

## ARTICLE 4.04 PEDDLERS, SOLICITORS AND HANDBILL DISTRIBUTORS<sup>(\*)</sup>

### Division 1. Generally

#### Sec. 4.04.001 Definitions

*Canvasser or solicitor.* Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of personal property of any nature whatsoever for future delivery, or for any kind or character of service or services whatsoever to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or advertising matter as to such service or whether he is collecting advance payments on such sales or not, providing that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, vehicle or other place within the city for the sole purpose of exhibiting samples and/or advertising matter and taking orders for such services or sales for future performance or delivery, and providing further that such definition shall include distributors of advertising handbills, leaflets and similar papers.

*Peddler.* Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise whatever, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler, subject to the provisions of this article.

*Person.* Includes the singular and the plural, and shall also mean and include any person, firm, corporation, association, club, copartnership or society, or any other organization.

(1995 Code, sec. 4.302)

#### Sec. 4.04.002 Permit required for going on private residences; hours for going on private residences

It shall be unlawful for any solicitors or canvassers of orders for services or merchandise or for peddlers, itinerant merchants and transient vendors of merchandise or for distributors of advertising handbills, leaflets, or papers to go in or upon the premises of any private residence in the city without a valid permit issued by the city, or to go thereon with a permit prior to 9:00 a.m., or after 5:00 p.m., or at any time on Sundays, unless previously requested to do so by the owner or occupant of said private residence, for the purpose of soliciting orders for the furnishing of any service or for the sale of goods, services, wares and merchandise, or for the purpose of disposing of, contracting for, or peddling the same, or to distribute any printed or written advertising handbills, leaflets or papers. (1995 Code, sec. 4.301)

**Secs. 4.04.003–4.04.030 Reserved**

**Division 2. Permit**

**Sec. 4.04.031 Application**

Applicants for permits and licenses under this article must file with the city manager a sworn application in writing on a form to be prescribed and furnished by the city manager. (1995 Code, sec. 4.303)

**Sec. 4.04.032 Investigation and issuance**

Upon receipt of such application, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary, if any, for the protection of the public good, and promptly report thereon to the city manager with his recommendation. (1995 Code, sec. 4.304)

**Sec. 4.04.033 Fee**

(a) Prior to issuance of a permit as required herein, the applicant shall pay a fee as provided for in the fee schedule found in [appendix A](#) of this code, said fee to be used to offset administrative costs involved in administering this article. If the applicant shall have additional agents to be working in the city, an additional fee, in accordance with the fee schedule found in [appendix A](#) of this code, per agent shall be required.

(b) Should a vendor lose his or her license, a replacement shall be issued for the remainder of the term of the original license only upon payment of an additional fee as provided for in the fee schedule found in [appendix A](#) of this code, said fee to offset the administrative costs involved.

(c) Persons duly engaging in interstate commerce are specifically exempted from the fee requirements herein, but shall comply with all other registration and licensing requirements.

(d) Charitable causes (i.e., fundraising activities by local schools, churches and civic associations) are specifically exempted from the fee requirements herein, but shall comply with other registration and licensing requirements.

(1995 Code, sec. 4.305)

**Sec. 4.04.034 Badges**

The city manager shall issue to each licensee, at the time of delivery of his license, a badge which shall contain the words "LICENSED, CITY OF HONDO," and the period for which the license is issued and the number of the license, in letters and figures easily discernible. Such badge shall, during the time such licensee is engaged in soliciting, canvassing or peddling, be worn constantly by the licensee in front of his outer garment in such a way as to be conspicuous. (1995 Code, sec. 4.306)

#### **Sec. 4.04.035 Exhibition**

Solicitors, canvassers and peddlers of merchandise are required to exhibit their licenses at the request of any citizen. (1995 Code, sec. 4.307)

#### **Sec. 4.04.036 Enforcement**

It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, or who is not wearing the required badge, to produce his solicitor's or canvasser's license, and to enforce the provisions of this article against any person found to be violating the same. (1995 Code, sec. 4.308)

#### **Sec. 4.04.037 Record of violations**

The chief of police shall report to the city manager all convictions for violations of this article. The city manager shall maintain a record for each license issued and record the reports of violations therein. (1995 Code, sec. 4.309)

#### **Sec. 4.04.038 Revocation**

(a) Permits and licenses issued under provisions of this article may be revoked by the city council after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as a solicitor or as a canvasser or peddler or itinerant merchant or transient vendor of merchandise;
- (3) Any violation of this article;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; and
- (5) Conducting the business of soliciting or canvassing or peddling in any unlawful manner, or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

(1995 Code, sec. 4.310)

#### **Sec. 4.04.039 Appeals**

Any person aggrieved by the action of the chief of police or the city manager in the denial of a permit or license, or the action of the city manager in assessing a fee, shall have the right of appeal to the city council. Such appeal shall be taken by filing with the council, within ten (10) days after the action complained of, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in [section 4.04.038](#) of this article for the notice of hearing of revocation. The decision and order of the council on such appeal shall be final and conclusive. (1995 Code, sec. 4.311)

**Sec. 4.04.040 Expiration**

All annual licenses issued under the provisions of this article shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date specified in the license. The fees for annual licenses issued on and after February 1st of each year shall prorated, but no annual license shall be issued on and after November 1st of each year, and monthly licenses shall thereafter be the license of greatest duration granted for the balance of said year. (1995 Code, sec. 4.312)