CITY OF WEST LAKE HILLS

CHAPTER 58 OF CITY CODE OF ORDINANCES

SOLICITATION PERMIT

The applicant having read, understood and complied with the requirements as provided for in Chapter 58 of the City Code of Ordinances, a Solicitation Permit is hereby granted to:

NAME: _____

ADDRESS: _____

TELEPHONE #: _____

For the following designated solicitation:

_____ Commercial (Peddlers and Itinerant Merchants)

_____ Charitable

_____ Educational

_____ Political Advocacy

_____ Patriotic

_____ Philanthropic

_____ Religious

_____ All of the above

See attached list for address of residences who object to solicitation.

This permit is valid until: _____

Effective date: _____ Approved by: _____
City Administrator

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CITY OF WEST LAKE HILLS

CHAPTER 58

APPLICATION FOR SOLICITATION PERMIT

1. Name and address of applicant; if an association, company or corporation, then state its name along with the names of the persons who will be soliciting in the City:

Name of Applicant:_____ Date:_____

Name of Association, Company or Corporation:_____

Address:_____ Telephone No.:_____

Names of persons who will be soliciting in the City: (use attachments as needed):

_____

_____

Type of Solicitation Permit Applied For (check one or more)

_____ Commercial (Peddlers & Itinerant Merchants
_____ Educational
_____ Patriotic
_____ Religious
_____ Charitable
_____ Political Advocacy
_____ Philanthropic

2. Name and address of the employer or firm which applicant represents:

Name of Employer or Firm:_____

Address:_____ Telephone No.:_____

3. If a corporation, or if employed by a corporation, the date and place of incorporation:

Date of Incorporation_____ Place of Incorporation_____

4. Names of other communities worked as a solicitor or canvasser in the past twelve (12) months; and if employed by a different company in other communities, the name of those companies.

Names of other communities worked:_____

_____

If employed by a different company, name those companies: _____

_____

_____ .5.

5. What is the nature of merchandise to be sold or offered for sale or the nature of the services to be furnished?

_____

_____

_____

6. Indicate whether applicant upon any such order so obtained will demand, accept or receive payment or deposit of money in advance of final delivery:

_____

7. Period of time applicant wishes to solicit, sell or take orders in the City:

Starting Date: _____ Ending Date: _____

8. Outline the methods to be used in conducting the solicitations: (use attachments as needed):

_____

_____

9. Give a physical description of the applicant or any agents of the applicant, which includes race, sex, height, weight, hair and eye color, date of birth, driver's license number and the name of the state issuing the driver's license. (If more than fifteen (15) agents, a master permit to solicit may be applied for).

Applicant: Race: _____ Sex _____ Height _____ Weight _____ Hair Color _____ Eye Color _____
Date of Birth _____ Driver's License Number _____
Issuing State _____
(use attachments as needed)

10. Description of any vehicle to be used by the applicant or its agents:

Make _____ Model _____ Year _____ Color _____
License Plate Number _____ State of Issuance _____
(use attachments as needed)

11. An itinerary to be used by the applicant or its agents, including a street map highlighted to show actual routes to be used by such applicant and its agents in any solicitations within the corporate limits of the City. (use attachments as needed)

12. Copy of current general liability, property damage and medical coverage insurance policy issued by an insurance company authorized to do insurance business in the State of Texas.

_____

13. Written proof of applicant's authority to represent the company or individual that he represents: _____

_____

14. Where any individual, association, company or corporation will be represented by more than fifteen (15) individuals serving as solicitors, said individual, association, company or corporation may apply for a master permit to solicit, in lieu of each individual obtaining a permit to solicit. The application for this master permit will include all the information requested above, except paragraph numbers 4 and 9. The applicant will maintain at all times a list containing the names and addresses of individuals soliciting under the master permit. This list will be made available to the City Administrator or his designee upon request during regular business hours. The fee required for this permit is not the same as for an individual: **Request individual or master permit. (Circle One)**

15. The application fee for an individual permit shall be twenty-five dollars ($25.00). The application fee for a master permit shall be fifty dollars ($50.00). No permit shall be issued until such fee has been paid by the applicant.
Fee paid:_____.

16. The permit applied for shall be issued by the City Administrator when the application is approved and insurance and any required bond is filed, unless it is determined that the applicant has provided false information on his application.

17. Where the applicant for a permit to peddle in the City shows that the applicant will not demand, receive or accept payment and/or deposit of money in advance of final delivery of such goods, wares, merchandise, or articles to be sold and/or solicited by such applicant, the City Administrator shall issue such permit to solicit, sell, and take orders for such goods, wares, merchandise and/or articles set out in such applicant's application upon the payment of the fees required.
Fee paid:_____.

18. The permit requested shall be issued for the length of time requested, not to exceed six (6) months. Upon expiration of one permit, the solicitor may apply for a new permit in the manner prescribed by the ordinance.

