

ORDINANCE # 310

AN ORDINANCE PROHIBITING THE SOLICITING OF SUBSCRIPTIONS FOR NEWSPAPERS, PERIODICALS AND MAGAZINES AND SOLICITING SALES FOR THE MERCHANDISE AND/OR SERVICES OF ITINERANT VENDORS WITHOUT FIRST HAVING OBTAINED A WRITTEN PERMIT FROM THE CITY OF BRONTE, PRESCRIBING THE PREREQUISITES AND PROVIDING A PENALTY AND DECLARING AN EMERGENCY.

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

1. It shall be unlawful for any person to solicit sales, orders, subscriptions, or services within the City of Bronte, Texas, for any paper, newspaper, periodical, magazine, merchandise, or service, excluding agricultural supplies, without first having obtained a permit as hereinafter provided;
2. Any person(s) soliciting or selling in the City shall obtain from the City of Bronte written authority containing the name of the company or individual presented and effective dates of such permit. Such permit shall also show the item(s) to be authorized to be sold;
3. Any person(s) making request for such permit shall provide a State Sales Tax Number, proper identification (i.e. driver's license and/or other proof of identification), current address, and license and description of vehicle to be used. Failure to provide the above shall be due cause to disallow the issuance of a permit;
4. A payment of \$25.00/day or \$100.00/year period shall be paid to the proper authorizing officer of the City of Bronte, for door-to-door solicitors or peddlers.
5. Regular hours for door-to-door solicitation shall be from 8:00 A.M. to 30 minutes before sunset; however, any resident, at the resident's request, can allow any home solicitation in his home at any time.
6. Any multi-day permit holder is required to check with City Hall on any return visits to the City during the permit period.
7. Complaints received by the Sheriff's office and/or City Hall concerning the conduct of the permittee or his representatives or failure to follow the hours listed above shall be due cause to revoke any sales permit with no refund for unused time. If one or more complaints are received by the City regarding the conduct of permittee, its agents or employees, or a violation of the hours restriction is observed, then revocation of the permit issued to permittee under this ordinance can and may be revoked immediately. Permittee, its agents or employees may not continue to solicit door-to-door in the City after actual notice of said revocation.

Notice may be given by phone or by mail to the address or phone number given on the application for the permit or to the agents or employees where found within the City Limits. In either case, the notice will be deemed sufficient, and any further solicitation shall be a violation of this ordinance.

If permittee wishes to contest the revocation or denial of a permit, then permittee shall notify the City in writing requesting that its protest be placed on the agenda for the next regular scheduled Council meeting. Said hearing shall allow permittee to show why it should have its permit reinstated or that it should be granted a permit.

Information may be given to the Council in any manner and the Mayor and Council shall weigh the credibility of any evidence. Texas rule of evidence does not apply. Should the City uphold the revocation or denial, permittee shall have no other recourse within the City

government. Nothing herein is meant to in any way keep permittee from exercising any rights or remedies to which it may be entitled under the laws of Texas or the United States.

8. Any person who solicits door-to-door in the City without a valid effective permit at the time of solicitation or who solicits after the allowable hours without the express permission of a resident of the City, shall have violated this ordinance and shall be guilty of a Class C misdemeanor and may be fined up to \$200.00;
9. This ordinance supersedes any previous Peddler or Solicitor's Ordinances set forth by the City Council or the City of Bronte, and declares such prior ordinances null and void;
10. School, church and local civic organizations are exempt from this ordinance. Participants in events sponsored by civic organizations are also exempt.

The fact that there is now no law sufficiently protecting the citizens of said City from persons unlawfully representing themselves to be authorized to make sales in the City of Bronte creates an emergency and public necessity and this ordinance is effective immediately.

PASSED AND APPROVED THIS 7th DAY OF May, 1998.

MAYOR



ATTEST:

Pat Martindale  
CITY SECRETARY