

Ordinances Governing
DOOR-TO-DOOR SELLING
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 20-032

(June 30, 2020)

(Chapter Designator: DOOR-TO-DOOR)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
1487	01/15/63	Adoption of the existing "Peddlers" Chapter of the Code of the City of Arlington.
10-097	12/07/10	Amend Article I, <u>Peddlers, Itinerant Vendors and Related Businesses</u> , by the amendment of the title of the Article; Section 1.01, <u>Definitions</u> ; and Section 1.02, <u>License Required</u> ; relative to removal of references to Itinerant Vending.
12-030	05/01/12	Amend the “Peddlers, Itinerant Vendors and Related Businesses” Chapter through the amendment of the title of the Chapter to “Door-to-Door Selling”; and amendment of the entire Chapter relative to residential solicitations.
12-042	08/21/12	Amend Article I, <u>Door-to-Door Selling, Section 1.06, <u>Suspension of License</u></u> ; Section 1.07, <u>Revocation of License</u> ; Section 1.10, <u>No Solicitation Sign</u> , relative to no solicitation signs; and Section 1.15, <u>Exceptions</u> .
20-032	06/30/20	Amend Article I, <u>Door-to-Door Selling, Section 1.03, <u>Application for License</u></u> , relative to removing the requirement for fingerprints; and Section 1.14, <u>No Solicitation Without Invitation During Certain Time Periods</u> , relative to the time period in which it is unlawful for solicitation without a prior invitation.

TABLE OF CONTENTS

ARTICLE I DOOR-TO-DOOR SELLING

Section 1.01	Definitions
Section 1.02	License Required
Section 1.03	Application for License
Section 1.04	Fee
Section 1.05	Issuance of License
Section 1.06	Suspension of License
Section 1.07	Revocation of License
Section 1.08	Display of License/Safety Vest Required
Section 1.09	License Not Transferable
Section 1.10	No Solicitation Sign
Section 1.11	Entering Residence under False Pretenses
Section 1.12	Refusing to Leave Upon Request
Section 1.13	Loud Noise Prohibited
Section 1.14	No Solicitation Without Invitation During Certain Time Periods
Section 1.15	Exceptions
Section 1.16	Police Power
Section 1.17	Penalty

ARTICLE I**DOOR-TO-DOOR SELLING****Section 1.01 Definitions**

“Door-to-door Selling” shall mean going to one or more residences within the City in person or by agent for the purpose of soliciting, selling or taking orders for merchandise or services.

“Merchandise” is used in its broadest sense and shall include property of every kind.

“Services” is used in its broadest sense and shall include any work done for the benefit of another person.

Section 1.02 License Required

It is an offense under this chapter for any person, personally, by agent or as the agent of another, to engage in door-to-door selling in the City without a license therefor as provided in this chapter.

Section 1.03 Application for License

Any person desiring to engage in door-to-door selling shall submit a copy of a government issued identification and file a written application with the Police Chief, verified by affidavit as to the truthfulness of its contents, and containing the following information:

1. Name, residence and post office addresses, and telephone number of the applicant and, if the applicant is not a permanent resident of the City, the applicant's permanent residence and post office addresses and telephone number.
2. A specific description of the occupation in which the applicant desires to engage and for which the license is desired.
3. A full and complete description of the merchandise or services which the applicant desires to sell.

DOOR-TO-DOOR

1.03

4. Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.
5. Source of supply, location and proposed method of delivery of the merchandise to be sold.
6. Names, residence and post office addresses, and telephone numbers of three (3) individuals as character and business references with whom the City shall be requested to communicate with reference to any information it may desire regarding the applicant.
7. Whether or not the applicant has engaged in door-to-door selling in other cities and, if so, the names of the last three (3) such cities and the dates of the applicant's activities in such cities.
8. The applicant's age, sex, height, weight, complexion, color of hair, and color of eyes.
9. A full and complete statement of the applicant's criminal records, if any, including a detailed account of all arrests (whether convicted or not), charges filed (whether convicted or not), offenses committed, convictions, sentences received, time served, paroles or pardons received and the date, place and jurisdiction relating to each such item.
10. There shall be attached to the application two (2) copies of a photograph of the applicant taken within the last six (6) months. The photograph must be printed on quality photo paper and be 2 inches by 2 inches in size and sized such that the head is between 1 inch and 1-3/8 inches from the bottom of the chin to the top of the head. It must be taken in full-face view directly facing the camera with both eyes open.
11. If the applicant is the agent of another, the name, address and telephone number of applicant's principal, and credentials which were issued by the principal to the applicant, and which set forth the extent of the applicant's authority to act for and bind the principal shall be attached to the application.
12. If the applicant is a minor, the parent or legal guardian is required to also sign the application. The parent or legal guardian must submit a government form of identification when the application is submitted.

