



# The City of Liberty City Council

## Special Called Meeting

~ Agenda ~

1829 Sam Houston  
Liberty, TX 77575  
[www.cityofliberty.org](http://www.cityofliberty.org)

Dianne Tidwell  
City Secretary  
(936) 336-3684

Tuesday, March 22, 2016

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

### I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Pro Tem Diane Huddleston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Dennis Beasley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Frank Jordan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Louie Potetz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson Libby Simonson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilperson David Arnold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

### III. PRESENTATIONS / REPORTS

- Information Item (ID # 3461)**  
Financial Report - Finance Dir. N. Herrington
- Information Item (ID # 3462)**  
Sam Rayburn Municipal Power Agency - Mayor Pickett
- Information Item (ID # 3463)**  
Houston-Galveston Area Council - Councilperson Jordan
- Information Item (ID # 3464)**  
Recycling Report - Councilperson Huddleston
- Information Item (ID # 3465)**

Jubilee Report

#### IV. REGULAR AGENDA

##### A. Regular Session

1. **Council Action (ID # 3471)**

Presentation by Ms. Linda Jamison, Liberty County Historical Commission, regarding the Branch Cemetery located on Cypress Street, and take any action deemed necessary.

2. **Council Action (ID # 3467)**

Discussion with a representative of Olson & Olson LLP regarding annexation, and take any action deemed necessary.

3. **Ordinance (ID # 3466)**

Consider adoption of an Ordinance amending Article 4.04 Of The Code of Ordinances regarding Peddlers, Solicitors, and Itinerant Vendors.

- Peddler's Ord-Redlined (DOCX)

4. **Council Action (ID # 3468)**

Discussion regarding the status of the North Water Well, and take any action deemed necessary.

5. **Council Action (ID # 3469)**

Consider the purchase of playground equipment for the Liberty Municipal Park, and take any action deemed necessary.

##### B. Executive Session

Government Code §551.087

Deliberation Regarding Economic Development Negotiation - Hacienda San Lorenzo

##### C. Reconvene into Regular Session

1. **Council Action (ID # 3470)**

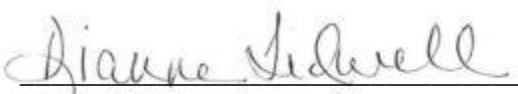
Consider and take action, if any, on the items as discussed in the Executive Session.

#### V. ADJOURNMENT

**Motion To:** Adjourn

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*I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 17<sup>th</sup> day of March, 2016 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.*



*Dianne Tidwell, City Secretary*

**NOTICE**

*In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.*

*I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.*



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3461)**

DOC ID: 3461



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3462)**

DOC ID: 3462



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3463)**

DOC ID: 3463



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3464)**

DOC ID: 3464



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Reports

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**INFORMATION ITEM (ID # 3465)**

DOC ID: 3465

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**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

4.A.1

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Misc.

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**COUNCIL ACTION (ID # 3471)**

DOC ID: 3471



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

4.A.2

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Acquisitions

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**COUNCIL ACTION (ID # 3467)**

DOC ID: 3467



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Miscellaneous Issues

**ORDINANCE (ID # 3466)**

DOC ID: 3466

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4.04, REGULATING PEDDLERS AND SOLICITORS IN THE CITY OF LIBERTY; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City of Liberty currently has an ordinance regulating peddlers and solicitors inside the city limits; and

WHEREAS, new events that are open to the public have opened in the City and said events need to be better regulated; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to further regulate peddlers and solicitors inside the city limits.

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

Section 1: Article 4.04 of the Code of ordinances shall be amended to read as follows:

**ARTICLE 4.04 PEDDLERS, SOLICITORS AND ITINERANT VENDORS**

**Division 1. Generally**

**Sec. 4.04.001 Definition**

For the purpose of this article, a “peddler” or solicitor” shall mean any person, partnership, firm or corporation going from house to house or from place to place, or from a truck or other vehicle on the streets of the city, or who rent, lease or occupy any room or space on a temporary basis of less than one (1) month in any building, structure or other enclosure, vacant lot or any other property whatever in the city, for the purpose of soliciting, exhibiting, selling, canvassing for or taking orders for, or offering to sell or take orders for, any goods, wares, merchandise, food, subscriptions to magazines, publications, newspapers, or photographs. Also, any [person, partnership, firm or corporation] 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” or “transient vendor.”

