

ORDINANCE NO. 5 4-77

PEDDLERS 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 BONNEY, 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 Bonney, 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 Bonney, 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 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 Bonney, 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

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 Bonney 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, photographs,

newspapers, 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 provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of Bonney, 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 7TH day of JULY, 1977.

Don J. ...
Mayor

ATTEST:

Oliver Coleman
City Secretary

(Seal)