(Amend Ord 20-032, 6/30/20)

ARTICLE I - 2

(Amend Ord 20-032, 6/30/20)

Section 1.04 Fee

At the time the application is filed with the Police Chief, the applicant shall pay to the City a fee in the sum of Ten and No/100 Dollars (\$10.00), which sum shall be compensation to the City for the services herein required of it and to enable the City to partially defray the expenses of investigation, surveillance and the enforcement of the provisions of this chapter.

Section 1.05 Issuance of License

Within ten (10) business days after an applicant has fully complied with the provisions of Section 1.03 through 1.04, both inclusive, the Police Chief shall issue to the applicant a license, which shall include a photograph of the applicant, to engage in door-to-door selling for a period of one (1) year from the date of issuance. Provided, however, no license shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a license be issued to any applicant who has been convicted of a crime involving moral turpitude. If the Police Chief refuses to issue a license under this chapter the applicant shall have a right to appeal to the City Manager by filing a written notice of appeal with the City Manager within ten (10) business days of delivery of notice of the denial. The City Manager or designee shall render a decision on the appeal within five (5) business days of the date of the receipt of the appeal. The decision of the City Manager shall be final.

Section 1.06 Suspension of License

Any license issued under the provisions of this chapter may be suspended for a period not to exceed six (6) months if the license holder is convicted in the municipal court of a violation of any provision of this chapter. Suspension of any such license, for whatever cause, shall automatically suspend the license of all agents of such licensee. During any such period of suspension, it shall be unlawful for the holder to engage in door-to-door selling. (Amend Ord 12-042, 8/21/12)

Section 1.07 Revocation of License

Any license issued under the provisions of this chapter shall be automatically revoked and cancelled upon the holder's conviction of a crime involving moral turpitude, and the City Manager, or designee, may revoke and cancel the license of any holder who is convicted in the municipal court of three (3) or more violations of any one (1) or more provisions of this chapter within any twelve (12) month period, and they may provide that no license shall thereafter be issued to such holder. Revocation of any license, for

whatever cause, shall automatically revoke the license of all agents of such licensee.
(Amend Ord 12-042, 8/21/12)

Section 1.08 Display of License/Safety Vest Required

When engaged in door-to-door selling, the license required by this chapter shall be attached or hung on the salesperson so that it is visible to the public and law enforcement officials. An orange reflective safety vest shall also be worn by the salesperson when engaged in door-to-door selling.

It is an offense under this chapter if an individual fails to wear the license in a visible manner as described above and/or fails to wear a safety vest when in engaged in door-to-door selling.

Section 1.09 License Not Transferable

The license provided for in this chapter shall not be transferable nor shall it give authority to anyone other than the licensee named thereon to engage in door-to-door selling.

Section 1.10 No Solicitation Sign

It is an offense under this chapter for any person to ring the doorbell, knock upon the door, or create any sound for purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than twelve square inches in size, bearing the words "No Solicitation" or "No Soliciting." The letters on such sign shall be not less than two-thirds of an inch in height. (Amend Ord 12-042, 8/21/12)

Section 1.11 Entering Residence under False Pretenses

It is an offense under this chapter for any person to enter a private residence under false pretenses for the purpose of engaging in door-to-door selling.

Section 1.12 Refusing to Leave Upon Request

It is an offense under this chapter for any person while engaged in door-to-door selling to remain in a private residence or on the premises thereof after the owner or occupant has requested such person to leave.

Section 1.13 Loud Noise Prohibited

It is an offense under this chapter for any person while engaged in door-to-door selling to make or cause to be made any loud or unusual noise of such a nature as to cause the peace and quiet of the neighborhood to be disturbed.

Section 1.14 No Solicitation Without Invitation During Certain Time Periods

It is an offense under this chapter for any person while engaged in door-to-door selling to go to a private residence in this City for such purpose before 9:00 a.m. or after dusk or anytime on a federally designated holiday, without a prior invitation from the occupants of said private residence. (Amend Ord 20-032, 6/30/20)

Section 1.15 Exceptions

The provisions of this chapter shall not be applicable to salespersons calling upon or dealing with manufacturers, wholesalers, distributors, brokers or retailers at their place of business and in the usual course of their business. (Amend Ord 12-042, 8/21/12)

Section 1.16 Police Power

This entire chapter is and shall be deemed to be an exercise of the police power of the State of Texas and of the City for the public safety, comfort, convenience and protection of the City and the health, life and property of its citizens and each provision contained herein shall be construed for the accomplishment of that purpose.

