



**City of Shenandoah
Police Department**

Solicitation Permit Application



City of Shenandoah Police Department

29955 IH 45 North • Shenandoah, TX 77381
281-367-8952 • 281-298-8052 fax



SOLICITATION PERMIT APPLICATION

Name of Company _____

CHECKLIST

All items must be presented with the application before processing:

- Completed and signed application
- Fingerprint card for applicant
- Photograph(s) of applicant and individuals working under this permit
- Copy of Texas Driver's License for all individuals, whether employee, contract personnel or volunteer, working or driving under this permit
- Copy of Automobile Insurance for all individuals, whether employee, contract personnel or volunteer, driving under this permit
- Copy of exempt organization documentation (if applicable)
- Copy of Sales Tax Permit from State Comptroller's Office
- Copy of health permit from Montgomery County Health Department (if applicable)
- Commercial bond in the amount of \$1,000.00
- Certificate of Insurance issued to City of Shenandoah (see pg.6 for amounts)
- Permit fees:

1 st Permit of Calendar Year	\$50.00
Application processing	\$30.00
Solicitor	\$10.00 per individual

***UPON COMPLETION RETURN ENTIRE APPLICATION PACKET
TO POLICE DEPARTMENT FOR PROCESSING***

IV. Solicitors

- List full name (First, MI, Last) of all individuals employed for solicitation, delivery, chauffeur, or any other purpose, who will be representing your company within the city limits of Shenandoah.
- A copy of each individual's drivers license must be included with the application.

Supervisor:

Name _____ DOB _____ Male Female
 Address _____ City _____ ST ____ Zip _____
 Telephone (home) _____ Mobile _____
 Ht. _____ Wt. _____ Hair _____ Eyes _____ TDL # _____

Employees:

Name _____ DOB _____ Male Female
 Address _____ City _____ ST ____ Zip _____
 Telephone (home) _____ Mobile _____
 Ht. _____ Wt. _____ Hair _____ Eyes _____ TDL # _____

Name _____ DOB _____ Male Female
 Address _____ City _____ ST ____ Zip _____
 Telephone (home) _____ Mobile _____
 Ht. _____ Wt. _____ Hair _____ Eyes _____ TDL # _____

Name _____ DOB _____ Male Female
 Address _____ City _____ ST ____ Zip _____
 Telephone (home) _____ Mobile _____
 Ht. _____ Wt. _____ Hair _____ Eyes _____ TDL # _____

Name _____ DOB _____ Male Female
 Address _____ City _____ ST ____ Zip _____
 Telephone (home) _____ Mobile _____
 Ht. _____ Wt. _____ Hair _____ Eyes _____ TDL # _____

V. Statement

I, _____, as owner principal representative of named company,
 have have not been convicted of any crime, misdemeanor or violation of any municipal ordinance.
 If you have, provide the following information:

Nature of offense _____
 Date of Conviction _____ Location _____
 Punishment or penalty assessed _____

Nature of offense _____
 Date of Conviction _____ Location _____
 Punishment or penalty assessed _____

VI. Bond - Individuals

This application shall be accompanied by a **Personal Bond**, in the sum of **\$1000.00** (one thousand dollars), signed by applicant and signed by a surety company authorized to do business in the State of Texas, conditioned for the final delivery of goods, wares, merchandise, services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of said bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons, firms or corporations that may make any purchase or give any order to the principal on said bond, or to an agent or employee of the principal.

VII. Bond - Persons, Firms, Companies, Partnerships, Corporations or Associations

If the applicant is a person, firm, company, partnership, corporation or association, going door to door, or from place to place in the City, soliciting, selling, or taking orders for, or offering to sell, or the orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, through one or more agents or employees, such persons, firm, company, partnership, corporation or association shall be required to enter into only **ONE BOND**, in the sum of **\$1000.00** (one thousand dollars), which shall cover the activities of its agents or employees.

VIII. License Fee

The license fee shall be \$50.00 (fifty dollars) and shall be valid for 1 (one) year from the date of issuance; provided, however, when any person, firm, company, partnership, corporation, or association engages in any activity mentioned in Section 2, hereof through one or more agents or employees such person, firm, company, partnership, corporation or association shall **in addition to the above said \$50.00 license fee**, shall pay an individual license fee of \$10.00 (ten dollars) for each agent, employee, or representative so engaged, all of which license(s) shall be valid for 1 (one) year from the date of their issuance.

A. License Fee Exemption(s)

All persons, firms, companies, partnerships, corporations and associations are required to obtain solicitation permits. The following groups shall be exempt from licensing fees:

1. Any church, religious group, ministers, or agents thereof, soliciting funds for the support of such religious group; OR
2. Any established society, association or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, or charitable purposes, not operated for pecuniary profit, where no part of the net earnings of which inures to the benefit of any person, private shareholder or individual, and where the solicitation of such organization shall be conducted among the members thereof, voluntarily and without enumeration for such solicitation, or where such

solicitation may be in the form of collections or contributions at the regular exercises or services of any society, lodge, benevolent order or fraternity or similar organization, or any branch thereof.

