ORDINANCE NO. 20-13

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, FOR THE PURPOSE OF REGULATING SOLICITORS, PEDDLERS, AND ITINERANT MERCHANTS (VENDORS); REQUIRING LICENSES; PROVIDING THAT A VIOLATION IS A MISDEMEANOR PUNISHABLE BY UP TO $500 PER EACH VIOLATION PER EACH DAY; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS ("THE CITY):

1. Peddler's Ordinance

This ordinance supplements Ordinance No. 5 of the City, as previously amended, and this ordinance shall be a part of Ordinance No. 5, as amended. The requirements herein are in addition to the requirements in the rest of Ordinance No. 5. Any reference herein to the "Peddler's Ordinance" shall include Ordinance No. 5, this ordinance, and all other amendments at any time of Ordinance No. 5 or this ordinance. In the event of any conflict of terms, the stricter provision shall govern and control, except that application fees shall be in the amounts stated in this ordinance.

2. Definitions

a. The terms "Solicit," "Solicitor," "Peddle," "Peddler," "Itinerate Merchant (Vendor)," and "Itinerate Vending" shall have the definitions stated in the attached Solicitor's, Peddler's and Itinerate Merchant (Vendor) Permit Application.

b. The terms "permit" and "license" herein have the same meaning and shall be interchangeable.

3. License Required

Except as otherwise provided by the Peddler's Ordinance, no person shall participate in any way in acting as a Solicitor, Peddler, or Itinerate Merchant (Vendor) without a valid, unexpired license from the City to do so.

4. Application Form and Fees

a. The attached Solicitors, Peddlers and Itinerate Merchant (Vendor) Permit Application (herein called "the Application") and all requirements and regulations therein are hereby adopted and ordained, and the Application is incorporated herein in full.

b. An Applicant for a license under the Peddler's Ordinance must complete the Application form attached hereto as Exhibit "A" and file it with the City Secretary, together with the fee required by the Peddler's Ordinance. All fees under the Peddler's Ordinance are for the application, regardless whether the permit or licenses is granted or denied, and all such fees are non-refundable.

5. Offenses and Penalties

Any person participating in any way in a violation of the Peddler's Ordinance shall be guilty of a misdemeanor, punishable by a fine of up to $500. Each day or portion of a day that a violation continues or recurs shall be a separate offense.

6. Savings Clause

All other ordinances and portions of ordinances of the City shall remain in full force and effect.

7. Severance Clause

If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

8. Effective Date

This ordinance shall be effective immediately upon its passage and approval.

CITY OF DANBURY, TEXAS

By: _____
Melinda C. Strong, Mayor

ATTEST:

_____
Cynthia Sharp, Deputy City Secretary

SOLICITORS, PEDDLERS, AND ITINERANT MERCHANT (VENDOR) PERMIT APPLICATION

PERMIT (LICENSE) NO._____ ISSUE DATE: _____

RECEIVED BY: _____ DATE: _____

Application is hereby made for a Solicitor, Peddler, Itinerant Merchant (Vendor) Permit (License) to engage in temporary or transient business in the City of Danbury for the purpose of selling goods or merchandise upon the property of another, as provided for in the City of Danbury Ordinance No. 5 and No. 19-14. The Ordinances provide for the issuance of a Permit (License) that must be displayed in a conspicuous location or carried on his/her person at all times while operating in the city as a solicitor, peddler, or itinerant merchant (vendor) and produced when asked by a city employee or citizen. This permit (license) shall serve as a notice to the public that such solicitor, peddler, or itinerant merchant (vendor) is duly licensed by the City of Danbury. Failure to comply with any regulation shall result in revocation of the permit (license) and/or the immediate closure of the merchant's (vendor's) temporary location and shall be deemed a misdemeanor. Any person convicted of violating any of the provisions of this application shall be fined in any sum not more than $500 for each day or fraction of a day in which the violation occurs. THE PERMIT (LICENSE) IS NOT TRANSFERABLE. No Permit (License) is required for church youth groups, youth sports teams, youth scout groups, youth school groups from the Danbury community, sales made to dealers by commercial travelers or sales agents in the usual course of business, nor to vendors of farm or dairy products.