Section 1.17 Penalty

An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). (Amend Ord 12-030, 5/1/12)

COVER SHEET FOR ORDINANCES AFFECTING THE CITY CODE

ORDINANCE NO. 1487 SUBJECT: CODE AMENDMENT - A new
Chapter to be known as the "ITINERANT VENDORS AND RELATED
BUSINESSES"

CHAPTER AMENDED (NEW CHAPTER) "ITINERANT VENDORS AND RELATED BUSINESSES"

FIRST READING January 2, 1963

SECOND READING DUE January 15, 1963

DATE OF PUBLICATION February 11 & 18, 1963

PUBLISHER Arlington Citizen

CODE AMENDMENT IN EDITOR'S POSSESSION _____

CODE AMENDMENT EDITED _____ BY: R. O. Rice

CODE AMENDMENT MAILED TO COUNCIL _____ DATE _____

CODE AMENDMENT MAILED TO ESTABLISHMENTS OR PERSONS OWNING
CITY OF ARLINGTON CODE BOOKS _____ DATE _____

CODE FILE IN OFFICE REVISED _____

Effective Feb 22, 1963

ORDINANCE NO. 1487

AN ORDINANCE AMENDING THE ARLINGTON CITY CODE OF 1956 BY THE ADDITION OF A NEW CHAPTER TO BE KNOWN AS THE "ITINERANT VENDORS AND RELATED BUSINESSES"; DEFINING THE TERMS; REGULATING DOOR TO DOOR SELLING AND ITINERANT VENDING; PROVIDING FOR LICENSING AND REGISTRATION; ORDAINING OTHER MATTERS PERTAINING TO THE SUBJECT; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PRESCRIBING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

THAT the Arlington City Code of 1956, as amended, is amended by the addition of a new chapter to be known as the "ITINERANT VENDORS AND RELATED BUSINESSES" Chapter as specified in Exhibit "A" attached and made a part of this Ordinance.

2.

Any person violating the provisions of this Ordinance or the amendment to the Arlington City Code of 1956 hereby made, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$200.00, as provided in Section 1.05, "General Provisions" Chapter, Arlington City Code of 1956, which chapter is adopted by reference and made a part hereof.

3.

This Ordinance and Exhibit "A" attached shall be published in the _____ a _____ newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 16 of the City Charter.

4.

This Ordinance shall become effective ten days from the date of its publication.

PRESENTED AND GIVEN first reading on the 2nd day
of January, 1963, at a Regular meeting of the City
Council of the City of Arlington, Texas; and given second reading,
passed and approved on the 15th day of January, 1963, by
a vote of 6 ayes and 0 nays at a Regular meeting
of the City Council of the City of Arlington, Texas.


Tom Henderson
Mayor, City of Arlington, Texas

ATTEST:

Edwin J. Linn
City Secretary, City of Arlington, Texas

EXHIBIT "A"

The Arlington City Code of 1956, as amended, is amended by the addition of a new chapter to be known as the "ITINERANT VENDORS AND RELATED BUSINESSES" Chapter which shall read as follows:

ITINERANT VENDORS AND RELATED BUSINESSES

ARTICLE I
GENERAL PROVISIONS

Section 1.01 Definitions

- a. "Door to door selling", shall mean going to one or more residences within the City in person, or by agent, for the purpose of soliciting, selling, or taking orders for merchandise or services.
- b. "Merchandise" is used in its broadest sense, and shall include property of every kind.
- c. "Services" is used in its broadest sense, and shall include any work done for the benefit of another person.
- d. "Itinerant Vending" shall mean engaging in a temporary business in the City, in person, or by agent, for the purpose of soliciting, selling, or taking orders for merchandise or services.
- e. "Temporary" shall mean any such business for which definite arrangements have not been made for the hire, rental or lease of premises for at least one month, in or upon which such business is to be operated or conducted.

Section 1.02 License Required

It shall be unlawful for any person, either personally, by agent, or as the agent of another, to engage in door to door selling or itinerant vending in the City without a license therefor as provided in this chapter.

Section 1.03 Application for License

Any person desiring to engage in any of the activities named in Section 1.02 hereof shall file a written application with the City Secretary, verified by affidavit as to the truthfulness of its contents, and containing the following information:

- a. Name, residence and post office addresses, and telephone number of applicant, and, if applicant is not a permanent resident of the City, applicant's permanent residence and post office addresses, and telephone number.

- b. A specific description of the occupation in which applicant desires to engage, and for which the license is desired.
- c. A full and complete description of the merchandise or services which applicant desires to sell.
- d. Whether the applicant, upon any sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.
- e. Source of supply, location, and proposed method of delivery of the merchandise to be sold.
- f. Names, residence and post office addresses, and telephone numbers of three individuals as character and business references, and with whom the City shall be requested to communicate with reference to any information it may desire regarding the applicant.
- g. Whether applicant has engaged in any of the activities named in the preceding section in other cities, and, if so, the names of the last three such cities, and the dates of applicant's activities in such cities.
- h. If the applicant is an individual, the applicant's age, sex, height, weight, complexion, color of hair, color of eyes and fingerprints.
- i. If the applicant is an individual, a full and complete statement of the applicant's criminal record, if any, including a detailed account of all arrests (whether convicted or not), charges filed (whether convicted or not), offenses committed, convictions, sentences received, time served, paroles or pardons received, and the date, place and jurisdiction shall be set forth as to each such item.
- j. If the applicant is an individual, there shall be attached to the application a recent photographic likeness of the applicant.
- k. If the applicant is the agent of another, the name, address, and telephone number of applicant's principal, and credentials shall be attached to the application which were issued by the principal to the applicant, and which set forth the extent of the applicant's authority to act for and bind the principal.
- l. If the applicant is a partnership, association, or joint venture, the full names, addresses and telephone numbers of all partners, associates, or joint venturers.
- m. If the applicant is a corporation, the state of

incorporation, the principal place of business, the names, addresses and telephone numbers of its officers, and, if a foreign corporation, whether it has a permit to do business in the State of Texas.

