



CITY OF DANBURY



ISSUE DATE: _____

PERMIT NO. _____

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS PERMIT APPLICATION

PLEASE CHECK ONE:

Permit is required for: _____ **PEDDLER** _____ **SOLICITOR** _____ **TRANSIENT
MERCHANT (Vendor)**

NAME OF COMPANY/INDIVIDUAL _____

Product/Service _____

Completed application must be filed with the city secretary at least **fourteen (14) working days prior to the date of contemplated sale**. Application is hereby made for a Peddler, Solicitor or Transient Merchants' Permit to engage in TEMPORARY or TRANSIENT business in the City of Danbury for the purpose of selling or exhibiting goods or merchandise upon the property of another, as provided for in the City of Danbury Code of Ordinances.

NOTE: EACH PERSON who is considered a Peddler or Solicitor and travels door to door must possess a license (badge). The license (badge) must be displayed in a conspicuous location. Failure to comply with any regulations shall result in the immediate closure of the vendor's temporary location and shall be considered a Class C misdemeanor. Any person violating any of the provisions of this application shall be fined an amount of not more than One Hundred Dollars (\$100) for each offense. THE PERMIT IN NO EVENT SHALL BE CONTINUED FOR MORE THAN TWENTY ONE (21) DAYS WITHOUT THE CONSENT OF CITY COUNCIL.

BEFORE A PEDDLER/SOLICITOR PERMIT SHALL BE ISSUED, THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. An original Sales Tax Permit issued by the Comptroller of the State of Texas.
2. A copy of valid Texas Liquor License, if applicable.
3. A copy of Health Inspection Report if you are selling foods intended for human consumption.
4. A statement showing the kind and character of the goods, wares, or merchandise to be sold, offered for sale, or exhibited.
5. Proof of any required state or county license or permit.
6. The applicant's driver's license number or other acceptable form of identification.

A permit shall be issued only after all of the above provisions have been met and a permit fee has been paid. The Permit will not be transferable nor give authority to more than one person to conduct a business as an Outdoor Vendor.

APPLICATION INFORMATION

APPLICANTS MUST PROVIDE ALL INFORMATION REQUESTED BELOW:

APPLICANT'S FULL LEGAL NAME _____

Other names applicant has or does conduct business under or which applicant official answers to: _____

HEIGHT: _____ WEIGHT: _____ EYE COLOR: _____ HAIR COLOR: _____

Any distinguishing marks or features: _____

PERMANENT RESIDENCE ADDRESS _____

TELEPHONE NUMBER OF PERMANENT RESIDENCE: _____

DATE OF BIRTH: _____

DRIVERS LICENSE # AND STATE OF ISSUE _____

NAME OF BUSINESS EMPLOYED BY: _____

TYPE OF BUSINESS _____

MERCHANDISE OFFERED FOR SALE _____

FULL ADDRESS OF APPLICANT'S REGULAR PLACE OF BUSINESS: _____

LIST ALL BUSINESS-RELATED TELEPHONE NUMBERS:

LAND LINE: _____

CELL PHONE: _____

FAX NUMBER: _____

PROVIDE THE NAME OF THE LOCAL SUPERVISOR OR PERSON IN CHARGE UNDER THIS LICENSE: _____

THEIR LOCAL ADDRESS: _____

LOCAL PHONE _____

NUMBER: _____

VEHICLE(S) TO BE USED WHILE CONDUCTING BUSINESS (attach separate sheet if necessary):

Year: _____ Make/Model: _____ License Plate # _____ State: _____

Vehicle Identification Number: _____

Vehicle Registered in the name of: _____

Year: _____ Make/Model: _____ License Plate # _____ State: _____

Vehicle Identification Number: _____

Vehicle Registered in the name of: _____

SELLING LOCATION(S): (PLEASE INDICATE ONE)

_____ Door to door

_____ Shopping Center

_____ Private Property

_____ Other (please describe _____)

APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE ABOVE RESPONSES TO BE TRUE AND CORRECT. ALL PROVISIONS OF THE LAWS AND ORDINANCES GOVERNING THE BUSINESS OF BEING A PEDDLER, SOLICITOR OR TRANSCIENT MERCHANT VENDOR WILL BE MET WHETHER SPECIFIED OR NOT. I UNDERSTAND THE GRANTING OF A LICENSE DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL PROVISIONS OF ANY OTHER LOCAL OR STATE LAW REGULATING SUCH ACTIVITIES. I WILL NOT MAKE ANY FALSE OR FRAUDULENT REPRESENTATION AS TO THE GOODS TO BE SOLD, OR MY AUTHORITY TO SELL SUCH GOODS OR MY IDENTITY.

