

**Town of Double Oak
320 Waketon Road
Double Oak, Texas 75077
972-539-9464 – Phone
972-539-9613 – Fax**

ITINERANT MERCHANT PERMIT APPLICATION

I hereby make application for a permit to solicit, sell, hawk or take orders within the Town of Double Oak, Texas. I further acknowledge that the following information is given under oath and that the information given will be verified and any false information is grounds for permit denial.

Permits will be revoked and cancelled upon applicant’s conviction of a felony or crime involving moral turpitude.

All printed materials shall include the name, address and telephone number of the principal.

The permit will be valid between the hours of 9:00 a.m. and sunset, Monday through Saturday, for one year from the date of issuance.

Permit price: \$25.00 to register the business
\$10.00 for each agent of the business – each agent will fill out a separate application

Per the Town of Double Oak Ordinance Article 4.100, Section 4.104 the application shall be in writing, under oath and contain the following information:

1.) Name: _____
(Last) (First) (Middle)

Address: _____

Phone Number: _____ **Date of Birth:** _____

Driver License Number: _____ **State:** _____

TOWN OF DOUBLE OAK USE ONLY
Application Date: _____
Permit Fee Paid: _____
Receipt Number: _____

2.) **A description of the business in which the applicant desires to engage and for which the permit is desired:** _____

3.) **a full and complete description of the kind, type or character of goods or services the applicant proposes to offer for sale:** _____

4.) **whether, 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.) **the names, addresses and telephone numbers of three individuals who will act as a character and business reference for the applicant and shall provide such information concerning the applicant as may be requested by the town.**

A. _____
(FIRST NAME) (MIDDLE NAME) (LAST NAME)

(ADDRESS) (PHONE NUMBER)

B. _____
(FIRST NAME) (MIDDLE NAME) (LAST NAME)

(ADDRESS) (PHONE NUMBER)

C. _____
(FIRST NAME) (MIDDLE NAME) (LAST NAME)

(ADDRESS) (PHONE NUMBER)

6.) **The number of solicitations to be conducted during the period of the permit:** _____

7.) The names of any cities or towns where the applicant has been permitted or has solicited orders in the preceding three months: _____

8.) List any felony convictions and any misdemeanor convictions for crimes of moral turpitude: _____

9.) List vehicle(s) to be used while soliciting:

_____ INSURANCE ___ YES ___ NO
(LICENSE PLATE NUMBER) (STATE) (MAKE) (MODEL)

_____ INSURANCE ___ YES ___ NO
(LICENSE PLATE NUMBER) (STATE) (MAKE) (MODEL)

_____ INSURANCE ___ YES ___ NO
(LICENSE PLATE NUMBER) (STATE) (MAKE) (MODEL)

10.) There shall be attached to the application a recent photo of the applicant

11.) You must provide proof of driver license and proof of date of birth by providing a department of public safety identification card or a birth certificate

12.) If you are under the age of eighteen you shall identify the adult responsible for your actions and provide the information below:

_____ (FIRST NAME PARENT OR GUARDIAN) (MIDDLE) (LAST)

_____ (ADDRESS) (PHONE NUMBER)

_____ (DRIVER LICENSE NUMBER) (SOCIAL SECURITY NUMBER)

13.) If you are an agent of a company please provide the name, address and telephone number of your principal and attach credentials issued by the principal to you which set forth the extent of your authority to act for and bind the principal

(NAME OF COMPANY)

(CONTACT PERSON)

(ADDRESS)

(PHONE NUMBER)

14.) If applicant is a partnership, association or joint venture, the full names, addresses and telephone numbers of all partners, associates or joint ventures must be provided:

(NAME OF PARTNERSHIP, ASSOCIATION, JOINT VENTURE)

(ADDRESS)

(PHONE NUMBER)

15.) If applicant is a corporation, the state and date of incorporation, the principal place of business, the name and addresses and telephone numbers of its offices and if the applicant is a foreign corporation, whether it has a permit to do business in the State of Texas

(NAME OF CORPORATION)

(STATE OF CORPORATION)

(DATE OF INCORPORATION)

(ADDRESS OF PRINCIPAL PLACE OF BUSINESS)

(TELEPHONE NUMBER)

(PERMITTED TO CONDUCT BUSINESS IN TX?)

