

## **ORDINANCE NO. 091525-01**

**AN ORDINANCE OF THE CITY OF SHAMROCK, TEXAS, PROVIDING DEFINITIONS OF CERTAIN SOLICITORS AND VENDORS; ADOPTING A PERMIT REQUIREMENT AND FEE REQUIREMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a Texas general law municipality may adopt ordinances that are for the health, welfare, peace, and order of the municipality; and

**WHEREAS**, the City has an interest in regulating and permitting peddlers, solicitors, and itinerant and other vendors to minimize fraud, prevent crime, and protect the privacy of our citizens in accordance with Tex. Loc. Gov't Code 215.031; and

**WHEREAS**, the City Council finds it necessary to protect the health, safety, and welfare of the residents of the City, while balancing the interests of business and freedom of speech, by requiring certain solicitors and vendors within the City to obtain a permit and to adopt governing regulations.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAMROCK, TEXAS:**

**SECTION 1.** That this Ordinance shall be entitled the "Solicitor and Vendor Ordinance" for the City of Shamrock, Texas.

### **1.1 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.

**Food vendor** means any business offering food for sale from a mobile stand, food truck, or vehicle and having a valid health inspection certificate.

**Itinerant vendor** shall mean any person or entity who sets up and operates an occasional business on privately owned property, whether improved or unimproved, in the city, soliciting, selling, or taking order for, or offering to sell or take orders for any goods or services, including food, and exists whether solicitation is from a stand, vehicle, or freestanding.

**Public area** means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, or shop.

**Seasonal food vendor** means one who only offers seasonal goods for sale of no more than six months out of the year, such as snow cones, or seasonal fruits between the dates of April 1 through September 30 of each year.

**Solicitor** shall mean any person who engages in the transient business of selling, or offering for sale any goods or merchandise or service, including food, or exhibiting the same for sale, or exhibiting the same for the purpose of taking orders for the sale thereof from door-to-door, business-to-business, or upon public or private property, and shall include all peddlers, solicitors, hawkers, canvassers, itinerant vendors, non-food vendors, food vendors, seasonal food vendors, photographers, merchants and transient vendors of merchandise.

**Transient** means, and shall be construed to mean, such business or any such itinerant vendor as may be operated or conducted by persons or by their agents or employees who have their headquarters in places other than the city, or who move stocks of goods or merchandise or samples thereof into the city with the intention of offering for sale, or exhibiting for sale such goods or merchandise or services with the intent of removing such goods or merchandise or services or the unsold portion thereof away from the city without establishing a permanent business location or residence within the city.

## **1.2 Exceptions to definitions.**

For the purpose of this ordinance, the terms solicitor and vendor shall not apply to:

- (a) Non-commercial door-to-door advocates. Nothing within this article shall be interpreted to prohibit or restrict non-commercial door-to-door advocates, including, without limitation, advocacy by or for religious or charitable organizations, schools, and other non-profit organizations. Persons engaging in door-to-door advocacy, including for religious, charitable, or civic purposes, shall not be required to register as a solicitor or vendor.
- (b) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
- (c) Any person making deliveries of perishable food and dairy products to the customers of his or her established delivery route.
- (d) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

- (e) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales at a residence by the owner or occupant not to exceed one sale per three months.
- (f) Any person conducting a sale of their own produce, agricultural products, or cottage foods on their own property.
- (g) Any person or business conducting sales of food, goods, wares, or merchandise during the annual St. Patrick's Celebration.

### **1.3 Registration and Permit Requirements.**

It shall be unlawful for any person to go from house-to-house or from place-to-place, or to own, operate, or control a temporary location on public or private property, or stand in a public street or right-of-way in the city, to sell or solicit orders for goods, foods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to magazines, unless such solicitor or itinerant vendor shall have first applied for and received a permit from the City of Shamrock to sell, and otherwise complied with the requirements of this ordinance. Each individual salesman, itinerant vendor, solicitor, or peddler shall be registered in advance and furnished with a permit which shall be prominently displayed.

All solicitors must comply with the provisions of this ordinance before soliciting any orders for the sale of goods, food, wares, magazines, services, or merchandise of any kind, character, and/or for the purpose of disposing of and/or peddling and/or hawking the same regardless of whether or not requested or invited to do so by the owner or owners, occupant, or occupants thereof.

### **1.4 Application.**

Any person desiring a permit required by this ordinance shall file an application with the City of Shamrock at least ten (10) days prior to the contemplated sale or exhibit in the city. Such application shall give the applicant's full name; home address; the name of the company or individual such applicant represents or works for, if any; and the services, goods, or products to be sold or disposed of by the applicant.

Any applicant shall provide proof of identification along with a copy of their state sales and use tax permit with the application.

### **1.5 License Fees and Terms**

- (a) All vendor and solicitor permits are \$60.00

- (b) Permits are valid for a period of one (1) year, January 1 to December 31, and must be renewed annually.
- (c) First time vendors/solicitors will receive a prorated permit price for the actual time of the first permit.
- (d) All permits not secured before operation commences will incur a double permit fee.
- (e) Failure to render a permit or failure to obtain a permit will result in the violator receiving a citation.

### **1.6 Display of Permit**

Each person granted a permit shall display his or her permit so as always visible to the public.

### **1.7 Re-registration.**

After expiration, a subsequent permit may be obtained by applying for such subsequent permit with the City of Shamrock, and in all other respects complying with the provisions of this ordinance. Any vendor or solicitor may re-register and apply for a subsequent permit as often as desired, except as prohibited in Section 1.9.

### **1.8 Location and Time of Sales.**

- (a) It shall be unlawful for any person or business to set up, display, or sell goods, wares, merchandise or services from any public area, vacant lot, parking lot, sidewalk area, building, tent, structure, vehicle, public right-of-way, or any other place, whether enclosed or not, within the city, without having first applied for and received from the City of Shamrock a permit to sell and having otherwise complied with the requirements of this ordinance.
- (b) Such acts set forth in Section 1.7 (a) shall be limited to thirty (30) minutes after sunrise to thirty (30) minutes before sunset, unless specifically permitted for a special event by the City of Shamrock.

### **1.9 Penalty.**

Those persisting in vending or soliciting without a city permit shall initially be fined TWO HUNDRED FIFTY DOLLARS (\$250.00). There will be a fine of FIVE HUNDRED DOLLARS (\$500.00) for each subsequent offense, and the vendor or solicitor found to be in violation will not be allowed to apply for a permit after the third violation.

### **1.10 Application to extraterritorial jurisdiction of the city.**

This ordinance shall apply to any sales within the extraterritorial jurisdiction of the city.

**SECTION 2.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance as amended hereby, be adjudged or held, in whole or in part, to be invalid, voided, or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, as amended hereby, which shall remain in full force and effect.

**SECTION 3.** All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** This ordinance shall become effective and in full force from and after its passage and approval by the City Council of the City of Shamrock, Texas.

**PASSED AND APPROVED by the City Council of the City of Shamrock, Texas, on the 15<sup>th</sup> day of September 2025.**

  
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Lynn Ramsey, Mayor

**ATTEST:**

  
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April Lilly, City Secretary