

AN ORDINANCE DEFINING PEDDLER, SOLICITOR AND ITINERANT MERCHANTS, PROHIBITING THEM FROM ENTERING RESIDENTIAL PREMISES WITHOUT INVITATION OR INTERFERING WITH PERSONS IN PUBLIC PLACES, PROVIDING EXEMPTIONS REQUIRING A LICENSE STATING THE CONTENTS OF THE APPLICATION, AND A LICENSE PROVIDING FOR BONDS AND FEES AND ANY HEARING UPON SUCH APPLICATION

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS, THAT:

Section 1: Definition

For the purposes of this ordinance, the terms "peddler", "solicitor" and "itinerant merchant" shall mean and include any person who goes from place to place in the city soliciting orders for, or selling or offering to sell or take orders for, any goods, wares, merchandise, services, photographs, magazines or subscriptions to magazines.

Section 2: Entering Residential Premises Without Invitation

It shall be unlawful for any solicitor, peddler or itinerant merchant to go in and upon the premises of a private residence in the city unless requested or invited to do so by the owner or occupant of such private residence for the purpose of soliciting orders for the sale of any such goods, wares, merchandise, or services, or for the purpose of disposing of or peddling the same.

Section 3: Solicitors Interfering with Persons in Public Places, Etc.

It shall be unlawful for any person engaged in soliciting customers for any person, firm or association engaged in the sale of goods, wares or merchandise of any kind to stop or detain any person upon the street, sidewalk or public place, or in any manner to harass, disturb or importune any person, or to take hold of any person or any article belonging to or possessed by such person.

Section 4: Exemptions from Ordinance

Except as immediately hereinabove provided, the provisions of this ordinance shall not apply to the sale or soliciting of orders for the sale of milk or dairy products, bakery products, vegetables, poultry, eggs and other farm and garden products insofar as the sale of such commodities are authorized by law.

Section 5: License Required

No person shall engage in any activity defined in Section 1 hereof without first obtaining a license to do so from the City Secretary.

Section 6: License Application Generally

(a) Every person desiring a license under this ordinance shall make a written application therefor to the City Secretary. Such application shall show the name and address of the applicant,

the name and address of the person, firm or corporation that he represents, the kind, type and character of goods the applicant will offer for sale and state whether such applicant, upon any such sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery and the period of time the applicant wishes to sell or solicit in the city. Such application shall further state the state, county, town or city in which the applicant permanently resides and state whether the applicant has ever been convicted of a felony or misdemeanor in any state or federal court, and, if so, give the name of the offense, name of the court, date of each conviction, and time served under each conviction. The application shall also give the name and post office address of five (5) persons as references which the City Secretary shall be requested to write or communicate with in regard to any information he may desire concerning such applicant.

(b) The application required by this section shall have attached thereto three (3) photographic likenesses of the applicant and a statement certifying the good moral character of the applicant signed officially by the county official of the county of applicant's residence.

(c) The application required by this section shall be furnished to the City Secretary under oath of the applicant.

#### Section 7: License Fee

The applicant for a license under this ordinance shall, at the time of filing the application, pay the City Secretary, as an investigation fee, the sum of

#### Section 8: Bond Required of Applicant

Each application for a license under this ordinance shall be accompanied by a bond in the penal sum of ONE THOUSAND DOLLARS (\$1,000.00), signed by the applicant as principal and by some surety company authorized to do business in the State of Texas as surety, conditioned for the final delivery of all goods, wares, merchandise, services, photographs, magazines or other property, in accordance with the terms of any order obtained from the citizens of the city and also conditioned to indemnify any and all purchasers or customers from any and all defects in material or workmanship that may exist in the article sold by the principal of such bond. Such bond shall not be transferable.

#### Section 9: Investigation of Applicant

Upon application for a license under this ordinance being properly filed and payment of the investigation fee being made, the City Secretary shall deliver such application to the city marshal, who shall investigate the character and reputation of the applicant, the respectability of the firm he represents and the type and quality of the merchandise which the applicant proposes to offer for sale in this city.