Open to the Public Function. Any function open to the public as where fifteen (15) or more vendors gather to sell or trade goods.

City sponsored events. Sales of goods, wares, merchandise, publications, and/or exhibits and/or services by any person engaged in an open to the public function where the City of Liberty is the Host.

#### Sec 4.04.002 Penalty

Any person who violates any provision of this article shall be guilty of a class C misdemeanor, punishable up to the maximum allowed.

#### Sec. 4.04.003 Exceptions

The provisions of this article shall not apply to the following (except for sections 4.04.005, 4.04.007, 4.04.008 and 4.04.009 of this article):

- (1) Sales of goods, wares, merchandise, publications and/or services by any bona fine tax-exempt (charitable, religious, educational or philanthropic) organization which has a reference certificate on file with the city secretary 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) Ordinary commercial travelers who sell or exhibit for sale goods, wares, merchandise, food, photographs, publications or services to firms, persons or corporations engaged in the business of buying, selling and dealing in the same;
- (3) 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;
- (4) Daily deliveries of milk, water and bakery and other food products or newspaper deliveries;
- (5) Insurance salesmen, real estate salesmen and other professionals licensed by the state;
- (6) City sponsored event

#### Sec. 4.04.004 Consumer's right to cancel transaction

- (a) 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 offers to purchase any goods, wares, merchandise, food, photographs, publications or services.
- (b) It shall be unlawful for any peddler, solicitor or company represented to refuse to allow the customer to cancel the solicitation transaction.

#### Sec. 4.04.005 Refusal to leave premises

Any peddler or solicitor who enters upon premises owned or occupied by any person and willfully refuses to leave said premises after having been notified by the owner or tenant of said premises, or his agent, to leave the same shall be deemed guilty of a misdemeanor.

## Sec. 4.04.006 Entering posted premises

It shall be unlawful for any peddler or solicitor to enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

## Sec. 4.04.007 Carrying weapons or knives

It shall be unlawful for any peddler or solicitor to carry on or about his person, or within his immediate reach, during peddling or solicitation activity, any weapon defined in section 46.01 of the Texas Penal Code or knife of any length or any other bladed cutting utensil. Any samples to be provided or distributed must be pre-cut and none of the implements hereinabove described may be displayed before another during such peddling or soliciting activity.

## Sec. 4.04.008 Hours of operation

It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting on any private property before 9:00 a.m. and after 5:00 p.m., except when the peddler has a specific invitation and appointment with the customer. This section does not apply to open to the public functions as defined in 4.04.001 of this ordinance.

## Sec. 4.04.009 Operation in right-of-way

It shall be unlawful for any person to engage in the business of peddling or soliciting in any rights-of-way within the city limits. This provision includes all open city rights-of-way and state rights-of-way.

## Sec. 4.04.010 Cleanup of trash and debris near vending stands

All trash or debris accumulating within thirty (30) feet of any vending stand shall be collected by the vendor and deposited in a trash container.

## Division 2. Permit

## Sec. 4.04.041 Required

It shall be unlawful for any person, partnership, firm or corporation to peddle, sell, solicit, exhibit or take orders for or offer to take orders for any goods, wares, merchandise, food subscriptions to magazines, publications, or newspapers, photographs or services without first having obtained a permit to do so from the city.

## Sec. 4.04.042 Application

- (a) Every person desiring to obtain a permit as required by this article shall make written application to the building official for a permit to do so not less than thirty (30) days prior

to the date desired for soliciting, which application shall show the following for each person listed on the application:

- (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, color of eyes, social security number and driver's license number, if existent.
- (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 and merchandise or other articles or token which the 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 offense or perjury.
- (7) If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number is required.
- (8) A description of the proposed locations of the vending business and the length of time during which it is proposed that the business shall be conducted. There will be no vending business on any right-of-way within the city limits, either on city rights-of-way or state rights-of-way.
- (9) Each application must be accompanied by a copy of the applicant's state sales and use tax permit.