16.) If the applicant is an organization or association made up of individuals under the age of eighteen, the name, address, social security number and driver license number of the adult responsible for the organization shall be listed below.

(LAST NAME)

(FIRST NAME)

(MIDDLE)

(ADDRESS)

(SS NUMBER)

(DL NUMBER)

(TELEPHONE NUMBER)

I, _____ authorize investigation of all statements contained in this application. I understand that misrepresentation or omission of facts called for is cause for denial of a permit or the revocation of a permit that has been issued and subject to the penalties contained in the Double Oak Code of Ordinances Section 1.109.

(SIGNATURE)

(PRINTED NAME)

(DATE)

TOWN OF DOUBLE OAK USE ONLY

APPLICATION APPROVED: _____

DATE: _____

ARTICLE 4.100 PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS*

Sec. 4.101 Definitions

Person. Means an individual, corporation, trust, partnership, organization, association or any other legal entity.

Sunset. Means the time of day published on the weather page of the Lewisville News, the Dallas Morning News, or the Denton Record Chronicle newspapers or time recorded by any radio station or television weather station or department which keeps a daily record of the time of sunset as the time for sunset on that day in the town. (Ordinance 30.5 adopted 10/17/94; Ordinance adopting Code)

Sec. 4.102 Permit Required

It shall be unlawful for any person to peddle, hawk, sell, solicit, take orders for, or offer to take orders for, any services, wares, merchandise or goods, including magazines or photographs, on the streets and sidewalks, from a motor vehicle, from any non-permanent building structure set up on any lot, tract, or parcel of land, or from door to door within the town without having first obtained a permit thereof from the town. A permit shall be required for each individual person, whether acting alone or working for another individual or business, who solicits within the town. Solicitation under this article shall not include a sale made pursuant to a preexisting revolving charge account or 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; a garage sale at a private residence; or a sale of realty in which transaction to purchaser is represented by a licensed attorney or which a transaction is being negotiated by a licensed real estate broker.

Sec. 4.103 Regulation of Peddlers, Solicitors and Itinerant Merchants

(a) It shall be unlawful for any person who peddles, hawks, sells, solicits, take orders for or offers to take orders for, any services, wares, merchandise or goods, including magazines or photographs, from door to door within the town to place a printed order sheet on a door which fails to include his name and phone number on the order sheet.

(b) It shall be unlawful for any person to peddle, hawk, sell, solicit, take orders for, or offer to take orders for any services, wares, merchandise, goods, including magazines or photographs, from a motor vehicle, or distribute products or disseminate material on any public street and highway, intersection, sidewalks, or other location within the town if such action creates a traffic or safety hazard or congestion at said location.

 **Sec. 4.104 Permit Application; Contents**

Each application for permit required by this article shall be in writing, under oath, and containing the following information:

