



City of Krugerville
5097 Hwy 377
Krugerville, TX 76227
P: 940-365-5833
F: 940-365-5834

Permit Number: _____ Valid Through: _____

Solicitor's License Application

Date: _____ Solicitor's Name: _____ DL #: _____

Home Address: _____

Business Name & Address: _____

Corporate Head Quarters Name & Address: _____

Business Phone: _____ Corporate HQ's Phone: _____

Description of nature/character/quality of goods to be sold: _____

Vehicle Description and License Plate #: _____

Proposed Location of Sales: _____ Dates of Sales: _____

The names of other communities that have been solicited in the past 12 months, and if he/she was employed by a different company in those communities, and the name of those companies.

Have you ever been convicted of anything other than a Class C Misdemeanor? Yes No





The City must have the following before a Solicitor's License will be issued:

- Current/Valid Driver's License for each person
- DPS Private Security Registration Card (Home Security Systems)
- Sales Tax & Use Permit or Proof of Tax Exemption
- Written Proof of Approval from Private Property Owner (Itinerant Merchants Only)
- \$100.00 License Fee (Valid for 3 months)

PENALTY: Citations will be issued to those who engage in the business of solicitation without first obtaining a license as provided for in Section 4.300 of the Krugerville Code of Ordinances. Penalty for such violations will be determined by the Municipal Judge and will not exceed \$500.00 per offense.

I, (print your name) _____, the undersigned applicant, request issuance of a Solicitor's License in accordance with Section 4.300 of the City Code. I have read and agree to comply with the regulations listed above and in the aforementioned Code. I authorize a background check to be run on my behalf.

Applicant's Signature

  **ARTICLE 4.300 SOLICITORS***  **Sec. 4.301 Definitions**

When used in this article, the following words shall have the meanings respectively ascribed to them by this section.

City. The City of Krugerville, Texas.

Goods or Merchandise. Any property of value, or commodities of commerce that can be bought or sold, or wares of any nature.

Interstate Commerce. Soliciting, selling or taking orders for any goods, wares, merchandise, photographs, newspapers or magazines which, at the time the order is taken are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such orders.

Itinerant Merchant. A person who sets up and operates a temporary business within the premises of another business or any other building or location in the City of Krugerville, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services.

Person. As used herein shall include the singular and the plural, and shall also mean and include any person, firm, or corporation, association, club, co-partnership, or society, or any other organization.

Police Chief Code Enforcement Officer. The chief of police of the City of Krugerville or his or her designee.

City Official. Person acting in charge in the absence of police chief or code enforcement officer.

Residence. Any separate living unit occupied for residential purposes by one or more persons contained within any type or building or structure.

Solicitation Activities. The practices of solicitors as listed below.

Solicitation Transaction. A transaction or the purchase of goods or services, payable in installments or cash, in which the solicitors engages in a personal solicitation of a sale to a person at a residence. A solicitation transaction shall not include a sale made pursuant to a pre-existing retail charge agreement, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale of realty in which transaction the purchaser is represented by a licensed attorney or in which the transaction is being negotiated by a licensed real estate broker.


Solicitor. Any person, whether a resident of the City of Krugerville or not, including an employee or agent of another, traveling either by foot, automobile, truck, or some other type of conveyance, who engages in the practice of going door-to-door, house-to-house, or along any streets within the City of Krugerville.

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise, wares, or other items of value for further delivery, or services to be performed in the future, for commercial purposes; or
- (2) Requesting contribution of funds, property, or anything of value, or the pledge of any type of future donation, or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets for political, charitable, religious or other non-commercial purposes.

  **Sec. 4.302 License Application**

Any person who wishes to engage in home solicitation or any itinerant merchant who wishes to solicit within the city shall file a written application with the city secretary or designee. Said application shall show:

- (1) Proof of the identity and home address of the applicant and the name and address of the employer, firm, association, organization, corporation, partnership or co-partnership which such applicant represents; and
- (2) A brief description of the nature, character and quality of the goods to be sold; and
- (3) If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and the license plate number; and
- (4) A description of the proposed location of the solicitation; and
- (5) The period of time the applicant so wishes to solicit, sell or take orders in the city; and
- (6) The names of other communities in which the applicant has worked as a solicitor in the past twelve (12) months; and if he or she was employed by a different company in those communities, and the name of those companies; and
- (7) Whether the applicant has been convicted within the last five (5) years for burglary, theft, fraud, robbery or rape; and
- (8) Proof of a sales tax permit issued by the state or proof that the goods sold are not subject to such sales tax; and
- (9) An itinerant merchant who makes application to offer his or her goods for sale upon private property shall provide written proof that he or she has permission to use such property from the owner, or the owner's agent; and
- (10) A license requested under this article shall be issued for the length of time requested, not to exceed three (3) months; and
- (11) Upon expiration of a permit, the solicitor or itinerant may apply for a new permit.

  **Sec. 4.303 License**

- (a) License Required. It shall be unlawful for any person to engage in the business of solicitor or itinerant merchant as defined in this article within the corporate limits of the City of Krugerville without first obtaining a license therefore as provided herein. It shall also be unlawful to sell or solicit as herein defined without carrying such license while engaged in such activity.
- (b) The license shall be used only by the person to whom it was issued and may not be transferred to any other person.
- (c) It shall be unlawful for any person soliciting to fail or refuse to display such license upon the request of any person demanding the same.
- (d) The cost of permit shall be as provided for in the fee schedule found in the appendix of this code.

  **Sec. 4.304 Regulations**

The following regulations apply to solicitors engaged in solicitation activities in the City of Krugerville.

