



SOLICITATION PERMIT APPLICATION

| APPLICANT/SOLICITOR INFORMATION | | PERMIT # | | | |
|---|--------|--|--------|------------|-----------|
| Full Legal Name | | | | | |
| Address | | | | | |
| Telephone Number: Home/Cell | | | | | |
| Date of Birth | Gender | Height | Weight | Hair Color | Eye Color |
| Driver's License No.: | | State: | | | |
| OR Social Security No.: | | AND Gov't. Issued Picture ID Card | | | |
| VEHICLE INFORMATION: | | | | | |
| Make and Model: | | Year: | | | |
| License Plate No.: | | State: | | Color | |
| ORGANIZATION/COMPANY INFORMATION: | | | | | |
| Name: | | | | | |
| Address: | | | | | |
| Telephone Number: | | | | | |
| LIST OF GOODS SOLD OR SERVICES DELIVERED: | | | | | |
| DATES OF SOLICITION: | | | | | |
| SPECIFIC AREAS/LOCATIONS OF SOLICITATION -- ATTACH PRIVATE PROPERTY AUTHORIZATION IF APPLICABLE: | | | | | |

I am aware that by filling out this application there is no promise or guarantee of permit issuance. I agree to abide by the City of Bulverde Solicitation Ordinance 318-11-01-11.

Printed Name: _____ Signature: _____ Date: _____

Application for permit: Approved _____ Denied _____
Reason(s): _____

Permit expires Dec. 31st, year of issuance.

Date: _____
Chief of Police - Bulverde Police Department

ORDINANCE NO. 318-11-01-11

AN ORDINANCE OF THE CITY OF BULVERDE, TEXAS, ADDING CHAPTER 4, ARTICLE 4.04, SECTION 4.04.001 THROUGH 4.04.015, OF THE CODE OF ORDINANCES, REGULATING PEDDLER ACTIVITIES IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Bulverde (the "City"), a General Law City and by State law is permitted to establish ordinances to protect the health, safety and general welfare of its residents; and

WHEREAS, requiring solicitors and peddlers to register may deter inappropriate and or criminal conduct; and

WHEREAS, the City has no desire to interfere with free speech, open dialogue and exchange of opinion;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS, THAT;

SECTION 1 FINDINGS. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. AMENDMENT. Chapter 4, Article 4.04, Sections 4.04.001 through 4.04.015 of the City of Bulverde Code of Ordinances shall be amended in its entirety as follows:

ARTICLE 4.04. PEDDLERS, CANVASSERS AND SOLICITORS

Sec. 4.04.001 Purpose

The primary purpose of the public streets, sidewalks, and other public way is for use by vehicular and pedestrian traffic. Vending on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment. Reasonable regulation of vending on public ways and in public places is necessary to protect the public health, safety and welfare. To protect local residents against trespassing by Peddlers, Solicitors, and Vendors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive merchandise or services. The regulations contained in this ordinance are not intended in any way to prohibit or hamper speech that is protected by the constitution of both the United States and the State of Texas but merely to regulate specific activities, which are commercial in nature. This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas and of the City of Bulverde for the process set forth above.

Sec. 4.04.002 Definitions.

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

Door-to-door selling means going to one or more residence within the City in person or by the agent for the purpose of peddling, soliciting, or vending, who engages in a business of selling or offering for sale, food, beverages, goods, services, wares and merchandise or engages in soliciting orders for the sale of goods, services, wares and merchandise for future delivery

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 door-to-door, business-to-business, or upon public property.

Public area means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

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, or who passively begs by standing or sitting with a sign or other indication that a donation or service is being sought, without any vocal request other than in response to an inquiry to another person.

Solicit means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

Sec. 4.04.003 License Required.

It shall be unlawful for any peddler or solicitor to engage in the business of selling, displaying, or offering for sale any food, beverage, goods, services or merchandise at any public area within the City without first obtaining a license from the City Administrator or his duly authorized representative.

Sec. 4.04.004 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 administrator or his duly authorized representative, which application shall give the following information:

- (1) Applicant's name, telephone number, address, birth date, physical description, and either:
 - a. Driver's license number and state, or
 - b. Social security number and an official, government-issued picture identification card;

- (2) If the applicant is peddling or making solicitations for any commercial organization, the full legal name, telephone number and address of such organization;
- (3) Full and complete list of goods to be sold and services to be delivered;
- (4) For each individual involved in the peddling or solicitation campaign: full legal name, telephone number, address, birth date, physical description, and either:
 - a. Driver's license number and state, or
 - b. Social Security number and an official, government-issued picture identification card;
- (5) Description (year, make, type) and license plate number and state of registration of all vehicles to be used in soliciting and peddling;
- (6) If the applicant or any individual involved in the peddling or solicitation campaign does not have a telephone number and/or an address, the telephone number and/or address of a relative or third party that can contact the applicant or any individual involved in the peddling or solicitation campaign;
- (7) Applicant must provide original identifying documents to the city administrator upon request.
- (8) The specific location, if any, in which the vendor/peddler intends to conduct business.
- (9) If the applicant is peddling or making solicitations from private property, a written statement from the property owner consenting to applicant's use of his/her property for the sales activities indicated in the permit application.
- (10) Not later than thirty (30) days after the filing of a completed permit application the applicant shall be notified by the City of the decision on the issuance or denial of the license.

