

ORDINANCE NO. 170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COAHOMA, TEXAS, REPEALING AND REPLACING ORDINANCE NUMBER 28 IN ITS ENTIRETY; PROVIDING FOR REGULATION OF PEDDLERS AND SOLICITORS WITHIN THE CITY LIMITS; REQUIRING A LICENSE, DEFINING LICENSE APPLICATION REQUIREMENTS; ESTABLISHING HOURS AND PLACES WHEN PEDDLING AND SOLICITING ARE ALLOWED; PROVIDING FOR A PENALTY OF UP TO \$200 FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALER, PUBLICATION, EFFECTIVE DATE AND NOTICE.

AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS

WHEREAS, the City Council finds it is necessary in order to preserve and maintain the public health, safety, and welfare of the citizens of Coahoma, Texas, that the following provisions regarding peddling and soliciting within the city limits should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COAHOMA, TEXAS THAT THE FOLLOWING REGULATIONS SHALL BE EFFECTIVE UPON THE ADOPTION AND PUBLICATION OF THIS ORDINANCE:

ARTICLE I. PEDDLERS AND SOLICITORS

Section 1. Definitions.

A. "Peddler" means any person who engages in commercial activities within City limits by carrying goods or merchandise and selling or offering for sale for immediate delivery such goods or merchandise from house-to-house, business-to business, or upon public property.

B. "Solicitor" means any person who solicits or attempts to solicit, from house to house, business to business, or upon public property, funds or orders for services, commercial goods, wares, merchandise subscriptions or publications to be delivered at a future date or time.

Section 2. License Required.

It is unlawful for any peddler or solicitor to engage in such business upon the premises of a private residence within the city limits without first having obtained a current Peddler/Solicitor License from the City Secretary in compliance with this ordinance.

Section 3. License Exemptions.

A. The following are excluded from the license and fee provisions:

1. Newspaper carriers;

2. Farmers who sell agricultural products that were raised or grown by them;
3. Religious proselytizing or distribution of religious literature;
4. Political speech;
5. Canvassers who attempt only to distribute handbills or to solicit political support or to determine opinions or sentiments;
6. Peddlers that drive on the streets using signs or sounds to attract customers and that only make sales when approached by such customers (such as ice cream sales); or
7. Solicitation or sale by a peddler that is already licensed by the state to engage in such activity, such as an insurance salesman.

B. Persons who are exempt from the licensing and fee requirements pursuant to Subsection A above, shall nonetheless be subject to the provisions of Sections 13 and 14 below, and must notify the City Secretary as to the approximate dates of the door-to-door activities, and the areas they will be working.

Section 4. Peddler/Solicitor License Application.

Any peddler or solicitor who is not exempt and desires to engage in activities as a peddler or solicitor within the City must file a written application for permit with the City Secretary, which application shall give the following information:

- A. Applicant's name, telephone number, address, birth date, physical description, and either:
 1. Driver's license number and state, or
 2. Social Security number and an official, government issued picture identification card.
- B. If the applicant is peddling or making solicitations for any commercial or charitable organization, the name, tax identification number, telephone number, address, website and email address of such organization.
- C. Full and complete list of goods to be sold and/or services to be delivered.
- D. For each employee or individual involved in the peddling or solicitation endeavor: name, telephone number, address, birth date, physical description, and either:
 1. Driver's license number and state, or
 2. Social Security number and an official, government issued picture identification card.
- E. Description (year, make, color and type) and license plate number and state of all vehicles to be used in soliciting and peddling.
- F. A statement as to whether the applicant or any individual to be involved in the peddling or soliciting under the application, has been convicted of any felony or misdemeanor, and, if so, the nature of the offense, the penalty or punishment, the date and place of

such offense, and whether the applicant is required to be registered as a sex offender in this or any state.

- G. A statement as to whether a civil judgment has ever been entered against the applicant, company or any individual participating in the business for fraud, deceit or breach of contract and if so, full details thereof.
- H. The last 3 cities or counties where the applicant carried on business immediately preceding the date of application.
- I. Authorization for the Howard County Sheriff's Office to conduct a criminal background check on each individual to be involved in the peddling or soliciting under the application in order to verify information disclosed on the application.
- J. Applicant must provide original identifying documents to the Howard County Sheriff's Department upon request.

Section 5. License Fees.

All peddlers and solicitors not exempted herein shall pay a permit fee to the City Secretary of \$200.00 for one individual or \$500.00 for any group of two or more individuals to cover the cost of processing the License application and following up for compliance.

Section 6. License Fee Exemptions.

The following are exempt from the license fee requirement but must still obtain a license and comply with all other licensing requirements:

- A. Local charitable organizations.
- B. Securities Services Contractors as defined in the Texas Occupations Code, such as alarm service salespersons.

Section 7. License Denial.

A. If a peddler or solicitor conducts such business without first obtaining a license after having been warned in writing by a City employee or law enforcement official of the license requirement, the application may be denied.