19. The applicant shall provide a copy of general liability insurance policy for insuring against public liability, property damage and medical coverage in the respective minimum amounts of one hundred thousand dollars ($100,000.00), three hundred thousand dollars ($300,000.00) and five hundred thousand dollars ($500,000.00).
Attached:_____.

20. Should an applicant have a permit revoked by the City Administrator, he may appeal that action to the City Council by submitting a letter to the City Administrator's office within ten (10) days of the action complained of. A hearing on the denial will then be scheduled for the next regular meeting of the Council, or a special meeting of the Council to be held within fifteen (15) days of the appeal. The council will render a decision on the appeal within ten (10) days of said hearing. The City Council may grant waivers to the provisions of this ordinance upon a showing of good cause.

Appeal requested:_____ Date:_____

I have received a copy of Chapter 58 of the City Code of Ordinances. I have read, understand and complied with all requirements of said City Ordinance.

_____ _____

Signature of Applicant Date

Chapter 58 PEDDLERS AND SOLICITORS*

***Cross references:** Advertising, ch. 6; health and sanitation, ch. 46; streets, sidewalks and other public places, ch. 70; taxation, ch. 78; traffic and vehicles, ch. 82; zoning, ch. 94.

State law references: Home solicitation transactions, Vernon's Ann. Civ. St. art. 5069-13.01 et seq.; criminal trespass, V.T.C.A., Penal Code § 30.05; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code § 151.024.

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ARTICLE I. IN GENERAL

Secs. 58-1--58-30. Reserved.

ARTICLE II. SOLICITATION; PEDDLING

DIVISION 1. GENERALLY

Sec. 58-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Resident means an owner or occupant of a residence within the city.

(Ord. No. 49-B, art. I, § 6, 9-22-93)

Cross references: Definitions generally, § 1-2.

Sec. 58-32. Application.

The regulations contained in this division shall apply to all solicitors, peddlers, and other persons conducting solicitations and whose activities are governed under division 2, 3, 4 or 5 of this article.

(Ord. No. 49-B, art. I, § 5, 9-22-93)

Sec. 58-33. Hours and places of solicitations.

(a) All solicitations to private residences shall occur between the hours of 9:00 a.m. and 10:00 p.m. This section does not apply where the solicitor is on the property by express, prior invitation of the person residing on the premises.

(b) Solicitations on public property are permissible except as follows:

(1) Solicitors may not solicit in public streets or rights-of-way or from medians in the streets, or in any way block, obstruct or unduly hinder passage on public streets

or public sidewalks or passageways.

(2) Solicitors may not block, obstruct or unduly hinder passage on public sidewalks or passageways.

(Ord. No. 49-B, art. I, § 1, 9-22-93)

Sec. 58-34. Prohibited conduct.

A person engaged in solicitation shall not:

(1) Make physical contact with the person being solicited unless that person's permission is obtained;

(2) Misrepresent the purpose of the solicitation;

(3) Misrepresent the affiliation of those engaged in the solicitation;

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

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

(Ord. No. 49-B, art. I, § 2, 9-22-93)

State law references: Deceptive business practices, V.T.C.A., Penal Code § 32.42.

Sec. 58-35. Nontransferable permit.

Any permit issued under this article shall be personal or specific to the applicant and shall not be assigned or transferred to any other person. Any attempted assignment or transfer shall render the permit void.

(Ord. No. 49-B, art. I, § 3, 9-22-93)

Sec. 58-36. Revocation of permit or registration.

(a) Where, after issuance of a solicitation permit, it is determined that the applicant has knowingly given false or misleading information on his application, any solicitation permit or registration issued upon his application shall be revoked.

(b) Where a solicitor holding some permit or registration is convicted of theft or fraud or a violation of any state penal law in connection with the solicitation for which the permit or registration was issued, that solicitor's permit or registration to solicit shall be revoked.

(c) Where a solicitor holding some permit or registration under this article violates any provision of this article, that solicitor's permit or registration to solicit shall be revoked.

(Ord. No. 49-B, art. I, § 4, 9-22-93)

State law references: Eligibility of persons with criminal backgrounds for certain occupations, professions and licenses, Vernon's Ann. Civ. St. arts. 6252-13c, 6252-13d.

Sec. 58-37. Residents' objection to solicitation.

(a) Owners or occupants of residences within the city may register an objection to any or all solicitations governed by the provisions of divisions 2, 3, 4 or 5 of this article. Such an objection shall be made on forms provided by the city administrator, which shall specify which form of solicitations they desire not be made in or about their residence. The city administrator shall cause to be made a list of such residents' objections indicating the name and address of the resident, and the particular method or form of solicitation to which they object. Such objections shall be valid for a one-year period, and must be renewed each year to constitute a valid objection under this article.

