



Itinerant Merchant's Permit

Town of Lakeside
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(Town Ordinance NO.123-Peddlers, Solicitors and Itinerant Merchant)

Organization Information:

Company Name:		
Address (physical):		
City:	State:	ZIP Code:
Mail Address:		
City:	State:	ZIP Code:
Phone No:	Fax No.	

Applicant Information:

First Name:	Middle Name:	Last Name:
Address:		
City:	State:	ZIP Code:
Phone No:	Fax No.	
DL or ID# (Copy Required):	State Issued:	Date of Birth:

Surveyor Information:

Services to be Provided:
Type of Items to be Sold:

List the addresses of the itinerant merchant during the previous five years with the name of at least one reference in the community.

Reference Name in the Community:		
City:	State:	ZIP Code:
Phone No:	Email:	

Reference Name in the Community:		
City:	State:	ZIP Code:
Phone No:	Email:	

Reference Name in the Community:		
City:	State:	ZIP Code:
Phone No:	Email:	

Reference Name in the Community:		
City:	State:	ZIP Code:
Phone No:	Email:	

Reference Name in the Community:		
City:	State:	ZIP Code:
Phone No:	Email:	
Fee \$50.00 Per Person (Payment by cash, money order or credit card) NOTE: Expires at the end of the Calendar Year.		
I affirm that the information contained in this application and all attached documents are true and correct to the best of my knowledge. I have submitted a copy of a limited sales tax permit issued by the state or proof that the goods sold are not subject to the sales tax and a statement of the type of goods or wares to be sold		
Applicants Signature:	Date:	
OFFICE USE ONLY		
Police Department Representative:		
Date Received:	Date Approved:	By:
Valid Thru:	Permit Fee:	Permit #:
Cash:	Credit Card:	MO#

Itinerant Merchant

Permit Application Date: _____

An applicant for the permit shall file an application in writing with the Town Secretary not less than ten days before the first month in which he or she proposes to engage in business as an itinerant merchant.

ITINERANT MERCHANT. Any person who sells or takes orders from house to house or from place to place in the town or who sells out of a vehicle parked on premises where there is no related business building. A Town Permit Application must be completed and filed for review and approval.

Permit Applications **MUST** the application must contain the following information:

- The full name of the person applying for a permit, his or her address and telephone number, if any, and if the itinerant merchant is selling on behalf of an organization, the name and address of the parent organization.
- The addresses of the itinerant merchant during the previous five years with the name of at least one reference in each community.
- The fingerprints of the itinerant merchant (Lakeside Police Department no longer does fingerprinting).
- A copy of a limited sales tax permit issued by the state or proof that the goods sold are not subject to the sales tax.
- A statement of the type of goods or wares to be sold
- A copy of a current health certificate if merchandise of edible quality is to be sold; provided, however, this shall not apply to the sale of candy, nuts, or other edibles prepared and packaged by a nationally recognized manufacturer or a Texas manufacturer meeting standards imposed by state and local health codes, if the packages are unbroken.

Prohibited Conduct – Suspension and Cancellation of Registration

A person engaged in publication solicitation shall not (please initial to show compliance and understanding).:

- Go from house to house without first registering.
- Refuse to display the registration badge provided to him or her.
- Misrepresentation to the Town Secretary, or any person solicited for a sale or order, the purpose of the solicitation, the identity of the organization doing the solicitation, the

identity of the person doing the solicitation, the price of a publication, its source, or the beneficiary of profits derived from solicitation.

Obstruct or impede the passage of a pedestrian or vehicle

Make physical contact with the person being solicited without the permission of the person.

Conduct prohibited by initialed above shall be deemed a misdemeanor.

Registration expires at 12:00 a.m. December 31 each year and must be renewed annually.

Should a violation of division of any of the above come to the attention of the Town Secretary, the officer shall immediately suspend the registration of the person alleged to have made the misrepresentation and notify the person of the availability of a hearing before the Town Secretary or a designee. Unless a request for a hearing is received within five business days of the date notice is mailed by the Town Secretary, the suspension shall become final and the registration shall be cancelled. If a request for a hearing is received, a hearing shall be afforded before the Town Secretary or his or her designated examiner within three business days of the request. After the hearing the person holding the hearing shall immediately either lift the suspension or, if it is concluded that and the conclusion is supported by substantial evidence that a violation has occurred, cancel the registration. No new registration shall be issued the person for a period of six months following the cancellation.

