



## APPLICATION FOR VENDOR'S PERMIT

1. NAME and ADDRESS of applicant: \_\_\_\_\_  
\_\_\_\_\_
2. NAME and ADDRESS of the person, if any, the applicant represents: \_\_\_\_\_  
\_\_\_\_\_
3. NAME and ADDRESS of the principal place of business of the applicant: \_\_\_\_\_  
\_\_\_\_\_
4. If the business is a partnership, firm, or joint venture, the full NAMES and ADDRESSES of all members involved: \_\_\_\_\_  
\_\_\_\_\_
5. If the business is a corporation, the state or county chartering it and the names and addresses of its officers: \_\_\_\_\_  
\_\_\_\_\_
6. The kind and character of services, goods, wares, merchandise or other personal property to be sold: \_\_\_\_\_  
\_\_\_\_\_
7. If the sale will not be made by the applicant, in person, the NAME and RELATIONSHIP to the applicant of the person who will be present in the city: \_\_\_\_\_  
\_\_\_\_\_
8. Will the applicant require payment or deposit in advance of final delivery?  
\_\_\_\_\_yes \_\_\_\_\_no
9. Period of time applicant will engage in such business within the city: \_\_\_\_\_
10. Has the applicant ever been convicted of a felony? \_\_\_\_\_yes \_\_\_\_\_no  
If yes, attach a separate sheet explaining the complete circumstances.
11. List the last five cities where the applicant has worked: \_\_\_\_\_  
\_\_\_\_\_
12. Provide a certified copy of the applicant's present permit to do business in the state (Texas Sales & Use Tax Permit)

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## ARTICLE V. ITINERANT VENDORS

### DIVISION 1. GENERALLY

#### Sec. 26-171. 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:

*Interstate commerce* means soliciting, selling or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines or subscriptions to newspapers or magazines which, at the time the order is taken, are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such orders.

*Itinerant vendor* means and includes any person, as well as his agents and employees, who in the city engages in the temporary or transient business of selling, exhibiting or offering for sale any goods, wares, merchandise or other personal property or exhibiting goods, wares, merchandise or other personal property for the purpose of taking orders for the sale thereof and who for the purpose of carrying on such temporary or transient business either hires, rents, leases or occupies any room or space in any building, structure or other enclosure or any space, either open or enclosed, upon any private premises in the city in, upon, through or from which any goods, wares, merchandise or other personal property may be sold, offered or exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

*Peddler* means and includes any person who shall go from house to house in the city soliciting, selling or taking orders for or offering for sale or taking orders for any goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines. The term also includes all peddlers as they may be otherwise defined and all solicitors, hawkers, canvassers, itinerant or transient merchants or vendors of goods, wares, merchandise or services who go from house to house in the city soliciting, selling or taking orders for goods, wares, merchandise, etc.

*Temporary business* means any such business, as described in the definition for itinerant vendor, transacted or conducted in the city in, upon, through or from any private premises or space upon any private property for which no definite arrangement for legal right of occupancy thereof for the purpose of conducting such business therein or thereon for a period of at least six months has been made.

*Transient business* means any such business, as described in the definition of itinerant vendor, of any itinerant vendor as may be operated or conducted by any person or his agents or employees who resides or is domiciled away from the city or who has a fixed place of business or business headquarters outside of the city or who moves stocks of goods, wares, merchandise or other personal property or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six months.

(Code 1968, §§ 16-1, 16-6(b), 21-1)

**Cross references:** Definitions generally, § 1-2.

#### Sec. 26-172. Exemptions.

This article shall not be held to be applicable to 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 such.
- (2) Sales of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be used and applied to some charitable, religious or philanthropic purpose.
- (3) Any person performing the acts described in this article for or on behalf of any public school or any organization which is sponsored or supervised by any public school. (Code 1968, §§ 16-5, 21-11; Ord. No. O-11-98, 4-27-98)

Sec. 26-173. Applicability to food establishments.

Nothing in this article shall be construed to invalidate or otherwise release any person conducting a food service establishment, food processing establishment or food sales establishment from the requirements contained in section 58-26 et seq. regarding food and food establishments.

(Code 1968, § 16-9)

**Cross references:** Regulations regarding food and food establishments, § 58-26 et seq.

Sec. 26-174. Refusal to leave premises.

Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and who wilfully refuses to leave the premises after having been notified by the owner or possessor of the premises or his agent to leave the premises shall be punished, upon conviction, as provided in section 1-13.

(Code 1968, § 21-2)

Sec. 26-175. Peddler's hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling between the hours of 9:00 p.m. and 7:00 a.m. the following morning or at any time on Sundays.

(Code 1968, § 21-7)

Sec. 26-176. Registration of persons engaged in interstate commerce.

This article shall not apply to persons engaged in interstate commerce. However, it shall be unlawful for a person engaged in interstate commerce to operate in the city without having first registered with the city secretary giving the following information:

- (1) Name and home address of registrant and local address of registrant and local place of business if applicable.
- (2) Name and address of the person, if any, that he represents or for whom or through whom orders are to be solicited or cleared.
- (3) Nature of the service, article or merchandise which is to be performed, sold or for which orders are to be solicited.
- (4) Whether the registrant, upon any sale or order, shall demand or receive or accept payment or deposit of money in advance of final delivery.
- (5) Period of time the registrant wishes to solicit or sell in the city.

