

ORDINANCE NO. 1016

AN ORDINANCE, DEFINING, REGULATING AND LICENSING PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS WITHIN THE CITY LIMITS OF THE CITY OF SNYDER AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF, REPLACING ORDINANCE NO. 656, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 1. PURPOSE AND CONSTRUCTION OF ORDINANCE.

This entire Ordinance is and shall be deemed an exercise of the policy power of the State and of the City for the public safety, comfort, convenience and protection of the City and the citizens thereof, and all of the provisions of this Ordinance shall be construed for the accomplishment of that purpose.

SECTION 2. DEFINITIONS.

Itinerant merchant means any person who engages in the selling or offering for sale in person of any goods or merchandise; or who exhibits goods or merchandise for sale and who, for the purpose of carrying on such business, displays, exhibits, sells or offers for sale such goods or merchandise upon or from a wagon, truck, automobile or other vehicle or upon the city streets; or who occupies any room or space in any building, structure or other enclosure, vacant lot, parking lot or any other property in the city, through or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof, without having made definite legal arrangements for the hire, rental or lease of such premises for at least one month in or upon which such business is to be operated or conducted. **A copy of the rental or lease agreement will be provided to the City.**

License board means the license board created by Section 7.

Peddler or solicitor includes any person traveling by foot, wagon, automobile, vehicle or any other type of conveyance, who goes from house to house, from business to business or from place to place in the city for the purpose of carrying on the business of soliciting, selling or taking orders or offering to sell or offering to take orders for any goods, wares, merchandise or services.

SECTION 3. ESTABLISHMENT, COMPOSITION AND GENERAL DUTIES OF LICENSE BOARD.

There is established the corporation license board, the official name of which shall be "The Corporation License Board of the City of Snyder." The license board shall be composed of the city manager, who shall be chairman of the board, the chief of police and the city secretary. The license board shall perform all duties incumbent upon it under the terms of this article.

SECTION 4. PERMIT REQUIRED.

It shall be unlawful for any peddler or solicitor, or any itinerant merchant to engage in any activity mentioned in Section 2 without having first applied for and obtained a permit to do so from the City.

SECTION 5. APPLICATION – GENERALLY.

Any person desiring a license required by this Ordinance shall make written application therefore to the City Secretary for a license, which application shall show the following:

1. The full name and residence of the applicant.
2. The state, county, town or city in which the applicant permanently resides.

3. The age, height, weight, color of hair and color of eyes of the applicant.
4. The occupation in which the applicant desires to engage and for which he desires a license.
5. A full and complete description of the goods, wares and merchandise or other articles or tokens which the applicant desires to sell, which description shall give in detail the grade and character of the property to be sold. Further description as to grade and quality may be required by the license board.
6. The limited sales tax permit number issued by the State of Texas.
7. Whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude.

SECTION 6. APPLICATION ATTACHMENTS.

There shall be attached to each application for a license required under this section the following:

1. A certificate or letter from the president, a vice-president, general manager, sales manager or assistant sales manager or district or area manager of the company for which the applicant works, sells or solicits, stating that the applicant is an employee and/or agent of such company.
2. If the applicant is an individual who is not working, selling or soliciting for any firm or company, letters of recommendation from two citizens, not related to applicant, from the applicant's permanent city of residence.

SECTION 7. APPLICATION – CONSIDERATION BY THE LICENSE BOARD.

Upon the filing of an application for a permit under this Ordinance, it shall be the duty of the City Secretary to retain the application until time for the License Board to consider the same. The License Board shall meet each Monday at 9:00 a.m. All applications filed with the City Secretary prior to the preceding Wednesday shall be considered by the License Board on the next succeeding Monday. Applications filed between Wednesday morning and Saturday shall be considered by the License Board on the Second Monday after filing.

Prior to approval of an application under this Ordinance the License Board will take into consideration whether the issuance of such license will create or might create a conflict with a community sponsored event. A community sponsored event will be any event that is sponsored by the city, the county, civic organization located within the county, religious organizations, public school or the Chamber of Commerce. If the License Board determines that the issuance of the license will create or might create a conflict with a community sponsored event the license application may be denied if it is in the best interest of the community.

SECTION 8. FEES.

Each applicant for a permit under this Ordinance shall be charged an investigation fee of \$50.00.

SECTION 9. ISSUANCE.

