

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS

ORDINANCE NO. 145

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, MAKING IT UNLAWFUL TO PEDDLE, HAWK, SELL, SOLICIT OR TAKE ORDERS FOR, OFFER TO TAKE ORDERS FOR ANY SERVICES, WARES, MERCHANDISE OR GOODS, INCLUDING MAGAZINES AND PHOTOGRAPHS, ON THE STREETS AND SIDEWALKS, OR FROM DOOR TO DOOR WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED A PERMIT FROM THE CITY; MAKING IT UNLAWFUL TO FAIL TO CARRY PERMIT ON PERSON WHILE SO ENGAGED; PROVIDING FOR PERMIT APPLICATION, INVESTIGATION OF APPLICANT, ISSUANCE OF PERMIT, REVOCATION OF PERMIT, APPEALS, PERMIT FEES AND PROVIDING CERTAIN EXEMPTIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. PERMIT REQUIRED.

It shall be unlawful for any person to peddle, hawk, sell, solicit or take orders for, offer to take orders for any services, wares, merchandise or goods, including magazines and photographs, on the streets and sidewalks, or from door to door within the city without having first obtained a permit therefor from the City.

SECTION 2. PERMIT APPLICATION: CONTENTS.

Each application for a permit, required by this Ordinance, shall be in writing under oath and shall set out the following:

- (1) Name of the applicant, with his permanent residence.
- (2) Name and address of the firm or person he represents.
- (3) The kind, type and character of goods or services he proposes to offer for sale.
- (4) Name and addresses of five persons as references.
- (5) How often the applicant will solicit during the year.
- (6) The names of any cities where applicant has worked within the previous thirty (30) days.
- (7) Whether or not applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude.

SECTION 3. INVESTIGATION OF APPLICANT.

It shall be the duty of the Chief of Police to investigate each applicant and make a report thereon to the City Secretary before issuance of a permit.

SECTION 4. ISSUANCE OF PERMIT.

It shall be the duty of the City Secretary to issue or refuse to issue such permit not earlier than two (2) days and not later than two (2) weeks from the time the application therefor is received by the City Secretary. A fee of \$10.00 per year shall be charged which shall not be pro-rated and shall not be returned if application is denied.

SECTION 5. REVOCATION OF PERMIT.

If, after the permit required by this Ordinance has been issued, the City Secretary or other official of the City finds that the permit was obtained by false representation in the application, it may be revoked by the City Secretary.

SECTION 6. APPEALS.

If the City Secretary refuses to issue the permit required by this Ordinance or such permit is revoked under the above provisions, the applicant shall have the right to appeal to the City Council at its next regular meeting.

SECTION 7. PERMIT TO BE CARRIED ON PERSON WHILE SELLING, ETC.

It shall be unlawful for any person to sell or solicit in the City without carrying the permit required by this Ordinance on his person while engaged in such soliciting or selling.

SECTION 8. PERMIT FEE MAY BE WAIVED FOR BONA FIDE CHARITABLE ORGANIZATIONS.

Bona fide charitable organizations or their representatives are hereby required to obtain permits, as required by this Ordinance, but the fee may be waived at the direction of the City Secretary.

SECTION 9. PERSONS ENGAGED IN INTERSTATE COMMERCE EXEMPT BUT REQUIRED TO REGISTER.

Persons engaged in interstate commerce shall not be required to obtain a permit or pay a fee as required by this Ordinance, but such persons, before engaging in such activity in the City, shall first register with the City Secretary.

SECTION 10. CONSTRUCTION OF ORDINANCE.

This entire Ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the City of Addison, for the public safety and general welfare of the city and citizens of the City.

SECTION 11. EXEMPTIONS FROM ORDINANCE.

(a) The provisions of this Ordinance shall not apply to the sale or soliciting of orders for the sale of vegetables, poultry, eggs and other farm products produced

by the vendor, nor to the sale or soliciting of orders for the sale of milk, dairy products and bakery products insofar as the sale of the commodities named in this section is authorized by law, nor shall it apply to public utility companies operating under a franchise granted by the City, nor shall it apply to local residents of the City engaged in soliciting in support of the Scouts, Y.M.C.A, Little League or other such non-profit organization where all such soliciation is conducted by local residents of the City.

(b) The provisions of this Ordinance shall not apply to commercial agents or drummers dealing with local business establishments in the usual course of business.

(c) Provisions of this Ordinance shall not apply to insurance salesmen, real estate salesmen and others licensed by the State.

SECTION 12. REPEALING CLAUSE:

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

However, the repeal of existing ordinances by this ordinance shall not effect or prevent the prosecution or the punishment of any person for any act done or committed prior to the effective date of this ordinance in violation of any ordinance hereby repealed; and prosecution for such offenses may be instituted and causes presently pending proceeded with in all respects as if such prior ordinance or ordinances had not been repealed.

SECTION 13. SEVERABILITY CLAUSE:

If any article, paragraph or sub-division, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, 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 or unconstitutional.

SECTION 14. PENALTY CLAUSE:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed the sum of two hundred (\$200.00) dollars for each offense and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 15. EMERGENCY CLAUSE:

The fact that the present City regulations are inadequate to properly protect the public health, safety and welfare, creates an urgency and an emergency and requires that this Ordinance shall take effect immediately from and after the publication of its caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Addison, Texas, this 6 day of November, 1972.

Milton J. Preece
MAYOR

ATTEST:

Charles Seward
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Nichols
CITY ATTORNEY