PLEASE CHECK DESIRED PERMIT:

_____ **1. *Solicitor.*** Shall be defined as any person who engages in the business of going from house to house, place to place, in or along the streets, within the city selling or taking orders for or offering to sell or take orders for goods, wares or merchandise or other things of value **for future delivery or for services to be performed in the future.**

_____ **2. *Peddlers*.** Shall be defined as any person who **sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise or thing in the possession of the seller** at any place in the city other than a fixed place of business, but shall not include salesmen or agents for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies.

_____ **3. Itinerant Merchant (Vendor).** An itinerant merchant under this ordinance shall be deemed and construed to mean and include any person or persons, firm or corporation, either principal or agent, employer or employee who **engages in a temporary business in the city by selling or offering for sale goods, wares, merchandise or things or articles of value for a period of not more than one hundred ninety days and who, for the purpose of carrying on such business, hires, leases or occupies any room, building, structure or stand on any real property or on adjoining any street or public place in the city.** The person firm or corporation so engaged shall not be relieved from the

provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as a part of any local business or in the name of any local dealer, trader, merchant or auctioneer.

NAME AND ADDRESS OF APPLICANT: (Copy of Driver's License or Identification Card Required)

_____

_____

_____

APPLICANT'S TELEPHONE NUMBER(S):

_____

_____

NAME AND ADDRESS OF PERSON, FIRM, OR CORPORATION THAT HE/SHE REPRESENTS (if applicable) (Copy of Business Card, If Available)

_____

_____

_____

BUSINESS RELATED TELEPHONE NUMBER(S):

_____

KIND(S) OF GOODS OR SERVICES OFFERED FOR SALE_____

_____

DATE(S) APPLICANT WISHES TO SELL OR SOLICIT IN THE CITY

_____

The permit (license) shall be valid for one year from the date of issuance. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of said licenses.

VEHICLE(S) TO BE USED WHILE CONDUCTING BUSINESS (ATTACH SEPARATE SHEET IF NECESSARY)

YEAR: _____ MAKE/MODEL: _____ LICENSE PLATE #: _____ STATE: _____

YEAR: _____ MAKE/MODEL: _____ LICENSE PLATE #: _____ STATE: _____

SELLING LOCATION(S): (PLEASE CIRCLE ALL THAT APPLY)

DOOR TO DOOR PARK AMERICAN LEGION SPORTS COMPLEX

PRIVATE PROPERTY (Address Required) _____

(Letter of Permission from Property Owner Required) (If the applicant is an Itinerant Merchant (Vendor), proof that the business to be conducted is in a properly zoned location.)

OTHER: (PLEASE DESCRIBE) _____

PLEASE INDICATE YES OR NO:

_____ **I WILL DEMAND, ACCEPT, OR RECEIVE PAYMENT OR DEPOSIT OF MONEY IN ADVANCE OF FINAL DELIVERY** (IF YES, ACCORDING TO ORDINANCE NO. 5, ALL SOLICITORS, PEDDLERS, AND ITINERANT MERCHANTS (VENDORS) REQUIRING CASH DEPOSITS OR WHO REQUIRE A CONTRACT OF AGREEMENT TO FINANCE THE SALE OF ANY GOODS, SERVICES, OR MERCHANDISE FOR FUTURE DELIVERY OR FOR SERVICES TO BE PERFORM ED IN THE FUTURE SHALL FURNISH TO THE CITY A BOND IN THE PENAL SUM OF $1,000.00, SIGNED BY APPLICANT AND SIGNED, AS SURETY, BY SOME RELIABLE SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS. SUCH BOND SHALL BE CONDITIONED UPON THE MAKING OF FINAL DELIVERY OF THE GOODS ORDERED OR SERVICES TO BE PERFORMED IN ACCORDANCE WITH THE TERMS IN SUCH ORDER OR FAILING THEREIN THAT THE ADVANCE PAYMENT ON SUCH ORDER BE REFUNDED WITHIN SIXTY DAYS FROM THE CONTRACT DELIVERY DATE.

