person controlling the property has posted signs prohibiting solicitation; or

(7) Remain on property after the property owner, or the property owner's designee, representative or agent, has instructed the solicitor to leave.

(D) No solicitor, or person working on his behalf, shall bark, shout, make an outcry, blow a horn or whistle, or use any sound device, including any sound amplifying system, upon any of the streets, avenues, alleys, parks, or other public places of the city, or otherwise be in violation of the city's noise ordinance.

(E) No person shall engage in solicitation through the delivery of handbills or circulars by placing said handbills or circulars on motor vehicles, public utility posts, or other location such that the same constitutes littering under Texas Health and Safety Code, Ch. 365. It is presumed that the person or business whose address or telephone number is listed in the notice, poster, paper, or device, or who is otherwise named, described, or identified in the notice, poster, paper, or device, is the person or business who committed the violation, either personally or through an agent or employee.

(F) It shall be unlawful for any person to use children 13 years of age or younger for solicitation activities, unless otherwise expressly permitted herein, unless such children are actively supervised by a parent, guardian, or other adult person at least 18 years of age who is registered as provided herein. For purposes of this division, ***ACTIVELY SUPERVISED*** means that the adult person shall be within 100 feet of all children 13 years of age or younger for whom the adult person is responsible at all times when the children are engaged in solicitation activities.

(G) It shall be an affirmative defense to prosecution under this subchapter if the person is occupying the public right-of-way for the purpose of selling newspapers or publications or other printed material which deal with the dissemination of information or opinion; however, this defense is not available if said act occurred upon the paved surface or shoulder of any public street, highway, or road.

(H) Public safety personnel or organizations participating in charitable activities shall be exempt from the requirements of division (A)(1) of this section; however, such charitable activities may not hinder the flow of traffic.

(Ord. O-12-724, passed 2-6-2012) Penalty, see § 111.99

§ 111.26 SOLICITATION TO OCCUPANTS OF VEHICLES ON PUBLIC ROADWAYS PROHIBITED.

(A) A person commits an offense if, while occupying any public property adjacent to any public roadway in the city, he knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(B) It is a defense to prosecution under division (A) of this section that the person was:

(1) Summoning aid or requesting assistance in an emergency.

or

(2) A law enforcement officer in the performance of official duties.

(Ord. O-12-724, passed 2-6-2012) Penalty, see § 111.99

§ 111.27 SOLICITATION RESTRICTIONS.

(A) *Residential.* No person shall peddle, solicit, hawk, sell, or take orders for or offer to take orders for any item or service at a private residence in the city after sunset on any day until 9:00 a.m., Monday through Saturday, unless the transaction is the result of a request made to such person by the occupant of such private residence. For purposes of this section ***SUNSET*** means the time of day identified by the National Weather Service as the time for sunset for that day for the city. There shall be no solicitations on Sunday, New Year's Day, Fourth of July, Memorial Day (observed), Labor Day (observed), Thanksgiving, or Christmas Day.

(B) *Non-residential.* Except for the vending of food or drinks from a motor vehicle or other non-stationary means within construction, manufacturing, or similar areas in the manner specified in division (C) of this section, solicitation shall be allowed only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. All vending stands must be removed during non-vending hours. All stands and other vending operations must be removed during non-operating hours.

(C) *Stands.* Vendor stands shall not:

(1) Exceed 20 feet in length, ten feet in width, or 13 feet in height.

(2) Impede access to the entrance or driveway of any adjacent building, impede the flow of traffic, or be within 20 feet of a fire hydrant; or

(3) Occupy more than half of the available sidewalk width or 20 feet of such sidewalk, whichever is less.

(D) *Handicapped areas.* No solicitor shall conduct business within 20 feet of any handicapped parking space or access ramp.

(E) *Removal of trash.* All trash or debris accumulating within 50 feet of any vendor stand shall be collected by the solicitor and deposited in an authorized trash container. All solicitors selling food or beverages must provide trash receptacles adjacent to or as a part of their vendor stands.