(1) Every person who shall comply with this article and shall sell, or offer for sale any of the articles as herein specified, shall at all times keep the same in a clean and sanitary condition, and shall also keep their wagons, vehicles, or other conveyance in a clean and sanitary condition, and they shall not sell, or offer for sale, any unwholesome articles, nor shall they give or make any false weights or measures of any of the various articles as specified and covered by this article.

(2) It shall be unlawful for any person selling or soliciting orders for goods, wares, merchandise, services, magazines, or newspapers or subscriptions to magazines or newspapers, except as herein provided, to go in or upon the premises of a private residence in the City of Krugerville unless requested or invited to do so by the owner or occupant of the same residence for the purpose of selling or disposing of or peddling same and shall leave the premises upon request.

(3) No person shall engage in business as a solicitor in defiance of any notice exhibited by a residence or business indication that solicitors are not welcome or not invited:

(A) A person, desiring that no merchant or other person engage in home solicitation at his or her residence, shall exhibit in a conspicuous place upon or near the main entrance of the residence, a weather proof card, not less than two (2) inches by four (4) inches in size, containing, the words "NO SOLICITORS." The letters shall be not less than two-thirds (2/3) of an inch in height.

(B) Every solicitor, upon going onto any premises upon which a residence is located, shall first examine the residence to determine if any notice prohibiting solicitation is exhibited. The solicitor shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request made by the occupant.

(4) No solicitor, nor any person in his or her behalf, shall shout, make any cry out, blow a horn, ring a bell, or use any sound device, including any sound amplifying system or loud speaker radio upon any of the streets, alleys, parks, or other public places of the City of Krugerville or upon any private premises in the said city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise, which such license proposes to sell.

(5) No solicitor shall have any exclusive right to any location in the public streets or rights-of-way, or alleys, nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience the public. For the purposes of this article, the judgment of a city official, exercised in good faith, shall prima facie evidence as to whether the area is congested or the public or inconvenienced.

(6) A person shall not go upon any residential premises and ring the doorbell, or rap, or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a home solicitation transaction:

(A) Before ^{10:00}~~9:00~~ a.m. or after ^{6:00}~~8:00~~ p.m. of any day Monday through Saturday; or

(B) At any time on a Sunday, ~~New Year's Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day.~~ ^{OK Any Federal Holiday}

(7) Subsection (6) shall not apply to a visit to the premises as a result of a request or an appointment by the occupant.

(8) It shall be unlawful for any person to solicit on property owned by the City of Krugerville unless such person has entered into an agreement with the city council.

Sec. 4.305 Suspension of License

- (a) Any license issued under this article may be suspended for any of the following reasons:
- (1) Fraud or misrepresentation in the application for a license;
 - (2) Fraud or misrepresentation in the course of conducting solicitation activities;
 - (3) Conducting solicitation activities contrary to the conditions of the license;
 - (4) Conducting solicitation activities in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- (b) Upon suspension of a license, the City of Krugerville shall deliver notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

Sec. 4.306 Appeals

Persons who are denied licenses or whose licenses have been suspended, may appeal by filing a written notice of appeal with the Krugerville City Secretary. The appeal must be filed with (10) days after receipt of the notice of denial or suspension. The city council shall hear and determine the appeal at the next regular meeting of the council and decision of the council shall be final.

Sec. 4.307 Renewals

Licenses may be renewed, provided an application for renewal and license fees as required under the current fee schedule are received by the city no later than the expiration date of the current license. Applications received after the date shall be processed as new applications. The city shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this article. If the city finds that the application meets such requirements, the city shall issue a new license.

Sec. 4.308 Duty of the Police, Code Enforcement Officer and/or City Official

- (a) It shall be the duty of any police officer, code enforcement officer, or any city official of the city to require any person seen soliciting, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this article against any person found to be violating the same.
- (b) It shall be the duty of the city secretary or a designated official to issue each applicant a permit to engage in the solicitation activities set forth in the applicant's application with (5) five working days of the receipt of a completed application and prescribed fee unless it has been determined that the application is incomplete, contains false information or the person has been convicted within the last (5) years of theft, fraud, burglary, robbery, or rape. If the application contains false information or the person has been convicted, the city official shall not issue the permit.
- (c) Any person aggrieved by the action of the city official in the denial of an application for a permit shall have the right of appeal.

  **Sec. 4.309 Exemptions**

- (a) Exemptions From License. The provisions of this article shall not apply to:
- (1) sales made to dealers by commercial travelers or sales agents in the usual course of business, calling upon or dealing with manufactures, wholesalers, distributors or retailers at their place of business; or
 - (2) licensed real estate brokers or agents; or
 - (3) solicitors on the property or residence by express invitation of the occupant; or
 - (4) minors under the age of seventeen (17) acting as agents of adults covered by this article or members of the Krugerville Fire Department.
- (b) Exemptions From License Fee. The following persons and/or organizations are exempt from the payment of licensing fee, but are required to obtain a license and comply with all ordinance regulations:
- (1) persons engaged in charitable, educational, or religious purposes, and the person exhibits, at the time of solicitation, documentation in writing which identifies him or her as a representative of the charitable, educational, or religious organization for whom he is soliciting; or
 - (2) persons engaged in interstate commerce; providing the person has proper documents of identification.

  **Sec. 4.310 Penalty**

Any person, or any owner or occupant, or agent of any owner or occupant, violating any of the terms of this article shall be subject to fine upon conviction in the municipal court, such fine to be in accordance with the general penalty provision found in [Section 1.109](#) of this code, and each and every day that the premises shall remain in a condition in violation of the terms of this article shall constitute a separate and distinct offense. Upon the trial of any person brought before the court, the court is authorized to fix a time within which any such person may be allowed to abate the violation, if in the judgment of the court, such action is deemed advisable.