



Check one: __Solicit for commercial purposes
Check one: __Solicit for charitable purpose* (per ordinance)

Date Received in Records: _____
Permit No.: _____

IF APPLICANT IS AN INDIVIDUAL:

Name

Company

Local company address (include zip code)

Local residence address (include zip code)

Permanent address (if different from above)

Telephone

Taxpayer ID or Social Security Number

Date of Birth Race Sex: M/F

DL# State

IF APPLICANT IS A PARTNERSHIP:

Name of Partnership

Tax payer ID

Address Telephone

List in the space below all partners:

Name and title

Principal business address Telephone

Name and title

Principal business address Telephone

**IF APPLICANT IS A CORPORATION/
ASSOCIATION:**

Name of Corporation/ Association

Mailing Address

Taxpayer ID#

Individual in Charge of Van Alstyne Office Title

Local mailing address

Residence address Telephone

Date of Birth Race Sex: M/F

DL# State

*List in the space below all officers/directors of
trustees:*

Name and title

Principal business address Telephone

Name and Title

Principal business address Telephone

Name and Title

Principal business address Telephone

Name and Title

Principal business address Telephone



List all agents or employees who will be soliciting

An addendum to this list may be submitted twice while the permit is active. As with the original application, all information on this addendum must be true and correct.

Name

Residence Address Date

Date of Birth Race Sex: M/F

DL# State

Name

Residence Address Date

Date of Birth Race Sex: M/F

DL# State

Name

Residence Address Date

Date of Birth Race Sex: M/F

DL# State

Name

Residence Address Date

Date of Birth Race Sex: M/F

DL# State

Name

Residence Address Date

Date of Birth Race Sex: M/F

DL# State

1. Describe the nature of the goods, merchandise or services to be offered for sale.

Four horizontal lines for describing goods and services.

2. Describe the methods and means by which the solicitation of funds or distribution of flyers is to be accomplished.

Four horizontal lines for describing methods and means.

3. If solicitation is to be conducted on public right-of-ways. List intersections, dates, and times:

Four horizontal lines for listing intersections, dates, and times.

All information provided by the applicant is subject to verification by the City of Van Alstyne. A nonrefundable \$20.00 application fee must accompany each application (application fee is not required of duly authorized, non-profit, charitable organizations) as established by ordinance.



DO NOT SIGN UNLESS WITNESSED BY A NOTARY

I swear or affirm that I have carefully read the application and that all information contained herein is true and correct. I understand that failure to provide all information requested or providing false information is grounds for denial or revocation of permit or certificate. If a permit is granted, it will not be used as, or represented to be, an endorsement by the City or any of its officers or employees.

Date: _____

Signature: _____

Title: _____

State of Texas
County of Grayson

(If executed by an individual)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposed therein stated.

(If executed by a Corporation/Partnership or Association)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be a person and officer whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same as the act of said (Corporation/Partnership/ Association) for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20____.

Notary Public in and for the State of Texas

SEAL

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS,
PROVIDING DEFINITIONS, RESTRICTIONS AND
REGULATIONS FOR THE SOLICITATION WITHIN THE CITY OF
VAN ALSTYNE, REPEALING ORDINANCE NUMBER 321;
PROVIDING PENALTY, SEVERABILITY, REPEALING AND
PUBLICATION CLAUSES AND AN EFFECTIVE DATE.

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to prevent potential traffic hazards resulting from unauthorized use of the public right-of-way and city property;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to avoid loitering and keep the right-of-way clear from unauthorized activity to prevent citizens from feeling threatened or being distracted by persons located outside their vehicle while driving as a means of crime prevention and to prevent accidents;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to avoid loitering and unwanted solicitation or visitors on private property to prevent citizens from feeling threatened while on private property and as a means of crime prevention;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to prevent littering by requiring unattended printed materials to be securely affixed to an object to prevent the wind from blowing it loose;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to avoid certain obstructions in the right-of-way that may interfere with emergency services;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to insure a noncommercial atmosphere in residential areas;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to create appropriate and orderly commercial and residential atmospheres;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to maintain the privacy of the home and limit what an occupant must be unwillingly exposed to relative to the enjoyment of the investment made in the home;

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Van Alstyne to enhance property values and psychological well-being for individuals and families; and

WHEREAS, Van Alstyne has complied will all notices and public hearings as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS:

SECTION 1: FINDINGS INCORPORATED.

SECTION 2: DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings ascribed to them by this section:

Business day means any calendar day except Saturday, Sunday or any state or national holiday.

Charitable purpose shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the solicitation, to include the benefit of any political group or political organization which is subject to financial disclosure under stat or federal law.

Commercial solicitation or soliciting, means the act of asking, bartering, or communicating in any other such manner, whether orally, by written and or printed material including but not limited to handbills or leaflets, hand signing or by any other method, direct or implied, by an individual or group of individuals for a for-profit purpose which includes promoting, advertising, receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual or group of individuals, or for-profit organization, joint venture, joint stock company, partnership, club, company, corporation, business trust, establishment, However the term does not include solicitation for religious, political, charitable, or other non-commercial purposes.