Section 1.04 Bond Required

At the time the application is filed the applicant shall also file with the City Secretary a bond in the penal sum of One Thousand and no/100 (\$1,000.00) Dollars, signed by the applicant as principal, and by a corporate surety company, authorized to do business in the State of Texas, as surety, conditioned upon the final delivery or performance of the merchandise or services in accordance with the terms of any order obtained prior to delivery or performance, and also conditioned to indemnify any and all purchasers for any and all defects in material or workmanship that may exist in the merchandise sold or the services performed by the principal at the time of delivery or performance, or that may be discovered within thirty days after delivery or performance. Such bond shall be for the use and benefit of all persons that may make any purchase, give any order, or enter into any contract with the principal on such bond or the principal's agents. The surety may terminate its liability under such bond by giving ten days' written notice to the City Secretary, after which time the surety will not be liable for any subsequent act of the principal. There shall be attached to the bond a certified copy of the surety company's resolution authorizing the person signing for the surety company to act as its attorney in fact.

Section 1.05 Blanket Bond Permitted

In the event the applicant is an acknowledged agent of a licensee hereunder who has on file with the City Secretary a blanket bond, conditioned as provided in the preceding section, and covering the activities of all of such licensee's agents, no additional bond shall be required so long as the applicant acts solely as the agent of such licensee. Acknowledgment of such agent shall be made in writing by such licensee, and mailed direct to the City Secretary.

Section 1.06 Fee

At the time the application is filed with the City Secretary, the applicant shall pay to the City a fee in the sum of Ten and no/100 (\$10.00) Dollars, which sum shall be compensation to the City for the services herein required of it, and to enable the City to partially defray the expenses of investigation, surveillance, and the enforcement of the provisions of this chapter. If, under the provisions of Section 1.07 hereof, no license is issued, the sum of Five and no/100 (\$5.00) Dollars shall be refunded to the applicant, otherwise no refund shall be made. If the applicant is a corporation, partnership, association, joint venturer or individual having more than one agent engaging in any of the activities named in Section 1.02 hereof in behalf of the applicant, the Ten and no/100 (\$10.00) Dollars shall cover the cost of licensing the first two of such agents and a fee of Five and no/100 (\$5.00) Dollars per agent shall be required for each agent of applicant in excess of two.

Section 1.07 Issuance of License

Within ten days after applicant has fully complied with the provisions of Section 1.03 through 1.06, both inclusive, the City Secretary shall issue to the applicant a license to engage in the activities named in Section 1.02 for a period of one year from the date of issuance. Provided, however, no license shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a license be issued to any applicant who has been convicted of a crime involving moral turpitude.

Section 1.08 Suspension of License

Any license issued under the provisions of this chapter shall be automatically suspended when the surety terminates its liability on the licensee's bond or the principal's bond, if the licensee is the agent of another, or upon expiration of the licensee's bond or the principal's bond, if the licensee is the agent of another, and such license shall be reinstated only upon the filing with the City Secretary of a new bond meeting the requirements of Sections 1.04 or 1.05 hereof, and the City Council may suspend for a period not to exceed six month. the license of any holder who is convicted in the corporation court of a violation of any provision of this chapter. Suspension of any such license, for whatever cause, shall automatically suspend the license of all agents of such licensee. During any such period of suspension, it shall be unlawful for the holder to engage in any of the activities named in Section 1.02 hereof.

Section 1.09 Revocation of License

Any license issued under the provisions of this chapter shall be automatically revoked and cancelled upon the holder's conviction of a crime involving moral turpitude, and the City Council may revoke and cancel the license of any holder who is convicted in the corporation court of three or more violations of any one or more provisions of this chapter within any twelve month period, or whose agents are convicted in the corporation court of three or more violations of any one or more provisions of this chapter within any twelve month period, and they may provide that no license shall thereafter be issued to such holder. Revocation of any license, for whatever cause, shall automatically revoke the license of all agents of such licensee.

Section 1.10 Display of License

When engaged in door to door selling, the license required by this chapter shall be carried by the salesperson, and shall upon request, be submitted to any police officer or citizen for examination. Otherwise, such license shall be prominently displayed upon the premises or place where the business authorized thereunder is being carried on or conducted.

Section 1.11 License Not Transferable

The license provided for in this chapter shall not be transferable, nor shall it give authority to anyone other than the licensee named thereon to engage in the activities named in Section 1.02 hereof.

Section 1.12 Entering Residence Under False Pretenses

It shall be unlawful for any person to enter a private residence under false pretenses for the purpose of engaging in any of the activities named in Section 1.02 hereof.

