



# THE KATY POLICE DEPARTMENT

Service • Duty • Honor

## Soliciting Permit Application & Checklist

Once the checklist is complete and turned in, please allow 24-48 hours for approval and/or for the applicant to be contacted to collect their solicitor badge.

1. Applicant recent criminal history check;
  - a. No specific company preferred by the Katy Police Department
  - b. Criminal history cannot be more than two months old from the time of submitting application.
2. \$1,000.00 surety bond, signed by applicant and permitted by state approved bond company;
  - a. Bond will expire a year from the permit issued date
  - b. Bond will not be returned to applicant
3. Two recent photos;
  - a. 1" square in size
4. Letter from company verifying employment;
  - a. Multiple solicitors listed on one letter will suffice
5. Reference to show companies financial standings;
  - a. Please see section 4.04.043, Attachments to application for further information
6. If applicant is not with a company, two letters of reference from citizens of city of Katy residence
7. State issued picture ID or Driver's License;
  - a. Copies will need to be made before turning in all paperwork
8. Fees - Company \$30.00 / Each applicant \$10.00;
  - a. Cash, check or money order will be accepted. Make payments payable to: **City of Katy**
  - b. Payment(s) will only be accepted upon picking up permit badge
9. Your application will not be accepted unless 1-7 are completed entirely. Please email [mhernandez@katypd.com](mailto:mhernandez@katypd.com) to setup an appointment to accept all documents and if you have any questions. Please allow 24-48 hours for a response regarding your permit status.



# City of Katy Solicitors Permit

Ordinance Article No. 4.04

Place Photo Here

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Permit No.: \_\_\_\_\_

## **Solicitor Information:**

Name: \_\_\_\_\_ Home/mobile #: \_\_\_\_\_ Work #: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Complexion: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Driver's License # \_\_\_\_\_ State: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Have you ever been convicted of a felony or misdemeanor involving moral turpitude? (Circle one) yes or (no)

If yes; give date, arresting agency and explanation:

## **Employer / Business Information:**

Business Name: \_\_\_\_\_ Business phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Employer / Manager Name: \_\_\_\_\_ Work #: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Product(s) to be sold: \_\_\_\_\_

It shall hereafter be unlawful for any person to go from house to house or place to place in the City of Katy, Texas soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a permit to do so from the City of Katy Police Department. It shall also hereafter be unlawful to sell or solicit in said city as aforesaid without carrying such permit in a clearly visible location on each person who is engaged in such soliciting or selling. It shall hereafter be unlawful for any person to solicit or sell in the manner herein above provided except between the hours of 8:30am to 6:00pm on weekdays only.

Sec. 4.102 License Required of Ordinance No. 2243.

Permits can only be applied for and approved, Monday - Friday between 8:00am —5:00pm excluding Holidays.

# Chapter 4 Business Regulations

## ARTICLE 4.04 ITINERANT MERCHANTS

### City of Katy, TX

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The City of Katy's Ordinance Article No. 4.04, regulates home solicitations, charitable solicitations, and itinerant merchants. Peddlers and solicitors must obtain a permit from, and register with the Katy Police Department.

A registered Solicitor will wear an identification card that is issued by the Katy Police Department and is clearly visible to the public. A registered Solicitor is allowed to be in the city during the hours of 8:30 a.m. to 6:00 p.m., Monday through Friday **only**.

If for any reason you believe that an individual may appear suspicious, please contact the Katy Police Department at (281)391-4848.