If it shall appear to the License Board or a majority thereof that the statements contained in an application for a license under this division are true and that the applicant has the right under the constitution and laws of this state and under this Ordinance and any Ordinance of the City to engage in business and that the applicant has not been convicted of a felony or a misdemeanor involving moral turpitude and has not been convicted of a violation of similar itinerant merchant ordinances of the cities or the state, the license board shall issue a license to the applicant.

SECTION 10. CONTENTS.

Each license issued under this division shall contain the following:

1. The name of the applicant and his address.
2. Physical description of the applicant.
3. The date the license was issued.

SECTION 11. TO BE CARRIED ON PERSON.

It shall be unlawful for any peddler or solicitor to engage in any activity for which a permit is required by this Ordinance, unless he carry such permit on his person while so engaged. A permit issued under the provisions of this Ordinance must be exhibited upon demand to the City Secretary, any police officer of the City of Snyder or to any person to whom sales or solicitation is attempted to be made.

SECTION 12. DURATION.

All licenses issued under this division shall be valid from the date shown thereon for a period of six months, unless sooner revoked as provided in this Ordinance.

SECTION 13. REVOCATION:

If, after the license provided for in this Ordinance has been issued, the License Board or other agency or official of the City finds that the permit has been obtained by false representation in the application, such permit may be revoked by the License Board. Such license may also be revoked if it shall appear to the License Board that the holder of such license has violated any ordinance of the City of Snyder or any law of the State in connection with any soliciting by such holder or in connection with the collection, attempted collection of any account due to such permit holder or his employer, or in connection with the repossession or attempted repossession of goods sold by such license holder or any other person employed by the employer of such license holder. Notice of revocation shall be given to the former license holder by depositing written notice of such revocation in the United States mail addressed to the license holder at the residence address listed by the permit holder on the application for license. The making and filing of such revocation shall be deemed to have occurred as of the date of the mailing of the notice of revocation.

SECTION 14. APPEAL FROM DECISIONS OF LICENSE BOARD.

If the applicant for a license under this Ordinance or the holder of such license is dissatisfied with any holding or finding of the License Board, he shall have the right to appeal to the City Council by filing a written notice of such appeal with the License Board within ten (10) days from the making and filing of such decision of the License Board. Upon the filing of such notice of appeal, the applicant for the permit and all papers possessed by the License Board in connection with such application and such license shall be delivered to the City Council and such matters as may be in controversy shall be heard by the Council at its next regular meeting after the filing of the notice of appeal. The City Council shall have the same powers and authority at such hearing on such appeal as is vested in the License Board b this Ordinance.

SECTION 15. EXEMPTIONS.

This article shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, bakery products, vegetables, poultry, eggs or other farm and garden products which have been raised or produced by the seller; daily deliveries of milk and bakery and other food products; newspaper distribution; ordinary commercial travelers who sell or exhibit for sale goods or merchandise to parties engaged in the business of buying and selling and dealing

goods or merchandise; sales or exhibits at fairs, rodeos, conventions or events sponsored by the city, the county, civic organizations located in the county, religious organizations, public schools, or the Snyder Chamber of Commerce.

SECTION 16. USE OF STREETS.

No peddler, solicitor, or itinerant merchant shall have any exclusive right to any location in the public streets or sidewalks nor shall any peddler, solicitor or itinerant merchant be permitted a stationary location nor shall be permitted to operate in any congested area where his operations might impede or inconvenience the public.

SECTION 17. PENALTY.

Any person violating any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine of not less than One Dollar (\$1.00) and not more than Two Hundred Dollars (\$200.00), and each and every day this Ordinance is violated shall constituted a separate offense.

SECTION 18. SEVERANCE CLAUSE.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

PASSED AND APPROVED on first reading this 13th day of September, 2010.



Mayor

ATTEST:



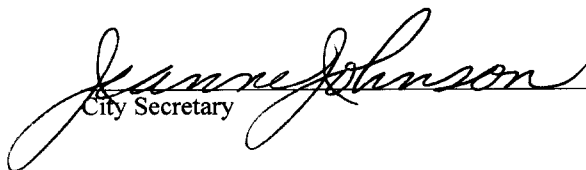
City Secretary

PASSED AND ADOPTED on second reading this 27th day of September, 2010.



Mayor

ATTEST:



City Secretary