

THE CODE OF ORDINANCES OF THE CITY OF ANGUS, TEXAS, TO ADD SECTION 3, CHAPTER 4, WHICH REGULATES PEDDLERS AND SOLICITORS; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS THAT CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF ANGUS, TEXAS, IS HEREBY AMENDED TO ADD SECTION 3 WHICH SHALL READ AS FOLLOWS:

SECTION 3: PEDDLERS AND SOLICITORS

A. PURPOSE

This section is and shall be deemed an exercise of the police powers of the state and of the city for the public safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this section shall be constructed for the accomplishment of that purpose.

B. PEDDLER OR SOLICITOR DEFINED

For the purpose of this section, a "peddler" or "solicitor" shall mean any person, partnership, firm, or corporation going from house to house or from place to place in the city soliciting, exhibiting, selling, canvassing for or taking orders for, or offering to sell or take orders for any goods, wares, merchandise, meats, fish, food and subscriptions to magazines, publications, newspapers, or photographs. The same shall also include any persons, partnerships, firms, or corporations soliciting, exhibiting, selling, taking orders for, or offering to sell or take orders for such goods, wares, merchandise, meat, fish, food, publications or services upon or from a truck, trailer or other vehicle on the streets of the city or who hire, rent, lease, or occupy any room or space in any building, structure, other enclosure, vacant lot, or any other property whatever in the city. Also anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade these provisions shall be deemed a "peddler" or "solicitor." The terms "peddler" and "solicitor" shall also be synonymous with "itinerant merchant" and "transient vendor."

C. PERMIT REQUIRED

It shall be unlawful for any person, partnership, firm, or corporation defined in subsection B to peddle, sell, solicit, exhibit, or take orders for or offer to take order for any goods, wares,

merchandise, meat, fish, food, or subscriptions to magazines, publications, newspapers, photographs, or services without first having obtained a permit to do so from the city.

D. APPLICATION FOR PERMIT

Every person desiring to obtain a permit as required by this section shall make written application to the city secretary, which application shall show at least the following:

- (1) The full name and post office address of the applicant.
- (2) The state, county, town, or city in which the applicant permanently resides.
- (3) The applicant's date of birth, height, weight, color of hair and color of eyes, social number, if available, security number, and driver's license number, if available.
- (4) The occupation in which the applicant desires to engage and for which he desires a permit.
- (5) A full and complete description of the goods, wares, meat, fish, food, merchandise or other articles or tokens which applicant desires to sell, which description shall give in detail the grade and character of the property to be sold.
- (6) Whether the applicant has ever been convicted of a felony or a misdemeanor involving theft, fraud, bribery, sexual crime or perjury.

In addition, there shall also be attached to each application for a permit the following:

- (7) A recent photographic likeness of the applicant's face.
- (8) A certificate or letter from the president, vice-president, general manager, sales manager, assistant sales manager, or district or area manager of the company for which the applicant works, sells, or solicits, stating that the applicant is an employee and/or agent of such company.

In the event that the applicant is an individual who is not working, selling, or soliciting for any firm or company, letters of recommendation from two (2) citizens of the applicant's permanent residence shall be submitted.

- (9) A copy of the state sales tax permit if applicable.

E. INVESTIGATION OF APPLICANT

It shall be the duty of the city secretary to investigate each applicant for a permit. The city secretary shall as promptly as possible make a report of his or her investigation to the mayor before a permit is issued.

F. ISSUANCE AND DURATION OF PERMIT

Upon completion of the investigation, the mayor shall issue or refuse to issue a permit. Such permit shall either be issued or denied no later than two (2) weeks from the date of such application. All permits issued shall be valid for a period of either ten (10) days, ninety (90) days or six (6) months, unless sooner revoked. In the event the permit is denied, the applicant may appeal such denial to the city council. Renewal of permits are handled like a new permit.

G. PERMIT FEES

The city secretary shall collect the following permit fees at the time of application:

- (1) 10-day permit..... \$25.00
- (2) 90-day permit..... \$50.00
- (3) 6-month permit..... \$100.00

Such fee shall not be prorated nor refunded to the applicant regardless of whether a permit is issued or not.

H. PERMIT TO BE CARRIED ON PERSON AND PRESENTED ON REQUEST

It shall be unlawful for any peddler or solicitor to be doing business within the city unless he carries such permit on him at all times. Every peddler or solicitor shall display his or her permit upon request of any person and failure to so display such permit shall be grounds for revocation or constitute a violation of this section.

I. REVOCATION OF PERMIT

If, after the permit as hereinbefore provided, has been issued and the city finds that the permit was obtained by false representation in the application, or that the permit holder has committed any act or practice that violates Section 17.46 et. seq., Texas Business and Commerce Code, otherwise known as the Texas Deceptive Trade Practice Act; any act or practice which violates the Home Solicitation Sales Act; the commission, during the term of the permit, of any crime or misdemeanor involving moral turpitude; or any violation of this section or any city ordinance or state or federal law, such permit may be revoked.

J. PERMIT NOT TRANSFERABLE

No permit issued under this section shall be transferable or assignable nor give authority to more than one (1) person to engage in the business as a peddler or solicitor, but any person having obtained such permit may have the assistance of one (1) or more persons in conducting such business.

