

**ORDINANCE NO. 2023-1113
SOLICITATION**

AN ORDINANCE OF THE City of Wolfe City, TEXAS AMENDING CHAPTER 111 OF THE CODE OF ORDINANCES OF THE City of Wolfe City BY ADDING SUBCHAPTER 111.08; PROHIBITING SOLICITATION BY COERCION; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the code of Ordinances of the City of Wolfe City, Texas as presently enacted does not adequately protect the public health, safety, and welfare against solicitation by coercion, and requires that amendments be made to the Code in order to provide adequate protection to the residents of Wolfe City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE City of Wolfe City, TEXAS:

Subchapter 111.08 of Chapter 111 of the Code of Ordinances shall be, and the same is hereby amended by adding the following definitions hereafter to provide as follows:

In this section,

(1) COERCION means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) imminent bodily injury; or

(ii) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession.

(B) to persist in a solicitation after the person solicited has given a negative response.

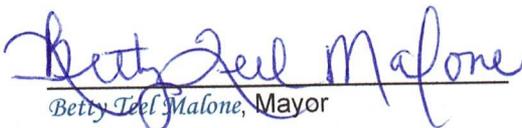
(C) to block, either individually or as a part of a group of persons, the passage of a solicited person; or

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

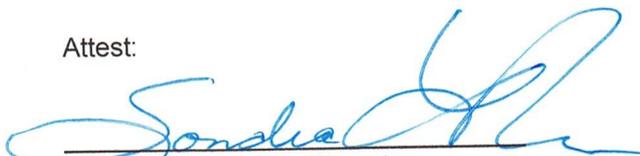
(2) SOLICITATION means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(A) A person commits an offense if he conducts a solicitation by coercion. A violation of this section is a Class C Misdemeanor.

Passed this 13th day of November 2023


Betty Teel Malone, Mayor

Attest:


Sondra LaFavers, City Secretary

Approved:


Aaron Huddleston, City Attorney

CHAPTER 111: PEDDLERS, SOLICITORS, AND ITINERANT VENDORS

Section

- 111.01 Authority
- 111.02 Definition
- 111.03 Application of provisions
- 111.04 License required
- 111.05 Application
- 111.06 Bond
- 111.07 License fee
- 111.98 Violations

§ 111.01 AUTHORITY.

In order to promote the public safety, comfort, convenience, protection, and welfare of the citizens of the city, and pursuant to authority granted the governing body of a general law city under Tex. Local Gov't Code, § 215.031, the following control of peddlers of various goods and services, as defined herein, is a necessity. (Ord. 87-79, passed 1-8-1979)

§ 111.02 DEFINITION.

An *ITINERANT MERCHANT* or an *ITINERANT VENDOR* shall be held to be any person, firm, company, partnership, corporation, or association engaged in any activity mentioned in § 111.04. (Ord. 87-79, passed 1-8-1979)

§ 111.03 APPLICATION OF PROVISIONS.

The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or sales agents in the usual course of business, nor to sales made under authority and by order of law, nor to vendors of farm or dairy products. (Ord. 87-79, passed 1-8-1979)

Wolfe City - Business Regulations

§ 111.04 LICENSE REQUIRED.

It shall hereafter be unlawful for any person to go from house to house or from place to place in the city soliciting, selling, or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a license to do so from the City Secretary or City Municipal Clerk. It shall also hereafter be unlawful to sell or solicit in the city without carrying the license while engaged in the soliciting and selling. Penalty, see § 10.99

§ 111.05 APPLICATION.

Any person desiring to go from house to house or from place to place in the city to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines shall make written application to the City Secretary or City Municipal Clerk at least **2 days** prior to the

date on which the person intends to sell or solicit in the city, for a license to do so, which application shall show the name and address of applicant, the name and address of the person, firm, or corporation, if any, that he represents and the kind of goods offered for sale, whether the applicant upon any such sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery, and the period of time the applicant wishes to sell or solicit in the city.

§ 111.06 BOND.

The application mentioned in § 111.05 shall be accompanied by a bond in the penal sum of \$1000, signed by applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the final delivery of goods, wares, merchandise, services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of the bond, at the time of delivery, and that may be discovered by the purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons, firms or corporations that may make any purchase or give any order to the principal on the bond or to an agent or employee of the principal; provided, that in case the applicant is a person, firm, company, partnership, corporation or association engaging in any activity mentioned in § 111.04 through one or more agents or employees, the persons, firm, company, partnership, corporation or association shall be required to enter into only one bond, in the sum of \$1000 as above required, which bond shall be made to cover the activities of all its agents or employees.

Peddlers, Solicitors and Itinerant Merchants

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§ 111.07 LICENSE FEE.

Non-refundable application fee: \$50.00

Upon approval a \$25.00 permit fee is required for one solicitor/itinerant vendor. If more than one person will be listed on permit: \$50.00.

The license shall be valid for a period of 1 day from the date of issuance.

§ 111.98 VIOLATIONS.

(A) Any person, firm or corporation violating any provisions of this chapter or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as set forth in § 10.99, and each and every day or fraction of a day during which this chapter, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

(B) All requirements for licensing and penalties under this chapter are in addition to the remedies available and fines permitted by the Texas Deceptive Trade Practices - Consumer Protection Act (Texas Business and Commerce Code, §§ 17.41 *et seq.*).

Penalty, see § 10.99

ANY verified complaints at all, to WC City Hall, Wolfe City employees or WCPD will deem the application void and all persons associated with the permit will be asked to leave Wolfe City immediately and will not be permitted to file an application in the future.