Section 1.13 Refusing to Leave Upon Request

It shall be unlawful for any person, while engaged in any of the activities named in Section 1.02 hereof, to remain in a private residence or on the premises thereof after the owner or occupant has requested such person to leave.

Section 1.14 Loud Noise Prohibited

It shall be unlawful for any person, while engaged in any of the activities named in Section 1.02 hereof, to make or cause to be made any loud or unusual noise of such a nature as to cause the peace and quiet of the neighborhood to be disturbed.

Section 1.15 No Solicitation Without Invitation After 8:00 P. M.

It shall be unlawful for any person, while engaged in any of the activities named in Section 1.02 hereof, to go to a private residence in this City for such purpose after 8:00 P. M. without a prior invitation from the occupants of said private residence.

Section 1.16 Interstate Commerce

Compliance with Sections 1.02 through 1.11, both inclusive, of this chapter shall not be required of persons engaged in interstate commerce; provided, however, that it shall be unlawful for persons engaged in interstate commerce to engage in any of the activities named in Section 1.02 hereof without having first registered with the City Secretary, giving the following information:

- a. Name, home address and local address, if any, of the registrant.
- b. Name and address of the person, firm or corporation, if any, that the registrant represents, or for whom or through whom orders are to be solicited or cleared.
- c. Nature of the articles or things which are to be sold or for which orders are to be solicited.
- d. Whether registrant upon any sale or order shall demand or receive or accept payment or deposit of money in advance of final delivery.
- e. Period of time which registrant wishes to solicit or sell in the City.
- f. Whether registrant has engaged in any of the activities named in Section 1.02 in any other cities, and, if so, the names of the last three such cities, and the dates of registrant's activities in such cities.
- g. If the registrant is an individual, the registrant's age, sex, height, weight, complexion, color of eyes,

color of hair and fingerprints.

- h. If the registrant is an individual, a recent photographic likeness of the registrant must be furnished.

The registrant shall also submit proof of his identity to the City Secretary, which may be in the form of an automobile operator's license, identification letter, or card issued to the registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared.

Section 1.17 Exceptions

The provisions of this chapter shall not be applicable to salespersons calling upon or dealing with manufacturers, wholesalers, distributors, brokers, or retailers at their places of business, and in the usual course of their business, nor shall they be applicable to sales made under authority and by order of law.

Section 1.18 Police Power

This entire chapter is and shall be deemed to be an exercise of the police power of the State of Texas and of the City for the public safety, comfort, convenience and protection of the City and the health, life and property of its citizens, and each provisions contained herein shall be construed for the accomplishment of that purpose.

Ordinance No. 10-097

An ordinance amending the “Peddlers, Itinerant Vendors and Related Businesses” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Peddlers, Itinerant Vendors and Related Businesses, by the amendment of the title of the Article; Section 1.01, Definitions; and Section 1.02, License Required; relative to removal of references to Itinerant Vending; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the " **Peddlers, Itinerant Vendors and Related Businesses**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of the title of **Article I, Peddlers, Itinerant Vendors and Related Businesses**, so that the title shall be and read as follows:

ARTICLE I

PEDDLERS AND RELATED BUSINESSES

Further, **Article I, Section 1.01, Definitions**, is hereby amended so that said section shall be and read as follows:

Section 1.01 Definitions

Door-to-door Selling shall mean going to one or more residences within the City in person or by agent for the purpose of soliciting, selling or taking orders for merchandise or services.

Merchandise is used in its broadest sense and shall include property of every kind.

Services is used in its broadest sense and shall include any work done for the benefit of another person.

Further, **Article I, Section 1.02, License Required**, is hereby amended so that said section shall be and read as follows:

Section 1.02 License Required

It shall be unlawful for any person, personally, by agent or as the agent of another, to engage in door-to-door selling in the City without a license therefor as provided in this chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

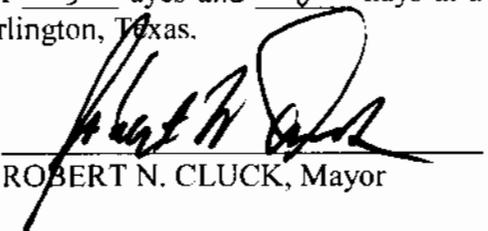
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

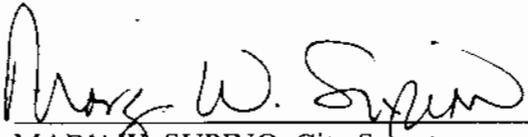
8.

This ordinance shall become effective ten days after first publication.

