



PERMIT# _____
EXPIRATION DATE _____

SOLICITOR / PEDDLER PERMIT APPLICATION

Ordinance No. 775/459

Non-charitable organization \$75.00 (Per Agent)

Charitable organization \$25.00

(Non-Refundable)

(Please Print/Type)

City Received Date Stamp

Date: _____

Description of Product Being Sold: _____

Description of Business: _____

If a sale or order is made do you expect payment at that time: ____ Yes ____ No

Name: _____

Phone: _____ D.O.B.: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Driver License Number: _____ Photo ID Required State: _____

Felony Convictions: ____ Yes ____ No If Yes; Date: _____

Explanation: _____

Employed By: _____

Employer Address: _____

Phone Number: _____ State Sales Tax # or Tax Permit #: _____

Vehicle Make: _____ Model: _____

Color: _____ License Plate Number: _____

Sales Agents must be eighteen (18) years of age

Solicitation Hours 8:00 am to 8:00 pm

Do Not Enter Property where No Trespassing/Soliciting sign is posted

Applicant Signature

Date

City Of Parker Official

APPROVED ☐ DENIED ☐

Date

(Expires 6 months from date permit is approved/issued)

IF DENIED PROVIDE DETAILS:

For City Use Only:

Fee Paid \$ _____ ☐ Cash ☐ Check # _____ ☐ CC Received by _____

**ORDINANCE NO. 775
(AMENDING ORDINANCE NO. 459)
(Regulating Solicitors and Peddlers)**

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
AMENDING ORDINANCE NO. 459, REGULATING SOLICITORS AND
PEDDLERS; PROVIDING FOR REVOCATION OF CONFLICTING
ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas has determined that it is in the best interest of the health and safety of its citizens to regulate the business of solicitors and peddlers operating within its city limits; and

WHEREAS, the City Council of the City of Parker, Texas has determined updates and amendments are necessary to Ordinance No. 459, previously passed on May 11, 1999; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PARKER, COLLIN COUNTY, TEXAS:**

Section 1. Section 3 of Ordinance 459 shall be deleted in its entirety.

Section 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

Section 3. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN
COUNTY, TEXAS, THIS 15th DAY OF OCTOBER, 2019.**



ATTEST:


Patti Scott Grey, City Secretary


Lee Pettie, Mayor

APPROVED AS TO FORM:


Brandon Shelby, City Attorney

ORDINANCE NO. 459

AN ORDINANCE OF THE CITY OF PARKER, TEXAS, REGULATING SOLICITORS AND PEDDLERS; PROVIDING FOR AN APPLICATION; PROVIDING FOR PAYMENT OF A PERMIT FEE; PROVIDING FOR APPEALS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Parker, upon full consideration of the matter, has determined that for the health, welfare, and safety of its citizens, it is desirable to enact regulations governing solicitors and peddlers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS THAT:

Section 1. Definitions.

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

- (a) Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported, holding determination letter from the Internal Revenue Services of 501(c)3 or 501(c)4 status.
- (b) City Administrator means the City Administrator of Parker, Texas.
- (c) Contributions mean and include the words alms, money, subscription, property or donations under the guise of a loan or money or property.
- (d) City means the City of Parker.
- (e) Peddler means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Ordinance.
- (f) Peddling includes all activities ordinarily performed by a peddler as indicated under paragraph (e) of this Section.

- (g) Person means a natural person or any firm, corporation, association, club, society or other organization.
- (h) Solicitor means any person who goes upon premises of any private residence in the City, not having been invited by the occupant thereof for the purpose of taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious or other non-commercial purposes.
- (i) Solicitation includes all activities ordinarily performed by a solicitor as indicated under paragraph (h) of this Section.

Section 2. Permit Requirements and Exemptions.

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Parker without first obtaining a permit issued by the City; provided, however, that the following are exempted from the provisions of this Section.

- (a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- (b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable organization;
- (d) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- (e) Any solicitation by or for a volunteer fire department with principal facilities and equipment located in the City of Parker.
- (f) Any solicitation by the Parker Women's Club for charitable purposes in the City of Parker.

AMENDED BY ORD 775

~~Section 3. Permit for Sponsoring Juvenile Peddlers.~~

- ~~(a) No person under the age of eighteen (18) shall be permitted to engage in peddling except as provided in this Section.~~

- ~~(b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.~~
- ~~(c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.~~
- ~~(d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting. A copy of the permit must be displayed on the request of any person solicited.~~

Section 4. Permit Application

Every person subject to the provisions of this Ordinance shall file with the City an application in writing on a form furnished by the City, which shall provide the following information:

- (a) Date of birth, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;
- (b) Names, addresses, driver's license numbers or other form of legally recognized form of identification of all persons who may act as agent or employee of the applicant;
- (c) A brief description of the business or activity to be conducted or goods to be sold;
- (d) If employed, the name, address and telephone number of employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (e) The length of time for which the right to peddle or solicit is desired;
- (f) The applicant's state sales and use tax permit number, if required by law in order to conduct the proposed business, or proof of exemption if none is required;
- (g) If a vehicle is to be used, make, model, color and license number shall be provided;
- (h) Whether applicant, upon sale or order, shall demand, receive or accept deposit or total payment in advance of final delivery.