(b) The city administrator shall furnish such a residents' objection list to every person or organization that is granted a permit or registration under division 2, 3, 4 or 5 of this article.

(c) No person or organization who has received such a resident solicitation objection list shall conduct a solicitation at a residence if such list indicates that the owner or occupant of such residence objects to that particular form of solicitation.

(d) No person shall canvass or solicit in person at a residence if the owner or occupant of such residence has posted a sign no larger than two square feet at the entrance of the driveway leading to the property, or conspicuously affixed on or near the front door of such property, a sign which reads "No Solicitors or Canvassers Allowed."

(Ord. No. 49-B, art. I, § 6, 9-22-93)

Sec. 58-38. Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor, and upon the conviction of any such violation, such person shall be punishable by a fine of more than $500.00.

(Ord. No. 49-B, art. VI, § 2, 9-22-93)

Secs. 58-39--58-55. Reserved.

DIVISION 2. COMMERCIAL SOLICITATIONS BY PEDDLERS AND ITINERANT MERCHANTS

Sec. 58-56. Permit required.

(a) No persons shall canvass or solicit in person or call from house to house in the city to sell or attempt to sell goods, merchandise, wares, services or any thing of value or to take or attempt to take orders for the future delivery of goods, merchandise, wares or anything of value, or take or attempt to take orders for services to be furnished or performed in the future, without first having a written permit therefor.

(b) The provisions of Section 58-57 shall also apply as applicable where the solicitation is for a charitable, educational, political, patriotic, or philanthropic purpose.

(c) The provisions of Section 58-57 shall not apply to individuals or organizations making solicitations for religious organizations. The provisions of Section 58-37(d) shall apply to individuals or organizations making solicitations for religious organizations.

(Ord. No. 49-B, art. II, § 1, 9-22-93; Amd. No. 62, §§ 1, 2, 3-12-03)

Sec. 58-57. Application for permit.

(a) Any person desiring to canvass or solicit within the city shall file a written application for a permit to do so with the city administrator, which application shall show:

(1) The name and address of the applicant; if the applicant is an association, company or corporation, then it shall state its name along with the names of the persons who will be soliciting in the city;

(2) The name and address of the employer or firm which such applicant represents;

(3) If the applicant is a corporation, or if the individual is employed by a corporation, the date and place of incorporation;

(4) The names of other communities in which the applicant has worked as a solicitor or canvasser in the past 12 months; and if he was employed by a different company in the other communities, the name of those companies shall also be stated;

(5) The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished;

(6) Whether such applicant upon any such order so obtained will demand, accept or receive payment of deposit of money in advance of final delivery;

(7) The period of time such applicant so wishes to solicit, sell or take orders in the city;

(8) An outline of the methods to be used in conducting the solicitations;

(9) A physical description of the applicant or any agents of the applicant, which includes race, sex, height, weight, hair and eye color, date of birth, driver's license number and the name of the state issuing the driver's license;

(10) A description of any vehicle to be used by the applicant or its agents; and

(11) An itinerary to be used by the applicant or its agents, including a street map highlighted to show actual routes to be used by such applicant and its agents in any solicitations within the corporate limits of the city.

Such applicant shall provide a copy of a current general liability, property damage and medical coverage insurance policy issued by an insurance company authorized to do insurance business in the state.

(b) Such applicant shall also show satisfactory proof of his authority to represent the company or individual such applicant states that he represents and such proof shall be in writing.

(c) Where any individual, association, company or corporation will be represented by more

than 15 individuals serving as solicitors, such individual, association, company or corporation may apply for a master permit to solicit, in lieu of each individual obtaining a permit to solicit. The application for this master permit will include all the information requested in subsection (a) of this section, except subsections (a)(4) and (a)(9). The applicant will maintain at all times a list containing the names and addresses of individuals soliciting under the master permit. This list will be made available to the city administrator or his designee upon request during regular business hours.

(d) The application fee for an individual permit shall be $25.00. The application fee for a master permit shall be $50.00. No permit shall be issued until such fee has been paid by the applicant.

(e) A permit applied for under this section shall be issued by the city administrator when the application is approved and any required bond is filed, unless it is determined that the applicant has provided false information on his application.

(f) A permit requested under this section shall be issued for the length of time requested, not to exceed six months. Upon expiration of one permit, the solicitor may apply for a new permit in the manner prescribed by this section.

(Ord. No. 49-B, art. II, § 2, 9-22-93)

Sec. 58-58. Exemptions from permit.

The permit required by this division or the issuance of a permit under the provisions of this division shall not be required of the following:

(1) Ordinary commercial travelers who sell or exhibit for sale goods, wares or merchandise to persons engaged in the business of buying, selling and dealing in the same within the city.

(2) Persons soliciting on the property by express prior invitation of the person residing on such premises.