ACKNOWLEDGMENT _____ DATE: _____

ALL EMPLOYEES, AGENTS, OR REPRESENTATIVES OF PERMIT APPLICANT TRANSACTING BUSINESS IN THE CITY MUST FILL OUT THE FOLLOWING INFORMATION

NAME _____
HEIGHT: _____ WEIGHT: _____ EYE COLOR: _____ HAIR COLOR _____
Any distinguishing marks or features: _____
DRIVERS LICENSE # AND STATE OF ISSUE _____
DATE OF BIRTH: _____
LOCAL ADDRESS: _____
BUSINESS ADDRESS: _____
BUSINESS PHONE _____ FAX _____

Printed Name: _____ Signature: _____

EMPLOYEE, AGENT, OR REPRESENTATIVE OF APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE RESPONSES TO BE TRUE AND CORRECT. ALL PROVISIONS OF THE LAWS AND ORDINANCES GOVERNING THE BUSINESS OF BEING A PEDDLER OR VENDOR WILL BE MET WHETHER SPECIFIED OR NOT. I UNDERSTAND THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL PROVISIONS OF ANY OTHER LOCAL OR STATE LAW REGULATING SUCH ACTIVITIES. I WILL NOT MAKE ANY FALSE OR FRAUDULENT REPRESENTATION AS TO THE GOODS TO BE SOLD, OR MY AUTHORITY TO SELL SUCH GOODS OR MY IDENTITY.

ACKNOWLEDGMENT _____ DATE: _____

FOR CITY USE ONLY

RECEIVED BY _____

DATE _____

_____ **PEDDLER** _____ **SOLICITOR** _____ **TRANSIENT MERCHANT**

LICENSE FEE: \$30.00

Add'l licenses \$10.00

TOTAL AMOUNT DUE: _____

DATE ISSUED: _____

By _____

Date: _____

ORDINANCE NO. 19-14

AN ORDINANCE AMENDING ORDINANCE NO. 5 OF THE CITY OF DANBURY, CONCERNING PEDDLERS; PROVIDING EXEMPTIONS; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS:

Section 1. Section 12 of Ordinance No. 5, the Peddlers Ordinance, of the City of Danbury is hereby enacted to read as follows:

"Section 12.

"a. This ordinance shall not require a permit or fee for youthful vendors such as: church youth groups, youth sports teams, youth scout groups, or youth school groups that are from the Danbury community.

"b. This ordinance requires a license, but not a fee, for charities exempt from federal income taxation."

Section 2. Savings Clause.

The remainder of Ordinance No. 5 and all other ordinances of the City shall remain in full force and effect.

Section 3. Severance Clause.

If any portion, of any size, of this ordinance is for any reason invalid, then the remainder of this ordinance shall remain valid.

Section 4. Effective Date.

This ordinance shall be effective from the date of its passage and adoption.

PASSED AND ADOPTED this 18th day of July, 2019.

Melinda C. Strong
Melinda C. Strong Mayor
City of Danbury, Texas

ATTEST:

M. Ginther
Moirra Ginther, City Secretary



ORDINANCE NO. 5PEDDLERS ORDINANCE

AN ORDINANCE DEFINING AND REGULATING ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, AND PERSONS TAKING ORDER FOR OR OFFERING FOR SALE, GOODS, WARES, MERCHANDISE, SERVICES, PHOTOGRAPHS, NEWSPAPERS, MAGAZINES, OR SUBSCRIPTIONS TO NEWSPAPERS OR MAGAZINES; PROVIDING FOR A LICENSE AND LICENSE FEE; PROHIBITING SELLING OR SOLICITING WITHOUT THEN CARRYING SUCH LICENSE WHILE SO ENGAGED; REQUIRING SUCH PERSON OR PERSONS TO MAKE APPLICATION FOR LICENSE, THEREIN MAKING FULL DISCLOSURE OF ALL MATTERS PERTINENT TO SUCH ACTIVITY; REQUIRING A BOND; EXEMPTING THOSE ENGAGED IN INTERSTATE COMMERCE FROM LICENSE FEE AND BOND BUT REQUIRING SUCH PERSONS TO REGISTER WITH THE CITY SECRETARY AND SUBMIT ALL INFORMATION PERTINENT TO SUCH ACTIVITY; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, INCLUDING A FINE NOT LESS THAN \$10.00 NOR MORE THAN \$100.00 FOR EACH OFFENSE AND DEFINING WHAT SHALL CONSTITUTE A SEPARATE OFFENCE; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY,
TEXAS:

Section 1. This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the City of Danbury, for the public safety, comfort, convenience and protection of the city and citizens of said City, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Section 2. That it shall hereafter be unlawful for any person to go from house to house or from place to place in the City of Danbury, Texas, soliciting, selling or taking orders for or offering to sell or take orders

Ordinance No. 5 (Cont'd.)

for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a license so to do from the City Secretary of said City. It shall also hereafter be unlawful to sell or solicit in said city as aforesaid without carrying such license while engaged in such soliciting or selling.