Sec. 4.04.005 Fees.

Permit fees shall be accompanied with the permit application. All peddlers and solicitors not exempted by section 4.04.006 shall be required to pay the permit fee:

- (1) \$24.00 per individual
- (2) \$120.00 per group less than 10
- (3) \$240.00 per group more than 9

Fees will not be pro-rated.

Sec. 4.04.006 Exemptions

Permit application is required for all vendor/peddlers but fees may be waived for the following individuals or groups:

- (1) Newspaper carriers
- (2) Farmers who sell agricultural products that were raised or grown by them.

- (3) Non-profit Organizations
- (4) Political Groups
- (5) Canvassers
- (6) Government Affiliates

Sec. 4.04.007 Denial

A copy of the application for permit will be referred to the police 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;
- (2) Applicant or any individual involved in the peddling or solicitation campaign is currently wanted on a warrant for arrest, under indictment or has a pending Class B Misdemeanor or above;
- (3) A permit fee has not been paid; or
- (4) If the police department denies a permit, the applicant may appeal the decision in writing to the City Administrator, who may affirm, modify or reverse the decision of the police department.

Sec. 4.04.008 Issuance, duration.

- (1) If the application for permit is approved, the permit shall be issued. The permit shall be the original application with an official stamp indicating approval. Permit provided for in this Article shall continue so long as the permittee is conducting business in the city, but in no event shall it continue beyond the calendar year of permit issuance.
- (2) The permittee is required to notify the police department before any peddling or soliciting under the issued permit is conducted in any new calendar month after the issuance of the permit. Upon notification, the permittee will also update any new or changed information required under the original permit.
- (3) The City of Bulverde 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 the purposes of a solicitation or a product offered by the permittee.
- (4) 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 police department with the information required in section 2. It shall be unlawful for any peddler or solicitor to intimidate or aggressively solicit or beg a person into giving money, goods or services.

Sec. 4.04.009 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.

Sec. 4.04.010 Not Transferable

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

Sec. 4.04.011 Suspension

- (1) The Chief of Police or the chief's designee may, upon documented complaint, violation of this article or violation of law, suspend and confiscate a permit issued under this article.
- (2) Peddlers and solicitors whose licenses are suspended have three (3) business days during which to request an administrative review of the suspension. If request for administrative review is not made within three (3) working days, the permit is revoked.

Sec. 4.04.012 Revocation

- (1) Upon permittee's request, the police department shall provide the permittee with written notice containing particulars of any and all complaints, and the time, date and place for an administrative review of the suspension.
- (2) The city administrator or his duly authorized representative will conduct an administrative review to determine whether the permit shall be restored or revoked.
- (3) After notice and review, the city administrator may revoke any permit issued under this article including but not limited to the following reasons:
 - (a) Fraudulent statements, omissions on permit application or in conduct of permitted business;
 - (b) Any violation of federal or state statute, or city ordinance;
 - (c) Endangerment of public welfare, health or safety.
- (4) If the city administrator revokes a permit, applicant may appeal this decision in writing to the city council, which may affirm, modify, or reverse the decision of the city administrator.
- (5) Revocation of any permit shall bar the permittee from eligibility for any person under this article for a period of one year from the date of revocation.

Sec. 4.04.013 Hours of operation

No peddler or solicitor may conduct activities except between the hours of 8:00 a.m. and 6:00 p.m. local time in Bulverde, Texas.

Sec. 4.04.014 No solicitor signs

- (1) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any private property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the premises, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "**no solicitation**," "no advertisements," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.
- (2) This section does not apply to any department, branch or agency of federal, state, or municipal government and any permitted religious, political or charitable advertisements or handbills.

Sec. 4.04.015 Violation/penalty

Any person violating the provisions of this article is guilty of a class C misdemeanor and upon conviction shall be subject to a penalty not to exceed five hundred dollars (\$500.00) Each and every act constituting a violation hereof and each failure or refusal to comply with any provision shall be a separate offense and shall be punished as such.

SECTION 3 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 4 SAVINGS CLAUSE.

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

PASSED, APPROVED AND RESOLVED in Bulverde, Texas, this the 11th day of January 2011.

William Krawietz, Mayor

ATTEST:

Tiffany Littlepage, City Secretary