(Code 1968, § 16-6(a))

Secs. 26-177--26-185. Reserved.

## DIVISION 2. PERMIT

### Sec. 26-186. Required.

(a) *Peddlers*. It shall be unlawful for any peddler to go from private residence to private residence in the city soliciting, selling or taking orders for goods, wares, merchandise, services, subscriptions to magazines or newspapers, pictures or photographs or any article for future delivery where such person, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery of such article without first applying for and obtaining a permit from the city secretary.

(b) *Itinerant vendors*. It shall be unlawful for any itinerant vendor or for any person as agent, employee or servant of such itinerant vendor to sell, offer or exhibit for the purpose of taking orders for the sale of any goods, wares, merchandise or other personal property in the city without having an unexpired permit as prescribed in section 26-186. The city secretary shall issue to any itinerant vendor applying therefor who has complied with all the applicable sections of this article a permit authorizing such applicant as an itinerant vendor to sell, offer or exhibit for sale or exhibit for the purpose of taking orders for sale in the city, goods, wares, merchandise or other personal property of the owner and holder of such permit.

(Code 1968, §§ 16-2, 21-3)

### Sec. 26-187. Application.

Any person desiring a permit to engage in business as a peddler or itinerant vendor within the city shall make written, sworn application to the city secretary at least five days prior to beginning any business in the city. Such application shall show and contain the following:

- (1) The name and address of the applicant.
- (2) The name and address of the person, if any, the applicant represents.
- (3) The name and address of the principal place of business of the applicant.
- (4) If the business is a partnership, firm or joint venture, the full names and addresses of all members thereof.
- (5) If the business is a corporation, the state or county chartering it and the names and addresses of its officers.
- (6) The kind and character of services, goods, wares, merchandise or other personal property to be sold or offered or exhibited for sale or exhibited for the purpose of taking orders for sale in the city.
- (7) If such business is not to be conducted by the applicant in person, the name and legal relationship to the applicant of the person who is to be present in the city in charge and control of such business.
- (8) A certified copy of the applicant's present permit to do business in the state.
- (9) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.
- (10) The period of time such applicant wishes to engage in such business within the city.
- (11) Whether or not the applicant has ever been convicted of a felony and, if so, the complete circumstances thereof.
- (12) The last five cities wherein the applicant has worked before coming to the city.

(Code 1968, §§ 16-2(a), (b), 21-4)

Sec. 26-188. Bond required.

Before any permit shall be issued under this division, the applicant, if his application shows he shall receive, demand or accept money or deposits of money in advance of final delivery of the goods, wares, merchandise or services sold, shall furnish a bond in the penal sum of \$2,000.00 to the city signed by the applicant and signed as surety by some surety company authorized to do business in the state. The bond shall be conditioned upon the final delivery of services, goods, wares, merchandise, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery. The bond shall further be conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal on the bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery. Such bond shall be for the use and benefit of all persons that make any purchase or give any order to the principal on such bond or to any agent or employee of the principal. For corporate sureties, the applicant shall have authorized agents in the county. Such bond is to be payable to the mayor and his successors in office for the benefit of any person legally entitled to recover thereon and conditioned that the parties thereto will pay all damages, including state and city sales taxes, to any person caused by or arising from or growing out of any fraudulent or wrongful or illegal act of the applicant or principal or agent in the conduct of such business in the city. Such bond shall provide that any person for whose benefit such is made may sue thereon in his own right without joining the mayor or the city, what successive recoveries may be had thereon to the full extent of the amount therein named and prescribed in this section and that it shall remain in full force and effect for the entire duration of the permit.

(Code 1968, §§ 16-2(c), 21-6)

Sec. 26-189. Fees.

The city secretary shall issue the permit required by this division of a peddler or itinerant vendor upon the payment of a fee to the city in the amount set forth in the fee schedule adopted by the city council.

(Code 1968, §§ 16-2(e), 21-5; Ord. No. O-38A-06, § XII, 11-13-2006)

Sec. 26-190. Display.

(a) *Peddlers*. Every peddler doing business within the city shall display his permit upon the request of any person.

(b) *Itinerant vendors*. Each itinerant vendor shall at all times keep the permit prominently displayed upon the premises or place where the business authorized thereunder is being conducted or carried on. Each of such permits shall be required to be in force and effect so long as the business for which the permit is procured shall be continuously carried on.

(Code 1968, §§ 16-4, 21-8)

Sec. 26-191. Transferability.

Each permit issued under this division shall not be transferable or assignable and shall give to no person other than the permit holder to whom and in whose name it is issued authority to transact any business in the city.

(Code 1968, § 16-3)

Sec. 26-192. Expiration.

Every permit issued under this division shall expire one year from the date of its issuance.

(Code 1968, § 21-10)

Sec. 26-193. Revocation.

Any permit issued under this division may be revoked by the city secretary after notice and opportunity to be heard for the violation by the permit holder of any applicable section of this Code, state law or city ordinance, rule or regulation. The revocation of such permit may be appealed to the city council within ten days.

(Code 1968, § 21-9)

Secs. 26-194