(3) Persons operating under occupational licenses granted by a state agency.

(4) Individuals or organizations making solicitations for religious organizations.

(Ord. No. 49-B, art. II, § 3, 9-22-93; Amd. No. 62, § 3, 3-12-03)

Sec. 58-59. Issuance of permits; bonds and insurance coverage required.

(a) Where the application for a permit to peddle in the city shows that the applicant will not demand, receive or accept payment and/or deposit of money in advance of final delivery of such goods, wares, merchandise or articles to be sold and/or solicited by such applicant, it shall be the duty of the city administrator to issue to such applicant a permit to solicit, sell, and take orders for such goods, wares, merchandise and/or articles set out in such applicant's application upon the payment of the fees required by section 58-57(d).

(b) If the application for such permit shows that such applicant shall receive, demand or accept payment and/or deposit of money in advance of final delivery of goods, wares, merchandise, services or anything of value sold, then such application shall be

accompanied by a bond in the penal sum of $1,000.00 for an individual permit or $5,000.00 for a master permit executed by such applicant as principal and a surety company licensed to do business as such in the state. Such bond is to be conditioned upon making final delivery value in accordance with the terms of such order and/or benefit of all persons who may pay in advance or make any advance deposit on the purchase of such orders, and such bond shall so stipulate in its terms.

(c) Provide a copy of general liability insurance policy for insuring against public liability, property damage and medical coverage in the respective minimum amounts of $100,000.00, $300,000.00 and $500,000.00.

(Ord. No. 49-B, art. II, § 4, 9-22-93)

Sec. 58-60. Certificate.

Along with every individual permit issued under the provisions of this division, the permittee shall be issued a permit certificate which shall contain the following information: Name of permittee, permit number, date of expiration of permit and the signature of the city administrator. It shall be unlawful for the permittee to engage in his business without having such certificate in his possession; and it shall further be unlawful for such permittee to fail or refuse to show or display such certificate upon the request of any person demanding the same.

(Ord. No. 49-B, art. II, § 5, 9-22-93)

Sec. 58-61. Appeal from revocation.

Should an applicant have a permit revoked by the city administrator, he may appeal that action to the city council by submitting a letter to the city administrator's office within ten days of the action complained of. A hearing on the denial will then be scheduled for the next regular meeting of the council, or a special meeting of the council, to be held within 15 days of the appeal. The council will render a decision on the appeal within ten days of such hearing. The city council may grant waivers to the provisions of this division upon a showing of good cause.

(Ord. No. 49-B, art. II, § 6, 9-22-93)

Secs. 58-62--58-80. Reserved.

DIVISION 3. CHARITABLE SOLICITATIONS

Sec. 58-81. Permit required; exceptions.

As used in this division, the term "charitable solicitations campaign" shall mean any course of conduct whereby any person shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value on the plea or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, political, patriotic or philanthropic purpose. It shall be unlawful to conduct any charitable solicitations campaign on the streets, in any office building or any other public or private place, by house-to-house canvass, or by telephone in the city unless the person conducting the same and responsible therefor shall first have obtained a permit with the city in compliance with the terms of this division.

(Ord. No. 49-B, art. III, § 1, 9-22-93)

Sec. 58-82. Exceptions.

The provisions of this division shall not apply to any:

(1) Organization which solicits funds solely from its own members or from its own assemblies, not using public streets or public places for such purposes;

(2) Public school which controls the solicitations of funds by parent-teacher association organizations and the solicitations of funds by other activity groups which may be sponsored by the public school or by an association or club whose primary purpose is to sponsor certain student and parent activities for the benefit of such association, club or activity;

(3) Solicitation for the benefit of an individual or family that has suffered a personal tragedy resulting from personal injury, illness or the loss of housing; and

(4) Solicitations campaign conducted through the use of television or radio as to those activities directly related to the use of television or radio.

(Ord. No. 49-B, art. III, § 1, 9-22-93)

Sec. 58-83. Registration.

(a) A person desiring to conduct a charitable solicitations campaign on the streets or in any public place or by house-to-house canvass in the city shall file an application provided by the office of the city administrator with the city secretary's office. Such registration statement shall be sworn to by the applicant and shall contain at least the following information:

(1) The full name of the organization applying for a permit to solicit and the address of the headquarters in the city; if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization;

(2) The names and addresses of all officers and directors or trustees of the organization and the name and city of residence of all officers, directors or trustees of the parent organization, if any;

(3) The purpose or purposes for which the gross receipts derived from such solicitations or other activities are to be used;

(4) The name of the person by whom the receipts or such solicitation shall be disbursed; if the receipts are transmitted to a parent organization for further disbursement, detailed information on the methods of handling and disbursement of all funds and a detailed and complete financial statement of the parent organization for the last preceding fiscal year;