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

- (1) A recent photographic likeness of the applicant's face.
- (2) 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.
- (3) 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.
- (4) In addition, the applicant shall authorize the Liberty Police Department to perform a criminal background check on the applicant..

#### Sec. 4.04.043 Issuance

Upon the filing of an application for a permit under this article, it shall be the duty of the city secretary to issue the permit as soon as it is reasonably possible upon completion of the

investigation of the application, unless the city secretary learns that the applicant has been convicted of a felony or a misdemeanor involving theft, fraud, bribery, sex offense, or perjury, in which case the permit will be denied.

#### Sec. 4.04.044 Fee

The building official shall collect a fee for the first person and a separate fee for each additional person listed on the permit application. Such fee shall be paid at the time of application. This fee shall be charged to help defray the cost of investigation and expenses incident to the issuing of said permit. This fee shall not be prorated nor refunded to the applicant regardless of whether a permit is issued or not. No fee shall be required of those persons engaging in interstate commerce. The fee amount shall be as established by city council from time to time.

#### Sec. 4.04.045 Bond

The application must also be accompanied by a bond in the sum of one thousand dollars (\$1,000.00) for each person engaged in working, selling or soliciting under this application, signed by the applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the delivery of goods, wares, merchandise, food, subscriptions and services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any purchaser or customer for any defects in material or workmanship that may exist in the article sold by the principal of such bond at the time of delivery and that may be discovered by such purchaser or customer within thirty (30) days after delivery or a Certificate of Liability Insurance naming the City as a certificate holder in the sum of no less than \$300,000 with the description of operating reading for the delivery of goods, wares, merchandise, food, subscriptions and services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any purchaser or customer for any defects in material or workmanship that may exist in the article sold by the principal of such bond at the time of delivery and that may be discovered by such purchaser or customer within thirty (30) days after delivery of goods.

#### Sec. 4.04.046 Display; contents

- (a) It shall be unlawful for any peddler or solicitor to do business within the city unless he carries such permit on him at all times. Every peddler or solicitor shall display his permit upon request or any person, and failure to so display such permit shall be grounds for revocation or constitute a violation of this section.
- (b) Each permit issued under this section shall contain the following:
  - (1) The name, address and date of birth of the applicant.
  - (2) A physical description of the applicant.
  - (3) A photographic likeness furnished with the application.

- (4) The date the permit was issued.

Sec. 4.04.047 Term

All permits issued under this article shall be valid from the date shown thereon for a period of one (1) year, unless sooner revoked as provided in this article.

Sec. 4.04.048 Transfer

No permit issued under this article 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 one (1) or more persons to accompany him in conducting such business only if specified and described on the application.

Sec. 4.04.049 Revocation

- (a) 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 V.T.C.A., Business and Commerce Code section 17.41 et seq., otherwise known as the Deceptive Trade Practices Consumer Protection Act, any act or practice which violates the Home Solicitation Sales Act (Texas Business and Commerce Code, chapter 601), the commission, during the term of the permit, of any crime or misdemeanor involving moral turpitude, or any violation of this article or any other city ordinance or state or federal law, such permit may be revoked. This includes, but is not limited to, fraud or misrepresentation in the application for the license, fraud or misrepresentation in the course of conducting the business of vending, conducting the business of vending contrary to the conditions of the license, or conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- (b) Upon revocation, the city shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

Sec. 4.04.050 Appeals

If the applicant for a permit under this article or the holder of such a permit is dissatisfied with any holding or finding of the building official, he shall have the right to appeal to the city manager by filing a written notice of such appeal with the city secretary within ten (10) days from the making and filing of such decision of the city secretary. Upon filing of such notice of appeal, the application for the permit and all papers possessed by the city secretary in connection with such application and such permit shall be delivered to the city manager, and such matters as may be in controversy shall be heard by the city manager.