IX. Regulation of Hours

It shall be unlawful for any person or persons within the corporate limits of the City, to enter in or upon any home or residential premises in the City, to solicit or sell any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value or represented value **before the hour of 9:00 a.m. and/or after 7:00 p.m., of any day, unless specifically invited by the owner or occupant.**

X. Penalty

Any person, firm or corporation failing to comply with these provisions, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not less than \$10.00 (ten dollars), and not more than \$100.00 (one hundred dollars), on each and every day or fraction of a day, or any part thereof, shall be a violation and deemed a separate offense and punishable as such. City Ordinance No. 22, 1975.

XI. Acknowledgment

I have read the Solicitation Permit Application and an in receipt of a copy of City of Shenandoah's Solicitation Ordinance, No. O-03-027. I understand the contents, and by my signature below, attest to the strict adherence of the guidelines, restrictions, and laws as stated therein.

Signature of Applicant

Date

XII. Routing

Received by _____

Date _____

Approved/Denied by _____

Date _____

Applicant notified by _____

Date _____

Shenandoah, Texas, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 18 -
BUSINESSES >> ARTICLE II. - ITINERANT VENDORS >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

[Sec. 18-31. - Definitions.](#)

[Sec. 18-32. - Compliance generally.](#)

[Sec. 18-33. - Exemptions from permit fee.](#)

[Sec. 18-34. - Penalty.](#)

[Sec. 18-35. - Prohibited locations.](#)

[Sec. 18-36. - Sale of animals.](#)

[Sec. 18-37. - Conditions.](#)

[Sec. 18-38. - Waiver by city administrator.](#)

[Secs. 18-39—18-47. - Reserved.](#)

Sec. 18-31.- Definitions.

For purposes of this article:

Itinerant vendor, merchant, or peddler shall mean any person selling goods, wares, services or merchandise who does not have a fixed place of business in a permanent building in the city which is either owned by such vendor or under lease to such vendor for a period of at least one hundred eighty (180) days, or who goes from door to door or place to place selling or soliciting orders for goods, wares, services or merchandise.

Business day shall mean any calendar day except Saturday, Sunday or any city, state or national holiday.

Permanent structure shall mean anything constructed or erected, which requires location on the ground, must comply with city building and zoning codes, must provide connection to the required city services, and shall be required to obtain a city certificate of occupancy permit.

Public right-of-way shall mean the traveled portion of the road including any public property within ten feet of the curb line, and in the absence of a curb, the public property within ten feet of the outside edge of the road or highway. Right-of-way includes all medians within the public right-of-way.

Solicitation, soliciting, solicited or any other form of the word solicit shall mean the act of asking, begging, pleading or communicating in any other such manner, whether orally, by written and/or printed material including, but not limited to, handbills or leaflets, hand signing or by any other method, direct or implied, by an individual or group of individuals for the purpose of educating, promoting, receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual or group of individuals, or for-profit organization, a non-profit organization, joint venture, joint stock company, partnership, club, company, corporation, business trust, establishment, religious institution or religion, association or any other organization or affiliate thereof.

Solicitor shall mean the person soliciting.

Temporary structure shall mean a structure that is manufactured off-site; is brought to the site; and is temporary in nature.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-32.- Compliance generally.

It shall be unlawful for any itinerant vendor, merchant or peddler, or any person as agent, employee or servant of any such vendor, merchant or peddler, to sell, offer or exhibit for the purpose of taking order for sale thereof, any goods, wares, services, merchandise or other personal property at any location in the city without having complied with the provisions of this article.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-33.- Exemptions from permit fee.

The payment of the permit fee shall not be applicable to the following; however, they are required to comply with all other provisions of this article:

- (1) Ordinary commercial travelers who sell or exhibit for sale goods, wares, merchandise, or other personal property to persons engaged in the business of buying, selling and dealing in the same.
- (2) Vendors of farm produce, if raised on land owned or leased by the vendor, may be sold by any member of the owner's or lessee's household.
- (3) Sales of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be used and applied to some charitable, religious or philanthropic organization.
- (4) Sales of goods, wares and merchandise by duly authorized, nonprofit charitable organizations. (Registered as such with the Secretary of State for the State of Texas.)
- (5) Persons engaged in interstate commerce.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-34.- Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-13.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-35.- Prohibited locations.

