

City of Petrolia

Phone (940)524-3315

109 S. Central

PO Box 154

Fax (940)524-3657

Petrolia, Texas 76377

Councilmen

Everett England
Darrell Pickering

Mayor

Cindy Armour

City Secretary

Belinda Branigan

Councilmen

Billy Overstreet
Tommy Elledge
Curtis Duncan

ORDINANCE NO. 115

AN ORDINANCE AMENDING ORDINANCE #29 PROVIDING FOR LICENSES REGULATING AND GOVERNING PEDDLERS/SOLICITORS WITHIN THE CITY LIMITS OF THE TOWN OF PETROLIA, TEXAS FIXING A SCHEDULE OF SAID LICENSES AND PROVIDING A PENALTY FOR THE VIOLATION OF THE LICENSES AND PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF SAID ORDINANCE.

NOW THEREFORE;

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

Section 1- Definitions.

A. "Peddler" means any person who engages in commercial activities within City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from house-to-house, business-to-business, or upon public property.

B. "Solicitor" means any person who solicits or attempts to solicit, from house-to-house, business-to-business, or upon public property, funds or orders for services, commercial goods wares, merchandise, subscriptions or publications to be delivered at a future date or time.

Section 2 - Permit Required.

It is unlawful for any peddler or solicitor to engage in business within the City without

first obtaining a permit from the City of Petrolia.

Section 3 - Exemptions.

The following are excluded from permitting provisions:

- A. Newspaper carriers;
- B. Farmers who sell agricultural products that were raised or grown by them;
- C. Locally based non-profit organizations;
- D. Religious proselytizing or distribution of religious literature;
- E. Political speech; or
- F. Canvassers who attempt only to solicit political support or to determine opinions or sentiments.

Section 4 - Permit, Written Application Required.

Any person desiring to engage in activities as a peddler or solicitor within the City must complete and file a written application for permit with the City Secretary, which application shall give the following information:

- A. Applicant's name, telephone number, address, birth date, physical description and either:
 - 1. Driver's license number and state, or
 - 2. Social security number and an official, government-issued picture identification card.
- B. If the applicant is peddling or making solicitations for any commercial organization, the name, telephone number and address of such organizations;
- C. Full and complete list of goods to be sold and/or services to be delivered.
- D. For each individual involved in the peddling or solicitation campaign: name, telephone number, address, birth, date, physical description, and either:
 - 1. Driver's license number and state, or
 - 2. Social Security number and an official, government-issued picture identification Card;

E. Description (year, make, type) and license plate number and state of all vehicles to be used in soliciting and peddling;

F. Applicant must provide original identifying documents to the City Secretary upon request.

Section 5 - Permit Fees.

All peddlers and solicitors not exempted by Section 3 shall pay a permit fee to the City of Petrolia in the amount of \$50.00 for one individual or \$100.00 for any group of two or more.

Section 6 - Permit Denial.

A. A copy of the application for permit will be referred to the Sherriff's Department who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for permit under this chapter may be denied where:

1. Required application information is incomplete or incorrect; or
2. Applicant is currently wanted on warrant for arrest

B. If the City Secretary denies a permit, the applicant may appeal the decision in writing to the City Council, who may affirm, modify or reverse the decision of the City Secretary.

A. If the City Secretary finds that the application is completed in conformance with Section 4 through 6, a permit shall be issued within five working days. The permit shall be the original application under Section 4, with an official stamp indication approval. Each permit will be valid for 12 months from date of issue.

B. The permittee is required to notify the City Secretary before any peddling or soliciting under the issued permit is conducted in any new calendar month after the issuance of the permit. At this time, the permittee will update any information required under Section 4 that has changed.

C. The City of Petrolia will retain one copy of the approved permit for official records. The permit may not be represented as an endorsement or approval by the City of purposes of a solicitation or a product offered by the permittee.

D. Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply the City Secretary with the information required in Section 4.

Section 8 - Permit Display.

Each peddler or solicitor will carry his or her permit at all times while engaging in business in the City. Upon request or demand, the peddler or solicitor will exhibit the permit to indicate compliance with all of the relevant requirements of this chapter.

Section 9 - Permit Non-transferability.

Permits issued under the provisions of this chapter are not transferable in any situation and will be clearly marked "Not transferable".

Section 10 - Permit Suspension.

- A. The Mayor or the Mayor's designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this chapter.
- B. Peddlers and solicitors whose licenses are suspended have three business days during which to request an administrative review of the suspension. If request for administrative review is not made within three working days, the permit is revoked.

Section 11 - Permit Revocation.

- A. Upon the request of permittee, the City of Petrolia shall provide the permittee with written notice containing particulars of any and all complaints against him or her, and the time, date and place for an administrative review of the suspension.
- B. The City Council will conduct an administrative review to determine whether the permit shall be restored or revoked.
- C. After notice and review, the City Council may revoke any permit issued under this chapter for the following reasons:
 - 1. Fraudulent statements, omissions on permit application or in conduct of permitted business;
 - 2. Violation of law;
 - 3. Endangerment of public welfare, health or safety.
- D. If the Mayor or City Secretary revokes a permit, applicant may appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision of the Sherriff's Department.
- E. Revocation of any permit shall bar the permittee from eligibility for any person under

this chapter for a period of one year.

Section 12 - Hours of Operation.

No peddler or solicitor may conduct activities defined in Section 1 except between the hours of eight a.m. and 6:00 p.m.

Section 13 - No Solicitor Signs.

Any peddler or solicitor who conducts or attempts to conduct business at a place where a sign clearly indicates that solicitors or peddlers are unwelcome is in violation of this chapter.

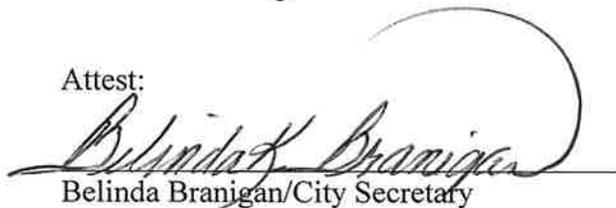
Section 14 - Violation/Penalty.

Any person violating the provisions of this chapter is guilty of a Class C misdemeanor and upon conviction shall be fined not more than allowed by law.

PASSED AND APPROVED, this 8th day of April, 2008.


Cindy Armour/Mayor

Attest:


Belinda Branigan/City Secretary