

**AMENDED
ORDINANCE 2015-05**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, RAISING AND/OR ESTABLISHING CERTAIN RATES AND FEES IN CONNECTION WITH THE PROVISION OF SOLICITORS PERMIT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to §51.012 of the *Texas Local Government Code* and other applicable provisions of Texas law; and

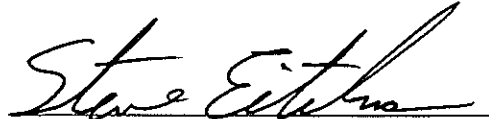
WHEREAS, the City Council finds and determines that the public interest, welfare, and good order of the municipality as a body politic is served by raising and/or establishing certain rates and fees in connection with the provision of raising and/or establishing certain permitting fees including solicitation permits.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE THAT:

- A. **Rates and Fees Established and/or Raised.** The rates for Solicitor's Permit, should and hereby shall be in the amounts as shown on the list attached hereto as Exhibit A.
- B. **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violated of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.
- C. **Effective Date.** The provisions of this ordinance are effective as of June 16, 2015.

D. **Amend Prior Ordinance.** This ordinance is intended to and hereby does amend prior Ordinance 2014-16-09A of the City Council of the City of Hallsville, Texas.

PASSED AND APPROVED by the affirmative vote of the members of the City Council this 16th day of June, 2015.



Steve Eitelman, Mayor

ATTEST:


Kimberly Smith City Secretary

ORDINANCE 2014-16-09A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, RAISING AND/OR ESTABLISHING CERTAIN RATES AND FEES IN CONNECTION WITH THE PROVISION OF WATER AND SEWER SERVICES, RAISING AND/OR ESTABLISHING CERTAIN RATES AND FEES IN CONNECTION WITH THE PROVISION OF RAISING AND/OR ESTABLISHING CERTAIN PERMITTING FEES; PROVIDING FOR THE SEVERABILITY OF THE PROVISION HEREOF; MAKING OTHER FINDINGS AND PROVISION RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to §51.012 of the *Texas Local Government Code* and other applicable provisions of Texas law; and

WHEREAS, the City Council finds and determines that the public interest, welfare, and good order of the municipality as a body politic is served by raising and/or establishing certain rates and fees in connection with the provision of water and sewer services by establishing a CSI Inspection fee, and by raising and/or establishing certain permitting fees including sign permits, background checks, and solicitation permits.

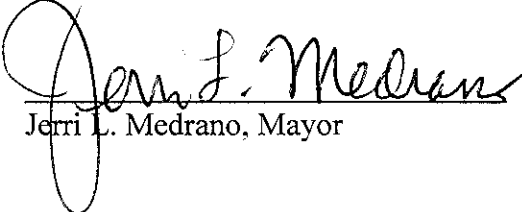
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE THAT:

- A. **Rates and Fees Established and/or Raised.** The (1) rates for water and sewer use, (2) water and sewer tap fees, (3) owner and renter water deposit amounts, (4) fees for late payment of water bills, (5) turn-on fees (after turn-off for non-payment), (6) NSF check fee, (7) water service transfer fee, (8) swimming pool permit fee, (9) mobile home permit fee, (10) 2 day solicitation permit fee, (11) background checks, (12) notary public fees, (13) sign permit fee, (14) building permit fee, (15) franchise street use fee, (15) CSI Inspection fee, and (16)

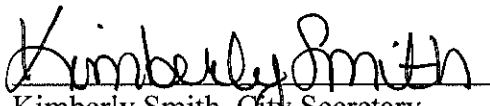
development review fees, should and hereby shall be in the amounts as shown on the list attached hereto as Exhibit A.

- B. **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violated of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.
- C. **Effective Date.** The provisions of this ordinance are effective as of October 1, 2013.
- D. **Amend Prior Ordinance.** This ordinance is intended to and hereby does amend prior Ordinance 2011-09-01 of the City Council of the City of Hallsville, Texas.

PASSED AND APPROVED by the affirmative vote of the members of the City Council this 16th day of September, 2014.


Jerri L. Medrano, Mayor

ATTEST:


Kimberly Smith, City Secretary

ORDINANCE NO 2015-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, AMENDING PRIOR ORDINANCE 2015-01 DATED MARCH 17, 2015 TITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS REQUIRING A SOLICITATION PERMIT PROVIDING A PENALTY BY FINE FOR VIOLATION; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.”

