

APPLICATION FOR PERMIT  
PEDDLERS AND SOLICITORS

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

*If you are peddling or making solicitations for any commercial, charitable or political organization, please provide the following of the organization:*

Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Physical Description: \_\_\_\_\_  
Approx. Height Approx. Weight Hair Color Eye Color

Identification: Driver's License: \_\_\_\_\_  
Number State

OR;

Social Security No.: \_\_\_\_\_ AND Other Official Government Issued Picture Identification:

\_\_\_\_\_  
Type of ID Number

Vehicle Identification: \_\_\_\_\_  
Year Make Model License Plate Number/State Proof of Insurance

Have you been convicted of any felonies of any nature, or any other crimes of moral turpitude in this state or any other state? \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

Full and complete list of goods to be sold and/or services delivered: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**Permit Fees:**

One Person: \$100.00

Each Additional Person: \$10.00

Total fees paid: \_\_\_\_\_ *Fees are valid for the calendar year in which the permit is issued.*

The above will be reviewed by the Chief of Police and City Secretary and a determination of issuance of Permit will be made within five (5) working days from date of application.

Drawing of the area where vendor will be set up (if not door-to-door)  
(can use back of this page. Must show parking and restrooms)

Must present signed letter of permission from landowner allowing use of property for  
vendor.

Proof of Insurance Coverage for all vehicles which will be in Granite Shoals

Texas State Sales Tax # \_\_\_\_\_

Sec. 10-81. - Definitions.

The following shall apply to this article:

*Interstate commerce* means the sale of goods that are brought directly from another state to be delivered to the ultimate consumer. Goods that are warehoused or otherwise stored in this state are not considered to be within interstate commerce.

*Motor vehicle* means any vehicle used for the displaying, storing or transporting of articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles. The term includes trailers, trucks and automobiles.

*Peddler* means any individual, whether a resident of this city or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future or immediate delivery, or for services to be performed immediately or in the future, whether or not such individual had, carries or exposes for sale a sample of the subject of such sale or not or whether he is collecting advance payments on such sales or not. The word "peddler" shall not include individuals traveling to businesses, houses or places at the invitation of the resident or owner.

*Public way* means all areas legally open to public use, such as public streets, rights-of-way, sidewalks, roadways, highways, parkways, alleys, parks, as well as the interior and areas surrounding public buildings.

*Special event* means any occasion including, but not limited to, fairs, shows, exhibitions, city wide celebrations, festivals, etc., within a specifically defined area of the city for a period of time established by the City Council.

*Stand* means any newsstand, table bench, booth rack, handcart, pushcart, vehicle or any other fixture or device used for the display or storage of articles offered for sale by a vendor or peddler. Such stands must be located at least ten feet away from all other property lines adjacent to a street.

*Vendor* means any individual, whether a resident of this city or not, who offers for sale food, beverages, goods, merchandise, or for services to be performed immediately or in the future, from a certain location, for a period of more than 15 minutes, that is not within a building or structure for which a certificate of occupancy is required by the city. This term shall not apply to businesses that operate from within a building or structure within the city for which a certificate of occupancy is required and that also displays or sells food, beverages, goods, merchandise, etc. outside.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-82. - Use of public ways; prohibited.

It shall be unlawful for any peddler or vendor to engage in business within any public ways within the city.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-83. - Use of public ways; exemptions.

- (a) Vendors may locate within a designated public way in connection with a special event approved by the city manager and the appropriate body organizing and implementing the special event.
- (b) Ice cream vehicles may use the public ways, provided they do not remain in one location for longer than 15 minutes.
- (c) Peddlers may use streets and roads to travel from house to house or place to place in pursuit of their business.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-84. - Sales tax permit; required.

Except as specifically permitted by state law, it shall be unlawful for any peddler or vendor to engage in business within the city without having obtained and presented a sales tax permit issued by the State of Texas.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-85. - Peddler/vendor permit; required.

