

**Door-to-Door Solicitor Rules and Regulations**  
**Benbrook Municipal Code**  
**Chapter 5.16**

**Purpose.**

To protect the citizens against crime, including deceptive practices, fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of citizens' privacy, and to preserve the public health, safety and general welfare by registering and regulating solicitors.

**Definitions.**

1. "Chief" means the chief of police of the city.
2. "City" means the city of Benbrook, Texas.
3. "Commercial Home Distribution" means the door-to-door distribution of advertisements or handbills.
4. "Handbill" means any printed sheet or pamphlet, including printed or written matter, any sample or devise, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.
5. "Minor" means a person under the age of eighteen.
6. "Peddler" means one who sells or offers for sale tangible merchandise from a location on private premises for profit and delivery is made at or soon after the time of the sale.
7. "Solicitation activities" means traveling either by foot or vehicle, going door-to-door, house-to-house, building-to-building, or along any street in the city, personally contacting occupants or other persons within residential dwellings or commercial business establishments, selling or taking orders for or offering to sell or take orders for goods or services for commercial purposes.
8. "Solicitor" means a person who engages in solicitation activities.
9. "Traffic Safety Vest" means a highly visibility vest made of fluorescent orange or yellow material that may be clearly seen at any time of the day.

**Registration required.**

A person, other than a minor, shall not engage in solicitation activities in the city without first registering with the city and obtaining a registration certificate and identification badge from the city secretary.

**Application for registration.**

A separate application for a solicitor's registration is required for each solicitor. An application must contain the following information:

- A. Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation, or other legally recognized form of identification;
- B. If the solicitor is employed by another, the name and business address of the employer; if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal;
- C. A brief description of the goods or services to be sold or offered for sale;
- D. The hours and location of the solicitation activities;

- E. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any law or regulation, would exempt the applicant from the registration requirements of this chapter;
- F. Two photographs of the applicant, measuring at least one and one-half by two inches and showing the head and shoulders of the applicant in a clear and distinguishing manner, which was taken within the preceding sixty days before the filing of the application;
- G. It shall be unlawful for any door-to-door solicitor to engage in business within the city without having obtained and presented a sales tax permit issued by the State of Texas, if applicable; and
- H. Peddler or roadside vendors are not allowed to operate within the city.

**Bond.**

- A. Solicitors that require cash deposits or payment for future delivery or who require a contract or agreement to finance the sale of goods or services for future delivery, or for services to be performed in the future, shall furnish to the city a bond with the application in the amount determined in subsection C of this section, signed by the applicant and surety company authorized to do business in Texas, conditioned:
  - 1. For the final delivery of goods or services in accordance with the terms of any order obtained;
  - 2. To indemnify purchases for defects in material or workmanship that may exist in the goods sold and that are discovered within thirty days after delivery;
  - 3. For the use and benefit of persons that make a purchase or give an order to the principal of the bond or to the agent or employee of the principal of the bond.
- B. If the applicant is a person, firm or corporation engaging in solicitation activities through one or more agents or employees, only one bond is required for the activities of all the agent or employee solicitors.
- C. The amount of the bond is determined by the number of solicitors acting as agents or employees of the same person, firm or corporation as follows:

1--3 solicitors	\$500.00
4--6 solicitors	750.00
7 or more solicitors	1,000.00

**Fees and duration.**

An applicant for registration shall pay an annual fee in accordance with Section 1.12.040 for each solicitor. A solicitation registration is valid for one year.

**Application review and approval.**

- A. Upon receipt of an application, the city secretary and the chief shall review the application to ensure the protection of the public health, safety and general welfare

- B. If the city secretary and the chief find that none of the reasons for denial listed in exists, the city secretary shall approve the application.

**Registration certificate and identification badge.**

- A. Upon approval of the application and applicant's payment of the fee, the city secretary shall deliver a registration certificate and identification badge for each registered solicitor.
- B. The registration certificate shall show the name, address and photograph of the solicitor, the kind of goods or services to be sold or offered for sale, a description of any vehicle to be used in carrying on the solicitation activities, the registration number, and the dates of issuance and expiration of the certificate.
- C. The registration certificate must be carried by the solicitor while engaging in solicitation activities.
- D. While engaging in solicitation activities, a solicitor shall wear the identification badge so that it may be easily read by those being solicited. If a badge becomes damaged, the solicitor shall return it to the city and receive a replacement badge.
- E. A registration certificate and an identification badge shall be used only by the person to whom they were issued and may not be transferred to another person.

**Denial of registration.**

- A. The city secretary shall deny an application for registration if the city secretary or the chief finds any of the following to be true:
  - 1. An investigation reveals that the applicant falsified information on the application.
  - 2. Within five years preceding the date of application, the applicant or an employee or agent of the applicant, has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, controlled substances, or any violent acts against persons or property.
  - 3. The applicant is a person against whom a judgment, conviction or deferred adjudication has been entered within five years preceding the date of application, based upon fraud, deceit or misrepresentation.
  - 4. The applicant provided no proof of authority to serve as agent for the principal.
  - 5. The type of solicitation activity requires a bond, and the applicant has not complied with the bond requirements.
  - 6. The applicant has been denied registration under this chapter within the previous twelve months and the applicant has now shown to the satisfaction of the city secretary and the chief that the reasons for the earlier denial no longer exist.
- B. The city secretary shall note the reasons for a denial on the application, and notify the applicant of the denial by notice mailed to the applicant at the address shown on the application or the last known address.

**Regulations.**

- A. A solicitor shall not engage in solicitation activities:
  - 1. Between the hours of nine p.m. and nine a.m.; or
  - 2. At a residence or business that has a sign posted giving notice that solicitors are not welcome, such as "no solicitors," or words of similar meaning.
- C. If a person uses a vehicle in solicitation activities, there must be a sign located in a conspicuous place on the vehicle, identifying the name of the person or the company or organization that the person represents. If the name is an individual, it must be followed by the word "solicitor." The letter on the sign must be at least two and one-half inches high.
- D. It shall be unlawful for any person to conduct themselves as a solicitor or to engage in commercial home distribution without wearing a traffic safety vest.

**Revocation or suspension of registration.**

A registration certificate issued pursuant to this chapter may be revoked or suspended by the chief, after notice and hearing, for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for registration;
- B. Fraud, misrepresentation or false statement made by a solicitor in the course of conducting solicitation activities;
- C. Conducting solicitation activities which were not described in the application;
- D. Conviction for a crime described in Section 5.16.090A2; or
- E. Conducting solicitation activities in such a manner as to create a public nuisance, constitute disorderly conduct, or endanger the health, safety or general welfare of the public.

**Appeals.**

- A. A person who is denied registration or whose registration is revoked or suspended by the chief, may appeal the decision to the city manager by filing notice of appeal with the city secretary within fifteen days after the notice of the decision is mailed to the address indicated on the application or the last known address of the solicitor.
- B. Within ten days of the receipt of the notice of appeal, the city manager shall set a time and place for a hearing on the appeal which shall be not later than thirty days from the date of receipt of the notice of appeal.
- C. Notice of the time and place of the hearing shall be delivered to the applicant by mail, sent to the address indicated on the application or the last known address of the applicant.
- D. The decision of the city manager on the appeal is final. No other administrative procedures are provided by the city.