- (a) *Use of streets.* No itinerant vendor, merchant or peddler shall have any right to any location in the public streets, nor shall any be permitted a stationary location, nor shall they be permitted to operate in any congested areas where their operation might impede or inconvenience the public. For the purpose of this article the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- (b) *Right-of-way.* No itinerant vendor may locate in the public right-of-way or state highway department right-of-way.
- (c) *Zoning and setbacks.* No itinerant vendor may locate in an area unless the zoning classification of the area permits the type of business or service to be performed or provided, and further unless the vendor complies with all setback and parking requirements.
- (d) *Temporary usage.* It shall be prohibited to sell any merchandise or goods from a temporary structure.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-36.- Sale of animals.

The sale of animals within the city limits shall be prohibited by peddlers, vendors, or solicitors. Any persons found selling animals in violation of this section shall be guilty of a class "C" misdemeanor.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-37.- Conditions.

- (a) It shall be unlawful for any person to solicit within the city without first obtaining a permit from the Special Services Division of the Shenandoah Police Department.
- (b) It shall be unlawful to solicit in the public right-of-way and/or roadway.
- (c) It shall be unlawful for a person younger than 18 years to solicit under this article.
- (d) It shall be unlawful for any person to cause a child ten years of age or younger to solicit, except for nonprofit organizations (i.e. Girl Scouts, etc.). For purposes of this section, the term "cause" shall mean to aid, direct, hire, encourage, permit or allow.
- (e) All sales must be on private property and not located on any roadway.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-38.- Waiver by city administrator.

The city administrator is hereby authorized to waive certain permitting requirements for good cause based upon such findings as the city council may determine in its sole discretion, which include, but are not

necessarily limited to, subsections 18-49(11) and (18)f. and section 18-50. No such waiver shall be arbitrary or discriminatory.

(Ord. No. O-05-020, § 1, 9-28-2005)

Secs. 18-39—18-47.- Reserved.

Shenandoah, Texas, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 18 -
BUSINESSES >> ARTICLE II. - ITINERANT VENDORS >> DIVISION 2. - PERMIT >>

DIVISION 2. - PERMIT

- [Sec. 18-48. - Required.](#)
- [Sec. 18-49. - Application.](#)
- [Sec. 18-50. - Fee.](#)
- [Sec. 18-51. - Denial.](#)
- [Sec. 18-52. - Issuance.](#)
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- [Sec. 18-59. - Penalty for violation.](#)
- [Secs. 18-60—18-120. - Reserved](#)

Sec. 18-48.- Required.

No person shall engage in business in the city as an itinerant vendor, merchant or peddler without a permit issued by the Special Services Division of the Shenandoah Police Department during regular business hours at city hall.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-49.- Application.

Applicants for permits under this division must file with the special services division an application in writing on a form obtained from the Special Services Division of the Shenandoah Police Department which shall contain the following information:

- (1) Full name and description of the applicant;
- (2) Address (legal and local);
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If the applicant is the employee or agent of a company, the name and address of the employer;
- (5) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed thereof;
- (6) The fingerprints of the applicant;
- (7) Whether the business is conducted door to door or in a fixed location;
- (8) A photograph of the applicant;
- (9) A copy of the sales tax permit issued to the business by the state comptroller's office;
- (10) Driver's license number of the applicant;
- (11) Proof of \$1,000.00 bond must be submitted with application;
- (12) Full name, street address and telephone number of the person or organization for whom solicitations are made;
- (13) Full name, street address, date of birth and telephone number of each solicitor working under this permit (copy of each solicitor's driver's license/photo ID required);
- (14) Location where, and days on which, solicitation will occur, if approved;
- (15) The full name, street address and telephone number of each individual who will be directly in charge or control of the solicitation;
- (16) A statement to the effect that if the permit is granted, such permit will not be used as, or be represented to be, an endorsement by the city or any of its officers or employees;

- (17) All food related businesses must submit a copy of their health department permit issued by Montgomery County Health Department; and
- (18) Any other information that the city deems necessary for the administration of this article:
- a. The application must be signed by the applicant, if the person applying is an individual; if the applicant is a partnership, by the partner charged with disbursing funds solicited; if the applicant is a corporation or an association, by its officer charged with dispersing the funds solicited. The person signing the application shall sign the application and swear before an officer authorized to administer oaths that he has carefully read the application and that all the information contained therein is true and correct.
 - b. Information provided by applicant is subject to verification by the police department.
 - c. Such application shall also show satisfactory written proof of the individual's authority to represent the company, association or partnership, when applicable.
 - d. The application shall be accompanied by all applicable fees, as established in section 18-11. No permit provided for by this division shall be issued until such fees have been paid by the applicant.
 - e. The application shall be accompanied by an executed copy of a waiver of liability in favor of the city on a form provided by the city.
 - f. The application shall be accompanied by an insurance policy evidenced by a certificate of insurance signed by an agent authorized to bind coverage indicating that the applicant has obtained, at his sole expense, insurance coverage (1) that is written by an insurance company with an A- or better rating by AM Best and that is admitted and licensed to do business in the state; (2) that is in full force and effect for the duration of the permit period; (3) that provides at least \$1,000,000.00 of liability coverage per person and \$5,000,000.00 per occurrence, and \$100,000.00 for property damage and with no deductible; (4) that insures the applicant and all persons who will be soliciting; (5) that name the city, its officers, employees, and elected representatives as additional insured; (6) that provides that any insurance or self-insurance maintained by the city shall apply in excess of and not contribute with it; (7) that is written on an occurrence basis; and (8) that is otherwise acceptable to and approved by the city attorney.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-50.- Fee.