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to *Texas Local Government Code* § 51.012 and other applicable provisions of Texas law; and

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, licensing, taxing, suppressing, preventing, or otherwise regulating peddlers pursuant to *Tex. Local Gov't Code* § 215.031; and

WHEREAS, the City Council finds and determines that the every solicitor, peddler, or canvasser shall obtain a permit from the City Secretary or other person so designated or by vote of the City Council before soliciting, peddling, or canvassing within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, THAT:

- (a) **Permit Required.** No canvasser, peddler, or solicitor may canvass, peddle, or solicit within the City limits without first having obtained a permit from the City.
 - (1) Exception. No permit shall be required for occasional citywide events

including by way of example Western Days, National Night Out, or other similar events.

(2) Exception. No permit shall be required for a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

(3) Exception. Persons under the age of 13 shall not be required to apply for or carry a permit as long as they are supervised by a person 18 years or older who has obtained a permit in accordance with this ordinance. No person under the age of 13 shall act as a peddler, solicitor, or canvasser within the city without being supervised by a person 18 years or older who has obtained a permit in accordance with this ordinance. No permit shall be required for any persons under the age of 13 who have a lemonade or other similar stand on private property or are participating in a school sanctioned or sponsored fundraiser as long as they are supervised by a person 18 years or older.

(4) Exception. No permit shall be required for a security services contractor license holder or an employee of a security services contractor license holder engaging in business or performing a service as authorized and regulated under the Texas Private Security Act, Tex. Occ. Code § 1702.001, et. seq.

(b) **Definitions.** The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) Canvasser. A person, firm, corporation, or entity, who makes or attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident for the primary purpose of: (1)

attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, and in connection with such purpose the canvasser asks for, seeks, or solicits a donation of money for or against such cause, or (2) who distributes a handbill or flyer advertising a noncommercial event or service, which seeks or solicits a donation of money for or against such cause.

(2). Canvass or Canvassing. The act of making or attempting to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, and in connection with such purpose the canvasser asks for, seeks, or solicits a donation of money for or against such cause, or (2) who distributes a handbill or flyer advertising a noncommercial event or service, which seeks or solicits a donation of money for or against such cause.

(3). Good(s). Any form of tangible personal property.

(4). Peddler. A person, firm, corporation, or entity, who makes or attempts to make personal contact with a resident either at his or her residence without prior specific invitation or appointment from the resident or at any other location within the City limits for the primary purpose of attempting to sell one or more goods or services. The term includes a person, firm, corporation, or entity, operating a mobile food establishment or a mobile vendor's establishment. "Mobile Food Establishment" for purposes of this ordinance means a trailer or vehicle mounted food establishment that is readily moveable. "Mobile Vendor's Establishment" for purposes of this ordinance means a trailer or vehicle mounted establishment that is readily moveable and from which goods are sold or services provided.

(5). Peddle or Peddling. The act of making or attempting to make personal contact with a resident either at his or her residence without prior specific invitation or appointment or at any other location within the City limits from the resident for the primary purpose of attempting to sell one or more goods or services.

(6). Sell or selling. Any exchange of money for goods or services, including but not limited to orders involving future payment or delivery.

(7). Service(s). The performance of work or labor, including but not limited to work or labor furnished in connection with the sale or repair of goods.

(8). Solicitor. A person, firm, corporation, or entity, who makes or attempts to make personal contact with a resident either at his or her residence without prior specific invitation or appointment from the resident or at any other location within the City limits for the primary purpose of: (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service. A person, firm, corporation, or entity is not a solicitor for purposes of this definition if he, she, or it is (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sale of some good or service, where such person, firm, corporation, or entity has the permission of the owner of the piece of private property where he, she, or it solicits.

(9) Solicit or Soliciting. The act of obtaining or attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent,

educational, civic, fraternal, charitable, political, or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

(c) **Violation.** It shall be unlawful for any canvasser, peddler, or solicitor to violate the provisions of this ordinance. Any violation of this ordinance shall be deemed a Class C misdemeanor, and any canvasser, peddler, or solicitor convicted thereof shall be fined a sum not to exceed \$500.00 per violation. Each and every act constituting a violation hereof and each failure or refusal to comply with any provision shall be a separate offense and shall be punished as such.

(d) **Permit Application.**

(1) Submission. To obtain a permit, a canvasser, peddler, or solicitor must submit an application on a form provided by the City Secretary. The applicant must be the person, firm, corporation, or other entity, which will canvass, peddle, or solicit within the City limits. Applications must be made in writing at City Hall, and any fees charged for such permit (as may now or hereafter be set by the City Council) shall be paid at the time any such application is submitted. Where canvassing, peddling, or soliciting is commenced before a permit is obtained as required herein, the permit fee shall be doubled.