(5) The name and address of the person who will be in charge of conducting the charitable solicitations campaign;

(6) An outline of the method or methods to be used in conducting the charitable

solicitations campaign;

(7) The period within which such charitable solicitations campaign shall be conducted, including the proposed dates for the beginning and ending of such campaign;

(8) The total amount of funds proposed to be raised;

(9) The amount of all salaries, wages, fees, commissions, expenses and costs to be expended or paid to anyone in connection with such campaign, together with the manner in which such wages, fees, commissions, expenses and costs are to be expended, and the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection;

(10) A detailed and complete statement of the funds (if any) collected by the applicant during the preceding year from solicitations which were the same or substantially the same as those for which the applicant is seeking a permit, such statement to show the gross amount collected, all costs of collection or solicitation and the final distribution thereof;

(11) A full statement of the character and extent of the charitable, educational, political, patriotic or philanthropic work done by the applicant within the city during the last preceding year; and

(12) If the applicant is a charitable corporation or other organization, proof of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(b) A fee of $25.00 must be submitted with each application, unless the applicant can prove indigence or inability to pay, in which case arrangements may be made to pay the requisite fee in installments.

(c) The city administrator shall review the application and when he is satisfied that such application is complete, he shall issue a permit to an applicant unless he determines that:

(1) One or more of the statements made in the registration statements are not true;

(2) The applicant or person in charge of the charitable solicitations campaign has made, or caused to be made false statements or misrepresentations to any member of the public with regard to the charitable solicitations campaign or other activities described in the permit, or has made or caused to be made false statements or misrepresentations in the registration statement, or has in any way publicly represented that the registration granted hereunder is an endorsement or recommendation of the cause for which the charitable solicitations campaign is being conducted, or has otherwise violated any of the terms of registration or this division;

(3) The applicant's fund-raising expense in any charitable solicitations campaign conducted by it, during any of the three years immediately preceding the date of registration, exceeded 25 percent of the gross amount collected, and the expected fund-raising expense of applicant in the campaign for which application is made will exceed 25 percent of the gross amount collected, based upon data concerning prior campaign of applicant and such other data as may be adduced.

If such fund raising expenses exceed 25 percent, the applicant shall furnish additional information to justify the need to exceed such expense level; or

(4) Under a prior registration obtained from the city, the applicant failed to submit the required reports at the end of the solicitations campaign, or upon investigation of the applicant's financial records, the financial report submitted was found to be false.

(Ord. No. 49-B, art. III, § 2, 9-22-93)

Sec. 58-84. Appeal from revocation.

Should an applicant have a permit revoked, he may appeal that action to the city council by submitting a letter to the city administrator's office within ten days of the action complained of. A hearing on the revocation will then be scheduled for the next regular meeting of the council, or a special meeting of the council, to be held within 15 days of the appeal. The council will render a decision on the appeal within ten days of the hearing.

(Ord. No. 49-B, art. III, § 3, 9-22-93)

Sec. 58-85. Reports to be filed.

All persons or organizations issued a permit under this division shall furnish to the city administrator, within 30 days after the charitable solicitations campaign has been completed, a detailed report and financial statement showing the amount of funds raised by the charitable solicitations campaign, the amount expended in collecting such funds, including a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the campaign; provided, however, that the city administrator may extend the time of filing of the report required by this section for an additional period of 30 days upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder. The permit holder shall make available to the city administrator, or to any person designated in writing by the city administrator as his representative for such purpose, all books, records and papers whereby the accuracy of the report required by this section may be investigated.

(Ord. No. 49-B, art. III, § 4, 9-22-93)

Sec. 58-86. Agents and solicitors for permit holders.

(a) All permittees shall furnish proper credentials to their agents and solicitors for such charitable solicitations campaign. Such credentials shall include the name of the registrant, the date, a statement describing the permittee's charitable, educational, political, patriotic or philanthropic activity; a description of the purpose of the solicitation; the signature of the registrant or of the registrant's chief executive officer, and the name, address, age, sex and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permittee. No person shall solicit under any permit granted under this division without the credentials required by this section and a facsimile copy of the permit in his possession. The credentials and facsimile copy of the permit shall be shown, upon request, to all persons solicited and to any police officer of the city.

(b) No agent or solicitor shall conduct or participate in any charitable solicitations campaign except under a valid permit issued in compliance with this division.

(Ord. No. 49-B, art. III, § 5, 9-22-93)

Sec. 58-87. Responsibility for acts of solicitors.

The registrant for a charitable solicitations campaign shall be responsible for the acts of his authorized representatives in connection with such campaign.

(Ord. No. 49-B, art. III, § 6, 9-22-93)

Secs. 58-88--58-105. Reserved.

DIVISION 4. POLITICAL ADVOCACY SOLICITATIONS

Sec. 58-106. Permit required; exceptions.

