

AN ORDINANCE

14 59-02

AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS WITHIN THE CITY OF TATUM, TEXAS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND CREATING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNSEL  
OF THE  
CITY OF TATUM, TEXAS

SECTION 1: Going uninvited on premises.

Hereafter it shall be unlawful for any solicitor for orders of merchandise, or for any peddler, itinerant merchant or transient vendor of merchandise to go in and upon the premises of a private residence in the City of Tatum, hereinafter referred to as City, unless requested or invited so to do by the owner or occupant of such private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling the same.

SECTION 2: Solicitor's permit.

Every solicitor for orders of merchandise or peddler, itinerant merchant or transient vendor of merchandise, shall obtain a permit from the City Secretary before soliciting any orders, offering for sale or selling any goods, wares or merchandise in the City, and it shall be the duty of the City Secretary to make investigation of all persons offering so to do to determine their authority for making such sales and taking such orders, and before issuing a permit shall determine that they actually represent the Parties they so claim to represent, and that they are an actual bona fide representative of a reliable concern. Unless he so finds he shall refuse to issue a permit for the taking of orders and the selling of merchandise in the City.

SECTION 3: Sale of goods on street-Permit required.

It shall be unlawful for any person to use the streets of the City for the sale, display or exhibition for sale of any goods, wares, merchandise, or articles of any kind, without first obtaining a permit as herein provided.

SECTION 4: Same-Application for permit, contents.

Any person desiring to use the streets of the City for any of the purposes set forth in Section 3, shall file an application under oath with the City Secretary, setting forth the following information:

1. The full name and address of the applicant, if an individual; if a partnership, the full names and addresses of all of the partners; or if a corporation, the full names and addresses of its officers.
2. The location of the principal office of the applicant.
3. A statement showing the kind and character of the goods, wares and merchandise to be sold, offered for sale, or exhibited.
4. A statement in detail showing the sales route over the streets and parts of streets which the applicant desires to follow.
5. If the applicant is a corporation, incorporated under the laws of the State, the application must be accompanied by a certified copy of the Charter of the corporation. If the applicant is a corporation, incorporated under the laws of another State, the application must be accompanied by a certified copy of its permit authorizing it to do business in the State.

SECTION 5: Same-Issuance of permit, conditions, fee.

In the event an application is filed in proper form and in accordance with the provisions set forth herein, such application will be submitted to the City Commission for its rejection or approval. If the City Commission, after consideration of any such application and any evidence submitted in connection therewith, is of the opinion that the granting of a permit based upon any such application will not interfere with the use of the streets of the City and will be for the best interests of the citizens of the City, such permit will be granted, subject to the following express conditions:

1. Such permit shall be issued for a period of and not to exceed one day, one month, or one year, at the election of applicant.
2. Such permit shall be revocable at the will of the City Commission.
3. Such permit will in no event authorize permanent stops nor stands, but shall only authorize or allow the permittee to stop or park at one place on the City streets long enough to complete immediate sales.
4. No permit shall be issued until the applicant has paid to the City Secretary the sum as set out as follows, which fee shall be paid to the City to partially defray the expenses of enforcing the provisions of this Ordinance:

Permit fee for one day	\$ 1.00
Permit fee for one week	5.00
Permit fee for one month	10.00
Permit fee for one year	40.00

Provided said applicant shall have the right to his option as to whether the permit shall be for a period of one day, one week, one month, or one year, in which event he shall pay the fees and follow the provisions of this Ordinance.

SECTION 6: Same- Transferability and authority of permit.

The permit provided for herein, when issued, shall not be transferable nor give authority to anyone other than that specified in the permit, to sell, exhibit or display goods for sale on the streets of the City.

SECTION 7: Same - Exemptions from requirements.

Sections 3 through 8 are not applicable to the following classes of persons or groups, and they are not affected by its provisions:

1. Vendors of farm products, poultry, stock, or agricultural products in their natural state where such vendors actually participated in producing such farm products and agricultural products, and in the raising of such poultry.
2. Local charitable or nonprofit groups or organizations, provided, such groups or organizations obtain a permit from the City Secretary authorizing a temporary and limited use of the streets of the City. Any nonprofit group or charitable organization receiving such a temporary permit shall not be required to pay a fee for the issuance of the same.

SECTION 8: SAME- Permit additional.

The permit required by Section 3 is in addition to permits required by other provisions of this Code and ordinances of the City dealing with peddlers, vendors and itinerant merchants.

SECTION 9: Solicitations for charity-Permit required.

It shall be unlawful for any person or organization to solicit contributions of money or any other form of contribution in the City for personal or family aid, or for charitable institutions of any kind, without having first obtained a written permit to do so from the City Secretary.

SECTION 10: Same-Object of solicitations to be determined, contents of permit.

Before a permit provided for in Section 9 may be issued, the City Secretary must have satisfactory proof that the object for which the contributions are to be solicited is worthy, and that the person seeking the permits is authorized to collect funds therefor. Such permits shall set forth the purpose for which the holder is entitled to solicit funds, and that the purpose is not used as a substitute for begging.

SECTION 11:

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not more than \$100.00, and each day's violation shall be considered a separate offense and punishable accordingly.

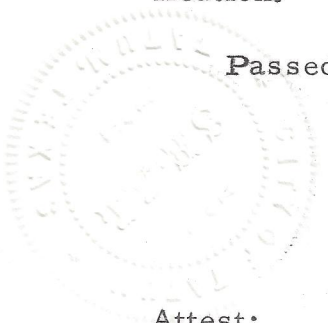
SECTION 12:

All Ordinances of the City of Tatum, Texas, or provisions thereof, in conflict with this Ordinance are herewith repealed.

SECTION 13:

The fact that peddlers and solicitors are uncontrolled in the City of Tatum at the present time and the City has no effective control of same at the present time creates and constitutes an emergency requiring that the provision that an Ordinance be read at three several meetings before passage be suspended, and this Ordinance shall become effective immediately upon its passage, signature of the Mayor and publication.

Passed, approved and adopted this the 6th day of May, A. D., 1959.



Brady Turlington  
Mayor

Attest:

Neal Mullis  
City Secretary

THE STATE OF TEXAS |

| KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF RUSK |

Came to hand on the 7<sup>th</sup> day of MAY, A.D., 1959,  
at 10 A M., the Ordinance attached hereto executed on the 6<sup>th</sup> day  
of May, A.D., 1959, by posting a copy of the within notice  
for ten days exclusive of the day of posting before the return day hereof,  
at one of the most public places in Rusk County, Texas, at the City Office  
in the City of Tatum, Rusk County, Texas.

BY:

Neal Mullins  
Neal Mullins, Secretary  
City of Tatum, Texas