Consumer means an individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

Handbill distributor means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbill.

Handbill sponsor means and includes any person, firm or corporation who utilizes handbills as a medium of advertising or spreading a message.

Individual shall mean only a natural person.

Job placement activities mean any form of communication relating to a political issue, a particular candidate to a position or non-partisan office, or to a political party.

Public right-of-way for the purposes of this Article, right-of-way shall mean the area that is within ten (10) feet of the curb line. In absence of a curb line, the area within ten (10) feet of the shoulder of a road or highway. Right-of-way also includes the travel portion of the roadway and all traffic medians.

Residential Street means a thoroughfare where the paved section allows for two (2) travel lanes.

SECTION 2-B Penalties.

Any person violating any provision of this article or failing to observe any provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00). Every day the violation continues shall be deemed as a separate offense.

SECTION 3. SOLICITATION

SECTION 3-A. Solicitation in public right-of-way.

- (a) A person may solicit for a charitable or political purpose in or upon the public right-of-way, except those areas prohibited in this article.
- (b) A person may conduct commercial solicitation in or upon the public right-of-way, except those areas prohibited in this article, if the solicitor has obtained a permit or who is a member of an organization that has obtained a permit.
- (c) Solicitation for any purpose in the public right-of-way shall be conducted only during the hours of daylight, specifically one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset.
- (d) It shall be unlawful for a person younger than eighteen (18) years of age to solicit in the public right-of-way.
- (e) It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway. However, this provision does not apply to public rights-of-way on residential streets.
- (f) It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway of residential streets so that their presence impedes the flow of traffic.

- (g) It shall be unlawful for a person to solicit in the public right-of-way that is within one thousand (1,000) feet of any public or private elementary or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when such school is in session. The measurement of distance shall be made from the nearest property line of the public or private elementary or secondary school.

SECTION 3-B. Solicitation in selected public rights-of-way prohibited.

- (a) It shall be unlawful for any person to solicit, at any time in the public right of ways, with or without a permit, within one thousand (1,000) feet of the following intersections:
 - 1) Waco St. (also known as St Hwy 5) at its intersection with;
 - (a) Jefferson Street
 - (b) Stephens Street (also known as FM 121)
 - (c) FM 3133
 - (d) Village Parkway
 - 2) Stephens Street at its intersection with:
 - (a) Henry Hynds Parkway East (also known as East Access Control Rd.)
 - (b) Henry Hynds Parkway West (also known as West Access Control Rd.)

SECTION 3-C. Solicitations and handbill distribution on private property.

- (a) It shall be unlawful for any person to conduct commercial solicitation upon residential property within the city, without first obtaining a written permit as prescribed by this article.
- (b) All solicitation on residential property, whether for a commercial or non-commercial purpose shall occur only during the time that is one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset. This provision does not apply where the solicitor is on the property by express, prior invitation of the owner of the property or person residing on the premises.
- (c) It shall be unlawful for any person, handbill distributors, sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure to prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
- (d) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words “no trespassing,” “no Peddlers,” “no

advertisements,” “no solicitation,” “no handbills,” or any similar notice indicting in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

- (e) It shall be unlawful for any person to go upon any residential premises for the purpose of solicitation and ring the doorbell, knock upon the door or create any sound for the 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 card, not less than three (3) inches by four (4) inches in size bearing the words “no solicitation”, “no peddlers” or “no trespassing”. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

SECTION 3-D. Display of identification for commercial solicitation.

The person(s) in charge of conducting commercial solicitation shall provide all commercial solicitors involved in the solicitation with identification that is to be clearly displayed and recognizable, by any person, at any time that identifies who the solicitor is and for whom the solicitor is soliciting. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such identification upon the request of any person.

SECTION 3-E. Display of permit to conduct commercial solicitation.

The person(s) in charge of conducting the commercial solicitation shall provide each commercial solicitor with a copy of the permit issued by the city as prescribed by this article. It shall be unlawful for any solicitor to engage in commercial solicitation without having a copy of the permit in their possession. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such copy upon the request of any person.

SECTION 3-F. Solicitation for purpose not set out in application.

It shall be unlawful for any commercial solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

SECTION 4. PERMIT FOR COMMERCIAL SOLICITATION IN THE PUBLIC RIGHT-OF-WAY AND ON RESIDENTIAL PROPERTY.

SECTION 4-A. Exceptions from permit requirement.

The following are excepted from filing an application and receiving a written permit.

1. Solicitation in the public right-of-way on residential streets.

SECTION 4-B. Required fee.

It shall be unlawful for any person to conduct commercial solicitation within the City of Van Alstyne without first obtaining a written permit from the city's administration department. Every application shall be accompanied by a registration fee of twenty dollars (\$20.00), except as provided in section 4-D to compensate the city for the cost of administering this article, and such fee will not be refunded if a permit is not issued.

SECTION 4-C. Application for permit.