(2) Minimum Requirements. The permit application shall include at minimum the following information:

- (A) The company/applicant's name, address, and telephone number;
- (B) If applicable, a letter from the company or business showing evidence of the authority of the person(s) applying for the application;

- (C) A description, including description of the goods or services being sold or promoted;
- (D) The full legal name of each individual who will be peddling, soliciting, or canvassing;
- (E) That the permit required by this section shall not be transferable.
- (F) Any other information required to be submitted from time to time by the City; and
- (G) Description (year, make, type) and license plate number and state of registration of all vehicles to be used in peddling, soliciting, or canvassing and a copy of the vehicle's current proof of liability insurance.

(3) Application Expiration. Any application for a permit made hereunder shall expire in accordance with Texas Local Government Code § 245.002(e) on or after the 45th day after the date the application is filed with the City Secretary if:

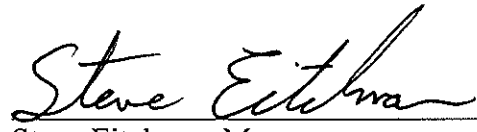
- (A) the applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the form and content of the permit application;
- (B) the City provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (C) the applicant fails to provide the specified documents or other information within the time provided in the notice.

- (e) **Application Evaluation and Permit Issuance.** Applications shall be evaluated for compliance with the provisions of this ordinance. A permit shall be issued promptly after application, unless it is determined that: (1) The applicant has been convicted of a felony or a class A or B misdemeanor; or (2) Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect. An application which fails comply with the provisions of this ordinance may be rejected, without prejudice to the applicant resubmitting a subsequent application.
- (f) **Permit Display.** Each permit shall be worn on the outer clothing of the canvasser, solicitor, or peddler, or otherwise displayed, so to be reasonably visible to any person who might be approached by said canvasser, solicitor, or peddler.
- (g) **Hours of Operation.** No canvasser, peddler, or solicitor may canvass, solicit, or peddle except between the hours of 9:00 am – 9:00 pm, CST.
- (h) **No solicitor signs.** Any canvasser, solicitor, or peddler who solicits, canvases, or peddles, or attempts to solicit, canvas, or peddle, at a place where a sign clearly indicates that solicitors, canvassers, or peddlers are unwelcome is in violation of this ordinance.
- (i) **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and

effect.

- (j) **Effective Date.** The provisions of this ordinance are effective as of the date of adoption of this ordinance, or upon the date that the publication requirements are met, whichever is later.
- (k) **Amend Prior Ordinance.** This ordinance is intended to and hereby does amend prior Ordinance No. 0-82-01-83 of the City Council of the City of Hallsville, Texas.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 16th day of June, 2015.



Steve Eitelman, Mayor

ATTEST:



Kimberly Smith, City Secretary

AN ORDINANCE REGULATING THE SOLICITATION FOR
ORDERS OF MERCHANDISE, REQUIRING A PERMIT, AND
PROVIDING FOR A PENALTY NOT IN EXCESS OF \$200
WITH EACH INCIDENT BEING A SEPARATE VIOLATION

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

1.

Every solicitor, peddler, itinerant merchant, or transient vendor of merchandise shall obtain a permit from the City Secretary or other person so designated or by vote of City Council before soliciting any orders or before offering for sale or selling any goods, wares, or merchandise in the City; it shall be the duty of the City Secretary to make an investigation of all persons offering so to do to determine their authority for making such sales and taking such orders before issuing a permit, and determine that they actually represent the parties they so claim to represent, and that they are an actual bonafide representative of a reliable concern, and obtain prior approval from the City Council. Unless the City Secretary so finds, he shall refuse to issue a permit for the taking of orders and the selling of merchandise in the City.

2.

The City Secretary is hereby authorized to charge such processing fees as deemed reasonable and necessary to pay for all costs incurred in processing and investigating such applications for permits.

3.

Any person violating any of the provisions of this Ordinance shall upon conviction be fined in an amount not to exceed \$200; and each sale, offer for sale, exhibition for purpose of sale, or exhibition for the purpose of taking orders for the sale thereof

PASSED AND APPROVED THIS 11th day of January, 1983.

AYES: 5

NOES: 0

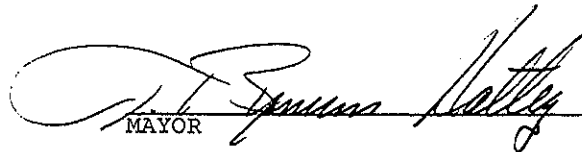
ABSTAINED: 0

PASSED, APPROVED AND ADOPTED this 11th day of January,
1983.

AYES: 5

NOES: 0

ABSTAINED: 0


MAYOR

ATTEST:


CITY SECRETARY