It shall be unlawful for any peddler or vendor to engage in business within the city without first obtaining a permit from the city secretary as provided by this article. A permit issued under this article is not assignable or transferable to third parties, provided that nothing in this section shall prohibit a permittee from using a number of solicitors or representatives so long as each person is identified in the application.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-86. - Peddler/vendor permit; exemptions.

The following are exempt from the permitting provisions:

- (1) Newspaper carriers.
- (2) Peddlers and vendors operating within a designated public way in connection with a special event approved by the city manager and the appropriate body organizing and implementing the special event.

Sec. 10-87. - Written application for permit; required.

Any peddler or vendor desiring to engage in commerce within the city must file a written application for a permit with the city secretary, which application shall give the following information for each individual involved as a peddler or vendor:

- (1) The applicant's and each person for whom a permit is requested, 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 number.
- (2) If the applicant is peddling or making solicitations for any commercial, charitable or political organization; the name, telephone number and address of such organization.
- (3) Full and complete list of goods to be sold and/or services delivered.
- (4) Description (year, make and model), license plate number and state, and proof of insurance of all motor vehicles to be used in soliciting and peddling.
- (5) Applicant must provide original identifying document to the city secretary upon request.
- (6) A statement that the applicant has not been convicted of any felonies of any nature or any other crimes of moral turpitude in this state or any other state, and, if having been convicted, a full statement as to the place of conviction and crime for which applicant was convicted.
- (7) A state sales tax permit number or exemption certificate.
- (8) A vendor, except for special events, shall provide the following additional information:
  - a. A letter from the owner of the property on which the vendor intends to conduct business. Said letter must state that the vendor has permission to operate at that location.
  - b. A site plan of the subject property indicating where the vendor will be located in relation to the adjacent right-of-way; adjacent building and the location of two nine by 18½ foot (9' × 18.5') on-site parking spaces. In addition, the property as depicted by the site plan must meet the following requirements:
    1. The location of a vendor business will not be allowed if it results in reduction in the number of parking spaces serving an existing business below that required by city ordinances.
    2. The location of a vendor business must not cause a traffic hazard.
    3. The location of a vendor business must have a turnout, curbside parking, or other parking space available that may be used to transact a sale; and must include sufficient room for customers to exit the roadway and park without creating a traffic hazard.
    4. The location of a vendor business is prohibited in an area zoned or used for residential purposes.

- c. Each vendor will be responsible for providing acceptable temporary sanitary facilities approved by the city manager or his designee, for the location where the related permit has been issued.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-88. - Permit fees.

All peddlers and vendors, not exempted by section 10-90, shall pay permit fees, as established by city council.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-89. - Term.

- (a) Permits shall be issued, and shall be valid, for a term of one year, unless earlier revoked under this ordinance.
- (b) Upon the expiration of the permit, the vendor shall immediately remove from the property all vending equipment, stands, and motor vehicles or items used in the vending businesses, remove and properly dispose of any trash, and return the property to its original state. The vendor shall not return such items to the property and may not vend from that property unless at least 30 days have elapsed. The permit holder shall notify the city secretary prior to changing vending locations within the city, and shall in each instance provide the city secretary with a letter from the property owner stating that the vendor has permission to operate at that location.
- (c) Subsection (b) does not apply to a vendor who is located on property owned by a philanthropic, charitable, political or religious organization, provided that the vending activity is for the sole exclusive benefit of a nonprofit entity, and provided that the property is the same, or is adjacent to the property on which a permanent structure housing that organization's primary activity.
- (d) Failure to comply with this section is grounds for permit revocation. In addition, a vendor who has failed to vacate a property as required by this section shall be ineligible to obtain a new permit for a period of two years from the date of revocation or expiration (if the permit is not revoked) of the vendor's current permit.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-90. - Permit fees; exemptions.