A person or organization seeking a permit for the purpose of conducting commercial solicitation shall file an application with the city's administration department upon the application form provided by the city. Such application shall contain at a minimum the following information:

1. The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for a permit to solicit;
2. If the purpose of the solicitation is for the distribution of handbills, the name of the handbill sponsor and company organizing the distribution of same.
3. Whether the person applying is a natural person, partnership, corporation or association, and:
 - (a) The business or residence address and telephone number of the applicant;
 - (b) If a partnership, the names of all partners and the principal business address and telephone number of each partner;
 - (c) If a corporation, the person applying shall state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the of incorporation;
 - (d) If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
4. The names, mailing address and telephone number of all individual who will be in direct charge or control of the solicitation;
5. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion;

6. A description of the methods and means by which the solicitation is to be accomplished;
7. The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished;
8. Whether such applicant, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery;
9. A statement to the effect that if a permit is granted, such permit will not be used as or represented to be an endorsement by the city or any of its employees or any of its officers;
10. Any other information which the city deems necessary for the administration of this article.
 - (a) The application must be signed by the applicant, if the person applying is an individual; if the person applying is a partnership, by the partner charged with disbursing funds solicited; if the person applying is a corporation or an association, by its officer charged with disbursing the funds solicited. The individual signing the application shall sign the application and swear before an official authorized to administer oaths that he has carefully read the application and that all the information contained therein is true and correct.
 - (b) Information provided by applicant will be subject to verification.
 - (c) Such application shall also show satisfactory written proof of the individual's authority to represent the company.
 - (d) Application must be accompanied by a copy of a valid state sales tax certificate, if applicable.
 - (e) The application shall be accompanied by a nonrefundable fee of twenty dollars (\$20.00), and no permit provided for by this division shall be issued until such fee has been paid by such applicant.

SECTION 4-D. Exemption from application fee.

- (a) Application fee shall not be required of ordinary commercial travelers who sell or exhibit for sale goods, wares or merchandise to persons selling and dealing in the same within the city.
- (b) Individuals who file a statement with the City of Van Alstyne indicating their indigent status.

SECTION 4-E. Permit issuance for commercial solicitation, duration and form.

- (a) A permit applied for under this division shall be issued by the city administration department within ten (10) days after the application is completed and filed, unless

it is determined that the applicant has provided false or incomplete information on its application.

- (b) A permit requested under this division shall be issued for the length of time requested, not to exceed thirty (30) days.
- (c) The city shall prescribe the form of the permit. Each such permit shall be printed in black except that the following shall be printed prominently thereon in red: "The issuance of this permit is not an endorsement by the City of Van Alstyne or any of its officers or employees." Each permit shall bear a permit number which is the same as the file containing the application filed by the same applicant.

SECTION 4-F. Denial or revocation of permit to solicit for commercial purpose.

A permit to solicit for a commercial purpose may be revoked and the solicitor may be prohibited from reapplying for the period covered by the original application, or an application to solicit may be denied, when it has been determined that:

1. An applicant has knowingly given false or misleading information on an application; or
2. A solicitor, while soliciting, is charged and subsequently convicted of theft or fraud or a violation of any city, state, or federal law, in connection with said solicitation; or
3. A solicitor or the entity has made, or caused to be made, false statements or misrepresentations to any member of the public with regard to the solicitation; or
4. A solicitor or the entity violates any part of any provision of this article; or
5. A solicitor creates a traffic or safety hazard to themselves, the users of the roadway, property owner, or occupant thereof.

SECTION 4-G. Appeal from denial or revocation of permit to conduct commercial solicitation.

Should an applicant be denied a permit or have a permit revoked, the applicant may appeal that action to the city manager or his designee by submitting a letter to the city secretary within ten (10) days of the action complained of. A hearing on the denial will then be scheduled within seven (7) days of the receipt of the appeal, to be held within fifteen (15) days. The city manager, or his designee, shall render a decision on the appeal within three (3) days of the date of the hearing. The decision of the city manager, or his designee, shall be final.

SECTION 5. JOB PLACEMENT ACTIVITIES

SECTION 5-A. Prohibition of job placement activities in unauthorized locations.

- (a) No person shall engage in or attempt to engage in job placement activities in an unauthorized location. This section shall not apply to job placement activities

concerning employment or business for the owner or lawful tenants of the subject premises.

- (b) This section shall only apply to unauthorized location where the location has a notice posted in both English and Spanish in a conspicuous place at each entrance and exit to such location not less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one (1) inch in height and not to exceed, in total area, six (6) square feet. The notice shall be in substantially the following form:
It is unlawful to engage in job placement activities on these premises.

SECTION 6. SEVERABILITY CLAUSE

Should any article, section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Van Alstyne hereby declares that it would have adopted this Ordinance, and each article, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one of or more article, section, subsection, sentence, clause or phrase be declared unconstitutional or invalid.

SECTION 7. INJUNCTIVE RELIEF

In addition to and accumulative of all other penalties, Van Alstyne shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective from and after its adoption and publication as required by law.

Passed and approved this 12th day of October, A. D., 2004.

Willie Boddie, Mayor

ATTEST:

Tena A. Brown, City Secretary