Sec. 4.04.051 Open to the Public Function Permitting



Any individual or business hosting an open to the public function shall apply for a master permit for the event. In addition to the items listed in 4.04.042, the master permit application should also include an estimate of the number of vendors involved in the sale of goods, wares, merchandise, publications, and/or exhibits and/or services, and an estimate of the goods, wares, merchandise, publication, and/or exhibits and/or services provided at the event. The Master Permit holder will be responsible for all vendors and sells done under that permit. The Master Permit shall be present at the event and all vendors should know who holds it. During the event the Master Permit holder must maintain an accurate list of the vendors participating in the event. The Master Permit holder shall give the City access to the list of vendors at any time. The applicant applying for a master permit as the host of an open to the public function must comply with section 4.04.045 of this ordinance, and pay the same fees as other peddlers and solicitors applying for a permit under this ordinance. The host of an open to the public function does not have to pay additional fees for each vendor at the event.

Section 2: That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 3: This Ordinance shall be in full force and effect from and after the date that it is published in the newspaper on two separate dates.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Carl Pickett, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Tidwell, City Secretary

ARTICLE 4.04 PEDDLERS, SOLICITORS AND ITINERANT VENDORS

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Division 1. Generally

Sec. 4.04.001 Definition

For the purpose of this article, a "peddler" or solicitor" shall mean any person, partnership, firm or corporation going from house to house or from place to place, or from a truck or other vehicle on the streets of the city, or who rent, lease or occupy any room or space on a temporary basis of less than one (1) month in any building, structure or other enclosure, vacant lot or any other property whatever in the city, for the purpose of soliciting, exhibiting, selling, canvassing for or taking orders for, or offering to sell or take orders for, any goods, wares, merchandise, food, subscriptions to magazines, publications, newspapers, or photographs. Also, any [person, partnership, firm or corporation] 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" or "transient vendor."

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Open to the Public Function. Any function open to the public as where fifteen (15) or more vendors gather to sell or trade goods.

City sponsored events. Sales of goods, wares, merchandise, publications, and/or exhibits and/or services by any person engaged in an open to the public function where the City of Liberty is the Host.

Sec 4.04.002 Penalty

Any person who violates any provision of this article shall be guilty of a class C misdemeanor, punishable up to the maximum allowed.

Sec. 4.04.003 Exceptions

The provisions of this article shall not apply to the following (except for sections 4.04.005, 4.04.007, 4.04.008 and 4.04.009 of this article):

- (1) Sales of goods, wares, merchandise, publications and/or services by any bona fine tax-exempt (charitable, religious, educational or philanthropic) organization which has a reference certificate on file with the city secretary 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) Ordinary commercial travelers who sell or exhibit for sale goods, wares, merchandise, food, photographs, publications or services to firms, persons or corporations engaged in the business of buying, selling and dealing in the same;
- (3) 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;
- (4) Daily deliveries of milk, water and bakery and other food products or newspaper deliveries;
- (5) Insurance salesmen, real estate salesmen and other professionals licensed by the state;
- (6) City sponsored event,

Sec. 4.04.004 Consumer's right to cancel transaction

- (a) 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 offers to purchase any goods, wares, merchandise, food, photographs, publications or services.
- (b) It shall be unlawful for any peddler, solicitor or company represented to refuse to allow the customer to cancel the solicitation transaction.

Deleted: Sales of goods, wares, merchandise, publications, and/or ex and/or services any person engaged to the public" events sponsored by tl

Deleted: .

Deleted: <#>For the purpose of tel solicitation, the date of transaction n the day the consumer receives the ge wares, merchandise, food, photogra publications or services purchased in solicitation transaction. If the consu chooses to cancel the solicitation transaction, notification by mail shal considered given at the time mailed, evidenced by the postmark; notificat telegram shall be considered given a time filed for transmission; and notifi by any other writing shall be consid given at the time delivered to the me designated place of business.¶

Sec. 4.04.005 Refusal to leave premises

Any peddler or solicitor who enters upon premises owned or occupied by any person and willfully refuses to leave said premises after having been notified by the owner or tenant of said premises, or his agent, to leave the same shall be deemed guilty of a misdemeanor.