The following are exempt from the permit fee, but not the requirement for a permit:

- (1) Any person soliciting or peddling for a philanthropic, charitable, political or religious organization provided such activity is for the sole exclusive benefit of a nonprofit entity, and so long as the person engaged in such activity does not receive compensation in the form of a commission, salary or other monies paid to the applicant for such activity.

- (2) Any person engaged in interstate commerce.
- (3) Upon approval by the city manager, any person who peddles or vends at an event sponsored by the city.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-91. - Permit issuance; investigation.

The application for permit will be reviewed by the city secretary and she will conduct an investigation of the applicant's record and background such as shall be reasonably necessary to protect the public. An applicant for permit under this article may be reasonably denied if he or she is currently wanted on warrant for arrest, or if the applicant has been convicted of a felony involving theft, fraud, bribery, perjury, or any other crime of moral turpitude.

Peddling by the applicant without a permit, when one has been applied for, shall be grounds for denial of the permit.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-92. - Procedures for permit issuance.

The city secretary shall review all information relevant to the issuance of a peddlers/vendors permit and make the determination whether said permit is granted or denied. Before any permit is denied, the city secretary shall consult with the city manager. Said determination shall be made within ten business days of the filing of the completed application.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-93. - Display and inspection.

- (a) A permittee shall display the permit issued under this article at the location of the business or worn on the outside of the permittee's clothing. Failure to conspicuously display the permit granted in this article shall be deemed a violation of this article.
- (b) An employee of the city may inspect the permit and merchandise displayed, offered for sale, or sold during the permittee's operation.

(Ord. No. 662, § II, 7-21-2015)

Sec. 10-94. - Hours for door-to-door sales and 'no soliciting' properties.

- (a) It shall be unlawful for any peddler engaged in the business of peddling within the city to go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence prior to 9:00 a.m. or after

6:00 p.m. of any day Monday through Friday, or prior to 10:00 a.m. or after 6:00 p.m. on Saturday, on Sunday, or on any federal, state or city holiday, except by specific appointment with or invitation from the prospective customer.

- (b) *Exclusion by residents.* Any resident of the city who wishes to exclude peddlers, solicitors, or handbillers from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and solicitors prohibited." Such placard shall be at least three and three-quarter inches long and three and three-quarter inches wide and the printing thereon shall not be smaller than 48-point type. No peddler, solicitor or handbill distributor shall enter in or upon any premises, or attempt to enter in or upon any premises, where placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

(Ord. No. 662, § II, 7-21-2015)

#### Sec. 10-95. - Permit revocation.

If after the permit provided for in the article from which this article is derived has been issued, it is determined that the permit was obtained by false representation in the application, such permit may be revoked after consultation with the city manager. Such permit may also be revoked if it shall appear that the holder of such permit has violated any ordinance of the city or any law of the state while peddling or vending.

(Ord. No. 662, § II, 7-21-2015)

#### Sec. 10-96. - Appeals from decision of city secretary.

If the applicant for a permit under this article or the holder of such permit is dissatisfied with any holding or finding by the city secretary, he/she shall have the right to appeal to the city manager by filing a written notice of such appeal with the city secretary within ten days from the making and filing of such decision of the city secretary. Upon filing such notice of appeal, the application for the permit and all paper possessed by the city secretary in connection with such application and such permit shall be delivered to the city manager who shall render a decision on the appeal within five business days from the date of the application. If the applicant or holder is dissatisfied with the city manager's decision, the person may appeal to the city council by filing a written notice of appeal within ten days from the date of the city manager's decision, and such matters as may be in controversy may be heard by the council at its next regular meeting after the filing of the notice of appeal.

(Ord. No. 662, § II, 7-21-2015)

#### Sec. 10-97. - Penalty.

Any person, association, company or corporation violating any provision of this ordinance within the corporate limits of the City of Granite Shoals shall be guilty of a misdemeanor, and upon conviction, shall be fined an amount not less than \$200.00 and not exceeding \$500.00.

(Ord. No. 662, § II, 7-21-2015)