K. CONSUMERS RIGHT TO CANCEL

All peddlers or solicitors shall provide to the consumer in writing the right to cancel a solicitation transaction made in person or by telephone until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase any goods, wares, merchandise, meat, fish, food, photographs, publications, or services.

For the purpose of telephone solicitation, the date of transaction means the day the the consumer receives the goods, wares, merchandise, meat, fish, food, photographs, publications, or services purchased in a solicitation transaction. If the consumer chooses to cancel the solicitation transaction, notification by mail shall be considered given at the time mailed, as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchants designated place of business.

It shall be unlawful for any peddler, solicitor, or company represented to refuse to allow the customer to cancel the solicitation transaction

L. PERMISSION TO ENTER PRIVATE PREMISES REQUIRED

It shall be unlawful for any peddler or solicitor to go in and upon the premises of a private residence or property in the city unless requested or invited to do so by the owner or occupant of such private residence or property.

M. HEALTH AND SALES TAX PERMITS REQUIRED

Any person engaged in the sale of food or beverages shall also be required to comply with all local, county, state and federal health regulations and licensing requirements. Additionally, all peddlers and solicitors shall be required to have a state sales tax permit if required by law.

N. EXEMPTIONS

The provisions of this section shall not apply to the following:

(1) Sales of goods, wares, food, merchandise, publications, and/or services by any bona fide charitable, religious, educational, or philanthropic organization or when donated by owners or merchants of which the proceeds are to be used and applied to some charitable, religious, educational, or philanthropic purposes.

(2) Sale of milk, dairy products, bakery products, vegetables, poultry, eggs, and other farm and garden products which have been raised or produced by the vendor.

(3) Daily deliveries of milk and bakery and other food products or newspaper deliveries.

(4) Insurance salesmen, real estate salesmen, and other professionals licensed by the state.

(5) Persons engaged in interstate commerce. The term "interstate commerce" means soliciting, peddling, or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, publications, or services, or acting in any function as a peddler or solicitor, as the terms are used in this section, which, at the time the order is taken, are in or will be produced in any federal district or territory, any commonwealth, or any state other than the State of Texas, and shipped or introduced into this city in the fulfillment of such orders.

(6) Garage, carport, and yard sales by residents.

ARTICLE II

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or jurisdiction of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE IV

Whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished by a fine of not exceeding five hundred dollars (\$500.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this ordinance shall continue shall constitute a separate offense.

ARTICLE V

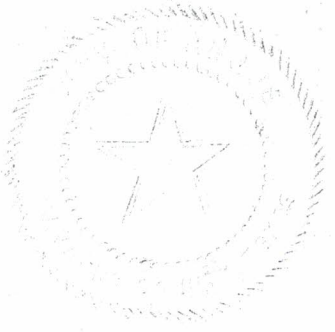
This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

... day of PASSED AND APPROVED on this the 8 day of October, 1996, by
the City Council of the City of Angus, Texas.

APPROVED:
[Signature]

APPROVED:
[Signature]
Mayor

ATTEST:
Betty McCain
City Secretary



10/11/96

I N V O I C E

No. ORD98

CORSICANA DAILY SUN
405 E COLLIN ST
PO BOX 622
CORSICANA, TX 75151-0622

000112340

CITY OF ANGUS
RR 3 BOX 3060
CORSICANA TX 75110

AFFIDAVIT ONLY
THIS IS NOT A BILL

DATE	DESCRIPTION	TC C	QUANTITY	UNIT	RATE	TOTAL
10/11/96	LGL-ORDINANCE 98	AD L	2.75	INCH	7.6400	21.01
10/12/96	LGL-ORDINANCE 98	AD L	2.75	INCH	7.6400	21.01

THE STATE OF TEXAS
COUNTY OF NAVARRO

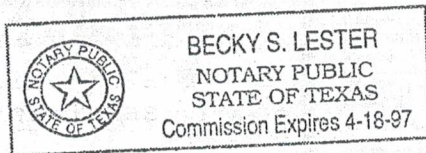
BEFORE ME, the undersigned authority, on this day personally appeared GARY CONNOR, who being duly sworn, says he is the PUBLISHER of the Corsicana, Texas branch of American Publishing Management Services, Inc., publisher of the CORSICANA DAILY SUN, a daily newspaper published at Corsicana in said county and state and that the notice, a copy of which is hereto attached, was published in said newspaper on the dates listed above.

Gary Connor

SUBSCRIBED AND SWORN TO BEFORE ME, this the 4th day of NOVEMBER 1996.

Becky Lester

Notary Public in and for the State of Texas.



