

CITY OF PANHANDLE
APPLICATION FOR A PEDDLER PERMIT

TYPE OR PRINT IN INK ALL INFORMATION

LAST NAME, FIRST NAME, MIDDLE NAME OF APPLICANT:

SOCIAL SECURITY NUMBER: _____ - _____ - _____ DATE OF BIRTH _____

NAME OF BUSINESS OR ASSOCIATION (IF REPRESENTING YOURSELF, SO STATE):

RESIDENCE OR BUSINESS ADDRESS: _____

TEXAS FRANCHISE TAX NUMBER: _____

TEXAS SALES TAX NUMBER: _____

If you have lived within the city limits of the City of Panhandle for twelve (12) or more months, sign, have this form notarized and return it to City Hall with the \$50.00 non-refundable investigation fee.

If you have lived within the city limits of the City of Panhandle for eleven (11) or less months, or live outside of the city limits of the City of Panhandle, you must provide all of the following:

Names of the last three locations (city and state) where you, the business or association were engaged in peddling:

List all names under which you/business/association have offered items regulated by this Ordinance:

List all complaints known to you concerning yourself or business agents/employees. [] To the best of my knowledge, no complaints have been made.

I wish to be notified of the completion of the investigation by:

☐ Mail ☐ Telephone () _____ ☐ Other _____

☐ Will Return ☐ Will Call ☐ Other: _____

I have received a copy of the Panhandle City Ordinance concerning peddling, have read it and hereby make application for a permit to peddle within the city limits of the City of Panhandle in accordance with the Ordinance. A willful misstatement of fact on this application will constitute grounds for denial, revocation, or refusal to issue a permit. I understand the investigation fee of fifty dollars (\$50.00) is not refundable.

DATE _____

The State of Texas)
County of Carson)

Before me, the undersigned authority, a notary public in and for Carson County, Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing application for a permit to peddle within the city limits of the City of Panhandle, and who by me being duly sworn, on oath stated that the information given in said application is true, correct, and complete.

Given under my hand and seal of office this _____ day of _____ A.D., 199__.

Notary Public in and for Carson County, Texas

Printed Name

My Commission Expires

Date/Time Received: _____ By: _____
Investigation fee paid by: ☐ Cash ☐ Check ☐ Money Order

PRIVACY ACT NOTICE

In accordance with the Privacy Act of 1974 (5 U.S.C 552a): Disclosure of your social security number (SSN) is voluntary. However, to conduct the required investigation your identity must be established. Failure to provide your SSN may delay or prevent a complete investigation possibly requiring the posting of a surety bond or permit denial. The authority for collecting the requested information is Panhandle City Ordinance Number 400 and will be used to verify your identity and if it becomes necessary, to trace and locate you to respond to complaints against you made by citizens of the City of Panhandle.

THE TEXAS OPEN RECORDS ACT

Article 6352-17a Access by public to information in custody of governmental agencies and bodies.

Sec. 3.(a) All information collected, assembled, or maintained by or for governmental bodies ... is public information and available to the public during normal business hours of any governmental body

Sec. 4.205 Hours of Solicitation Allowed

No person shall peddle, solicit, hawk, sell or take orders for or offer to take orders for any item or service at a private residence in the City of Panhandle between the hours of 9:00 p.m. and 8:00 a.m., unless the transaction is a result of a request made to such person by the occupant of such private residence.

(Ordinance adopting Code)

Sec. 4.206 Phase-in Period

This article shall be effective immediately upon passage. (1993 Code of Ordinances, Chapter 5, Article 1, Sec. 5-4)

Sec. 4.207 Exception

Exempted from the investigation and licensing requirements of this article are:

- (1) Farmers producing products by their own skill and not having purchased them for resale shall be exempted from this article. Items being sold strictly by bona fide merchants with established permanent places of business which are selling items for resale are likewise exempted from this article.
- (2) Non-profit organizations as defined by Internal Revenue Service regulations, and their agents, employees and representatives who do not receive money or other valuable consideration for their peddling activities in behalf of the non-profit organization.

(1993 Code of Ordinances, Chapter 5, Article 1, Sec. 5-5)

- (3) Any charitable organizations or PISD whose representatives do not receive money or other valuable consideration for their peddling activities on behalf of the charitable organization or PISD. (Ordinance adopting Code)

Sec. 4.208 Appeal

Any individual or employing entity who wishes to contest the information obtained in an investigation, or to request licensing without the necessity of a bond as required in Section 4.203 may request in writing a hearing before the city council of the City of Panhandle, Texas, stating the reasons for such a hearing. No later than twenty-five (25) days after receipt of the written request, the council will conduct a public hearing where both the police department and the individual or employing entity shall present such information as is necessary for a full and fair hearing. The hearing will be presided over by the mayor utilizing such rules of procedures as will permit a proper hearing. Upon the

- (A) names of the last three locations (city, town, village and state) where the person or employing entity was engaged in the act of peddling;
- (B) a list of all names under which the applicant has offered products regulated by this article for sale; and
- (C) a list of every complaint known to the applicant about the applicant or its agents, servants, members or employees, or, if no complaints have been made, a statement that no complaints have been made.

(b) Each application shall be accompanied with a non-refundable investigation fee in the amount of fifty dollars (\$50.00).

(c) Upon receiving an application, the city shall make and complete an investigation within five (5) working days based upon the information supplied and such other information as may be obtained. No application shall be approved for a person or firm with a history of unanswered complaints, abuse or fraudulent practices, or illegal activities connected with the peddling business. Based upon the information gained through the investigation or for other good cause, the city may require the applicant to post a bond with the city, with good and sufficient surety, in the amount of twenty-five thousand dollars (\$25,000.00).