As used in this division, the term "political advocacy solicitations" shall mean any course of conduct whereby any person shall solicit property or financial assistance of any kind or sell or offer to sell any organization membership in anything of value and/or to promote the communication of information, to effect the dissemination and propagation of views and ideas and the advocacy of causes, including but not limited to solicitation of money, services or assistance to promote any political candidate or political party. It shall be unlawful to conduct any political advocacy solicitations on the streets, in any office building or any other public or private place, by house-to-house canvass in the city unless the person conducting same and responsible therefor shall first have registered with the city in compliance with the terms of this division.

(Ord. No. 49-B, art. IV, § 1, 9-22-93)

Sec. 58-107. Exceptions.

The provisions of this division shall not apply to any:

(1) Organization which solicits funds solely from its own members or from its own assemblies, not using public streets or public places for such purposes;

(2) Public school which controls the solicitations of funds by parent-teacher association organizations and the solicitations of funds by other activity groups which may be sponsored by the public school or by an association or club whose primary purpose is to sponsor certain student and parent activities for the benefit of such association, club or activity;

(3) Solicitation for the benefit of an individual or family that has suffered a personal tragedy resulting from personal injury, illness or the loss of housing; and

(4) Solicitations campaign conducted through the use of television or radio as to those activities directly related to the use of television or radio.

(Ord. No. 49-B, art. IV, § 1, 9-22-93)

Sec. 58-108. Registration.

(a) A person or organization desiring to conduct a political advocacy solicitation on the streets or in any public place or by house-to-house canvass in the city shall file an application provided by the office of the city administrator with the city secretary's office. Such registration statement shall be sworn to by the applicant and shall contain at least the following information:

(1) The full name of the organization applying for a permit to solicit and the address of the headquarters in the city; if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization;

(2) The names and addresses of all officers and directors or trustees of the organization and the name and city of residence of all officers, directors or trustees of the parent organization, if any;

(3) The purpose or purposes for which the gross receipts derived from such solicitations or other activities are to be used;

(4) The name of the person by whom the receipts or such solicitation shall be disbursed; if the receipts are transmitted to a parent organization for further disbursement, detailed information on the methods of handling and disbursement of all funds and a detailed and complete financial statement of the parent organization for the last preceding fiscal year;

(5) The name and address of the person who will be in charge of conducting the political advocacy solicitations;

(6) An outline of the method or methods to be used in conducting the political advocacy solicitations;

(7) The period within which such political advocacy solicitations shall be conducted, including the proposed dates for the beginning and ending of such solicitation;

(8) The total amount of funds proposed to be raised;

(9) If the applicant is a tax exempt charitable corporation or otherwise a tax exempt organization, proof of its current tax exempt status;

(10) A physical description of the applicant or any agents of the applicant, which includes race, sex, height, weight, hair and eye color, date of birth, driver's license number and the name of the state issuing the driver's license;

(11) A description of any vehicle to be used by the applicant or its agents; and

(12) An itinerary to be used by the applicant or its agents, including a street map highlighted to show actual routes to be used by such applicant and its agents in any solicitations within the corporate limits of the city.

(b) Such applicant shall also show satisfactory proof of his authority to represent the company or individual such applicant states that he represents and such proof shall be in writing.

(c) Where any individual, association, company or corporation will be represented by more than 15 individuals serving as solicitors, such individual, association, company or corporation may apply for a master registration to solicit, in lieu of each individual obtaining a permit to solicit. The application for this master registration will include all the information requested in subsection (a) of this section, except subsections (a)(4) and (a)(9). The applicant will maintain at all times a list containing the names and addresses of individuals soliciting under the master registration. This list will be made available to the city administrator or his designee upon request during regular business hours.

(d) Upon receiving a complete application, the city administrator shall issue the appropriate permit.

(Ord. No. 49-B, art. IV, § 2, 9-22-93)

Sec. 58-109. Review and approval by the city administrator.

The city administrator shall register an applicant unless it determines that:

(1) One or more of the statements made in the registration application are not true;

(2) The applicant or person in charge of the political advocacy solicitations has made or caused to be made false statements or misrepresentations to any member of the public with regard to the political advocacy solicitations or other activities described in the registration, or has made or caused to be made false statements or misrepresentations in the registrations application, or has in any way publicly represented that the registration granted hereunder is an endorsement or recommendation of the cause for which the political advocacy solicitations is being conducted or has otherwise violated any of the terms of registration or this division; or

(3) Under a prior registration obtained from the city, the applicant failed to submit the required reports at the end of the solicitations.

The applicant shall pay the same fees as prescribed in section 58-57(d).

(Ord. No. 49-B, art. IV, § 3, 9-22-93)

Sec. 58-110. Duration.

A registration issued under this division shall be for a six-month period. At the end of that time, the applicant may apply for an extension of the registration on a form supplied to him by the city administrator's office. This form may require the submission of the same information that was required in the original application, or only portions of that information.

