



THIS APPLICATION MUST BE FILLED OUT COMPLETELY IN ORDER TO BE PROCESSED

City of Pflugerville

Solicitor / Peddler Permit Application

FOR OFFICIAL USE ONLY

Solicitor: _____

Peddler: _____

Permit #: _____ Effective Date: _____ Expiration Date: _____

IF YOU ARE FROM OUT OF STATE, PLEASE USE YOUR LOCAL ADDRESS

1. Applicant Name: _____ Phone # _____

Address: _____ Suite/Apt# _____

City _____ State _____ Zip _____ Email _____

Government ID #: _____ State: _____ Expiration Date: _____

2. Check one of the following: Individual Partnership Corporation Association

Partnership/Corporation/Association Information

3. Business/Association/Corporation Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone Number: _____

Corporations

4. Is it organized under the laws of Texas? Yes No (Select one)

Is it organized under foreign corporations? Yes No (Select one)

Corporation Mailing Address: _____

Physical Address: _____

Phone Number: _____

Name of responsible person in charge: _____

Vehicle Information If a vehicle will be used while soliciting please complete this section.

5. License plate#: _____ State: _____ Year: _____

Make: _____ Model: _____ Color: _____

6. Describe the purpose for which the funds are to be solicited and intended use of the funds toward that purpose: _____
7. The timeframe the solicitation is to be conducted: _____
8. Describe the means and methods by which the solicitation is to be accomplished. Include whether such means and methods will include any solicitation of occupants of vehicles on public streets such as: (hanging flyers / making face to face contact) _____
9. Has any officer, director, trustee, partner or any current agent / employee engaging in the solicitation of funds been convicted or incarcerated within the past 7 years of a felony? If so the name of the individuals, the nature of the offense, the name of the state where the conviction occurred, and the year of the conviction must be listed:
10. If the person registering is unable to provide any of the foregoing information; please provide an explanation of the reason why such information is not available: _____

11. Are you required to register as a sex offender ? Yes No (Select One)

VIOLATION/PENALTY

Any person violating the provisions of Chapter 111 - Peddlers and Solicitors Ordinance, is guilty of a Class C misdemeanor and upon conviction will be fined not more than \$500.

PROVISIONS CUMULATIVE

The provisions of this Chapter are cumulative of any other valid and applicable laws, rules or regulations governing solicitation or any activity which may be associated therewith. Compliance with this Chapter does not excuse compliance with any other valid and applicable laws, rules or regulations governing the solicitation or any activity which may be associated therewith.

By signing below, the applicant affirms that they have read and understand the City of Pflugerville Peddlers and Solicitors Ordinance – Chapter 111, to include;

111.02 SOLICITORS AND PEDDLERS PROHIBITED WITHOUT INVITATION.

Solicitation or peddling in and upon the premises of a private residence or commercial establishment in the city, for the purpose of soliciting or peddling, whenever the premises are posted with a sign containing the phrase "no solicitation," or some similar sign [is prohibit].

"Similar sign" includes signs bearing the "no trespassing", "no peddlers", "no advertisements", "no handbills" or any similar notice indicating in any manner that the occupants of such property do not desire to be approached by a Peddler or Solicitor.

111.11 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 must display his or her permit bearing his or her name. The peddler or solicitor must exhibit the permit to indicate compliance with all of the relevant requirements of this chapter.

Furthermore, the undersigned affirms that all information provided is true and correct. False information or misleading information may be grounds for the application to not be approved. This application is not authorization to solicit or peddle within the City of Pflugerville. Violators will be issued citations and their application may not be approved if solicitation occurs prior to approval and possession of the actual permit by the individual solicitor/peddler.

By signing below, the applicant affirms that he/she has read and understood the City of Pflugerville Peddlers and Solicitors Ordinance – Chapter 111. Furthermore the undersigned affirms that all information provided is true and correct. False information or misleading information may be grounds for the application to not be approved. **This application is not authorization to solicit or peddle within the City of Pflugerville. Violators will be issued citations and their application may not be approved if solicitation occurs prior to approval and possession of the actual permit by the individual solicitor/peddler.**

Copy of Driver's License/ID attached?

Payment attached?