I, _____ affirm that the information contained in my application and all attached documents are true and correct to the best of my knowledge.

Signature of Applicant

Printed Name of Applicant

Date

CHAPTER 113: PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS

Section

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GENERAL PROVISIONS

§ 113.01 REFUSING ENTRANCE TO PRIVATE RESIDENCE; POSTING NOTICE.

(A) A person desiring that no merchant, salesperson, or solicitor or other person engage in religious or publication solicitation at his or her residence shall exhibit, in a conspicuous place upon or near the main entrance to the residence, a weatherproof card not less than three inches by four inches in size containing the words “No Solicitors.” The letters shall be not less than two-thirds of an inch in height.

(B) Every itinerant merchant, salesperson, solicitor, or person engaging in charitable or publication solicitation, upon going onto any premises upon which a residence is located, shall first examine the residence to determine if any notice prohibiting soliciting is exhibited upon or near the main entrance to the residence. If a notice prohibiting soliciting is exhibited, the merchant, salesperson, solicitor, or person who engages in charitable, religious, or publication

solicitation shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request made by the occupant.

(C) No person shall go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in charitable, religious, or publication solicitation, or sale of merchandise as an itinerant merchant transaction, if a card as described in division (A) above is exhibited in a conspicuous place upon or near the main entrance to the residence, unless the visit is the result of a request made by the occupant.

(D) No person other than the occupant of the residence shall remove, deface, or render illegible a card placed by the occupant pursuant to division (A) above.

(E) Any merchant, solicitor, or person engaging in charitable, religious, or publication solicitation who has gained entrance to a residence or audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

§ 113.02 SHOUTING OF PEDDLERS, HAWKERS, AND VENDORS.

The raucous shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood is hereby prohibited.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

§ 113.03 SOLICITING IN ROADWAYS PROHIBITED.

No person shall stand or walk on any roadway (as defined by the traffic laws of the State of Texas) for the purpose of soliciting funds or for advertising or selling merchandise or service.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

ITINERANT MERCHANTS

§ 113.15 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ITINERANT MERCHANT. Any person who sells or takes orders from house to house or from place to place in the town or who sells out of a vehicle parked on premises where there is no related business building.

(Ord. 123, passed 1-4-1990)

§ 113.16 SALE OF EDIBLE MERCHANDISE.

Every person who is licensed as an itinerant merchant to peddle edible merchandise as required by this chapter shall keep all articles for sale to the public in a clean and sanitary condition, as well as the wagons, vehicles, or other conveyances used in the transportation of the merchandise.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

§ 113.17 QUALITY; ACCURATE MEASURES.

It shall be unlawful for any itinerant merchant to sell or offer to sell any unsound or unwholesome merchandise or to give a false weight or measure to the article sold or offered for sale.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

§ 113.18 PERMIT REQUIRED.

(A) Every itinerant merchant as defined in this subchapter shall be required to obtain a permit prior to engaging in the business of an itinerant merchant. An applicant for the permit shall file an application in writing with the Town Secretary not less than ten days before the first month in which he or she proposes to engage in business as an itinerant merchant.

(B) The application must contain the following information:

(1) The full name of the person applying for a permit, his or her address and telephone number, if any, and if the itinerant merchant is selling on behalf of an organization, the name and address of the parent organization;

(2) The addresses of the itinerant merchant during the previous five years with the name of at least one reference in each community;

(3) The fingerprints of the itinerant merchant;

(4) A copy of a limited sales tax permit issued by the state or proof that the goods sold are not subject to the sales tax;

(5) A statement of the type of goods or wares to be sold; and

(6) A copy of a current health certificate if merchandise of edible quality is to be sold; provided, however, this shall not apply to the sale of candy, nuts, or other edibles prepared and packaged by a nationally recognized manufacturer or a Texas manufacturer meeting standards imposed by state and local health codes, if the packages are unbroken.