ANY PERSON AGGRIEVED OR DAMAGED BY THE ACTION OF ANY SUCH SOLICITOR, PEDDLER, OR ITINERANT MERCHANT SHALL HAVE THE RIGHT OF ACTION ON THE BOND FOR THE RECOVERY OF MONEY OR DAMAGES OR BOTH. SUCH BOND SHALL REMAIN IN FULL FORCE AND EFFECT, FOR A PERIOD OF NINETY DAYS AFTER THE EXPIRATION OF SUCH PERMIT (LICENSE), UNLESS SOONER RELEASED BY ACTION OF THE CITY COUNCIL.

NAME AND ADDRESS TO WHOM BOND IS TO BE RELEASED TO 90 DAYS FROM DATE OF PERMIT (LICENSE):

_____

_____

_____

DATE BOND WAS RELEASED: _____

TO WHOM: _____

BOND RELEASED BY WHOM: _____

APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE ABOVE RESPONSES TO BE TRUE AND CORRECT. ALL PROVISIONS OF THE LAWS AND ORDINANCES GOVERNING THE BUSINESS OF BEING A SOLICITOR, PEDDLER, OR ITENERANT MERCHANT (VENDOR) WILL BE MET WHETHER SPECIFIED OR NOT. I UNDERSTAND THE GRANTING OF A PERMIT (LICENSE) DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL PROVISIONS OF ANY OTHER STATE LAW REGULATING SUCH ACTIVITIES. I WILL NOT MAKE ANY FALSE OR FRAUDULENT REPRESTION AS TO THE GOODS TO BE SOLD, OR MY AUTHORITY TO SELL SUCH GOODS OR MY IDENTITY.

SIGNATURE: _____ DATE: _____

ALL EMPLOYEES, AGENTS, OR REPRESENTATIVES OF APPLICANT TRANSACTING BUSINESS IN THE CITY MUST FURNISH THE FOLLOWING INFORMATION:

(Copy of Driver's License/Identification Card/Or Other Acceptable Form of Picture Identification Required for Each Employee)

PRINTED NAME: _____

PHONE NUMBER(S): _____

EMPLOYEE, AGENT, OR REPRESENTATIVE OF APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE RESPONSES TO BE TRUE AND CORRECT. ALL PROVISIONS OF THE LAWS AND ORDINANCES GOVERNING THE BUSINESS OF BEING A SOLICITOR, PEDDLER, OR ITINERANT MERCHANT (VENDOR) WILL BE MET WHETHER SPECIFIED OR NOT. I UNDERSTAND THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL PROVISIONS OF ANY OTHER LAW REGULATING SUCH ACTIVITIES. I WILL NOT MAKE ANY FALSE OR FRAUDULENT REPRESENTATION AS TO THE GOODS OR SERVICES TO BE SOLD, MY AUTHORITY TO SELL SUCH GOODS OR SERVICES, OR MY IDENTITY.

SIGNATURE: _____

DATE: _____

REQUIRED ITEMS FOR SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS

FOR CITY USE ONLY (A PERMIT SHALL BE ISSUED ONLY AFTER ALL PROVISIONS HAVE BEEN MET AND A PERMIT FEE HAS BEEN PAID, IF APPLICABLE.)

SOLICITORS: (ELECTRIC COMPANIES, SECURITY ALARM SOLICITORS, INSURANCE SALESMAN, AND OTHER SOLICITORS AS DEFINED IN THE APPLICATION FORM) (Initial each item upon completion)

_____ APPLICATION COMPLETED. _____ EMAIL INFORMATION TO PD

_____ COPY OF DRIVER'S LICENSE/IDENTIFICATION CARD/ OR OTHER ACCEPTABLE FORM OF PICTURE IDENTIFICATION

_____ COPY OF PERMIT (LICENSE) ISSUED (FOR CITY RECORDS)

_____ COVID 19 Plan

_____ A COPY OF VALID TEXAS LIQUOR LICENSE, IF APPLICABLE

_____ PROOF OF ANY REQUIRED STATE OR COUNTY LICENSE OR PERMIT

A. Department of State Health Services. (Business located within Danbury City Limits)

B. Brazoria County Health Department (Business located outside Danbury City Limits)

_____ COPY OF SALES TAX CERTIFICATE ISSUED BY THE TEXAS COMPTROLLER

_____ $1,000.00 SURETY BOND

_____ NAME AND ADDRESS TO WHOM BOND IS TO BE RELEASED [BOND TO BE RELEASED 90 DAYS FROM DATE OF PERMIT (LICENSE), IF NO CLAIMS ARE KNOWN TO THE CITY: Date to be released:_____

