

Sec. 15-2. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Charitable purpose: shall mean 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 civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the home solicitation, to include the benefit of any political group, or political organization, which is subject to financial disclosure under state or federal law.

Commercial home solicitation or soliciting: means the solicitation at a residence through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell goods, services, or realty for a for-profit purpose, which includes promoting, advertising, receiving or obtaining money, gifts or items of value for said individual or group of individuals, or for-profit organization, club, company, corporation.

Do not solicit list: is defined as a list, developed and maintained by the police chief, or his designee, of residences where the property owner or occupant has indicated that they do not wish to be solicited.

Handbill: means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature.

Handbill distribution: is defined as traveling by any means, going door-to-door, house-to-house or building-to-building to distribute or leave on or at each premises handbill for any purpose.

Interstate commerce: Soliciting, selling or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines or subscriptions to newspapers or magazines which at the time the order is taken are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such order.

Itinerant or transient vendor: One who sells commodities or services from a private premises but remains at one (1) place for said purpose for temporary periods.

Itinerant vendor: shall mean any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the city, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods, food, or services.

Peddler: One who sells tangible commodities from house to house, store to store or place to place in the city. Sales are not made from one (1) established spot except where they are made at a house, store or other place, and delivery is made at time of the sale. The collection for sale of said commodities at time of sale is immaterial.

Solicitor: One who takes orders for future deliveries or for intangible services or solicits subscriptions from house to house, store to store or place to place and not from an established place or private premises (solicitation of funds or orders by telephone is not considered soliciting in this sense of the word).

Temporary: Any act of offering commodities or services for sale in the city upon premises for which definite arrangements have not been made in writing for at least a thirty-day period for the purposes of transacting or conducting such business.

(Ord. No. 2020-01, § 2, 1-13-20)

Sec. 15-36. - Issuance or denial of permit for commercial home and handbill distribution.

- (a) After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police, or designee, shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete, or otherwise does not comply.
- (b) Any permit under this article may be denied or revoked if the permit applicant or holder is convicted of a violation of any provisions of this chapter or has knowingly made a false material statement in the application.
- (c) The permittee shall have ten (10) calendar days after receipt of notice of revocation or denial in which to file notice of appeal to the chief of police from the order denying or revoking the permit. If notice is received within the ten-day period, the police chief shall make an inquiry and determine whether the applicant's permit was wrongfully revoked or denied and will schedule a hearing with the applicant within ten (10) business days after the chief of police receives the applicant's appeal. The applicant will be notified of the time, date, and place of such hearing. After the hearing, the decision will be made in writing affirming or reversing the revocation or denial.
- (d) Issuance or denial of permit for itinerant vendors. An appeal from a revocation issued under the provisions of this article stays the revocation until the appeal proceedings are complete.
- (e) No itinerant street vendor permit of any kind shall be granted unless:
 - (1) The applicant is at least eighteen (18) years of age, has a valid state issued driver license;
 - (2) The applicant has no active suspension on his or her driving privileges in any state.
- (f) No permit shall be issued if the applicant has been convicted of, or pleaded nolo contendere to, any felony.
- (g) A permit issued under this division may be revoked if the vehicle fails to display a current motor vehicle registration sticker from the Texas Department of Motor Vehicles.
- (h) A permit issued under this division to a vendor for the sale of non-prepackaged foods may be revoked if vendor fails to have a valid, unexpired food handler card.

(Ord. No. 2020-01, § 2, 1-13-20)

Sec. 15-65. - Permit applicability.

The following shall be exempt from the permitting requirements of article II:

- (1) Religious organizations exclusively for the distribution of literature and other items for the purpose of proselytizing;
- (2) Persons engaged in anonymous political speech;
- (3) Persons going door-to-door for a charitable purpose;
- (4) Sales made under the authority of a contractual relationship with the owners or occupants of a private residences;
- (5) Any operation, which is exempted by state or federal statute from this ordinance, is exempt only to the extent of such applicable exemptions

(Ord. No. 2020-01, § 2, 1-13-20)