A person desiring that no merchant or other person engaged in solicitation at his/her residence/business shall exhibit in a conspicuous place upon or near the main entrance a weatherproof sign, at least one inch (1") in height, in bold print containing the words... 'NO SOLICITATION - SOLICITORS NOT ALLOWED ON PREMISES'

<https://www.cityofkaty.com/>

BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

NOTIFY IN CASE OF EMERGENCY: \_\_\_\_\_

PHONE: \_\_\_\_\_

## ARTICLE 4.04 ITINERANT MERCHANTS

### Division 1. Generally

#### Sec. 4.04.001 Purpose

This entire article is and shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, convenience and protection of the city and citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose. (1999 Code, sec. 4.101)

#### Sec. 4.04.002 Definition

An itinerant merchant or solicitor or itinerant vendor as the terms are used in this article shall be held to be any person, firm, company, partnership, corporation or association engaged in any activity mentioned in section 4 hereof. (1999 Code, sec. 4.115)

#### Sec. 4.04.003 Exemptions

The provisions of this article shall not apply to the following:

- (1) Sales made to dealers by commercial travelers or sales agents in the usual course of business;
- (2) Sales made under authority and by order of law;
- (3) Vendors of farm or dairy products;
- (4) Boy Scouts and Girl Scouts who are residents of the city•
- (5) All students who are enrolled in a Katy Independent School District school within the city limits or a private school within the city limits and are selling or soliciting under the direction and with the approval of the governing boards of either Katy Independent School District or the private school (1999 code, sec. 4.116)

#### Sec. 4.04.004 Penalty

Anyone violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be fined in accordance with the general penalty provision found in sector of this code. (1999 Code, sec. 4.117)

#### Sec. 4.04.005 Hours of operation

It shall be unlawful for any person to solicit or sell in the manner provided in section except between the hours of 8:30 a.m. to 6:00 p.m. on weekdays only. (1999 code, sec. 4.102)

#### Sec. 4.04.006 Posting of property

Any resident of the city may place or affix on the front of any residence, commercial business, home or other place in the city a sign or other identifying sticker stating in bold print of letters at least one inch (1") in height the following: \*NO SOLICITATION - SOLICITORS NOT ALLOWED ON PREMISES". Such notice must be clearly visible to any person coming onto the premises. (1999 Code, sec. 4.113)

#### Sec. 4.04.007 Refusal to leave premises

It shall be unlawful for any itinerant merchants, peddlers, hawkers, and solicitors who enter upon premises owned or leased by another to remain on the premises after having been notified by the owner or person entitled to possession of the premises or his agent to leave the premises. (1999 Code, sec. 4.114) Secs. 4.04.008-4.04.040 Reserved

## Division 2. License

#### Sec. 4.04.041 Required; display

It shall hereafter be unlawful for any person to go from house to house or place to place in the city soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a license to do so from the city police department. It shall also hereafter be unlawful to sell or solicit in the city as aforesaid without carrying such license in a clearly visible location on each person who is engaged in such soliciting or selling. (1999 Code, sec. 4.102) Sec. 4.04.042 Application information

Any person desiring to go from house to house or from place to place in the city to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines shall make written application to the city chief of police or his designee for a license to do so, which application shall contain the following:

- (1) Name and home address and local address, if any, of the applicant;
- (2) Name and address Of the person, firm, or corporation, if any, that he or she represents or for whom or through whom orders are to be solicited or cleared
- (3) The kind of goods offered for sale;
- (4) Whether such applicant upon any sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery;
- (5) The period of time such applicant wishes to sell or solicit in the city;
- (6) Age, height, weight, complexion, color of hair and color of eyes of the applicant; and
- (7) Whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude

(1999 Code, sec. 4.103)

#### Sec. 4.04.043 Attachments to application

There shall be attached to each application for a license the following

- (1) Two recent photographs of the applicant's face, which photographs shall not exceed one square inch in size.
- (2) A certificate or letter from the president, a vice-president, general manager, sales manager, 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.
- (3) A reference to a recognized financial rating publication, which reference shall show the page on which the company's or firm's financial standing can be found, or a letter or a certificate from an association or organization which has as its purpose the protection of citizens of the United States against illegal or unsavory business practices stating that the firm or company is a member in good standing of such association or organization
- (4) In the event that the applicant is an individual who is not working, selling, or soliciting for any firm or company, letters of recommendation from two citizens of the applicant's city of permanent residence shall be submitted. (1999 code, sec. 4.104)