- (1) For each permit issued under this division, there shall be paid by the applicant therefor in cash, in advance of the issuance thereof, to defray the actual expense of administration of this division, a fee of \$30.00 per year.
- (2) It shall be unlawful for any person to solicit within the city without first obtaining a permit from the Special Services Division of the Shenandoah Police Department. A person's or organization's first permit application of the calendar year shall be accompanied by a \$50.00 registration fee. Additionally, a \$10.00 fee for each individual solicitor is required each time a person or organization submits a permit application. The purpose of the \$10.00 fee is to defray the cost of providing the individual permits that are required to be worn on each individual solicitor's person. No application will be processed until the required fees are tendered to the city. Permit fees are nonrefundable and shall not be prorated.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-51.- Denial.

- (a) The police department may deny to a person a permit under this division because of a person's conviction of a felony or misdemeanor if the crime directly relates to the conduct of a peddler's business.
- (b) In determining whether a criminal conviction directly relates to an occupation, the police department shall consider:
 - (1) The nature and seriousness of the crime;
 - (2) The relationship of the crime to the purposes for requiring a license to engage in the occupation;
 - (3) The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
 - (4) The relationship of the crime to the ability, capability or fitness required to perform the duties and discharge the responsibilities of the permitted occupation;
 - (5) The evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
 - (6) Other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the chief of police in the community where the person resides; and any other persons in contact with the convicted person; and

- (7) It shall be the responsibility of the applicant to the extent possible to secure and provide to the police department the recommendations of the prosecution, law enforcement and correctional authorities as required under this article; the applicant shall also furnish proof in such form as may be required by the permitting authority that he has maintained a record of steady employment and has supported his dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in all criminal cases in which he has been convicted.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-52.- Issuance.

Upon completion and presentation of the application, the city shall issue a permit under this division to the applicant unless grounds for denial exist under section 18-44. Such permit shall contain the signature of the issuing city employee and shall show the name, address and kind of goods to be sold thereunder, the date of issuance, the expiration date of such permit and shall have attached a photograph of the permittee. A permanent record of all permits issued shall be kept on file at city hall.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-53.- Transfer.

No permit issued under the provisions of this division shall be transferred or assigned.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-54.- Expiration.

All annual permits issued under the provisions of this division shall expire one year from the date of issuance.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-55.- Exhibition.

It shall be unlawful for any itinerant vendor, merchant or peddler to fail to conspicuously display on or about their person the permit issued by the city. "Conspicuously displayed" shall mean displayed to the front and visible to whomever the permit holder is conversing with at all times they are engaged in a permitted activity.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-56.- Revocation.

- (a) Permits issued under the provisions of this division may be revoked by the city after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for permit;
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler;
 - (3) Any violation of this article;
 - (4) Conviction of any misdemeanor or any felony if the crime directly relates to the conduct of a peddler's business;
 - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.
- (b) Notice of hearing for the revocation of a permit 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, certified mail, return receipt requested, to the permit holder at his address given in the application for permit at least five days prior to the date set for hearing. A revocation for the reason enumerated in [subsection] (a)(4) above shall be under the same guidelines mention in section 18-44.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-57.- Appeal.

Any person aggrieved by the action of the police department with reference to the revocation of a permit under this department shall have the right to appeal to the city administrator or his designee. Such appeal shall be taken by filing with the city administrator or his designee, within 14 days after notice of the action complained of has been mailed to such person's address given in the application, a written statement setting forth fully the grounds for the appeal. The city administrator or his designee shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 18-49 for notice of hearing on revocation. The decision and order of the city administrator on such appeal shall be final and conclusive.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-58.- Solicitation for purposes not set out in application.

It shall be unlawful for any person(s) to solicit for a purpose other than that set out in the application upon which the permit is issued.

(Ord. No. O-03-027, § 1, 8-27-2003)

Sec. 18-59.- Penalty for violation.

Any person, firm, partnership, corporation, association, agent or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$50.00 nor more than \$500.00 for each offense. Each and every hour that such violation shall continue shall be deemed to constitute a separate offense.

(Ord. No. O-03-027, § 1, 8-27-2003)

Secs. 18-60—18-120.- Reserved