- (1) The name and permanent address of the applicant;
- (2) The date of birth, social security number and driver's license number of the applicant;
- (3) A specific description of the business in which the applicant desires to engage and for which the permit is desired;
- (4) A full and complete description of the kind, type or character of goods or services the applicant proposes to offer for sale;
- (5) 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;
- (6) The names, residents, and post office addresses and telephone numbers of three (3) individuals who will act as a character and business references for the applicant and will provide such information concerning the applicant as may be requested by the town;
- (7) The number of solicitations to be conducted by the applicant during the period of the permit;
- (8) The names of any cities where applicant has been permitted or has solicited orders during the preceding three (3) months;
- (9) Whether or not applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude;
- (10) If vehicles are to be used in the furtherance of the applicant's solicitation, applicant must furnish a description of the vehicles and their license numbers and furnish proof that he carries sufficient liability insurance to comply with state laws, with the provision that the town shall be notified if such insurance is allowed to lapse;
- (11) If the applicant is an individual and a juvenile under the age of eighteen (18), the applicant shall identify the adult responsible for his actions and provide the name, address, social security number, and driver's license number of such responsible adult;
- (12) If the applicant is an individual, there shall be attached to the application a recent photographic likeness of the applicant;
- (13) If the applicant is an individual, the applicant shall provide proof that he has a driver's license and proof of his date of birth either by providing a Department of Public Safety identification card or a birth certificate;

(14) If the applicant is the agent of another, the name, addresses and telephone number of the applicant's principal and the attachment of credentials issued by the principal to the applicant which set forth the extent of the applicant's authority to act for and bind the principal;

(15) If the applicant is a partnership, association or joint venture, the full names, addresses and telephone numbers of all partners, associates or joint venturers;

(16) If the applicant is a corporation, the state and date of incorporation, the principal place of business, the name and addresses and telephone numbers of its offices, and, if the applicant is a foreign corporation, whether it has a permit to do business in the State of Texas.

(17) If the applicant is an organization or association made up of individuals under the age of eighteen (18), the names of the individuals in the group shall be set forth and the name, address, social security number and driver's license number of the adult responsible for the organization shall be given.

Sec. 4.105 Investigation Fee

Each and every person seeking a permit under the provisions of this article shall pay a fee as set forth in the [fee schedule](#) in the appendix of this code per year for investigation of such application. Such fee shall be compensation to the town for the services herein required of it and to enable the town to partially defray the expenses of investigation, surveillance and enforcement of the provisions of this article. Such fee shall not be prorated, and shall not be returned to the applicant regardless of whether or not such permit is issued or denied. If the applicant is a corporation, partnership, association, joint venture or is an individual having more than one agent engaging in any of the activities set forth in this article on behalf of the individual applicant, (the "business entity"), a fee as set forth in the [fee schedule](#) in the appendix of this code shall be charged for the registration of the business entity and a fee as set forth in the [fee schedule](#) in the appendix of this code shall be required for each agent of the "business entity."

Sec. 4.106 Investigation of Applicant

(a) The chief of police or his designated representative shall investigate the business entity and the personal history of each person required to have a permit relative to the information furnished in the permit application and developed by the investigation.

(b) The city secretary is hereby authorized to review the applications of students who are under the age of Sixteen (16), enrolled full-time in an educational facility, who reside in the Town of Double Oak, Texas, and the application is for a non-profit organization.

Sec. 4.107 Issuance of Permit

(a) It shall be the duty of the chief of police to issue or refuse to issue such permit within seven (7) days from the time the application therefor is received. The permit required hereby shall be issued for a period of one (1) year from the date of issuance. The permit will not be issued if:

- (1) The applicant has been convicted of a felony or misdemeanor involving moral turpitude;
- (2) If the applicant has a suspended driver's license and the applicant will be operating a motor vehicle to, within, or from the area in which he or she will be soliciting; or
- (3) Any false statements made in the permit application.

(b) The city secretary is authorized to issue permits to students who are under the age of Sixteen (16), enrolled full-time in an educational facility, who reside in the Town of Double Oak, Texas, and the application is for a non-profit organization.

Sec. 4.108 Appeals

If the chief of police refuses or fails to issue a permit as required by this article, he shall so advise the applicant in writing at the address shown by the applicant in his application, and the applicant shall have a period of ten (10) days from the mailing of such letter by the chief of police to appeal the chief's decision to the town council. In the event of appeal, the town council shall schedule the same for hearing at the next available time on its agenda. The town council may affirm the decision of the chief of police, modify the decision, or reverse the decision and direct the issuance of the permit.