(Ord. 123, passed 1-4-1990)

§ 113.19 CANCELLATION.

Each itinerant merchant permit issued under this subchapter shall be subject to cancellation for any violation of any provision of this chapter applicable to itinerant merchants.

(Ord. 123, passed 1-4-1990)

§ 113.20 NO PERMITS TO CERTAIN PERSONS.

No itinerant merchant permit shall be issued to any person who shall have been convicted of any crime of moral turpitude.

(Ord. 123, passed 1-4-1990)

📖 § 113.21 EXPIRATION; FEE.

Each itinerant merchant permit shall expire at the end of the calendar year in which it was issued. A fee of \$50 shall be paid to the town for the issuance of each permit under this subchapter.

(Ord. 123, passed 1-4-1990)

PUBLICATION SALES AND SOLICITATION

📖 § 113.35 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLICATION SOLICITATION. Conduct whereby a person sells or takes orders for sales of newspapers, magazines, or other publications (including audio and visual recordings).

(Ord. 123, passed 1-4-1990)

📖 § 113.36 REGISTRATION; IDENTIFICATION BADGE.

(A) A person who engages in publication solicitation and who goes personally from house to house shall first register with the Town Secretary giving the following information:

- (1) Name of registrant and residence address;
- (2) Name and address of organization (if any) employing registrant;
- (3) Names or description of publications to be sold or for which solicitation is to be made; and
- (4) Date solicitations or sales are to commence and cease.

(B) **Registration expires at 12:00 a.m. December 31 each year and must be renewed annually.** If a change occurs in any of the information submitted with the registration, the person or organization shall notify the Town Secretary of the change.

(C) The Town Secretary shall, within two business days after the submission of the application, issue to the applicant an easily readable identification badge meeting the requirements of division (D) below. The badge shall be displayed upon request of any person upon whom the solicitor calls and upon the request of any town police officer.

(D) The identification badge required by division (C) above must contain:

- (1) The name of the person to whom it is issued;
- (2) The name of the organization (if any) which employs or pays the commission of the person doing the solicitation;

- (3) The words “publication solicitation”; and
- (4) The date issued.

(Ord. 123, passed 1-4-1990)

§ 113.37 PROHIBITED CONDUCT; SUSPENSION; CANCELLATION OF REGISTRATION.

(A) A person engaged in publication solicitation shall not:

- (1) Go from house to house without first registering as herein required;
- (2) Refuse to display the registration badge provided to him or her;
- (3) Misrepresent to the Town Secretary, or any person solicited for a sale or order, the purpose of the solicitation, the identity of the organization doing the solicitation, the identity of the person doing the solicitation, the price of a publication, its source, or the beneficiary of profits derived from solicitation;
- (4) Obstruct or impede the passage of a pedestrian or vehicle; and
- (5) Make physical contact with the person being solicited without the permission of the person.

(B) Conduct prohibited by division (A) above shall be deemed a misdemeanor.

(C) Should a violation of division (A)(3) above come to the attention of the Town Secretary, the officer shall immediately suspend the registration of the person alleged to have made the misrepresentation and notify the person of the availability of a hearing before the Town Secretary or a designee. Unless a request for a hearing is received within five business days of the date notice is mailed by the Town Secretary, the suspension shall become final and the registration shall be cancelled. If a request for a hearing is received, a hearing shall be afforded before the Town Secretary or his or her designated examiner within three business days of the request. After the hearing the person holding the hearing shall immediately either lift the suspension or, if it is concluded that and the conclusion is supported by substantial evidence that a violation has occurred, cancel the registration. No new registration shall be issued the person for a period of six months following the cancellation.

(D) Any person denied a registration or whose registration has been cancelled may seek relief by filing a petition for certiorari to a district court of Tarrant County, Texas, within 20 days of the act complained of.

(Ord. 123, passed 1-4-1990) Penalty, see § [113.99](#)

§ 113.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in the amount not to exceed \$1,000. Each and every day any such violation shall continue shall constitute a separate violation hereunder.

(Ord. 123, passed 1-4-1990)