(F) *Prohibited areas.* A solicitation permit issued pursuant to this subchapter is valid only on specified public ways or in public places of the city. The city shall prohibit vendors from selling on specified public ways or in public places if it determines such prohibitions are necessary for the protection of public health and safety. Vendor stands and motor vehicles are prohibited within 20 feet of a fire hydrant, fire escape, loading zone, or the driveway of a fire station, police station, or hospital.

(G) *Monthly reports.* Upon request from the city, all vendors shall provide a copy of their monthly report of sales tax receipts to the city.

(H) *Motor vehicles.* Solicitation from a motor vehicle shall be prohibited if the solicitor:

(1) Stops, stands, or parks the vehicle within 20 feet of any intersection, within any other prohibited area, or during prohibited hours; or

(2) Conducts business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.

(Ord. O-12-724, passed 2-6-2012) Penalty, see § 111.99

§ 111.28 CONSUMER'S RIGHT TO CANCEL.

(A) The merchant, peddler, or seller shall provide to the consumer in writing the right to cancel a solicitation transaction made in person or by telephone in which the consideration exceeds $5 until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase in a solicitation transaction. For purposes of a telephone solicitation, ***DATE OF TRANSACTION*** means the day that the consumer receives the goods, services, or realty purchased in a solicitation transaction.

(B) If the consumer chooses to cancel the solicitation transaction, notification by mail shall be considered given at the time mailed as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchant's designated place of business.

(C) It shall be unlawful for a merchant, peddler, or seller to refuse to allow the customer to cancel the solicitation transaction.

(D) Cancellations authorized, and the procedure and notice requirements set forth in Tex. Bus. & Comm. Code, Ch. 601, as it may be amended, are applicable to this section, for transactions applicable thereunder. The text of Tex. Bus. & Comm. Code, Ch. 601 is available in the City Secretary's office, or on-line at Texas Legislature Online.

(Ord. O-12-724, passed 2-6-2012)

§ 111.29 PUBLIC DISCLOSURE.

All applications for a permit under this subchapter, whether or not a permit has been issued, shall be public records and shall be available for inspection by members of the public during regular business hours, and copies thereof may be obtained at cost.

(Ord. O-12-724, passed 2-6-2012)

§ 111.30 STREET SOLICITING; HARASSMENT PROHIBITED.

It shall be unlawful for any person within the city, engaged in soliciting custom for any person, firm, or corporation engaged in the sale of goods, wares, or merchandise of any kind, by way of promoting his or her business, to stop or detain any person upon any street, sidewalk, alley, or in any public place in the city, or in any manner to harass, disturb, interfere with, or importune any person, or to take hold of any person or any article belonging to or in possession of a person, and any person so offending shall be deemed guilty of a misdemeanor, and shall be subject to penalties as provided in § 111.99; and it shall be the duty of the police officers of the city to arrest without warrant anyone violating any provisions of this section.

(Ord. 65, passed 5-5-1952) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person who violates a provision of this chapter for which no other penalty is provided shall be subject to penalties as provided in § 10.99 of this code.

(B) Any person, firm, partnership, corporation, or organization which violates any provision of §§ 111.01 through 111.04 shall upon conviction be subject to a fine of up to $200. Each day of violation shall constitute a separate offense.

(Ord. 469, passed 4-21-2003; Am. Ord. O-12-729, passed 4-2-2012)

(C) Any person violating any of the provisions or terms of §§ 111.15 through 111.29 shall be deemed guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed the sum of $500, and each and every day such violation shall continue shall be deemed to constitute a separate offense. Allegation and evidence of a culpable mental state is not required for proof of any offense defined by §§ 111.15 through 111.29.

(Ord. O-12-724, passed 2-6-2012)

(D) Any person violating any of the provisions of § 111.30 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount as set by City Council ordinance.

(Ord. 65, passed 5-5-1952)