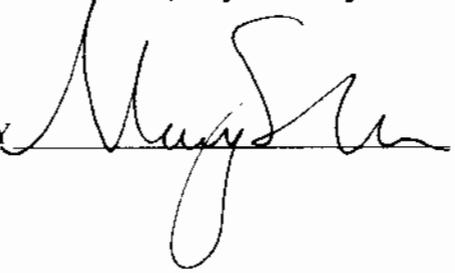
PRESENTED AND GIVEN FIRST READING on the 16th day of November, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of December, 2010, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 12-030

An ordinance amending the "Peddlers, Itinerant Vendors and Related Businesses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of the title of the Chapter to "Door-to-Door Selling"; and amendment of the entire Chapter relative to residential solicitations; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the " **Peddlers, Itinerant Vendors and Related Businesses**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of the **title** of the Chapter to "Door-to-Door Selling" and amendment of the entire Chapter so that the Chapter shall be and read as follows:

ARTICLE I

DOOR-TO-DOOR SELLING

Section 1.01 Definitions

"Door-to-door Selling" shall mean going to one or more residences within the City in person or by agent for the purpose of soliciting, selling or taking orders for merchandise or services.

"Merchandise" is used in its broadest sense and shall include property of every kind.

"Services" is used in its broadest sense and shall include any work done for the benefit of another person.

Section 1.02 License Required

It is an offense under this chapter for any person, personally, by agent or as the agent of another, to engage in door-to-door selling in the City without a license therefor as provided in this chapter.

Section 1.03 Application for License

Any person desiring to engage in door-to-door selling shall submit a copy of a government issued identification and file a written application with the Police Chief, verified by affidavit as to the truthfulness of its contents, and containing the following information:

1. Name, residence and post office addresses, and telephone number of the applicant and, if the applicant is not a permanent resident of the City, the applicant's permanent residence and post office addresses and telephone number.
2. A specific description of the occupation in which the applicant desires to engage and for which the license is desired.
3. A full and complete description of the merchandise or services which the applicant desires to sell.
4. Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.
5. Source of supply, location and proposed method of delivery of the merchandise to be sold.
6. Names, residence and post office addresses, and telephone numbers of three (3) individuals as character and business references with whom the City shall be requested to communicate with reference to any information it may desire regarding the applicant.
7. Whether or not the applicant has engaged in door-to-door selling in other cities and, if so, the names of the last three (3) such cities and the dates of the applicant's activities in such cities.
8. The applicant's age, sex, height, weight, complexion, color of hair, color of eyes and fingerprints.
9. A full and complete statement of the applicant's criminal records, if any, including a detailed account of all arrests (whether convicted or not), charges filed (whether convicted or not), offenses committed, convictions, sentences received, time served, paroles or pardons received and the date, place and jurisdiction relating to each such item.
10. There shall be attached to the application two (2) copies of a photograph of the applicant taken within the last six (6) months. The photograph must be printed on quality photo paper and be 2 inches by 2 inches in size and sized such that the head is between 1 inch and 1-3/8 inches from the bottom of the chin to the top of

the head. It must be taken in full-face view directly facing the camera with both eyes open.

11. If the applicant is the agent of another, the name, address and telephone number of applicant's principal, and credentials which were issued by the principal to the applicant, and which set forth the extent of the applicant's authority to act for and bind the principal shall be attached to the application.
12. If the applicant is a minor, the parent or legal guardian is required to also sign the application. The parent or legal guardian must submit a government form of identification when the application is submitted.

Section 1.04 Fee

At the time the application is filed with the Police Chief, the applicant shall pay to the City a fee in the sum of Ten and No/100 Dollars (\$10.00), which sum shall be compensation to the City for the services herein required of it and to enable the City to partially defray the expenses of investigation, surveillance and the enforcement of the provisions of this chapter.

Section 1.05 Issuance of License

Within ten (10) business days after an applicant has fully complied with the provisions of Section 1.03 through 1.04, both inclusive, the Police Chief shall issue to the applicant a license, which shall include a photograph of the applicant, to engage in door-to-door selling for a period of one (1) year from the date of issuance. Provided, however, no license shall be issued to an applicant whose application contains one or more statements or answers which are false in whole or in part, nor shall a license be issued to any applicant who has been convicted of a crime involving moral turpitude. If the Police Chief refuses to issue a license under this chapter the applicant shall have a right to appeal to the City Manager by filing a written notice of appeal with the City Manager within ten (10) business days of delivery of notice of the denial. The City Manager or designee shall render a decision on the appeal within five (5) business days of the date of the receipt of the appeal. The decision of the City Manager shall be final.

Section 1.06 Suspension of License

Any license issued under the provisions of this chapter may be suspended for a period not to exceed six (6) months if the licenseholder is convicted in the corporation court of a violation of any provision of this chapter. Suspension of any such license, for whatever cause, shall automatically suspend the license of all agents of such licensee. During any such period of suspension, it shall be unlawful for the holder to engage in door-to-door selling.

Section 1.07 Revocation of License

Any license issued under the provisions of this chapter shall be automatically revoked and cancelled upon the holder's conviction of a crime involving moral turpitude, and the City Manager, or designee, may revoke and cancel the license of any holder who is convicted in the corporation court of three (3) or more violations of any one (1) or more provisions of this chapter within any twelve (12) month period, and they may provide that no license shall thereafter be issued to such holder. Revocation of any license, for whatever cause, shall automatically revoke the license of all agents of such licensee.