(d) Upon completion of the investigation and tender of the bond, if required, a permit shall be issued upon payment of the following permit fee:

- (1) \$15.00 per day or any part thereof for each person peddling; or
- (2) \$75.00 per month or any part thereof for each person peddling; or
- (3) \$500.00 per year or any part thereof for each person peddling.

(e) All peddlers licensed pursuant to this article shall have in their possession, and in the possession of any employees, the license issued pursuant to this article at all times while peddling within the limits of the City of Panhandle and shall produce the same when requested by a customer or law enforcement personnel.

(1993 Code of Ordinances, Chapter 5, Article 1, Sec. 5-3)

Sec. 4.204 "No Solicitors" Sign Regulations

Any residence or business which shall exhibit in a conspicuous place upon or near the main entrance to the residence or business, a weather proof card, not more than three (3) inches by four (4) inches in size, containing the words "NO SOLICITORS." The letters shall not be less than two-thirds (2/3) of an inch in height.

Employing Entity. The entity, whether individual, corporation, association, partnership, firm, group or other organization, who utilizes the efforts of the individual peddlers, whether or not such services are compensated by the employing entity.

(1993 Code of Ordinances, Chapter 5, Article 1, Sec. 5-1)

Sec. 4.202 License Required; Prohibited District Penalties

(a) No entity, whether individual, corporation, association, partnership, firm, group or other organization, shall be permitted to peddle within the limits of the City of Panhandle without first having complied with this article and been issued a license by the city as provided in Section 4.203 of this article.

(b) All peddling is prohibited in the following district, with or without a license: Main Street beginning at the railroad tracks and north to Fifth Street, and perpendicular each way from Main Street, a distance of one hundred fifty (150) feet to the alleys.

(c) Any person peddling within the prohibited district, or peddling within the limits of the City of Panhandle, Texas, without a valid license, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision in Section 1.109 of this code; each violation aforesaid shall constitute a separate offense.

(1993 Code of Ordinances, Chapter 5, Article 1, Sec. 5-2)

Sec. 4.203 Application, Investigation Fee

(a) Before the city will issue a peddling license, other than as set out in Section 4.206 of the Article the peddling individual or organization shall make application at the city hall of the City of Panhandle. The applicant shall furnish a sworn statement containing the following information about himself or herself, and if the applicant is a business organization or association, about every person connected therewith who is involved in peddling:

- (1) A permanent residence address within the city where the person or business organization or association has done business and/or resided for the last twelve months or the permanent address(es) without the city limits where the person or business organization or association has resided or done business for the preceding ten years; a complete list of all complaints known to the applicant which have been made by consumers concerning the applicant or any of its agents, servants, members, or employees, including the resolution, if any, of the complaints;
- (2) In the event the applicant has moved to the city within the twelve months preceding the making of the application or lives outside the city limits of the City of Panhandle, then the applicant shall provide:

Sec. 4.112 Possession and Consumption Prohibited in Certain Public Places

It shall be unlawful for any person to consume any alcoholic beverage, as defined in the Statutes of the State of Texas, or for any person to possess any alcoholic beverage for the purpose of consuming the same, on or around the county courthouse grounds, the county library grounds, any public park or recreational area, any public gathering place, or any public street, within the city limits of the City of Panhandle, Texas, as defined in this article. (1993 Code of Ordinances, Chapter 2, Article 2, Sec. 2-12)

Sec. 4.113 Seizure of Beverage; Arrest

Any alcoholic beverage possessed in violation of this article is declared to be an illicit beverage, and the same may be seized without warrant to be used as evidence of a violation of law; and any person in possession thereof, or who otherwise violates any provisions of the article, may be arrested without warrant. (1993 Code of Ordinances, Chapter 2, Article 2, Sec. 2-13)

Sec. 4.114 Penalty

Any person who violates any provisions of this article shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine in accordance with the general penalty provision in Section 1.109 of this code. (1993 Code of Ordinances, Chapter 2, Article 2, Sec. 2-14)

ARTICLE 4.200 PEDDLERS*

Sec. 4.201 Definitions

As used in this article, the following definitions apply:

Consumer. An individual who purchases consumer goods, as hereinafter defined, primarily for personal, family or household purposes.

Peddling. Selling or offering for sale consumer goods, as hereinafter defined, directly to the consumer at a residence or place of business.

Consumer Goods. Food, produce and other perishables and consumables, manufactured or hand-crafted items, books, magazines and other publications, works of art, decorative items, perfume, jewelry, trees, shrubs and other vegetation and domestic or wild animals, but excluding a farmer's own produce as defined in Section 4.207.

* **State Law reference**—Authority of municipality to license, tax, suppress, prevent, or otherwise regulate peddlers, hawkers and solicitors, V.T.C.A., Local Government Code, Sec. 215.031.

SOLICITING PERMIT - #351-400

\$50 NON-REFUNDABLE INVESTIGATION FEE EACH

(APPLICATION & COPY OF DRIVER'S LICENSE & SS CARD)

+\$15/DAY - \$75/MONTH - \$500/YEAR

PER PERSON - (HOURS PERMITTED 9AM-DUSK)

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\$50 NON-REFUNDABLE INVESTIGATION FEE EACH

(APPLICATION & COPY OF DRIVER'S LICENSE & SS CARD)

+\$15/DAY - \$75/MONTH - \$500/YEAR > Approved

PER PERSON - (HOURS PERMITTED 9AM-DUSK)

