

## ORDINANCE NO. 2011-6

AN ORDINANCE REPLACING ORDINANCE NO. 38; REGULATING THE SOLICITING, SELLING OR TAKING ORDERS FOR GOODS, WARES, MERCHANDISE, SUBSCRIPTIONS TO MAGAZINES, NEWSPAPERS OR INSURANCE POLICIES, EXPOSING PHOTOGRAPHIC PLATES OR FILMS TO MAKE NEGATIVES, PICTURES OR PHOTOGRAPHS FOR FUTURE DELIVERY, INSECT OR RODENT EXTERMINATING SERVICE FROM HOUSE TO HOUSE OR FROM PLACE TO PLACE IN THE CITY OF BEASLEY, TEXAS; REQUIRING SUCH PERSON TO APPLY FOR AND OBTAIN A PERMIT WHO WILL RECEIVE, DEMAND AND/OR ACCEPT PAYMENT AND/OR DEPOSIT OF MONEY IN ADVANCE OF DELIVERY OF ARTICLES SOLD; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND PROVIDING FEES TO BE CHARGED.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BEASLEY, FORT BEND COUNTY, TEXAS:

**SECTION 1.** It shall be unlawful for any peddler or solicitor to go from house to house or from place to place in the City of Beasley, Texas, soliciting, selling or taking orders for goods, ware, merchandise, subscriptions to magazines, newspapers or insurance policies, to expose plates or films to make negatives, or make pictures or photographs for future delivery, or insect or rodent exterminating services or any other articles for future delivery without first applying for and obtaining a permit from the City Secretary of the City of Beasley.

**SECTION 2. APPLICATION.** Any person desiring to engage in peddling or soliciting within the corporate limits of the City of Beasley shall make written application for a permit to do so to the City Secretary which application shall show the name and address of the applicant, the kind of goods, wares, and merchandise offered for sale or services, and whether such applicant upon any such order so obtained will demand, accept or receive payment or deposit of money in advance of final delivery, and the period of time such applicant wishes to solicit, sell, or take orders in the City of Beasley, such written applications shall be a fee of Twenty-five and No/100 (\$25.00) Dollars and no permit hereunder shall be issued, until such fee has been paid by applicant and such written application has been filed with the City Secretary of the City of Beasley for a period of twenty-four hours.

**SECTION 3. PERMIT REQUIRED.** When the application for such permit and or license as herein provided shows that the applicant will not demand, receive or accept payment, and/or deposit of money in advance of final delivery of such goods, wares, merchandise, or articles to be sold and, or solicited by such applicant, it shall be the duty of the City Secretary of the City of Beasley, to issue to such applicant a permit to solicit, sell and take orders for such applicant's application for such permit within the City of Beasley for a period of thirty (30) days from the date of issuance of such permit. If the application shows that such applicant shall receive, demand, and/or accept payment and/or deposit of money in advance of final delivery of goods, wares, merchandise,

and/or articles sold, then such application shall be accompanied by a bond in the penal sum of Five Hundred and No/100 (\$500.00) Dollars executed by such applicant as principal and a surety company licensed to do business as such in the State of Texas, subject to making final delivery of such goods, wares, merchandise, insurance policies, exterminating insect and rodent services, magazines, newspapers, plates, films and photographs and/or articles in addition or in accordance with the terms of such order and/or orders obtained and which bond shall be for the use and benefit of all persons who may pay in advance or make any advance deposit on the purchases of said orders and shall stipulate in its terms.

**SECTION 4. FEES.** Local non-profit organizations, charitable drives and charitable organizations shall be exempt from the requirements and permit fee. For soliciting, selling or taking orders for goods, wares, merchandise, for making negatives, exposing plates or films or making photographs or pictures, subscriptions to magazines, newspapers or insurance policies, for peddling, using motor vehicle, for foot peddling, for insurance salesmen, for insect or rodent control service salesmen, the fee of Seventy-five and No/100 (\$75.00) Dollars for thirty (30) consecutive days shall be charged. There will be no renewals.

**SECTION 5. RESTRICTIONS.** It shall be unlawful for any peddler or solicitor to enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect. It shall be unlawful for any person to peddle or solicit, sell or offer for sale any goods or merchandise whatsoever, from a truck, automobile, or other vehicle which shall be stopped, standing, or parked on the streets of the city between one-half (1/2) hour before sunset and 10:00 a.m. of any day, Monday through Saturday or at any time on a Sunday, New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day or Christmas Day. At no time may any person obstruct a highway, street, sidewalk, entrance, or exit to which the public has access, or any other place used for the passage of vehicles or conveyances.

**SECTION 6. VIOLATIONS.** Any person violating any provision of this ordinance shall upon conviction be fined in any sum not less than Twenty and No/100 (\$20.00) Dollars, nor more than Five Hundred and No/100 (\$500.00) Dollars; and each and every day a person shall peddle or solicit without a license shall be a separate offense.


**SECTION 7. SEVERABILITY.** If any section or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE.** That this ordinance shall take effect and be in force after its passage.

**PASSED AND APPROVED** this the 19<sup>th</sup> day of July, 2011, at a Regular Meeting of the City Council of the City of Beasley.

**ATTEST:**

  
G. B. Michulka, Secretary

  
Kenneth Reid, Mayor