Section 1.08 Display of License/Safety Vest Required

When engaged in door-to-door selling, the license required by this chapter shall be attached or hung on the salesperson so that it is visible to the public and law enforcement officials. An orange reflective safety vest shall also be worn by the salesperson when engaged in door-to-door selling.

It is an offense under this chapter if an individual fails to wear the license in a visible manner as described above and/or fails to wear a safety vest when in engaged in door-to-door selling.

Section 1.09 License Not Transferable

The license provided for in this chapter shall not be transferable nor shall it give authority to anyone other than the licensee named thereon to engage in door-to-door selling.

Section 1.10 No Solicitation Sign

It is an offense under this chapter for any person to ring the doorbell, knock upon the door, or create any sound for purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than three inches by four inches in size, bearing the words "No Solicitation." The letters on such signs shall be not less than two-thirds of an inch in height.

Section 1.11 Entering Residence under False Pretenses

It is an offense under this chapter for any person to enter a private residence under false pretenses for the purpose of engaging in door-to-door selling.

Section 1.12 Refusing to Leave Upon Request

It is an offense under this chapter for any person while engaged in door-to-door selling to remain in a private residence or on the premises thereof after the owner or occupant has requested such person to leave.

Section 1.13 Loud Noise Prohibited

It is an offense under this chapter for any person while engaged in door-to-door selling to make or cause to be made any loud or unusual noise of such a nature as to cause the peace and quiet of the neighborhood to be disturbed.

Section 1.14 No Solicitation Without Invitation During Certain Time Periods

It is an offense under this chapter for any person while engaged in door-to-door selling to go to a private residence in this City for such purpose before 9:00 a.m. or after 6:00 p.m. during standard time, or before 9:00 a.m. or after 7:00 p.m. during daylight savings time, without a prior invitation from the occupants of said private residence.

Section 1.15 Exceptions

The provisions of this chapter shall not be applicable to salespersons calling upon or dealing with manufacturers, wholesalers, distributors, brokers or retailers at their places of business and in the usual course of their business, nor shall they be applicable to sales made under authority and by order of law.

Section 1.16 Police Power

This entire chapter is and shall be deemed to be an exercise of the police power of the State of Texas and of the City for the public safety, comfort, convenience and protection of the City and the health, life and property of its citizens and each provision contained herein shall be construed for the accomplishment of that purpose.

Section 1.17 Penalty

An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

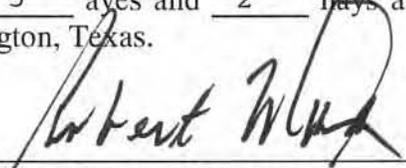
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 24th day of April, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of May, 2012, by a vote of 5 ayes and 2 nays at a regular meeting of the City Council of the City of Arlington, Texas.



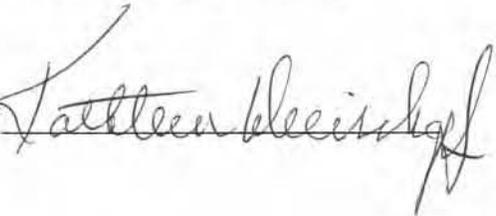
ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 12-042

An ordinance amending the "Door-to-Door Selling" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Door-to-Door Selling, Section 1.06, Suspension of License; Section 1.07, Revocation of License; Section 1.10, No Solicitation Sign, relative to no solicitation signs; and Section 1.15, Exceptions; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Door-to-Door Selling**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, Door-to-Door Selling, Section 1.06, Suspension of License**, so that said section shall be and read as follows:

Section 1.06 Suspension of License

Any license issued under the provisions of this chapter may be suspended for a period not to exceed six (6) months if the license holder is convicted in the municipal court of a violation of any provision of this chapter. Suspension of any such license, for whatever cause, shall automatically suspend the license of all agents of such licensee. During any such period of suspension, it shall be unlawful for the holder to engage in door-to-door selling.

Further, **Article I, Section 1.07, Revocation of License**, is hereby amended so that said section shall be and read as follows:

Section 1.07 Revocation of License

Any license issued under the provisions of this chapter shall be automatically revoked and cancelled upon the holder's conviction of a crime involving moral turpitude, and the City Manager, or designee, may revoke and cancel the license of any holder who is convicted in the municipal court of three (3) or more violations of any one (1) or more provisions of this chapter within any twelve (12) month period, and they may provide that no license shall thereafter be issued to such holder. Revocation of any license, for whatever cause, shall automatically revoke the license of all agents of such licensee.

Further, **Article I, Section 1.10, No Solicitation Sign**, is hereby amended so that said section shall be and read as follows:

Section 1.10 No Solicitation Sign

It is an offense under this chapter for any person to ring the doorbell, knock upon the door, or create any sound for purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than twelve square inches in size, bearing the words "No Solicitation" or "No Soliciting." The letters on such sign shall be not less than two-thirds of an inch in height.