Section 3. That any person desiring to go from house to house or from place to place in the City of Danbury, Texas, 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 Secretary of said City for a license so to do, which application shall show the name and address of applicant, the name and address of the person, firm, or corporation, if any; that he or she represents and the kind of goods offered for sale, and whether such applicant upon any such sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery, and the period of time such applicant wishes to sell or solicit in said city.

Section 4. The application mentioned in Section 3 hereof shall be accompanied by a bond in the penal sum of \$1,000.00, signed by applicant and signed, as surety, by some surety company authorized to do business in the State of Texas, 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, and that may be discovered by such purchaser or customer, within 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 applicant is a person, firm, company, partnership, corporation or association engaging in any activity mentioned in paragraph two 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 \$1,000.00 as above required, which bond shall be made to cover the activities of all its agents or employees.

Section 5. That an itinerant merchant or an itinerant vendor as the terms are used in this ordinance shall be held to be any person, firm, company, partnership, corporation or association engaged in any activity mentioned in Section 2 hereof.

Section 6. That the license fee for an itinerant merchant or itinerant vendor shall be \$30.00. Provided, however, when any person, firm, company, partnership, corporation or association shall, in addition to said \$30.00 fee above mentioned, pay a license fee of \$10.00 for each agent or employee so engaged, all of which licenses shall be valid for one year from the date of their issuance. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of said licenses.

Section 7. The provisions of this ordinance shall not apply to sales

ORDINANCE No. 5 (Cont'd.)

made to dealers by commercial travellers or sales agents in the usual course of business, nor to sales made under authority and by order of law, nor to vendors of farm or dairy products.

Section 8. The provisions of this ordinance shall not apply to persons engaged in interstate commerce as that term is herein defined; provided, however, that it shall be unlawful for persons engaged in interstate commerce to go from house to house or place to place in the City of Danbury without having first registered with the City Secretary of said City giving the following information:

- (a) Name, home address and local address, if any, of registrant.
- (b) 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.
- (c) Nature of the articles or things which are to be sold or for which orders are to be solicited.
- (d) Whether registrant, upon any sale or order shall demand or receive or accept payment or deposit of money in advance of final delivery.
- (e) Period of time which registrant wishes to solicit or sell in said City.

The registrant at the time of the registration, as herein provided for, shall submit for inspection of the City Clerk or City Secretary written proof of his identity which may be in the form of an automobile operator's license, identification letter or card issued to registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared.

The term "Interstate Commerce" means soliciting, selling or taking orders for or offering to take orders for any goods, wares, merchandise, photo-

graphs, 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 orders.

Section 9. Any person, firm or corporation violating any provisions of this ordinance or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10.00 and not more than \$100.00 and each and every day or fraction of a day during which this ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

Section 10. Each and every provisions, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of Danbury, and each said provision would have been separately passed without any other provisions, and if any provision hereof shall be ineffective, invalid, or unconstitutional for any cause, it shall not impair, nor affect the remaining portion nor any other part thereof, but the valid portion shall be enforced just as if it had been passed alone, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED AND APPROVED THIS THE 28th day of November, A. D.,

1960.

(SEAL)

ATTEST:

/s/ Mrs. Eugene Wollam
City Secretary

Mrs. Eugene Wollam

E. J. Filipp
/s/ E. J. Filipp
Mayor

I, Mrs. Eugene Wollam, City Secretary for the City of Danbury, Texas, do hereby certify that the above and foregoing Ordinance was passed and adopted at a meeting of the Council of the City held on the 28th day of November, 1960, and is now in all things effective and is of record in the Minutes of the Council of said City of Danbury, Texas; TO CERTIFY WHICH WITNESS my hand and the seal of the City this 28th day of November, 1960.

(SEAL)

/s/ Mrs. Eugene Wollam
Secretary, City of Danbury, Texas

Eugene Wollam