

ORDINANCE NUMBER

78

**AN ORDINANCE REGULATING PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS, ESTABLISHING REGISTRATION REQUIREMENTS AND PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, AND PROVIDING PENALTIES FOR VIOLATORS**

**WHEREAS**, many citizens of this community expect their local government to assist them in preserving their privacy and avoiding petty annoyances that would disrupt their quiet enjoyment of their homes, and

**WHEREAS**, the Supreme Court of the United States has consistently recognized the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved, and

**WHEREAS**, it is the responsibility of all units of government to balance these competing interests in a manner consistent with the Constitution of the United States and the State of Texas, while attempting to minimize fraud, prevent crime, and protect the privacy of our citizens.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA TEXAS, AS FOLLOWS:**

Any person or persons who wish to solicit, peddle or canvass within the city limits must have a written and approved permit to do so.

Vendors must apply for the permit at City Hall at least one week in advance.

All potential vendors and agents will be subject to a background check through local law enforcement and the Better Business Bureau.

A permit fee of \$50 (fifty dollars) must be paid with the permit application. Should the permit application be denied, the permit fee minus cost of the background check will be refunded to applicant.

An approved permit application will have a valid period not to exceed one (1) month from date of approval.

Should a vendor have multiple agents, each agent will be subject to the background check and pay an additional fee of \$5 (five dollars) per person plus the cost of the background check.

Should an individual lose his or her license, a replacement fee of \$5 (five dollars) will be assessed.

Permits may be approved only after background checks are completed and may be approved by the Office Manager, Mayor, or referred to approval by City Council in some instances.

No soliciting in homes or businesses where signs prohibit.

Business owners and citizens who wish not to be solicited may put their names and or addresses on an "off limits" list to be supplied to vendors with approved permit and will be available at City Hall for viewing.

There will be no soliciting before the hours of 9 (nine) AM and after 7 (seven) PM.

All vendors will check in at City Hall prior to any activities.

The fine for noncompliance of this ordinance will result in a misdemeanor and fine not to exceed \$500 (five hundred dollars)

**Exemptions:** The following shall be exempted from the fee requirements imposed within, but must still file for and obtain a valid permit and shall otherwise remain responsible for compliance with the terms of this code:

Charitable causes such as School and Church fundraising activities, Girl Scout cookies or Boy Scout popcorn sales, FFA sales, and other similar nonprofit fundraising activities.

A resident conducting yard sales within the city limits including the city wide yard sale.

**Definitions:**

A. **"Peddler"** is a person who attempts to contact a resident at his/her residence without prior specific invitation or appointment for the primary purpose of selling goods or services.

B. **"Solicitor"** is a person who attempts to contact a resident at his/her residence without prior specific invitation or appointment for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some goods or services, or (2) distributing a handbill or flyer advertising a commercial event or service.

C. **"Canvasser"** is a person who attempts to make contact with a resident at his/her residence without prior specific invitation or appointment for the primary purpose of (1) attempting to enlist support for/against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the



canvasser accepts the donation of money for/against such said cause, or (2) the distributing of handbills for fliers advertising a non-commercial event or service.

D. "Itinerant Vendor" or "Hawker" is a person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the city, soliciting, selling, taking orders for, or offering to sell or take orders for any goods or services. A temporary business is described as one that continues for forty five (45) days or less and exists whether solicitation is from a stand, vehicle, roadside, or freestanding.

THE ABOVE AND FOREGOING ORDINANCE WAS READ, PASSED AND ADOPTED AT A REGULARLY SCHEDULED MEETING OF THE GOVERNING BODY OF THIS CITY ON THE 3-4-13 4TH DAY OF MARCH 2013, BY THE FOLLOWING VOTE:

STATE OF TEXAS:

COUNTY OF TAYLOR:

I, THE UNDERSIGNED, CITY SECRETARY OF THE CITY OF TUSCOLA, TEXAS, DO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE # 78, PASSED AND APPROVED THE 4th DAY OF March, 2013, AS SAME APPEARS IN THE OFFICIAL RECORDS OF THE CITY OF TUSCOLA, TEXAS, OF WHICH RECORDS I AM LAWFUL CUSTODIAN.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF TUSCOLA, TEXAS, THIS 4th DAY OF MARCH 2013