APPLICANT'S SIGNATURE/DATE: _____

APPROVALS

Permit: Approved Or Denied (Circle One)

Authorizing Employee: _____ **Employee #** _____

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City of Pflugerville

Peddlers and Solicitors Ordinance - Ch. 111

DEFINITIONS

For the purposes of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning. Terms not defined in this section are construed in accordance with customary usage.

AGGRESSIVE MANNER means:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if the conduct is:
 - (a) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (b) Intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - (c) Continuing to solicit a person within five feet of the person being solicited after the person has made a negative response;
- (3) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
- (4) Using obscene or abusive language or gestures toward the person being solicited;
- (5) Approaching the person being solicited in a manner that:
 - (a) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (b) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE means a device, linked to a bank's account records, which is able to carry out banking transactions.

AUTOMATED TELLER FACILITY means the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

BANK means includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

CHECK CASHING BUSINESS means a person in the business of cashing checks, drafts, or money orders for consideration.

CITY MANAGER means the City Manager of the city or any individual employed by such department that he designates to perform any of his function specified in this article.

INDIVIDUAL means a natural person.

MINOR means an individual who has not attained the age of 18.

PUBLIC ROADWAY means the area including the road, median, shoulder or easement from property line to property line alongside the road.

PEDDLE or 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. Peddler also includes a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered for subsequent purchase, donation or delivery. Peddle means to conduct any of the above described activities.

PERSON means and includes any natural person, firm, partnership, corporation or association.

POLICE DEPARTMENT means the police department of the City of Pflugerville.

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.

SOLICIT or SOLICITOR means to respect, by the spoke, 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 for philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civil organization, or the benefit of any educational institution or individual. Soliciting does not include activities to the benefit of any political group or political organization that is subject to financial disclosure under state or federal law. Solicitor means any person who conducts any of the above described activities.

SOLICITORS AND PEDDLERS PROHIBITED WITHOUT INVITATION

Solicitation or peddling in and upon the premises of a private residence or commercial establishment in the city, for the purpose of soliciting or peddling, whenever the premises are posted with a sign containing the phrase "no solicitation," or some similar sign.

UNLAWFUL SOLICITATION AND PEDDLING.

A person commits an offense if the person solicits or peddles:

- A. Without a permit as required by this Chapter;
- B. In violation of any provision of this Chapter;
- C. After the expiration of a permit as required by this Chapter;
- D. To solicit for a purpose other than the purpose identified in the permit issued to a person;
- E. To allow a minor to solicit funds on a public roadway;
- F. In an aggressive manner in a public area, residence or business;
- G. Within 25 feet of:
 - (1) An automated teller facility;
 - (2) The entrance or exit of a bank; or
 - (3) The entrance or exit of a check cashing business; or
- H. At a marked crosswalk;
- I. At a sidewalk café or the patio area of a bar or restaurant;
- J. In the Central Business District of the City of Pflugerville, Texas, as defined in Chapter 155 of this Code, between 7:00 pm and 7:00 am; or
- K. Upon or within the public right of way of an interstate highway, state highway, farm-to-market road or any arterial roadway.
- L. A culpable mental state is not required, and need not be proved, for an offense under Subsection (B) or subsection (C) of this Section 111.05
- M. This chapter is not intended to proscribe a demand for payment for services rendered or goods delivered.

FALSE OR MISLEADING SOLICITATION

Any person that makes false or misleading representation in the course of solicitation violates this Chapter. False or misleading representation includes, but is not limited to, the following;

- (A) Stating that the solicitation of funds is being carried out on behalf of an organization that does not exist.
- (B) Stating that the solicitor represents an organization when such statement is false.

- (C) Exhibiting military, medical or religious order uniform or other indication of military service or membership in a medical profession or religious order when the person soliciting funds is neither a present nor former member of the service indicated or a member of a medical profession or religious order, unless the person is soliciting funds on behalf of the military branch, medical profession or religious order indicated in the statement.
- (D) Exhibiting an indication or physical disability or using makeup or a device to stimulate any deformity or disability, when the person soliciting funds does not suffer the deformity or disability indicated.

HOURS WHEN PEDDLING AND SOLICITATION PROHIBTED

No peddler or solicitor may operate on the residence of another person or the public right-of-way in the City Limits of the City of Pflugerville between the hours of 9:00 pm and 8:00 am.

