



PEDDLER'S LICENSE

Name and address of corporation, firm, or person requesting the permit:

Applicants full name and address:

Description of service / goods you will be offering:

Will money be required to be exchanged in advance for final delivery? Yes / No

Duration of time (days) desired:

Applicant Signature: _____

TO OBTAIN A PEDDLER'S LICENSE WITH THE CITY OF SMITHVILLE, A \$1,000.00 SURETY BOND IS REQUIRED IN ADDITION TO A \$50.00 LICENSE FEE AND \$20.00 PER PEDDLER.

LICENSE APPROVED ON THIS _____ DAY OF _____, 20 _____

City Secretary

ARTICLE 4.300 PEDDLERS *

Sec. 4.301 License Required

It shall hereafter be unlawful for any person to go from house to house or from place to place in the City of Smithville, Texas, soliciting, selling or taking orders for or offering to sell or 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 license to do so from the city secretary of said city. It shall also hereafter be unlawful to sell or solicit in said city as aforesaid without carrying such license while engaged in such soliciting or selling. (1987 Code of Ordinances, Chapter 4, Section 2A)

Sec. 4.302 License Application

Any person desiring to go from house to house or from place to place in the City of Smithville, Texas, to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, shall make written application to the city secretary of said city for a license to do so, which application shall show the name and address of applicant, the name and address of the person, firm or corporation, if any, that he or she represents and the kind of goods offered for sale, and whether such applicant upon any such sale or order shall demand, accept or receive payment, or deposit of money in advance of final delivery, and the period of time such applicant wishes to sell or solicit in said city. (1987 Code of Ordinances, Chapter 4, Section 2B)

Sec. 4.303 Bond Required

(a) The application to peddle shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00), signed by applicant and signed, as surety, by some 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 thirty (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.

(b) Provided that in case applicant is a person, firm, company, partnership, corporation or association engaging in any activity mentioned in Section 4.302 hereof through one or more agents or employees, such persons, firm, company, partnership, corporation or association shall be required to enter into only one (1) bond, in the sum of \$1,000.00 as above required, which bond shall be made to cover the activities of all its agents and employees.

(1987 Code of Ordinances, Chapter 4, Section 2C)

Sec. 4.304 Applicability

An itinerant merchant or an itinerant vendor as the terms are used in this article shall be held to be any person, firm, company, partnership, corporation or association engaged in any activity mentioned in Section 4.302 hereof. (1987 Code of Ordinances, Chapter 4, Section 2D)

Sec. 4.305 License Fee

The license fee for an itinerant merchant or itinerant vendor shall be an amount set by resolution of the city council and on file with the city secretary. Provided however, when any person, firm, company, partnership, corporation or association engages in any activity mentioned in Section 4.302 hereof through one or more agents or employees such person, firm, company, partnership, corporation or association shall, in addition to said aforementioned fee, pay a license fee as set by the city council for each agent or employee so engaged, all of which licenses shall be valid for one (1) year from the date of the issuance. (1987 Code of Ordinances, Chapter 4, Section 2E)

Sec. 4.306 Exceptions

(a) The provisions of this article shall 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, nor to resident vendors of farm or dairy products.

(b) The provisions of this article pertaining to licenses, license fees and bonds shall not apply to persons engaged in interstate commerce as that term is herein defined; provided however, that it shall be unlawful for persons engaged in interstate commerce to go from house to house or place to place in the City of Smithville without having first registered with the city secretary of said city giving the following information:

- (1) Name, home address and local address, if any, of registrant;
- (2) Name, address of the person, firm or corporation, if any, that he or she represents or for whom or through whom orders are to be solicited or cleared;
- (3) Nature of the articles or things which are to be sold or for which orders are to be solicited;
- (4) Whether registrant upon any sale or order shall demand or receive or accept payment or deposit of money in advance of final delivery;
- (5) Period of time which registrant wishes to solicit or sell in said city;
- (6) Pay to the city secretary registration fee as set by the city council.

(1987 Code of Ordinances, Chapter 4, Section 2F)

Sec. 4.307 Proof of Identity

The registrant at the time of the registration, as herein provided for, shall submit for inspection of the city clerk or city secretary written proof of his identity which may be in the form of an automobile operator's license, identification letter or card issued to registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared. (1987 Code of Ordinances, Chapter 4, Section 2G)

Sec. 4.308 Interstate Commerce Defined

The term "interstate commerce" means soliciting, selling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines which, at the time the order is taken, are in any federal district or territory, any commonwealth, or any state other than Texas or will be produced in any federal district or territory, any commonwealth, or any state other than Texas and shipped or introduced into this city in the fulfillment of such orders. (1987 Code of Ordinances, Chapter 4, Section 2H)

Sec. 4.309 Peddler Refusing to Leave

Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave said premises, after having been notified by the owner or possessor of said premises, or his agent, to leave the same, shall be in violation of this article. (1987 Code of Ordinances, Chapter 4, Section 2I)