Attachment: Peddler's Ord-Redlined (3466 : Peddler's Ordinance)

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It shall be unlawful for any peddler or solicitor to enter upon any private premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

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Sec. 4.04.008 Hours of operation

It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting on any private property before 9:00 a.m. and after 5:00 p.m., except when the peddler has a specific invitation and appointment with the customer. This section does not apply to open to the public functions as defined in 4.04.001 of this ordinance.

**Deleted:** at any time after sunset and more than thirty (30) minutes after sunrise

Sec. 4.04.009 Operation in right-of-way

It shall be unlawful for any person to engage in the business of peddling or soliciting in any rights-of-way within the city limits. This provision includes all open city rights-of-way and state rights-of-way.

**Deleted:** This provision also applies to exempted peddlers, solicitors or itinerant vendors stated in section 4.04.003 of this article.

Sec. 4.04.010 Cleanup of trash and debris near vending stands

All trash or debris accumulating within thirty (30) feet of any vending stand shall be collected by the vendor and deposited in a trash container.

**Deleted:** s

Division 2. Permit

Sec. 4.04.041 Required

It shall be unlawful for any person, partnership, firm or corporation to peddle, sell, solicit, exhibit or take orders for or offer to take orders for any goods, wares, merchandise, food subscriptions to magazines, publications, or newspapers, photographs or services without first having obtained a permit to do so from the city.

Sec. 4.04.042 Application

- (a) Every person desiring to obtain a permit as required by this article shall make written application to the building official for a permit to do so not less than thirty (30) days prior to the date desired for soliciting, which application shall show the following for each person listed on the application:
  - (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, color of eyes, social security number and driver's license number, if existent.
  - (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 and merchandise or other articles or token which the 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 offense or perjury.
  - (7) If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number is required.
  - (8) A description of the proposed locations of the vending business and the length of time during which it is proposed that the business shall be conducted. There will be no

Attachment: Peddler's Ord-Redlined (3466 : Peddler's Ordinance)

vending business on any right-of-way within the city limits, either on city rights-of-way or state rights-of-way.

- (9) Each application must be accompanied by a copy of the applicant's state sales and use tax permit.
- (b) In addition, there shall also be attached to each application for a permit the following:
  - (1) A recent photographic likeness of the applicant's face.
  - (2) 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.
  - (3) 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.
  - (4) In addition, the applicant shall authorize the Liberty Police Department to perform a criminal background check on the applicant.

**Deleted:** <#>A reference to a recent financial rating publication, which reference shall show the page on which the company's or firm's financial statement can be found; or a letter or certificate from the association or organization which has the purpose the protection of citizens of the United States against illegal or unethical business practices stating that the firm or company is a member in good standing with such association or organization.

**Deleted:**

**Deleted:** submit to fingerprinting police department and such fingerprints shall be kept as a permanent record of the application

Sec. 4.04.043 Issuance

Upon the filing of an application for a permit under this article, it shall be the duty of the city secretary to issue the permit as soon as it is reasonably possible upon completion of the investigation of the application, unless the city secretary learns that the applicant has been convicted of a felony or a misdemeanor involving theft, fraud, bribery, sex offense, or perjury, in which case the permit will be denied.

Sec. 4.04.044 Fee

The building official shall collect a fee for the first person and a separate fee for each additional person listed on the permit application. Such fee shall be paid at the time of application. This fee shall be charged to help defray the cost of investigation and expenses incident to the issuing of said permit. This fee shall not be prorated nor refunded to the applicant regardless of whether a permit is issued or not. No fee shall be required of those persons engaging in interstate commerce. The fee amount shall be as established by city council from time to time.