_____ PERMIT (LICENSE) FEE OF $30 (OR COPY OF 503C IF NON-PROFIT ORGANIZATION)

1 PERMIT (LICENSE FEE @ $30

_____ ADDITIONAL LICENSES @ $10 EACH _____ # PERMITS @ $10 EA.=_____

TOTAL AMOUNT DUE $_____

REQUIRED ITEMS FOR SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS

FOR CITY USE ONLY (A PERMIT SHALL BE ISSUED ONLY AFTER ALL PROVISIONS HAVE BEEN MET AND A PERMIT FEE HAS BEEN PAID, IF APPLICABLE.)

PEDDLERS: (The immediate delivery of goods and wares.) (Initial each item upon completion)

_____ APPLICATION COMPLETED.

_____ COVID-19 Plan

_____ COPY OF DRIVER'S LICENSE/IDENTIFICATION CARD/ OR OTHER ACCEPTABLE FORM OF PICTURE IDENTIFICATION

_____ COPY OF PERMIT (LICENSE) ISSUED (FOR CITY RECORDS)

_____ A COPY OF VALID TEXAS LIQUOR LICENSE, IF APPLICABLE

_____ PROOF OF ANY REQUIRED STATE OR COUNTY LICENSE OR PERMIT

A. Department of State Health Services. (Business located within Danbury City Limits)

B. Brazoria County Health Department (Business located outside Danbury City Limits)

_____ COPY OF SALES TAX CERTIFICATE ISSUED BY THE COMPTROLLER OF TEXAS

_____ PERMIT (LICENSE) FEE OF $30 (OR COPY OF 503C IF NON-PROFIT ORGANIZATION)

1 PERMIT (LICENSE FEE @ $30

_____ ADDITIONAL LICENSES @ $10 EACH _____ # PERMITS @ $10 EA.=_____

TOTAL AMOUNT DUE $_____

_____ EMAIL INFO TO PD

RECEIVED BY: _____ DATE: _____

REQUIRED ITEMS FOR SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS

FOR CITY USE ONLY (A PERMIT SHALL BE ISSUED ONLY AFTER ALL PROVISIONS HAVE BEEN MET AND A PERMIT FEE HAS BEEN PAID, IF APPLICABLE.)

ITINERANT MERCHANTS (VENDORS): Businesses that deal with consumers through temporary retail stores, food kiosks, etc.

(Initial each item upon completion)

_____ Property zoned for that type of business

_____ Letter of permission from property owner

_____ APPLICATION COMPLETED.

_____ COVID-19 Plan

_____ COPY OF VALID DRIVER'S LICENSE/IDENTIFICATION CARD/ OR OTHER ACCEPTABLE FORM OF PICTURE IDENTIFICATION

_____ COPY OF PERMIT (LICENSE) ISSUED (FOR CITY RECORDS)

_____ COPY OF SALES TAX CERTIFICATE ISSUED BY THE COMPTROLLER OF TEXAS

_____ PROOF OF ANY REQUIRED STATE OR COUNTY LICENSE OR PERMIT

A. Department of State Health Services. (Business located within Danbury City Limits)

B. Brazoria County Health Department (Business located outside Danbury City Limits)

_____ PERMIT (LICENSE) FEE OF $30 (OR COPY OF 503C IF NON-PROFIT ORGANIZATION)
1 PERMIT (LICENSE FEE @ $30

_____ ADDITIONAL LICENSES @ $10 EACH ___# PERMITS @ $10 EA.=_____

TOTAL AMOUNT DUE $_____

_____EMAIL TO PD

RECEIVED BY: _____ DATE: _____