

**ORDINANCE #210302-01
REGISTRATION OF ITINERANT MERCHANTS AND VENDORS**

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, REGULATING THE REGISTRATION OF ITINERANT MERCHANTS AND VENDORS FOR COMMERCE WITHIN THE CITY LIMITS OF BIG LAKE, TEXAS; REPEALING ORDINANCE NO. 171219-01; PROVIDING FOR A FACT; POPULAR NAME AND NUMBER; PURPOSE; DEFINITIONS; APPLICATION REQUIREMENTS; PERMIT RATES; INVESTIGATION AND NOTICE OF VIOLATIONS; ENFORCEMENT INCLUDING MAXIMUM FINE OF \$500.00 FOR ORDINANCE VIOLATION UNLESS THE VIOLATION IS RELATED TO THE FIRE SAFETY, HEALTH AND PUBLIC SANITATION IN WHICH THE MAXIMUM FINE IS \$2000.00 PER DAY PER VIOLATION; SEVERABILITY; SAVINGS CLAUSE; EFFECTIVE DATE AND PROPER NOTICE AND MEETING

WHEREAS, the City of Big Lake (the City) has established policies that will promote the public health, safety, moral and general welfare with the City and its citizens through the enactment of responsible guidelines that govern itinerant merchants and vendors;

WHEREAS, pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

NOW THEREFORE, be it ordained by the City Council of the City of Big Lake, Texas, County of Reagan, Sate of Texas that:

SECTION 1.0 FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Big Lake and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0 POPULAR NAME

This Ordinance shall be commonly referred to as “Registration of Itinerant Merchants and Vendors”.

SECTION 3.0 PURPOSE

The purpose and intent of this Ordinance is to establish policies and guidelines for Itinerant Merchants and Vendors to register with the City in order to provide safety, and protection within the city limits.

SECTION 4.0 DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- 4.1 **CITY**: the City of Big Lake, Texas, a municipal corporation and political subdivision within the County of Reagan, within the State of Texas.

- 4.2 CITY COUNCIL: the governing body of the City of Big Lake, Texas.
- 4.3 ITINERANT MERCHANT/VENDOR: as used in the Ordinance, shall mean any person, firm, or corporation, whether it is the owner, agent, consignee, or employee, whether a resident of the City or not, who engages in the temporary business of selling and delivering goods, wares, and merchandise within the City, and who, in furtherance of such purpose hires, leases, uses, or occupies any parking lot, vacant lot, motor vehicle, tent, street, alley for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.
- 4.4 ORDINANCE: this ordinance establishing for registration of itinerant merchants and vendors.
- 4.5 PERSON: an individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

SECTION 5.0 APPLICATION FOR PERMITS

Itinerant merchants or vendors in interstate commerce or otherwise, shall first make written application to the City for a license or permit providing the following information:

- (a) Name, home address and local address, if any, photo identification, home and work phone numbers of registrant.
- (b) Name, address, and phone number of the person, firm, or corporation, if any, that he or she represents or for whom or through orders are to be solicited or cleared.
- (c) Nature of the products or services which are to be sold, or for which orders are to be solicited.
- (d) Whether registrant, upon any sale or order shall demand or receive or accept payment or deposit of money in advance of final delivery.
- (e) Period of time registrant wishes to solicit or sell within the City.

SECTION 6.0 PERMIT RATES:

Each Itinerant Merchant or Vendor proposing to sell on foot, by hand cart or push cart, from a wagon, motor vehicle, railroad car, or other vehicle or conveyance shall pay a permit fee of:

- (a) \$ 25.00 per day
- (b) \$100.00 per week
- (c) \$300.00 per year

- 6.1 Transfer of permits: Permits issued under this Ordinance shall give no authority to any person other than the applicant to transact business within the City.

SECTION 7.0 GENERAL POLICIES

- 7.1 It shall be unlawful for any person, firm, company, partnership, corporation, or association, including those having no permanent business location in the City, to go from house to house or from place to place, or setting up a temporary business location within the City before obtaining a permit

- 7.2 Soliciting, selling, taking orders for or offering to take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a permit to do so from the City
- 7.3 It shall be unlawful to sell or solicit in the City without carrying such license or permit while engaged in selling or soliciting any of the aforementioned.
- 7.4 This Ordinance does not apply to sales made to dealers by commercial travelers or sales agents in the usual course of business, nor to sales made under authority and by order of law.

SECTION 8.0 HOURS OF SOLICITATION:

- 8.1 DOOR TO DOOR sales shall ONLY be permitted between one half-hour after sunrise and one half-hour before sunset.

