

ORDINANCE NO. 185

AN ORDINANCE DEFINING AND REGULATING ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, AND PERSONS TAKING ORDERS FOR OR OFFERING FOR SALE, GOODS, WARES, MERCHANDISE, SERVICES, PHOTOGRAPHS, MAGAZINES, OR SUBSCRIPTIONS TO 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; AND PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WILLOW PARK, TEXAS:

SECTION I.

This ordinance shall be known and may be cited as "The City of Willow Park Peddler Ordinance".

SECTION II.

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

SECTION III.

That it shall hereafter be unlawful for any person or persons to go from house to house or from place to place in the City of Willow Park, Texas, soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, magazines or subscriptions to magazines, without having first applied for and obtaining a license to do so 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 IV.

That any person desiring to go from house to house or place to place in the City of Willow Park, Texas, to sell or solicit orders for goods, wares, merchandise, services, photographs, magazines, or subscriptions to magazines, shall make written application to the City to Secretary of said City for a license to do so which application shall show:

- (a) Name, home address and local address, if any of the registrant.
- (b) Name and address of the person, firm or corporation, if any, that he or she represents or for whom or through orders are to be solicited or cleared.
- (c) Nature of the articles, things or services 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.

SECTION V.

The registrant at the time of the registration as herein provided for, shall submit for inspection of the City Secretary of said City written proof of his or her 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.

SECTION VI.

The application mentioned in Section III hereof shall be accompanied by a bond in the sum of \$500.00 signed by the registrant and co-signed, as surety by a surety company authorized to do business in the State of Texas, conditioned for the final delivery of goods, wares, merchandise, services, photographs, magazines, etc. 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 any 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 Section II 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 \$500.00 as above required, which said bond shall be made to cover the activities of all its agents or employees.

SECTION VII.

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 II hereof.

SECTION VIII.

The provisions of this ordinance shall not apply to sales or to dealers by commercial travelers or sales agents in the official course of business, nor to sales made under authority and by order of law, nor to any Non-Profit, Charitable or Benevolent Association (Scouts, Band, Booster Clubs, Church, etc.).

SECTION IX.

That the license fee for an itinerant merchant or itinerant and vendor shall be \$100.00; provided however, when any person, firm, company, partnership, corporation or association engages in any activity mentioned in Section II hereof through one or more agents or employees such person, firm, company, partnership, corporation or association shall in addition to said 3100.00 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 3 months from the date of their issuance. The fees herein provided shall be used for the purpose of defraying expenses incident to the issuing of said licenses. Any amounts not used for this purpose shall be remitted to the General Fund of said City.

SECTION X

Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed without any other provision and if any provision hereof should ineffective invalid or unconstitutional for any cause., it impair, nor affect the remaining portion, nor any part thereof, but the valid portion shall be enforced just as been passed alone.

SECTION XI.

This ordinance shall be effective and be in full force and effect immediately upon its passage and publication as by law provided.

ADOPTED AND APPROVED this 12th day of September, 1983.

APPROVED:

By: Leslie A. Cooley

Mayor

Leslie A. Cooley

ATTEST:

By: Lynn E. Turley

City Secretary
Lynn E. Turley