PERMIT REQUIRED FOR PEDDLERS

Every peddler or solicitor must obtain a permit from the City Manager before peddling or soliciting. It is the duty of the Police Department to make an investigation of all persons requesting such a permit to determine their authority for making such sales and taking such orders and before issuing such permit must determine that they actually represent the parties they claim to represent and that they are actually bona fide representatives of a reliable concern. In order to make such determinations concerning whether an individual actually represents the party they claim to, each peddler or solicitor must present a valid state photo identification card, operator's license or company photo identification card to the Police Department in order to receive a permit. A representative of an organization who wishes to solicit to private residences, businesses or on public roadways must also present a valid state photo identification card, operator's license or organization photo identification card.

PERMIT APPLICATION FEE

Every request for a permit to peddle or solicit must be accompanied by a registration fee of \$35 for each individual, company, entity or business to compensate the city for the cost of administering this chapter. Such fee will be nonrefundable, irrespective of whether a permit is issued.

ISSUANCE OF PERMITS TO PEDDLE OR SOLICIT – *Submission of an application only does not authorize solicitation. Applications must be approved and the permit obtained by the solicitor/peddler prior to any solicitations or peddling being conducted.*

A request for a permit to peddle or a permit to solicit must be filed no later than the eleventh day before the date the solicitation or peddling is to begin. Within five working days of the receipt of the application for a permit, the Police Department will either issue a permit, as provided in

Section 111.07 or notify the person registering that the application does not comply with the requirements of Section 111.07 and specifically point out what information or explanation has not been furnished that is required before a permit can be issued. An applicant for a permit may appeal the denial of a permit to the City Manager within ten days to the City Council which will conduct a hearing at a time and place designated for the purpose of determining whether or not there was good cause for such revocation.

FORM OF PERMITS

The Police Department will prescribe the form of each permit, each of which will be printed in black except that the following will be printed prominently thereon in red: "The issuance of this permit is not an endorsement by the City of Pflugerville or any of its departments, officers or employees." Each permit must specify the period of its validity and bear a registration number.

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 must display his or her permit bearing his or her name. The peddler or solicitor must exhibit the permit to indicate compliance with all of the relevant requirements of this Chapter.

TRANSFER OF PERMIT PROHIBITED

A permit issued under the provisions of this article is not transferable, and the authority a permit confers is conferred only to the holder named therein. The permit will have endorsed thereon in red letters the words "NOT TRANSFERABLE."

REVOCATION OF PERMIT

Any permit issued pursuant to the above section is subject to revocation upon discovery of any false or misleading statements contained in the application, or for failure of the applicant to fulfill obligations which he incurs to purchasers or potential purchasers, or for other good cause. Upon revocation of such permits the permit holder may appeal such revocation within ten days to the City Manager who will conduct an investigation at a time and place designated for the purpose of determining whether or not there was good cause for such revocation.

EXPIRATION OF PERMIT

Each permit issued by the Police Department expires no later than one year from the date of issuance, or upon the termination of the solicitation or peddling specified, whichever is less.

PUBLIC DISCLOSURE

All permits to peddle and solicitation permits filed with the Police Department, whether or not a permit has been issued, are public records and must be available for inspection by members of the public during the regular business hours of the Central Records Department of the Pflugerville Police Department. Copies may be obtained at the fees prescribed by law for copies of city records.

EXCEPTIONS

The following are excepted from the operation of this Chapter:

- (1) Solicitation by any organization or association from its members;
- (2) Solicitation by a person when such solicitation occurs on premises owned or controlled by the person soliciting or with the permission of the person who owns or controls the premises;
- (3) The issuance of any announcement or advertisement which states that a solicitation as described in subsections (1) and (2) above will occur or which announces or advertises an event at which unannounced solicitation as described in subsections (1) and (2) above occurs;
- (4) Exemptions specifically granted by the City Manager.

VIOLATION/PENALTY

Any person violating the provisions of this chapter is guilty of a Class C misdemeanor and upon conviction will be fined not more than \$500.

PROVISIONS CUMULATIVE

The provisions of this Chapter are cumulative of any other valid and applicable laws, rules or regulations governing solicitation or any activity which may be associated therewith. Compliance with this Chapter does not excuse compliance with any other valid and applicable laws, rules or regulations governing the solicitation or any activity which may be associated therewith.