SECTION 9.0 INVESTIGATION:

- 9.1 Upon investigation by the Code Enforcement Officer, the revoking of permit is allowable if any person is found to be misrepresenting or making false statements in regard to the product or service the permittee initially permitted for, or if the conduct of such person endangers the safety, health or property of the citizens and the City.
- 9.2 ITINERANT merchants or vendors shall, upon request by the Code Enforcement Officer or other person designated by the City Secretary or upon request by any Law Enforcement Officer, must immediately surrenders the license or permit.

SECTION 10.0 PENALTY:

Any person, firm or corporation violating any provisions of this Ordinance or failing to observe any provisions hereof, shall upon conviction, be fined a sum of not less than \$10.00, nor more than \$500.00. A separate offense shall be deemed committed on each day any violation occurs or continues.

SECTION 11 SEVERABILITY:

If any section, subsection, clause, phrase, or sentence of this Ordinance or the application thereof by any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance to other persons and circumstances.

SECTION 12 REPEAL CLAUSE

All Ordinances and Resolutions of the City of Big Lake, Texas, in conflict herewith are hereby expressly repealed.

EACH and every provision of this ORDINANCE has been duly voted on and approved by the City Council, and all Ordinances in conflict herewith are hereby repealed from and after its passage as provided by law.

This Ordinance shall take effect upon completion of publication as provided by law.

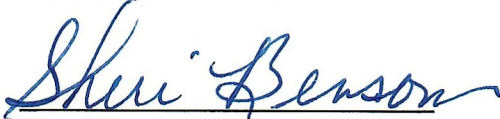
INTRODUCED AND APPROVED ON THE 2nd DAY OF MARCH, 2021, AND
PASSED AND ADOPTED ON THE 16TH DAY OF MARCH, 2021; by a vote of
4 (ayes) to 0 (nays) and 1 (abstentions) of the City Council of the City of Big Lake,
Texas.

CITY OF BIG LAKE



Phil Pool - Mayor

ATTEST:



Sheri Benson - City Secretary



CITY OF BIG LAKE

203 N. Plaza, P.O. Box 310, Big Lake, TX 76932

Telephone (325) 884-2511

PEDDLER'S PERMIT REGISTRATION OF ITINERANT MERCHANTS AND VENDORS

COMPANY INFORMATION

COMPANY NAME: _____ PHONE: _____
ADDRESS: _____ CITY/STATE _____ ZIP: _____
SALES TAX ID: # _____ (COPY)

SALESMAN(S) INFORMATION

QTY OF SALESMAN: # _____

NAME: _____ ADDRESS _____ PHONE: _____
DOB: _____ TX DL# _____ (COPY)
VEHICLE YEAR: _____ MAKE _____ MODEL _____ COLOR _____ LIC#/STATE: _____

NAME: _____ ADDRESS _____ PHONE: _____
DOB: _____ TX DL# _____ (COPY)
VEHICLE YEAR: _____ MAKE _____ MODEL _____ COLOR _____ LIC#/STATE: _____

NAME: _____ ADDRESS _____ PHONE: _____
DOB: _____ TX DL# _____ (COPY)
VEHICLE YEAR: _____ MAKE _____ MODEL _____ COLOR _____ LIC#/STATE: _____

MERCHANDISE

GOODS/SERVICE SELLING: _____
FOOD VENDOR: (Y) _____ (N) _____ FOOD TRUCK: (Y) _____ (N) _____ FOOD HANDLERS PERMIT (COPY) _____

SELLING METHOD

- DOOR-TO-DOOR: _____ (sales shall ONLY be permitted between one half-hour after sunrise and one half-hour before sunset-per Ordinance 210302-01 Section 8.0 Hours of Solicitation)
- STATIONARY: _____ PHYSICAL ADDRESS: _____
(peddlers not owning their own property must provide a consent letter from land owner)
- BUSINESS/COMMERCIAL SALES ONLY: _____

FEES

EACH MERCHANT OR VENDOR PROPOSING TO SELL ON FOOT, BY HAND CART OR PUSH CART, FROM A WAGON, MOTOR VEHICLE, RAILROAD CAR, OR OTHER VEHICLE OR CONVEYANCE SHALL PAY A LICENSE FEE OF: (Ordinance 210302-01 Section 6.0 Permit Rates)

1. \$25.00 PER DAY
2. \$100.00 PER WEEK
3. \$300.00 PER YEAR

SUN UP - SUN DOWN ONLY!

PAYMENT

DAY _____ WEEK _____ YEAR _____
CASH _____ CHECK _____ M.O. _____

EXPIRATION DATE: _____ RECEIPT #: _____

*** INFORM SHERIFF'S OFFICE ***