(Ord. No. 49-B, art. IV, § 4, 9-22-93)

Sec. 58-111. Appeal from revocation.

Should an applicant have a registration revoked, he may appeal that action to the city council by submitting a letter to the city administrator's office within ten days of the action complained of. A hearing on the revocation will then be scheduled for the next regular meeting of the council, or a special meeting of the council, to be held within 15 days of the appeal. The

council will render a decision on the appeal within ten days of the hearing. The council may grant waivers of the provisions of this division upon a showing of good cause.

(Ord. No. 49-B, art. IV, § 5, 9-22-93)

Sec. 58-112. Reports to be filed.

All persons or organizations issued a registration under this division shall furnish to the city administrator, within 30 days after the political advocacy solicitation has been completed, a detailed report and financial statement showing the amount of funds raised by the political advocacy solicitations, the amount expended in collecting such funds; provided, however, that the city administrator may extend the time of filing of the report required by this section for an additional period of 30 days upon proof that the filing of the report within the time specified will work unnecessary hardship on the registered organization. The registrant shall make available to the city administrator, or to any person designated in writing by the city administrator as his representative for such purpose, all books, records and papers whereby the accuracy of the report required by this section may be investigated.

(Ord. No. 49-B, art. IV, § 6, 9-22-93)

Sec. 58-113. Agents and solicitors for registrants.

(a) All permittees under this division shall furnish proper credentials to their agents and solicitors for such political advocacy solicitations. Such credentials shall include the name of the registrant, the date, a statement describing the registrant's political advocacy solicitations, a description of the purpose of the solicitation, the signature of the registrant or of the registrant's chief executive officer, and the name, address, age, sex and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permittee. No person shall solicit under any permit granted under this division without the credentials required by this section and a facsimile copy of the permit in his possession. The credentials and facsimile copy of the registration shall be shown, upon request, to all persons solicited and to any police officer of the city.

(b) No agent or solicitor shall conduct or participate in any political advocacy solicitations except under a valid permit issued in compliance with this division.

(Ord. No. 49-B, art. IV, § 7, 9-22-93)

Sec. 58-114. Responsibility for acts of solicitors.

The registrant for a political advocacy solicitations shall be responsible for the acts of his authorized representatives in connection with such solicitation.

(Ord. No. 49-B, art. IV, § 8, 9-22-93)

Secs. 58-115--58-130. Reserved.

DIVISION 5. MOBILE FOOD PEDDLERS*

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*Cross references: Mobile food vendors, § 46-291 et seq.

Sec. 58-131. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food peddler or *food peddler* means a person who:

(1) Travels by any conveyance or walks from place to place transporting food and offering the same for consumption with or without charge;

(2) Without traveling from place to place, offers food for consumption with or without charge from any conveyance;

(3) Solicits orders and as a separate transaction makes deliveries of food products to purchasers; or

(4) Delivers food from a fixed location outside the city to food establishments located inside the city.

The term does not include persons making deliveries of food from a food establishment operated by them or their employer to another food establishment, nor does it include persons who cater food from a food service establishment operated by them or their employers.

(Ord. No. 49-B, art. V, §§ 1, 4, 9-22-93)

Cross references: Definitions generally, § 1-2.

Sec. 58-132. Health certificate.

In addition to the permit required by this article, a mobile food peddler must hold a valid health certificate as required by chapter 46, article III.

(Ord. No. 49-B, art. V, § 1, 9-22-93)

Sec. 58-133. Noncomplying operation declared a nuisance; jurisdiction; enforcing remedies.

(a) *Operations in violation; a nuisance.* The operation as a food peddler in violation of any provision of this division is declared to be a nuisance.

(b) *Jurisdiction.* Such operation is prohibited within the corporate limits of the city.

(c) *Remedies.* A nuisance as defined in this division shall be subject to abatement by summary action of the health officer or by injunction, and this provision is cumulative of all other enforcement remedies.

(Ord. No. 49-B, art. V, § 2, 9-22-93)

Sec. 58-134. Application and filing fee.

(a) *Form filed.* An application for a permit under this division shall be filed with the city administrator on a form furnished by him and shall contain such information as he may require.

(b) *Fee.* A permit fee of $50.00 shall accompany every application for such permit submitted. The permit shall be issued by the city administrator upon the submission of an application and payment of fees.

(Ord. No. 49-B, art. V, § 5, 9-22-93)

Sec. 58-135. Inspection.

(a) *Premises, equipment, vehicles.* Upon receipt of the application for a permit under this division, the city administrator shall inspect the premises, equipment and each vehicle with which such applicant intends to carry on his business.

(b) *Issuance.* When they conform to the food and sanitary laws of the state and the ordinances of the city, the city administrator shall issue a permit to the applicant.