#### Section 10: Preliminary Hearing on Application

Upon the completion of the investigation required by Section 9 hereof by the city marshal and his reporting thereon to the City

Secretary, the City Secretary shall immediately notify the applicant and set a time and place for a preliminary hearing on the application, at which time the applicant shall appear in person and submit the merchandise, coupons or symbols he proposes to sell or samples thereof, and at such hearing he shall make a sworn statement as to the quality of his goods or work, which shall be filed with his application.

Section 11: Public Notice of and Final Hearing on Application

If, upon the hearing provided for by Section 10 above, it shall appear to the City Secretary that the statements contained in the application are true and that the applicant has the right under the constitution and laws of the state and under the ordinances of the city to engage in the business proposed, the City Secretary shall issue a written notice to the public generally, giving notice of the filing of the application for a license under this ordinance and stating the name and address of the applicant, his proposed occupation, stating the kind and quality of his goods or work which he proposes to sell and notifying the citizens that they may appear and show cause why the license for the applicant should not be granted, at a final hearing on such application, which final hearing shall be heard not less than fifteen (15) days and not more than twenty-five (25) days after the date of the publication of the notice. The notice provided above shall be published one (1) time in a newspaper which carries the official publications of the city and the city shall pay the cost thereof.

Section 12: Issuance or Denial

Upon the final hearing on an application for a license under this ordinance, the City Secretary shall determine whether the applicant is entitled to have a license issued to him or not. If the clerk has determined that the applicant is entitled to have a license issued to him hereunder, he shall give the applicant written notice of such fact and the applicant shall have the license issued to him immediately, provided he has complied with all the terms and provisions of this ordinance. If the City Secretary determines that the applicant is not entitled to have a license issued to him, he shall make and file a memorandum to that effect.

Section 13: Applicant's Right of Appeal

If the applicant for a license under this ordinance is dissatisfied with any holding or finding of the City Secretary, he shall have the right to appeal to the City Council by filing a written notice of such appeal with the City Secretary within ten (10) days after the making and filing of such decision by the City Secretary. Upon the filing of such notice of appeal, the application and all papers possessed by the City Secretary in connection with such application shall be delivered to the City Council and such matters as may be in controversy shall be heard by the City Council at its next regular meeting after the filing of the notice of appeal and the council shall have the same powers and authority at such hearing on such appeal as are by this ordinance invested in the City Secretary.

Section 14: Penalty for Violation of Ordinance

For any violation of any of the provisions of this ordinance, the punishment, upon conviction, shall be by a fine not exceeding TWO HUNDRED DOLLARS (\$200.00).

Section 15: Ordinance is Exercise of Police Power

This entire ordinance is and shall be deemed an exercise of the police powers of the state, and of the city for the public safety, convenience, comfort and protection of the city and its citizens, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Section 16:

The dire and imminent need to protect the public peace and the inhabitants of the City of Bells creates an emergency and any rule or mandate requiring the reading of this ordinance upon three (3) separate days is hereby suspended and this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this 2nd day of June,  
A. D. 1970.

Bill Spicardillo  
Mayor

ATTEST:

W.P. Young  
City Secretary

ORDINANCE NO.  3

AN ORDINANCE DEFINING PEDDLER, SOLICITOR AND ITINERANT MERCHANTS, PROHIBITING THEM FROM ENTERING RESIDENTIAL PREMISES WITHOUT INVITATION OR INTERFERING WITH PERSONS IN PUBLIC PLACES, PROVIDING EXEMPTIONS REQUIRING A LICENSE STATING THE CONTENTS OF THE APPLICATION, AND A LICENSE PROVIDING FOR BONDS AND FEES AND ANY HEARING UPON SUCH APPLICATION.

ADMENDMENTS

Section 6:

- (d) The required application may be waived on the personal knowledge of the City Secretary of the person making application for said license.
- (e) The words "personal knowledge" mean person who has previously purchased license or citizen of Bells in good standing.

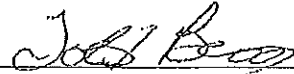
Section 7: License Fee

The applicant for a license under this ordinance shall, at the time of filing an application or receiving a license, pay the City Secretary the sum of \$25.00 (twenty five dollars) per period of operation (said license shall not exceed four days).

The word "license" shall have the same meaning as "permit".

READ AND APPROVED this 7<sup>th</sup> day of FEB., 2006

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary