

ORDINANCE NO. 2014A

AN ORDINANCE OF THE CITY OF CRANDALL REGULATING PEDDLERS OR SOLICITORS OF SERVICES, FUNDS, OR PROPERTY FOR COMMERCIAL AND NON-PROFIT PURPOSES; AMENDING CHAPTER 4 SECTION 4.03.001 OF THE CITY OF CRANDALL CODE OF ORDINANCES; PROVIDING FOR APPLICATION FOR A PERMIT TO SOLICIT AND REQUIRING IDENTIFICATION; EXEMPTING CERTAIN CATEGORIES OF SOLICITORS; PROVIDING FOR PENALTIES FOR NON COMPLIANCE; PROVIDING FOR REVOCATION OF PERMITS; PROVIDING FOR AN APPEAL OF REVOCATION; AND ESTABLISHING A NON-SOLICITATION REGISTRATION LIST.

WHEREAS, the City Council finds that unregulated peddlers or solicitation is a nuisance and endangers not only the right of quiet use and enjoyment of the citizens of Crandall in their homes, but also the health, safety and welfare of the community; and

WHEREAS, the City of Crandall has in place an ordinance regulating peddlers/solicitation in the City's limits; and

WHEREAS, the City Council has determined that this ordinance is necessary to protect against criminal activity, including fraud and burglary, minimizing the unwelcome disturbance of citizens and the disruption of privacy and to otherwise preserve the public health, safety and welfare by regulating, controlling and licensing solicitors and peddlers; and

WHEREAS, the City Council believes that our citizens should be protected from disturbance by uninvited individuals who solicit door- to-door or who solicit for handouts in the public streets, or who deliver flyers, pamphlets, handouts, handbills, or advertisements to homes, and so desires to regulate such activity to the extent permitted by the First Amendment and the protection it affords to individuals engaged in such activity.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CRANDALL:

1. Old Ordinance Repealed.

This ordinance repeals and supersedes any previous solicitation ordinances established by the City of Crandall.

2. Definitions.

a. **Solicitor/Peddler** as the term is used in this ordinance shall mean any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for immediate or future delivery, or for services to be performed, either immediately or in the future, and shall include the term peddler, itinerant

merchant or vendor, and canvasser. This definition also includes any person who without permit or invitation solicitors for donations in and on the streets of Crandall. This definition also includes any persons who, goes upon private property to request contributions of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purpose.

b. **Soliciting and solicitation** includes all activities ordinarily performed by a solicitor as indicated under paragraph (a) of this section.

c. **Person** shall mean any firm, company, partnership, corporation association, club, society or other organization.

d. **License**, unless the context requires otherwise, shall be synonymous with a permit issued under this ordinance.

3. Soliciting without permit unlawful.

It shall be unlawful for any person to solicitate in the City of Crandall without first obtaining a permit to do so from City Hall.

4. Application for permit.

a. Every person subject to the provisions of the Ordinance shall file with the Permit Tech an application in writing on a form to be furnished by the City, which shall provide the following information:

1. Proof of age, address and identification of the applicant, to be provided through the applicants driver's license, articles of creation or incorporation as applicable, or other legally recognized form of identification, photo identification required.
2. A brief description of the business or activity to be conducted;
3. The hours and location for which the right to solicit is desired;
4. If soliciting pursuant to employment, the name, address and telephone number of the employer; or, if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and authority of the employee or agent to act for the employer or principal, as the case may be;
5. A statement as to whether the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
6. Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from permitting requirements of this Ordinance; and

7. Photograph of the applicant, which shows a clear identification of the applicant, and which shall have been taken within one year prior to the date of application, unless state issued driver's license with expiration date on the identification.
8. Application fee of 100.00 for each solicitor to cover the cost of processing the application.
9. The application will be reviewed by the Permit Tech and Police Chief. The Police Chief and/or Permit Tech may refuse to issue a permit to the applicant under this ordinance for any of the following reasons:
 - a. the location and time of the solicitation would fall outside of the times or locations permitted for solicitation by this ordinance;
 - b. an investigation reveals that the applicant falsified information on the application.
 - c. the applicant has been convicted of a felony, misdemeanor or ordinance violating involving a sex offense, trafficking in controlled substances, theft, burglary, robbery, or any violent act against persons or property, or any crime against the elderly.
 - d. the applicant has been denied a permit in the past 12 months, unless the applicant can and does show to the satisfaction of the City Secretary/City Manager that the reasons for such earlier denial no longer exist.
10. The Police Chief and/or Permit Tech denial and the reason for denial shall be noted on the application and sent to the Permit Tech. The applicant will be notified of the denial and no permit will be issued.
11. The Permit Tech will issue a permit upon approval of an application and payment. A copy will be issued to the Chief of Police along with documentation.
12. The permit will be issued for a time frame of 60 Days and must be displayed. The applicant must report any changes to the Permit Tech within the 60 Days time frame. The applicant must reapply for renewal.

5. Exemptions.

The permitting requirements and the requirements related to identification of this ordinance shall not apply to any person:

- a. attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate.
- b. a solicitor is exempt from this Ordinance if involved in local school fundraiser.
- c. distribution of handbill or flyer providing notification of a non-commercial event or service.

6. Hours of solicitation.

During Central Standard Time, permissible solicitation hours are from 10:00 a.m. to 6:00 p.m., and during Daylight Savings Time, permissible solicitation hours are from 10:00 a.m. to 5:00 p.m. only Monday through Saturday. No solicitation is permissible on Sunday.

7. Penalty

Any person, firm or corporation violating any provisions of this ordinance or failing to observe and provisions here of shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and each and every day or fraction of a day during which this ordinance or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

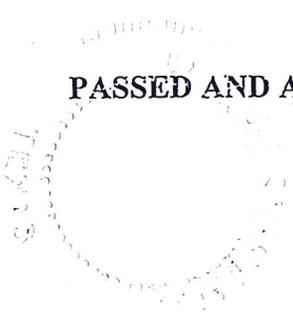
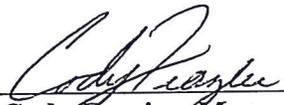
8. Severability.

The provision of this Ordinance is declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

9. Effective date.

This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 5th day of January 2015

Cody Frazier, Mayor

ATTEST:



Jana Dee Shelton, City Secretary