

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

Amended by Ordinance No. 12-042

(August 21, 2012)

(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</u> , Section 1.06, <u>Suspension of License</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> .

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

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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 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 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 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)