Sec. 4.04.045 Bond

The application must also be accompanied by a bond in the sum of one thousand dollars (\$1,000.00) for each person engaged in working, selling or soliciting under this application, signed by the applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the delivery of goods, wares, merchandise, food, subscriptions and services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any purchaser or customer for any defects in material or workmanship that may exist in the article sold by the principal of such bond at the time of delivery and that may be discovered by such purchaser or customer within thirty (30) days after delivery or a Certificate of Liability Insurance naming the City as a certificate holder in the sum of no less than \$300,000 with the description of operating reading for the delivery of goods, wares, merchandise, food, subscriptions and services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any purchaser or customer for any defects in material or workmanship that may exist in the article sold by the principal of such bond at the time of delivery and that may be discovered by such purchaser or customer within thirty (30) days after delivery of goods.

**Deleted:** penal

Sec. 4.04.046 Display; contents

- (a) It shall be unlawful for any peddler or solicitor to do business within the city unless he carries such permit on him at all times. Every peddler or solicitor shall display his permit upon request or any person, and failure to so display such permit shall be grounds for revocation or constitute a violation of this section.
- (b) Each permit issued under this section shall contain the following:
  - (1) The name, address and date of birth of the applicant.
  - (2) A physical description of the applicant.
  - (3) A photographic likeness furnished with the application.

Attachment: Peddler's Ord-Redlined (3466 : Peddler's Ordinance)

(4) The date the permit was issued.

Sec. 4.04.047 Term

All permits issued under this article shall be valid from the date shown thereon for a period of one (1) year, unless sooner revoked as provided in this article.

Sec. 4.04.048 Transfer

No permit issued under this article 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 one (1) or more persons to accompany him in conducting such business only if specified and described on the application.

Sec. 4.04.049 Revocation

- (a) 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 V.T.C.A., Business and Commerce Code section 17.41 et seq., otherwise known as the Deceptive Trade Practices Consumer Protection Act, any act or practice which violates the Home Solicitation Sales Act (Texas Business and Commerce Code, chapter 601), the commission, during the term of the permit, of any crime or misdemeanor involving moral turpitude, or any violation of this article or any other city ordinance or state or federal law, such permit may be revoked. This includes, but is not limited to, fraud or misrepresentation in the application for the license, fraud or misrepresentation in the course of conducting the business of vending, conducting the business of vending contrary to the conditions of the license, or conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- (b) Upon revocation, the city shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

Sec. 4.04.050 Appeals

If the applicant for a permit under this article or the holder of such a permit is dissatisfied with any holding or finding of the building official, he shall have the right to appeal to the city manager by filing a written notice of such appeal with the city secretary within ten (10) days from the making and filing of such decision of the city secretary. Upon filing of such notice of appeal, the application for the permit and all papers possessed by the city secretary in connection with such application and such permit shall be delivered to the city manager, and such matters as may be in controversy shall be heard by the city manager.

Sec. 4.04.051 Open to the Public Function Permitting

Any individual or business hosting an open to the public function shall apply for a master permit for the event. In addition to the items listed in 4.04.042, the master permit application should also include an estimate of the number of vendors involved in the sale of goods, wares, merchandise, publications, and/or exhibits and/or services, and an estimate of the goods, wares, merchandise, publication, and/or exhibits and/or services provided at the event. The Master Permit holder will be responsible for all vendors and sells done under that permit. The Master Permit shall be present at the event and all vendors should know who holds it. During the event the Master Permit holder must maintain an accurate list of the vendors participating in the event. The Master Permit holder shall give the City access to the list of vendors at any time. The applicant applying for a master permit as the host of an open to the public function must comply with section 4.04.045 of this ordinance, and pay the same fees as other peddlers and solicitors applying for a permit under this ordinance. The host of an open to the public function does not have to pay additional fees for each vendor at the event.



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

4.A.4

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Water Issues

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**COUNCIL ACTION (ID # 3468)**

DOC ID: 3468



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

4.A.5

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Park Issues

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**COUNCIL ACTION (ID # 3469)**

DOC ID: 3469



**The City of Liberty**

City Council  
1829 Sam Houston  
Liberty, TX 77575

4.C.1

Meeting: 03/22/16 06:00 PM

Department: Administration  
Category: Executive Session Items

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**COUNCIL ACTION (ID # 3470)**

DOC ID: 3470