Sec. 4.109 Suspension and Revocation of Permit

Any permit issued under this article shall be automatically revoked and canceled upon the applicant's conviction of a felony or a crime involving moral turpitude. If, after the permit required by this article has been issued, the chief of police finds that the permit was obtained by false representation or that the applicant's drivers license has been suspended, the permit will be revoked by the chief of police. The chief of police may also revoke a permit upon finding that the applicant or his duly authorized agent has violated any of the provisions of this article. Such findings shall be based upon a final conviction of a violation of this article in the municipal court or in the county court in the event such conviction in the municipal court is appealed. In the event a permit is revoked due to the entry of a final conviction against the applicant or his duly authorized agent for violating this article, no permit shall thereafter be issued to such applicant for a period of twelve (12) months after the date of revocation. Revocation of any permit, for whatever cause, shall automatically revoke the permit of all agents of such applicant.

 **Sec. 4.110 Permit to be Carried**

It shall be unlawful for any person to peddle, hawk, sell, solicit, take orders for, or offer to take orders for, any services, wares, merchandise or goods, including magazines or photographs, without carrying on his person the permit required by this article.

 **Sec. 4.111 Hours**

The hours permitted for solicitation are between 9:00 a.m. and sunset Monday through Saturday. These hours of solicitation do not apply to a door to door solicitation if it results from a request or an appointment made by the resident of the home or to any solicitation if special permission has been granted to the solicitor by the town council.

 **Sec. 4.112 Duty of Police to Enforce**

It shall be the duty of any police officer of the town to require any person seen soliciting, selling or peddling, and who is not known by such officer to be duly licensed, to produce his permit and to enforce the provisions of this article against any person found to be violating the same.

 **Sec. 4.113 Refusal to Leave Premises After Notice**

It shall be unlawful for any solicitor, peddler, hawker, itinerant merchant or vendor who enters upon premises owned or leased by another to refuse willfully to leave such premises after having been notified by the owner or possessor of the premises, or by his agent, to leave the premises.

 **Sec. 4.114 Exhibiting a Sign Prohibiting Solicitors**

(a) A person, desiring that no solicitor, peddler, hawker, itinerant merchant or vendor engage in a door to door solicitation at his residence, shall exhibit in a conspicuous place upon or near the main entrance to the residence, a sign, not less than three (3) inches by four (4) inches in size containing the words "No Solicitors." The letters shall not be less than two-thirds (2/3) of an inch in height.

(b) Every solicitor, peddler, hawker, itinerant merchant or solicitor upon going onto any premises upon which a residence is located shall first examine the residence to determine if any notice prohibiting soliciting is exhibited upon or near the main entrance to the residence. If notice prohibiting soliciting is exhibited, then it shall be unlawful for a solicitor, peddler, hawker, itinerant merchant or vendor to go upon the premises and ring a doorbell or rap or knock upon the door for purposes of securing an audience with the resident so as to sell or offer for sale any goods, services, wares or merchandise, unless the visit is a result of a request made by the resident.

 **Sec. 4.115 Permit Fee Waived**

Non profit organizations or organizations which qualify as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended, shall obtain permits as required by this article, but shall not be required to pay the permit fee required hereby.

 **Sec. 4.116 Exemptions**

The provisions of this article shall not apply:

- (1) to public utility companies operating under a franchise granted by the town;
- (2) to commercial agents or drummers dealing with local business establishments in the usual course of business;
- (3) to insurance salesman, real estate salesman and others licensed by the State of Texas; and
- (4) the sale of newspapers as that term is defined by state law.

 **Sec. 4.117 Penalty for Violations**

That any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the Town of Double Oak, Texas, shall be subject to a fine in accordance with the general penalty provision set forth in [Section 1.109](#) of this code for each offense, and each and every day said violation occurs shall constitute a separate violation.

(Ordinance 30.5 adopted 10/17/94)