

Mansfield, TX Code of Ordinances

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

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GENERAL PROVISIONS**§ 111.01 ENTRY OF SOLICITOR WITHOUT INVITATION OR WITHOUT PERMIT.**

It shall be unlawful for any solicitor, salesman, peddler, vendor, merchant, of orders for or sale of goods, wares, books, magazines, materials, supplies, services or merchandise of any sort to go in or upon the premises of a private residence in the city for the purpose of soliciting, peddling, selling, merchandising goods, wares, books, magazines, materials, supplies, services or merchandise unless the person shall have permission of the owner to enter the premises or first obtain a permit as directed in §§ 111.15 through 111.18 of this chapter.

('78 Code, § 10-20) (Ord. 178, passed 3-9-65; Ord. 449, passed 9-28-81) Penalty, see § 10.99

§ 111.02 REFUSAL TO LEAVE PREMISES AFTER NOTICE.

It shall be unlawful for any solicitor, peddler, hawker, itinerant merchant or transient vendor who enters upon premises owned or leased by another to refuse willfully to leave the premises after having been notified by the owner or possessor of the premises, or by his/her agent, to leave the premises.

('78 Code, § 10-23) (Ord. 179, passed 3-9-65) Penalty, see § 10.99

Statutory reference:

Trespass, see Tex. Penal Code, § 30.05

PERMITS

§ 111.15 PERMIT APPLICATION.

Any person desiring to engage in any of the activities named in § 111.01 of this chapter shall file a written application with the Chief of Police, verified by affidavit as to the truthfulness of its contents and containing the following information.

(A) The name, residence and post office address and telephone number of the applicant, and if the applicant is not a permanent resident of the city, the applicant's permanent residence and post office address and telephone number.

(B) A specific description of the occupation in which the applicant desires to engage and for which the permit is desired.

(C) A full and complete description of the merchandise or services which the applicant desires to sell.

(D) Whether the applicant, upon any sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.

(E) The source of supply, location and proposed method of delivery of the merchandise or services to be sold.

(F) The names, residences and post office addresses and telephone numbers of three individuals who will act as character and business references for the applicant and will provide such information concerning the applicant as may be requested by the city.

(G) Whether or not the applicant has engaged in any of the activities named in the preceding section in other cities, and if so, the names of the last three cities and the dates of the applicant's activities in the cities.

(H) If the applicant is an individual, the applicant's age, sex, height, weight, complexion, color of hair, color of eyes and fingerprints.

(I) If the applicant is an individual, a full and complete statement of the applicant's criminal record, if any, including a detailed account of all arrests, charges filed, offenses committed, convictions, sentences received, time served, paroles or pardons received and the date, place and jurisdiction relating to each item.

(J) If the applicant is an individual, there shall be attached to the application a recent photographic likeness of the applicant.

(K) If the applicant is the agent of another, the name, address and telephone number of the applicant's principal and the attachment of credentials issued by the principal to the applicant which set forth the extent of the applicant's authority to act for and bind the principal.

(L) If the applicant is a partnership, association or joint venture, the full names, addresses and telephone numbers of all partners, associates or joint venturers.

(M) If the applicant is a corporation, the state of incorporation, the principal place of business, the name and addresses and telephone numbers of its officers and, if the applicant is a foreign corporation, whether it has a permit to do business in the state.

('78 Code, § 10-24) (Ord. 404, passed 2-11-80)

§ 111.16 BOND.

(A) At the time the application is filed, the applicant shall also file with the Police Chief a bond in the penal sum of \$1,000, signed by the applicant as principal and by a corporate surety company authorized to do business in the state as surety, conditioned upon the final delivery of the merchandise or performance of the services in accordance with the terms of any contract or order obtained prior to delivery or performance, and also conditioned to indemnify any and all purchasers for any and all defects in material or workmanship that may exist in the merchandise sold or the services performed by the principal at the time of delivery or performance, or that may be discovered within 30 days after delivery or performance. The bond shall be for the use and benefit of all persons who may make any purchase, give any order or enter into any contract with the principal on the bond or the principal's agents. The surety may terminate its liability the such bond by giving ten days written notice to the Police Chief, after which time the surety will not be liable for any subsequent act of the principal. There shall be attached to the bond a certified copy of the surety company's resolution authorizing the person signing for the surety company to act as its attorney in fact.

(B) In the event the applicant is acknowledged to be an agent of a person holding a permit hereunder who has on file with the Police Chief a blanket bond conditioned as provided in the preceding section and covering the activities of all the person's agents. No individual bond shall be required so long as the applicant acts solely as the agent of the permittee. Acknowledgment of the agent shall be made in writing by the permittee and mailed directly to the Police Chief.

('78 Code, § 10-25) (Ord. 404, passed 2-11-80)

§ 111.17 FEE.

At the time the application is filed with the Police Chief, the applicant shall pay to the city a fee in the sum of \$10, which sum shall be compensation to the city for the services herein required of it and to enable the city to partially defray the expenses of investigation, surveillance and enforcement of the provisions of this chapter. If the applicant is a corporation, partnership, association, joint venturer or individual having more than one agent engaging in any of the activities named in § 111.01 of this chapter on behalf of the applicant, a fee of \$10 shall be charged for the first ten of such agents and a fee of \$5 per agent shall be required for each agent of the applicant in excess of ten.

('78 Code, § 10-26) (Ord. 404, passed 2-11-80)

§ 111.18 ISSUANCE OF PERMIT.

(A) Within ten days after the applicant has fully complied with the provisions of this chapter, the Police Chief shall issue to the applicant a permit to engage in the activities named in § 111.01 for a period of one year from the date of issuance. Provided, however, no permit shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a permit be issued to any applicant who has been convicted of a felony or a crime involving moral turpitude.

(B) The permit provided for in this chapter shall not be transferrable, nor shall it give authority to anyone other than the permittee named thereon to engage in the activities named in § 111.01 hereof.

('78 Code, § 10-27) (Ord. 404, passed 2-11-80)

§ 111.19 SUSPENSION AND REVOCATION OF PERMIT.

(A) Any permit issued under the provisions of this chapter shall be automatically suspended when the surety terminates its liability on the permittee's bond, or the principal's bond if the permittee is the agent of another or upon expiration of the permittee's bond or the principal's bond if the permittee is the agent of another, and the permittee shall be reinstated only upon filing with the Police Chief a new bond meeting the requirements of § 111.16.

(B) Any permit issued under the provisions of this chapter shall be automatically revoked and canceled upon the holder's conviction of a felony or a crime involving moral turpitude, and the City Council may revoke and cancel the permit of any holder who is convicted in the Municipal Court of this city of a violation of a provision of this chapter or whose agents are convicted in the Municipal Court of this city of a violation of the provisions of this chapter, and they may provide that no permit shall thereafter be issued to the holder for a period of 12 months. Revocation of any permit, for whatever cause, shall automatically revoke the permit of all agents of the permittee.

('78 Code, § 10-28) (Ord. 404, passed 2-11-80)

§ 111.20 DISPLAY OF PERMIT.

When engaged in door-to-door selling, the permit required by this chapter shall be carried by the salesperson and shall upon request be given to any law enforcement personnel or customer for examination. Otherwise, the permit shall be prominently displayed upon the premises or place where the business authorized thereunder is being carried on or conducted.

('78 Code, § 10-29) (Ord. 404, passed 2-11-80) Penalty, see § 10.99