Further, **Article I, Section 1.15, Exceptions**, is hereby amended so that said section shall be and read as follows:

Section 1.15 Exceptions

The provisions of this chapter shall not be applicable to salespersons calling upon or dealing with manufacturers, wholesalers, distributors, brokers or retailers at their place of business and in the usual course of their business.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

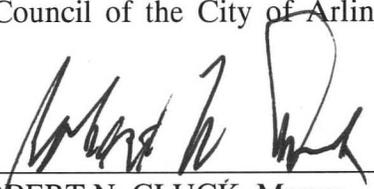
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

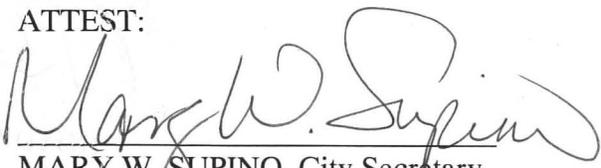
This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 7th day of August, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of August, 2012, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



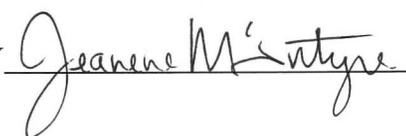
ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Ordinance No. 20-032

An ordinance amending the "Door-to-Door Selling" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Door-to-Door Selling, Section 1.03, Application for License, relative to removing the requirement for fingerprints; and Section 1.14, No Solicitation Without Invitation During Certain Time Periods, relative to the time period in which it is unlawful for solicitation without a prior invitation; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

WHEREAS, the City Council finds door-to-door activities pose an inherent risk of crime; and

WHEREAS, the City Council finds that curfew regulations limiting the hours and days when a person may conduct door-to-door selling on private property are necessary to prevent crime to property, and protect the privacy of its citizens, the sanctity of citizens' homes, and the health and safety of persons engaged in door-to-door selling; and

WHEREAS, the City Council finds that regulations requiring persons who engage in door-to-door selling with its citizens to obtain a license are necessary to prevent crime to property and persons; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Door-to-Door Selling**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Door-to-Door Selling, Section 1.03 Application for License, so that said section shall be and read as follows:

Section 1.03 Application for License

Any person desiring to engage in door-to-door selling shall submit a copy of a government issued identification and file a written application with the Police Chief, verified by affidavit as to the truthfulness of its contents, and containing the following information:

1. Name, residence and post office addresses, and telephone number of the applicant and, if the applicant is not a permanent resident of the City, the applicant's permanent residence and post office addresses and telephone number.
2. A specific description of the occupation in which the applicant desires to engage and for which the license is desired.
3. A full and complete description of the merchandise or services which the applicant desires to sell.
4. Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery or rendition of the merchandise or services sold.
5. Source of supply, location and proposed method of delivery of the merchandise to be sold.
6. Names, residence and post office addresses, and telephone numbers of three (3) individuals as character and business references with whom the City shall be requested to communicate with reference to any information it may desire regarding the applicant.
7. Whether or not the applicant has engaged in door-to-door selling in other cities and, if so, the names of the last three (3) such cities and the dates of the applicant's activities in such cities.
8. The applicant's age, sex, height, weight, complexion, color of hair, and color of eyes.
9. A full and complete statement of the applicant's criminal records, if any, including a detailed account of all arrests (whether convicted or not), charges filed (whether convicted or not), offenses committed, convictions, sentences received, time served, paroles or pardons received and the date, place and jurisdiction relating to each such item.
10. There shall be attached to the application two (2) copies of a photograph of the applicant taken within the last six (6) months. The photograph must be printed on quality photo paper and be 2 inches by 2 inches in size and sized such that the head is between 1 inch and 1-3/8 inches from the bottom of the chin to the top of the head. It must be taken in full-face view directly facing the camera with both eyes open.
11. If the applicant is the agent of another, the name, address and telephone number of applicant's principal, and credentials which were issued by the principal to the

applicant, and which set forth the extent of the applicant's authority to act for and bind the principal shall be attached to the application.

12. If the applicant is a minor, the parent or legal guardian is required to also sign the application. The parent or legal guardian must submit a government form of identification when the application is submitted.

Further, **Article I, Section 1.14, No Solicitation Without Invitation During Certain Time Periods**, is hereby amended so that said section shall be and read as follows:

Section 1.14 No Solicitation Without Invitation During Certain Time Periods

It is an offense under this chapter for any person while engaged in door-to-door selling to go to a private residence in this City for such purpose before 9:00 a.m. or after dusk or anytime on a federally designated holiday, without a prior invitation from the occupants of said private residence.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member

of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

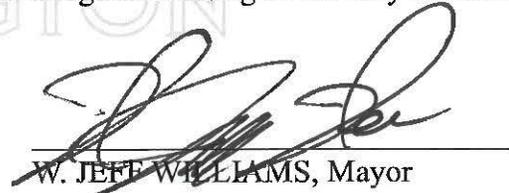
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

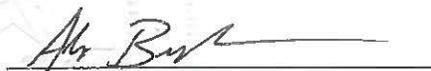
8.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 23rd day of June, 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 30th day of June, 2020, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 