

### ORDINANCE #24A

AN ORDINANCE AMENDING ORDINANCE #24 MAKING IT UNLAWFUL FOR ANY SOLICITORS OR CANVASSERS OF ORDERS FOR SERVICES OR MERCHANDISE, OR FOR PEDDLERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS OF MERCHANDISE OR SERVICES TO GO IN OR UPON THE PREMISES OF ANY PRIVATE RESIDENCE IN THE CITY WITHOUT A VALID LICENSE ISSUED BY THE CITY; ESTABLISHING TIMES WHEN SUCH LICENSED ACTIVITIES ARE ALLOWED; AND PROVIDING A PENALTY OF NOT LESS THAN \$25.00 NOR MORE THAN \$500.00 FOR VIOLATION; MAKING EACH DAY OF EACH OCCURANCE A SEPARATE OFFENSE.

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS, THAT, Ordinance #24 concerning soliciting in the City limits shall be amended as follows:

Section #1: That it shall be unlawful for any solicitors or canvassers of orders for services or merchandise, or for peddlers, itinerant merchants and transient vendors of merchandise, or for distributors of advertising handbills, leaflets, or papers to go in or upon the premises of any private residence in the City without a valid license issued by the City, or go thereon with a license prior to 10:00 o'clock a.m. or after 6:00 o'clock p.m., or at any time on Sundays, unless previously requested to do so by the owner or occupants of said private residence, for the purpose of soliciting orders for the furnishing of any service or for the sale of goods, services, wares and merchandise, or for the purpose of disposing of, contracting for, or peddling the same, or to distribute any printed or written handbills, leaflets or papers.

It shall also be unlawful for any person engaged in any of the businesses described above to engage in such business in defiance of any notice exhibited by a residence or business indicating that solicitors are not welcome or not invited.

Section #4: The application shall be issued by the City Secretary and a charge of \$50.00 will be collected before the permit will be valid.

Section #5: The fee of \$50.00 will be waived for certain non-profit organizations such as Girl Scouts, Boy Scouts, Little League, Volunteer Fire Departments, etc.

Section #6: The word "peddler" as used herein shall include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise whatever, offering and exposing the same for sale, or making sales and delivering articles of purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler, subject to this entire ordinance.

Section #14: It shall be the duty of the City of Grey Forest Police Department to enforce all of this Ordinance and violation of any of the provisions of this Ordinance shall carry a penalty if found guilty by the Municipal Court, of a fine of not less than \$25.00 or more than \$500.00, and each day of each occurrence or act in violation of this Ordinance shall be considered a separate offense.

Section #15: Each permit shall be valid for a maximum 72 hours from the date and time of issuance by the City Secretary. Every permit holder shall be required to renew the permit and pay the \$50.00 fee for each new permit, collected at the time of each renewal to solicit in the City.

Section #16: The Mayor, City Secretary and Police Department retain the right to check any information on the application they question or just for verification of any information stated on the permit. Any permit can be revoked at any time for the following reasons:

- a. If it is found to have been issued on misrepresented, fraudulent or incorrect information or for any violation of any portion of this Ordinance.
- b. Fraudulent, misrepresentative, or false statements made during the course of conducting the business as solicitor or as canvasser, or peddler, or itinerant merchant, or transient vendor of merchandise or services.
- c. Conviction of any crime or misdemeanor involving moral turpitude or;
- d. Conducting the business of soliciting, or canvassing, or peddling in an unlawful manner, or in such manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

Any fees collected for the issuance of a permit will be forfeited as there will be no refund of any fees paid for a revoked or unused permit or a permit not used for the full 72 hour period of validity.

If any sentences, clauses and phrases of this ordinance shall be declared unconstitutional or otherwise illegal by any court of competent jurisdiction, it shall not affect any of the remaining sentences, clauses and phrases of this Ordinance.

PASSED AND APPROVED BY THE CITY OF GREY FOREST CITY COUNCIL ON THIS THE 28 DAY OF APRIL, 1998.

Signed

Edwin H. Sackett

Mayor

ATTEST:

Nancy Butler  
City Secretary