(Ord. No. 49-B, art. V, § 6, 9-22-93)

Sec. 58-136. Duration.

All permits issued under this division shall remain in force for three months from the date of issuance unless sooner revoked or suspended.

(Ord. No. 49-B, art. V, § 7, 9-22-93)

Sec. 58-137. Posted in vehicle.

A food peddler obtaining a permit under this division shall keep the permit posted in a conspicuous place on the vehicle from which he conducts his business.

(Ord. No. 49-B, art. V, § 8, 9-22-93)

Sec. 58-138. Access to areas and records of purchase.

The person operating the business of mobile food peddler, upon the request of the city administrator, shall permit access to all areas in which food or drink is stored, processed or kept and shall permit copying of all records of food and drink purchases.

(Ord. No. 49-B, art. V, § 9, 9-22-93)

Sec. 58-139. Notice of violation.

(a) *Vehicle; storage or processing area.* The city administrator may inspect a food peddler's vehicle, storage or processing area as often as necessary to ascertain if the standards of this division are being maintained.

(b) *Notice.* The city administrator shall notify the food peddler of any violation of this division.

(c) *Second inspection.* The city inspector shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied.

(Ord. No. 49-B, art. V, § 10, 9-22-93)

Sec. 58-140. Suspension; reinstatement.

(a) *Failure to correct; immediate suspension.* If a food peddler does not correct the defects in the permitted operation before the second inspection, the permit shall be suspended immediately.

(b) *Correction; reinstatement.* Following suspension, a request for reinspection may be made to the city administrator, who may order reinstatement of the permit if all defects have been corrected.

(Ord. No. 49-B, art. V, § 11, 9-22-93)

Sec. 58-141. Storing, processing and keeping food and drink.

All food and drink must be stored, processed or kept in a location and manner comparable to that required by other provisions in this division for other types of food establishments dealing in comparable foods, food products or drinks.

(Ord. No. 49-B, art. V, § 12, 9-22-93)

Sec. 58-142. Construction and equipment of vehicles.

Vehicles must be constructed of tight, sound, smooth material and properly equipped to protect all food and drink from flies, dirt, dust and other contamination.

(Ord. No. 49-B, art. V, § 13, 9-22-93)

Sec. 58-143. Unwrapped foods.

No unwrapped food may be dispensed by a food peddler except fruits and vegetables which are usually peeled, cooked or shelled prior to consumption.

(Ord. No. 49-B, art. V, § 14, 9-22-93)

Sec. 58-144. Drinks; original containers.

All drinks except coffee and tea must be dispensed in the original container.

(Ord. No. 49-B, art. V, § 15, 9-22-93)

Sec. 58-145. Packages labeled.

All packaged food and drink must be adequately labeled as to the contents thereof.

(Ord. No. 49-B, art. V, § 16, 9-22-93)

Sec. 58-146. Sandwiches and salads.

Prepared foods such as sandwiches and salads may not be sold or served more than 24 hours after preparation.

(Ord. No. 49-B, art. V, § 17, 9-22-93)

Sec. 58-147. Perishables.

All perishable foods shall be kept at a temperature below 50 degrees Fahrenheit or above 150 degrees Fahrenheit at all times.

(Ord. No. 49-B, art. V, § 18, 9-22-93)

Sec. 58-148. Food examination; power to condemn and destroy.

(a) *Sampling; as often as necessary.* Samples of food or drink offered to the public by a food peddler may be taken and examined by the city inspector as often as may be necessary for the detection of unwholesomeness or adulteration.

(b) *Unwholesome and adulterated.* The city inspector may condemn and forbid the sale of, or cause to be removed and destroyed, any food or drink which he finds to be unwholesome or adulterated.

(Ord. No. 49-B, art. V, § 19, 9-22-93)

Chapters 59--61 RESERVED

Chapter 62 PLANNING*

***Cross references:** Administration, ch. 2; buildings and building regulations, ch. 14; floods, ch. 42; health and sanitation, ch. 46; streets, sidewalks and other public places, ch. 70; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 94; board of adjustment, § 94-171 et seq.

State law references: Municipal zoning authority, V.T.C.A., Local Government Code § 211.001 et seq.; municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.; municipal planning and development, V.T.C.A., Local Government Code ch. 371 et seq.; joint municipal planning, V.T.C.A., Local Government Code § 371.041 et seq.; development corporations, Vernon's Ann. Civ. St. art. 5190.6.

Article I. In General
Sec. 62-1. Public hearings on zoning changes--Joint hearing.
Sec. 62-2. Same--Publication of notice.
Secs. 62-3--62-30. Reserved.
Article II. Zoning and Planning Commission
Sec. 62-31. Definitions.
Sec. 62-32. Composition.
Sec. 62-33. Qualifications and terms of office.