B. A copy of the application for license will be referred to the Howard County Sheriff's Office who will undertake an investigation of the applicant's record and background, such as shall be reasonably necessary to protect the public. An application for license under this ordinance may be denied where:

- 1. The applicant has been convicted of a crime if:
 - a. the crime is substantially related to the business for which license to be issued;
 - b. the crime was against the property of another;
 - c. the crime was of a nature such that the applicant must register as a sex

- offender; or
 - d. the crime was against a person.
- 2. The applicant has committed any act involving dishonesty, fraud, or deceit which resulted in criminal or civil liability;
- 3. The applicant made any false, misleading, or fraudulent statement on an application or has submitted an incomplete application; or
- 4. Applicant is currently wanted on a warrant for arrest; or
- 5. Issuance of the license would be inconsistent with public health, safety or general welfare.

C. If the City Secretary denies a license, applicant may appeal this decision in writing to the City Council, which may affirm, modify or reverse the decision of the City Secretary.

Section 8. License Issuance, Duration.

A. If the City Secretary finds that the application is completed in conformance with Sections 4 and 5, a license shall be issued within five working days. The license shall be the original application under Section 4, with an official stamp indicating approval by the City Secretary. Each license will be valid for 12 months from date of issue.

B. The licensee is required to notify the City Secretary before any peddling or soliciting under the issued license is conducted in any new calendar month after the issuance of the license. At this time, the licensee will update any information required under Section 4 that has changed.

C. The City Secretary will retain one copy of the approved permit for official records. The license may not be represented as an endorsement or approval by the City of the purposes of a solicitation or a product offered by the licensee.

D. Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued license. If any new peddlers or solicitors join the business after the original license is issued, they must supply the City Secretary with the information required in Section 4.

Section 9. License Display.

Each peddler or solicitor will carry his or her license at all times while engaging in business in the City. Upon request or demand, the peddler or solicitor will exhibit the License to customers, city employees or law enforcement officials to indicate compliance with all of the requirements of this ordinance.

Section 10. License Non transferrable.

Licenses issued under this ordinance are not transferable in any situation and will be clearly marked as such.

Section 11. License Suspension.

A. The City Secretary or designee may, upon documented complaint or violation of law,

suspend and confiscate a permit issued under this ordinance. It shall be a violation of this ordinance for a licensee to refuse to surrender the issued license upon request.

B. Peddlers and solicitors whose licenses are suspended have three business days during which to request an administrative review of the suspension. If no request is made the suspension shall be deemed final and the permit is revoked.

Section 12. License Revocation.

A. Upon Licensee's request, the City Secretary shall provide the permittee with written notice containing particulars of any and all complaints against him or her and the time, date and place for an administrative review of the suspension.

B. The Mayor will conduct an administrative review to determine whether the license shall be restored or revoked.

C. After notice and review, the Mayor may revoke any license issued under this ordinance for the following reasons:

1. Fraudulent statements, omissions on permit application or in conduct of permitted business;
2. Violation of any law;
3. Endangerment of public welfare, health or safety.

D. If the Mayor revokes a license, applicant may appeal this decision in writing to the City Council, which may affirm, modify, or reverse the decision of the Mayor.

E. Revocation of any license shall bar the licensee from eligibility for a license under this ordinance for a period of one year.

Section 13. Hours and Places of Solicitation.

A. No peddler or solicitor may conduct activities defined in Section 1 except between the hours of eight a.m and sunset.

B. No peddler or solicitor may peddle or solicit in the public street or from medians in the street, or in any way block, obstruct or unduly hinder passage on public streets within the City limits.

Section 14. No soliciting signs. It shall be unlawful for any person while peddling or soliciting to remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" or similar wording, and which is clearly visible to the peddler or solicitor.

Sections 15. Violation; Penalty.

Any person, firm or corporation that violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be subject to a fine not to exceed \$200.00. Each violation of any provision of this ordinance shall be deemed a separate offense.

ARTICLE II.

Section 1. Repeal. This ordinance repeals and replaces Ordinance No. 28 of the City that was effective on January 1, 2010, and supersedes the provisions of any other ordinance on the same subject matter to the extent of any conflict.


Section 2. Severability. Should any part, portion, section or provision of this ordinance be declared to be invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining parts, portions, sections or provisions of this ordinance which provisions shall remain and continue to be in full force and effect.

Section 3. Publication. The City Secretary is hereby directed to publish a caption of this Ordinance that summarizes its purpose and penalty, as provided in Section 52.011 of the Texas Local Government Code.

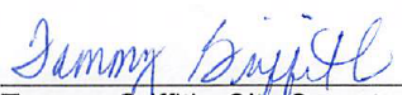
Section 4. Effective Date. This ordinance shall become effective immediately upon its passage, approval, and publication.

Section 5. Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Coahoma, Texas on this the 15th day of August, 2024.

By: 
Jay Holt, Mayor

ATTEST:


Tammy Griffith, City Secretary