

CAPTION NO.8501 -1

AN ORDINANCE REGULATING VENDORS, SOLICITORS, INCLUDING CHARITABLE SOLICITORS AND OTHER SALESMEN WHO SOLICIT FROM RESIDENCE TO RESIDENCE, INCLUDING MULTI-FAMILY RESIDENTIAL UNITS, BUSINESS TO BUSINESS OR MANUFACTURING ENTITIES, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS; REQUIRING THAT A LICENSE FIRST BE OBTAINED AT THE CITY SECRETARY'S OFFICE, LOCATED IN THE GRAPELAND CITY HALL, PRIOR TO ENGAGING IN SOLICITATIONS; FURTHER REQUIRING THAT THE LICENSE APPLICATION BE SIGNED BY THE APPLICANT IN THE PRESENCE OF THE CITY SECRETARY OR OTHER OFFICIAL EMPLOYED IN THE CITY SECRETARY'S OFFICE; REQUIRING SATISFACTORY IDENTIFICATION IN THE FORM OF A VALID DRIVER'S LICENSE, SOCIAL SECURITY IDENTIFICATION CARD OR SIMILAR SATISFACTORY IDENTIFICATION; PROVIDING EITHER THE CITY SECRETARY OR AN EMPLOYEE IN THE CITY SECRETARY'S OFFICE WITH A BRIEF DESCRIPTION OF THE NATURE AND OBJECT OF THE SOLICITATION AND PERMANENT RESIDENTIAL ADDRESS AND TELEPHONE NUMBER, IF ANY, OF THE SOLICITOR/SOLICITORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPELAND, HOUSTON COUNTY, TEXAS:

SECTION 1. . . . Declaration of Policy.

It currently is and shall continue to be the policy of the City of Grapeland, Houston County, Texas, to promote the health, safety, and welfare of the City's residents by reasonably regulating the solicitations of vendors, solicitors, including charitable solicitors, who desire to engage in solicitations of any kind or character, within the corporate limits of the City of Grapeland.

SECTION 2. . . . Definitions.

Solicitor/solicitors shall mean any person or persons, individually or collectively, who shall solicit or accept orders or subscriptions to any book, magazine, periodical, or for any type of merchandise to be delivered either at the time of solicitation or in the future.

Vendor/vendors are specifically included within the terms and provisions of this section and shall include any person/persons engaging in the temporary business of selling, offering for sale, or exhibiting any type of merchandise, either dry goods or edible, whether being offered from a stationary location or from one residence to another within the corporate limits of the City of Grapeland.

SECTION 3. . . . License.

No person, acting individually or in concert with any other person or persons, shall engage in, transact or conduct the business or occupation of a vendor/vendors or solicitor/solicitors, as defined herein, either as principal, agent, servant or employee of any other person/persons without first having obtained a license therefore from the City Secretary's Office of the City of Grapeland, Houston County, Texas, as prescribed herein.

SECTION 4. . . . Discretion vested in City Secretary.

the City Secretary, after considering the nature and purpose of each License Application, shall be authorized to assess, payable in advance a fee not to exceed Ten (\$10.00) Dollars; however, the City Secretary, in his/her sound discretion, shall be authorized to waive the collection of the maximum fee provided herein, after considering whether or not the general purpose of the solicitation is for charitable purposes or for profit.

SECITON 5. . . . Agency Definition.

Agent shall be construed to mean any person or persons acting in concert for another person/persons, firm business, or otherwise, or shall be in violation of this Ordinance and subject to the penalties provided herein, without first obtaining the required License.

SECTION 6. . . . Vendors/Solicitors Using Public Property.

Vendors or solicitors, or their agents as defined herein, are strictly prohibited from using public property for the purpose of selling, distributing, or offering for sale, services or goods, including, but not limited to, food, drinks, flowers, plants, souvenirs, equipment, machinery or personal property of any kind or character. Such solicitation shall be in violation of this Ordinance and subject to the penalties provided herein.

SECTION 7. . . . Prohibited Conduct.

A person or persons engaged in solicitation shall not:

- (a). Make physical contact with the person being solicited unless that person is agreeable;

- (b). Mis-represent the purpose of the solicitation;
- (c). Mis-represent the affiliation of the person or persons engaged in the solicitation;
- (d). continue persuasive efforts to solicit from a person or persons once the solicitor is informed that the person or persons being solicited do not wish to contribute or give anything to or buy anything from that solicitor or solicitors; or
- (e). represent that the issuance of a permit or license as provided by this Ordinance signifies or constitutes an endorsement or recommendation of the solicitation.

SECTION 8. . . . Minor Soliciting.

No minor under the age of six (6) years of age shall be permitted to solicit, nor shall any permitted or licensee permit a minor under six (6) years of age to solicit.

SECTION 9. . . . License shall not be Transferable.

Any License issued hereunder shall be considered personal to the Licensee and shall not under any circumstances be assigned or transferred to any other person, persons, firm, corporation or association. Any attempt to assign or transfer shall render the License void.

SECTION 10. . . . Revocation of License.

- (a) Where after the issuance of a Solicitations License, it is determined that the licensee has knowingly given false or misleading information on the License Application, such License may be revoked.
- (b) Where a licensee is convicted of theft or fraud or a violation of any State Penal Law in connection with the solicitation for which a license was issued, or otherwise, such license may be revoked.
- (c) Any licensee, having been issued a license as provided herein, who violates the terms or provisions of this Ordinance may be require surrender such license for revocation.

SECTION 11. . . . Appeal form Denial or Revocation.

Should an applicant be denied a license or have a license revoked, the applicant/holder may appeal that action to the city Council by

submitting a letter to the city Secretary's Office within ten (10) days of the action complained of and a hearing on the denial/revocation will then be scheduled for the next regular meeting of the City Council, or a special meeting of the Council to be convened within fifteen (15) days of the appeal. The City Council shall render a decision on the appeal within ten (10) days after said hearing.

SECTION 12. . . . License Application Fee.

A fee of Ten (\$10.00) Dollars must be submitted with any application for license, unless the applicant can prove indigency or inability to pay; and in such case the City Secretary may waive the fee requirement where good cause is shown as hereinabove provided.

SECTION 13. . . . Duration of License.

The length and duration of any license issued hereunder shall be determined by the City Secretary in the sound discretion of such official.

SECTION 14. . . . Severability Clause.

Should any Sub-Section, or any part thereof, be declared unconstitutional by an appropriate court of this State, such declaration of unconstitutionality shall not effect the remainder of the Ordinance.

SECTION 15. . . . Penalties for Violating this Ordinance.

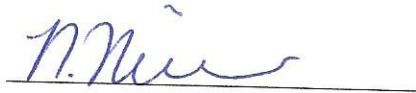
Any person/persons, firm, business or corporate entity, found guilty of violating any of the terms or provisions of his Ordinance, by a court of competent jurisdiction, shall be fined not less than One Hundred (\$100.00) Dollars and not more than Two Hundred (\$200.00) Dollars. An appeal from a guilty finding may be appealed to an appropriate Court.

PASSED AND APPROVED this the 13<sup>th</sup> day of July, 2021.



MITCHELL WOODY, MAYOR

ATTEST:



NIKY NIVENS, CITY SECRETARY