#### Sec. 4.04.044 Bond

The written application mentioned in section 4.04.042 shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00), signed by the applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the final delivery of goods, wares, merchandise/services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of said bond at the time of delivery, or that may be discovered by such purchaser or customer within thirty (30) days after delivery, and which bond shall be for the use and benefit of all persons, firms or corporations that may make any purchase or give any order to the principal on said bond, or to an agent or employee of the principal. Provided that, in case the applicant is a person, firm, company, partnership, corporation or association engaging in any activity mentioned in section 4.04.041 hereof through one or more agents or employees, such persons, firm, company, partnership, corporation or association shall be required to enter into only one bond, in the sum of one thousand dollars (\$1,000.00) as above required, which bond shall be made to cover the activities of all its agents or employees. (1999 Code, sec. 4.105)

#### Sec. 4.04.045 Verification of identity

The registrant, at the time of the registration, as herein provided for, shall submit for inspection to the city police department written proof of his identity, which may be in the form of a valid automobile operator's license. (1999 Code, sec. 4.106)

#### Sec. 4.04.046 Fee; expiration

- (a) The license fee for an itinerant merchant, solicitor or itinerant vendor shall be as provided for in the fee schedule found in appendix A of this code for the calendar year ending December 31st. ~~Provided, however,~~ when any person, firm, company, partnership, corporation or association engages in any activity mentioned in section 4.01.041 hereof through one or more agents or employees, such person, firm, company, partnership, corporation or association shall, in addition to fee above ~~mentioned, pay a license~~ fee as provided for in the fee schedule found in appendix A of this code for each agent or employee so engaged. Provided further that fees for licenses issued during the calendar year shall be prorated on the basis of the remaining number of months, or fraction thereof, that shall remain before December 31st, with the minimum ~~fee for the~~ vendor to be as provided for in the fee schedule found in appendix A of this code. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of said licenses and shall accompany the application for license. All licenses issued under this article shall expire at 5:00 PM December 31st of each calendar year unless sooner revoked as provided in this article. An annual license is required. (1999 Code, sec. 4.107)
- (b) No fee shall be required of those persons engaging in interstate commerce. (Ordinance adopting Code)

#### Sec. 4.04.047 Review of application

Upon the filing of an application for a license under this article, it shall be the duty of the city police department to review the license application and attachments for further processing. The city police department will verify information provided on the application within 24 hours after receipt from the applicant. (1999 Code, sec. 4.108)

#### **Sec. 4.04.048 Issuance**

If the statements contained in an application for a license under this article are true, and the applicant has the right, under the constitution and laws of this state and under the ordinances of this city, to engage in business, and the applicant has not been convicted of any felony or a misdemeanor involving moral turpitude, the city police department will issue such license to the applicant with an identification badge to be worn by the solicitor in a readily visible location on their person while conducting business and going door-to-door in the city. (1999 Code, sec. 4.109) sec. 4.04.049 Contents

Each license issued under this article shall contain the following:

- (1) The name of the applicant and is/her address.
- (2) A physical description of the applicant.
- (3) A photographic likeness furnished with the application
- (4) The date the license was issued.

(1999 code, sec. 4.110)

#### **Sec. 4.04.050 Revocation**

If, after the license provided for in this article has been issued, an agency or official of the city finds the license was obtained by false representation in the application, such license may be revoked. Such license may also be revoked if it shall appear that the holder of such license has violated any ordinance of the city or any law of the state in connection with any soliciting by such holder or in connection with the collection or attempted collection of any account due to such license 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. (1999 code, sec. 4.111)

#### **Sec. 4.04.051 Appeals**

If the applicant for a license under this article or the holder of such license is dissatisfied with any holding or finding by the city police department, he/she shall have the right to appeal to the city council by filing a written notice of such appeal with the city secretary within ten days from the making and filing of such decision by the city police department. Upon the filing of such notice of appeal, the application for the license and all papers possessed by the city police department 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 city police department by this article. (1999 Code, sec. 4.112)