AMOUNT DUE --> 42.02

Regale

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FOUNDATION REPAIR
Generation II Home Builders.
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C.W.U. Construction
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side/Outside. Bobby Car-
penter 872-1612 After 5pm

175 AUTOMOBILES

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Ranger 17ft.10in fully loaded
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Trailer 874-5043 after 5pm

167 RV'S & CAMPERS

'84 Toyota Motor Home
Sleeps 4 Clean 903-778-
4125 no phone calls after
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'85 Wilderness travel trailer
Mint cond., has all options,
new tires. 903-872-1490

1972 Cobra, 28ft. Travel
Trailer, very nice. \$1700.
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Call 903-872-2964

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Tag-along 18ft. camper.
\$1000 OBO 903-695-2680

Deer Hunters Special
79 Shasta 24ft. \$4000
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For Sale: Several extremely
clean used travel trailers.
903-
675-6033

Corsicana Daily Sun Classified
The resource you can rely on.
874-7355

169 AUTO PARTS & ACCESSORIES

60 month battery \$37.95
exchange Thurston Auto-
motive 520 West 1st

Corsicana Gasket, Domestic
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317 E. 6th Ave. 872-1212

173 TRUCKS, VANS & 4X4'S

'89 3/4ton Ext. Cab., SWB,
4WD. 1810 W. Bev. Dr.
874-5620

'91 Chevy 8 cyl., stepside,
shiny red w/light gold ground
effects. \$8900. 903-675-6033

'92 Toyota Previa Van, Very
Clean & Ready to go with
New Tires! \$9950 874-1300

175 AUTOMOBILES

173 TRUCKS, VANS & 4X4'S

'93 Plymouth Grand Voyager.
All power, rear a/c, Captain's
chairs, 55K mi., Great
condition! 872-1918

'95 Forerunner 27K mi.,
black, fully loaded, excellent
condition. \$22,500 872-7207

1977 Ford P/U, Long Bed,
460 eng, Auto Power, AC,
Tool Box, Dual Tanks, Tow-
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OBO Don 874-4265

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ac 79,000 miles \$7,500 after
5pm 874-8092

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new tires, Sony radio, ONLY
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4302

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\$2000 '83 Chevy Celebrity
\$1000 1423W.9th 874-6322

'91 Probe Silver
exc. condition \$4695
874-5617 or 874-4953

1988 Mercury Sable,
good cond. clean. \$2800.
874-1868.

CLEAN '89 Dodge Cara-
van LE, low mileage. 489-
0565, 874-6140.

183 PERSONALS

Start Dating Tonight! Play
The Texas Dating Game
1-800-ROMANCE ext 4459

185 LOST

LOST PET: REWARD
Please help me find my black
Cocker Spaniel. She is 9 yrs.
old, partially blind. had hair
cut short all over, white streak
on chest, wearing pink collar.
"Skeeter" missing from
Mildred near Providence Rd.
since Sept. 27th. 874-3949

187 FOUND

FOUND Irish Setter at Col-
lins Middle School. call to
identify 872-4249.

KEYS FOUND BY POST
OFFICE, Come by to identify,
116 S. Main in Corsicana

181 COMMUNITY NOTES

POLITICAL ANNOUNCEMENTS

The following candidates are running for

201 LEGALS

NOTICE ORDINANCE NO. 98

The following ordinance was
passed and approved on the
8th day of September 1996
by the City Council of the City
of Angus and is available in
the City Secretary office at
the Angus Government Cen-
ter. The ordinance caption
reads as follows.

AN ORDINANCE AMMENDING THE CODE OF ORDINANCES OF THE CITY OF ANGUS, TEXAS., TO ADD TO SECTION 3, CHAPTER 4, WHICH REGULATES PEDDLERS AND SOLICITORS AND PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

City Secretary
Betty McCain.

REQUEST FOR BIDS ON TEXAS HIGHWAY CONSTRUCTION

Sealed proposals for 0.000
miles of transportation
enhancement at the Navarro
County courthouse in
Corsicana covered by STP
95(116)TE in Navarro
County, will be received at
the Texas Department of
Transportation, Austin,
Texas, until 1:00 P.M.,
November 8, 1996, and then
publicly opened and read.

This contract is subject to all
appropriate Federal laws,
including Title VI of the Civil
Rights Act of 1964. The
Texas Department of
Transportation hereby
notifies all bidders that it will
insure that bidders will not be
discriminated against on the
ground of race, color, sex or
national origin, in having full
opportunity to submit bids in
response to this invitation,
and in consideration for an
award. Plans and specifica-
tions, including minimum
wage rates as provided by
Law, are available for

inspection at the office of
Darwin Myers, Corsicana,
Texas, and at the Texas
Department of Transporta-
tion, Austin, Texas. Bidding
proposals are to be
requested from the Con-
struction and Maintenance
Division, 200 East Riverside
Drive, Austin, Texas 78704-
1205. Plans are available
through commercial printers
in Austin, Texas, at the
expense of the bidder.
Usual rights reserved.

Important Notice to Contractors Mandatory Pre-Bid Conference

The contractor's attention is
directed to the fact that
attending this pre-bid
conference is mandatory for
bidding on this contract. The
above mentioned conference
will be held on Wednesday,
October 23, 1996 at 1:30
P.M. at the Navarro County
Courthouse Basement
located at 300 West Third,
Corsicana, Texas. See
Addendum #1.

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*'93 Toyota Tercel 4 dr	\$5,995.00
*'92 Nissan Maxima 4 dr	\$10,995.00
*'94 Mercury Villager Wagon	\$15,995.00

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