

Solicitation Guidelines for Citizen's and Applicants

The City of Vernon wishes to promote good order in the community and ensure the safety and privacy of its residents by reasonably limiting the hours of solicitation and requiring permits. As a result, Solicitors, Itinerant Vendors and Peddlers are required to obtain a special permit.

This information sheet will assist you in understanding the solicitation and itinerant vendor requirements and related permitting process.

Who is required to obtain a solicitation permit?

Solicitors - Solicitation through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell, or buying or offering to buy, goods and/or services, for a for-profit purpose which includes promoting, advertising, receiving or obtaining money gifts or items of value for said individual or group of individuals, or a for-profit organization, club, company or corporation.

Itinerant Vendors – Any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the City, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services.

Peddlers - any person traveling by foot, or any other type of conveyance from street to street carrying, conveying or transporting goods, wares, or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Vernon. A peddler also includes any street vendor, itinerant vendor or transient vendor.

Mobile frozen dairy food vendors – any person who operates a vehicle on the streets of the City for the purposes of soliciting sales of frozen dairy food, whether made or produced at the time of sale, or prepackaged and wrapped in a covering.

Mobile ice cream truck – a mobile food unit that operates from a motor vehicle and sells only prepackaged, single-portion, ice cream or frozen confections.

What are the requirements for a permit?

Solicitors

- The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for the permit to solicit.
- Whether the person applying is an individual, partnership, corporation or association.
- The names, mailing address and telephone number of all individuals who will be in direct charge or control of the solicitation.
- The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion and the specific location(s).

- A description of the methods and means by which the solicitation is to be accomplished.
- The type of merchandise to be sold or offered for sale or the nature of the services to be furnished.
- Whether such applicant, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery.
- The names of the cities where the applicant has worked in the previous three hundred sixty-five (365) days,
- A copy of a valid driver's license or other valid governmental identification that correctly identifies whom the solicitor is and for whom the solicitor is working.
- A copy of a valid Texas sales tax permit issued by the State Comptroller, if applicable.
- An authorization to conduct a criminal background check on the applicant.
- Any other information the City deems necessary for the administration of this ordinance.
- Any solicitor handling or selling non-prepackaged food must also possess a current Texas Department of State Health Services (TDSHS) food handling permit.
- A permit will not be issued if there is affirmative statement as to whether the applicant has ever been:
 - Convicted of or pleaded nolo contendere to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of or pleaded nolo contendere to any felony.
 - Found liable in a civil or administrative action in which the complaint or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property or to obtain money or a thing of value from another.
 - Found liable under law regarding the use of unfair, unlawful, or deceptive business practices.
 - Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including action affecting a vocational license.

Itinerant Vendors

(includes mobile frozen dairy vendors, mobile ice cream trucks and peddlers)

- The applicant's name, address, date of birth, phone number, fax number and email address.
- The legal business name, address and phone number of the business represented by the applicant.
- The name, address, phone number, date of birth and drivers license information of any additional applicants and/or drivers.
- Statement of the kind, type and character of the goods that applicant will offer for sale, and state whether the purchaser of such wares or goods shall be required to make any deposit or advance payment of purchase price before delivery and a complete and full statement of the delivery date.
- The period of time the applicant requests to sell or solicit in the City.

- Location or area of the City where sales activity will be conducted.
- List of all convictions of all felonies and misdemeanors and violations of this article of applicant and representatives, stating the offense, city and state, the court of conviction and the punishment imposed.
- If sales are to be conducted from a stationary location the applicant shall submit written consent of the property owner or its authorized agent consenting to applicant's use of such private property for sales activity indicated in the permit application.
- Name of any additional employees, drivers, agents or representatives who will be working with the applicant.
- Names of all cities in which the applicant has conducted sales activity in the last three hundred sixty-five (365) days.
- Any itinerant vendor handling or selling non-prepackaged food must also possess a current Texas Department of State Health Services (TDSHS) food handling permit.
- No itinerant vendor permit of any kind shall be granted unless:
 - The applicant is at least eighteen (18) years of age and has a valid state issued drivers license.
 - The applicant had no active suspension on his or her driving privileges in any state.
 - No permit shall be issued if the applicant has been convicted of or pleaded nolo contendere to any felony.

Are there any specific restrictions?

Solicitors:

- Hours permissible are 9:00 am – 7 pm Monday through Saturday. Sundays and federally regulated holidays are prohibited.
- May only approach front doors of residences.
- May not approach any residential property if asked not to do so or if there is a “no peddlers” or “no solicitors” sign upon the premises.
- Must have a copy of the permit on their person during all solicitations.
- Permits shall be issued for each solicitor and are non-transferable.

Itinerant Vendors:

- All permits will be for a specific time period, date and location.
- Must have a copy of the permit on display at all times.
- Vendors are not allowed for more than 3 consecutive days or for more than 4 times per calendar year.
- Mobile frozen dairy vendors, mobile ice cream trucks, or other itinerant vendor vehicles are permitted to vend in an area for a short period of time and move to multiple other locations providing they do not remain at a location for more than thirty (30) minutes without specific approval as contained in the permit.
- Sound equipment must be limited to music or human speech and can only be used between 11:00 am and dusk each day.

How often do I need to renew my permit?

- Permits for solicitors are valid for 180 days.
- Permits for Itinerant Vendors are for a 3 day period and will only be issued 4 times per year.
- All permits expire December 31 each year regardless of date of issue.

What are the fees?

- Solicitors Permit fees are \$65 including a non-refundable deposit of \$15.
- Itinerant Vendors and Peddlers Permit fees are \$115 including a non-refundable deposit of \$15.
- Exemptions – religious organizations and charitable purposes, but are required to register.

How do I receive additional information?

Please contact the City Secretary at 940-552-2581, via email at lbyers@vernontx.gov or visit the City’s website at www.vernontx.gov

City of Vernon Police Officers observing solicitors, itinerant vendors or peddlers while on patrol may make contact and verify valid permits.

FOR APPLICANTS ONLY:

I have read and understand the above regulations and agree to comply with them.

Name of Applicant

Date