- (i) Felony convictions of any solicitors, their agents, or employees, who may be soliciting within the City.

Section 5. Fees

A fee of \$75.00 for all Peddlers and Solicitors, except those of charitable purposes for which the fee is \$25.00 shall be paid prior to the issuance of a permit. When any solicitor or peddler shall engage in an activity through one or more agents or employees, in addition to the fee for the applicant, a permit fee shall be paid for each agent or employee so engaged, and the fee shall entitle the agent or employee to a permit for the same term and upon the same conditions as that of the primary permit. No permit fee shall be refunded.

Section 6. Application Review and Permit Issuance.

- (a) Upon receipt of an application, the City Administrator, or authorized representative, shall review the application as deemed necessary to ensure compliance with Section 4.
- (b) The City Administrator, or authorized representative, shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, issue the required permit to the applicant.
- (c) The permit shall show the name, address and driver's license number of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit will be in effect. The permit will also show the permit number.

Section 7. Denial of Permit.

- (a) Upon the City Administrator, or authorized representative's review of the application, the City Administrator, or representative may refuse to issue a permit to the applicant for any of the following reasons:
 - (i) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers and/or their customers;
 - (ii) An investigation reveals that the applicant falsified information on the application;
 - (iii) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - (iv) The applicant has been denied a permit under this Ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the

City Administrator or representative that the reasons for such earlier denial no longer exist.

- (b) The City Administrator, or authorized representative's disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued.

Section 8. Permit Expiration.

All permits issued under the provisions of this Ordinance shall expire six (6) months from the date of issuance, unless an earlier expiration date is noted on the permit.

Section 9. Permit Exhibition.

Every person required to obtain a permit under the provisions of this Ordinance shall exhibit the permit when requested to do so by any prospective customer City employee or police officer

Section 10. Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use or exhibit any permit issued under the provisions of this Ordinance.

Section 11. Entry upon Signed Premises Unlawful and Trespass.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a solicitor or peddler, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors", or words of similar import.

- (a) Nothing in this Ordinance shall authorize any solicitor or peddler to commit the offense of trespass, as defined in the Texas Penal Code. Any offense of trespass shall be a violation of this Ordinance, and grounds for revocation of the permit.

Section 12. Hours of Solicitation.

No person, while conducting the activities of a solicitor or peddler, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 8:00 a.m.

Section 13. Permit Revocation.

Any permit issued under this Ordinance may be revoked or suspended by the City Administrator, or authorized representative, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;
- (b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- (c) Conducting solicitation or peddling activities contrary to the provisions contained in this Ordinance;
- (d) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute breach of peace, trespass, or endanger the health, safety or general welfare of the public.

Section 14. Notice and Hearing.

Notice of a hearing for revocation of a permit issued under this Ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 15. Appeals.

- (a) Any person aggrieved by the action or decision of the City Administrator or authorized representative to deny, suspend or revoke a permit applied for under the provisions of this Ordinance shall have the right to appeal such action or decision to the Mayor of Parker within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- (b) An appeal shall be taken by filing with the City Administrator or authorized representative a written statement setting forth the grounds for the appeal.
- (c) The City Administrator or authorized representative shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing of the appeal.
- (d) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- (e) Notice of time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- (f) The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

Section 16. Enforcement.

It shall be the duty of any police officer of the City to require any peddler or solicitor who is not known by such officer to be duly permitted, to produce his permit and to enforce the provisions of this Ordinance against any person found to be violating the same.

Section 17. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a permit fee, shall cite to the City Administrator or authorized representative the statute or other legal authority under which exemption is claimed and shall present to the City Administrator or authorized representative proof of qualification for such exemption.

VIOLATIONS AND PENALTY

- (a) Violation of any of the provisions of this Ordinance shall upon conviction, be punishable by a fine not to exceed Two Thousand and no/100 (\$2,000.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate offense.
- (b) In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

SEVERABILITY

The terms and provisions of this Ordinance shall be deemed to be severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such decisions shall not affect any other remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

REPEALER

All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

EFFECTIVE DATE

This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

EMERGENCY

It being for the public welfare that this Ordinance be passed, creates an emergency and public

necessity, and the rule requiring this Ordinance be read on three (3) separate occasions be, and the same is hereby waived, and this Ordinance shall now be placed on its third and final reading for passage, and shall be in full force and effect from and after its passage and approval and publication, as provided by law.

Duly Passed by the City Council of the City of Parker, Texas, on this 11 day of May, 1999

David Hammel
David Hammel, Mayor

ATTEST:

Betty McMenamy
Betty McMenamy, City Secretary

APPROVED AS TO FORM;

James E. Shepherd
James E. Shepherd, City Attorney