

CITY OF BENBROOK
Memorandum

TO: Procedure Manual – Section 41
FROM: Joanna King, City Secretary
DATE: April 9, 2001
SUBJECT: Permits for Peddlers and Door-To-Door Solicitors

Purpose

The purpose of Ordinance 1014, Ordinance 1090 and Ordinance 1141 is to protect the citizens against crime, including deceptive practices, fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of citizens' privacy, and to preserve the public health, safety, and general welfare by registering and regulating solicitors.

Definitions

CHIEF means the Chief of Police of the City of Benbrook

CITY means the City of Benbrook, Texas

MINOR means a person under the age of 18

PEDDLER means one who sells or offers for sale tangible merchandise from a location on private premises for profit and delivery is made at or soon after the time of the sale.

SOLICITATION ACTIVITIES means traveling either by foot or vehicle, going door-to-door, house-to-house, building-to-building, or along any street in the City, personally contacting occupants or other persons within residential dwellings or commercial business establishments, selling or taking orders for or offering to sell or taking orders for goods or services for commercial purposes.

SOLICITOR means a person who engages in solicitation activities.

Application Process

A separate application for a solicitor's registration or peddler permit is required for each individual. An application must contain the following information:

1. Proof of age, address, and identification of the applicant, to be provided through the applicant's drivers license, articles of incorporation, or other legally recognized form of identification;

2. If the solicitor or peddler is employed by another, the name and business address of the employer, if acting as an agent, the name, address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal;
3. A brief description of the goods or services to be sold or offered for sale;
4. The hours and location of the solicitation or peddler activities;
5. Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business or which, under any law or regulation, would exempt the applicant from the registration requirements;
6. Two photographs of the applicant, measuring at least 1 ½ x 2" and showing the head and shoulders of the applicant in a clear and distinguishing manner, which was taken within the preceding 60 days before the filing of the application;
7. A valid sales tax permit issued by the State of Texas; and

Bond

A solicitor that requires cash deposits or payment for future delivery or who requires a contract of agreement for financing the sale of goods or services for future delivery, or for services to be performed in the future, shall furnish the city a bond with the application in the following amounts:

1 – 3 solicitors	\$500.00
4 – 6 solicitors	750.00
7 or more solicitors	1000.00

The applicant must sign the bond and Surety Company authorized to do business in Texas conditioned:

1. For the final delivery of goods or services in accordance with the terms of any order obtained;
2. To indemnify purchases for defects in material or workmanship that may exist in the goods sold and that are discovered within 30 days after delivery; and
3. For the use and benefit of persons that make a purchase or give an order to the principal of the bond or to the agent or employee of the principal of the bond.

If the applicant is a person, firm, or corporation engaging in solicitation activities through one or more agents or employees, only one bond is required for the activities of all agents or employee solicitors.

Fee and Duration

A Door-to-Door solicitor shall pay an annual fee of \$15 for each solicitor. A solicitation permit is valid for one year unless otherwise revoked.

Application Review and Approval

1. Upon receipt of an application, the City Secretary and the Chief of Police shall review the application to ensure the protection of the public health, safety, and general welfare.
2. If the City Secretary and the Chief of Police find that none of the reasons for denial exist, the application shall be approved.

Registration Certificate and Identification Badge

1. Upon approval of an application and the applicant's payment for the fee, a registration certificate and identification badge for each registered solicitor or peddler shall be provided.
2. The registration certificate shall show the name, address, and photograph of the solicitor, the kind of goods or service to be sold or offered for sale, the description of any vehicle to be used in carrying on the solicitation activities, the registration number, and the dates of insurance and expiration of the certificate.
3. The solicitor while engaging in solicitation activities must carry the registration certificate.
4. While engaging in solicitation activities, a solicitor or peddler shall wear the identification badge so that those being solicited may easily read it. If the badge becomes damaged, the solicitor or peddler shall return it to the City and receive a replacement badge.
5. A registration certificate and identification badge shall be used only by the person to whom they are issued and may not be transferred to another person.

Regulations

A solicitor or peddler shall not engage in solicitation activities:

1. Between the hours of 9:00 p.m. and 9:00 a.m.;

2. At a residence or business that has a sign posted giving notice that solicitors are not welcome, such as “no solicitors”, or words of similar meaning

Vehicles

If a person uses a vehicle in solicitation activities, there must be a sign located in a conspicuous place on the vehicle, identifying the name of the person or the company or organization that the person represents. If the name is an individual, it must be followed by the word “solicitor”. The lettering on the sign must be at least 2 ½ inches in height.

