

AN ORDINANCE TO REGULATE AND LICENSE ITINERANT VENDORS
WITHIN THE CITY LIMITS OF THE TOWN OF BAYSIDE, TEXAS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE, REFUGIO COUNTY, TEXAS;

SECTION 1. As used in this article, the following terms shall have the respective meanings ascribed to them:

(a) Itinerant Vendors : All persons including their agents and employees, who engage in temporary or transient business in the municipality of selling or offering for sale any goods or merchandise or exhibiting the same for sale or exhibiting the same for the purpose of taking orders for the sale thereof or who, for the purpose of carrying on such business or conducting such exhibits thereof, use vehicles parked upon the streets or vacant lots, or use the vacant lots, or who either hire, rent, lease or occupy any room or space in any building, structure or other enclosure through or in which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof.

(b) Temporary : Any such business transacted or conducted in the municipality for which definite arrangements have not been made for the hire, rental or lease of premises for at least one month in or upon which such business is to be operated or conducted.

(c) Transient : Any such business of any such itinerant vendor as may be operated or conducted by persons, or by their agents or employees, who reside away from the municipality, or who have fixed places of business in places other than the municipality, or who have their headquarters in places other than the municipality, or who move stocks of goods or merchandise or samples thereof into the municipality with the purpose or intention of removing them or the unsold portion thereof away from said municipality before the expiration of one month.

Section 2. License-Required: fee: scope: conditions of issuance.

It shall be unlawful for any itinerant vendor to sell, offer for sale, exhibit for sale or exhibit for the purpose of taking orders for the sale of any goods or merchandise in the municipality without first obtaining a license as herein provided for. The licensing officer shall issue to any itinerant vendor a license authorizing such itinerant vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale of his goods or merchandise only after such itinerant vendor shall have fully complied with provisions of this article and made payment in the sum of twenty-five dollars (\$25.00) for said license (which license shall authorize the conducting of said business from only one vacant lot or from only one truck, but not from both), which sum shall be compensation to the municipality to partially defray the expense of enforcing the provisions of this article: provided:

- (1) The itinerant vendor shall make application to the licensing officer at least ten (10) days prior to the date of his contemplated sale or exhibit it be held in the municipality, which application shall be in the form of an affidavit, stating the full name and address of the itinerant vendor, the location of his principal office and place of business, the names and addresses of the officers, if a corporation, and the partnership name and addresses of all partners, if a firm.
- (2) Before said license permit shall issue, the application therefor must be accompanied by:
 - (a) A statement showing the kind and character of the goods or merchandise to be sold, offered for sale, or exhibited.
 - (b) A certified copy of the charter if the itinerant vendor be a corporation incorporated under the laws of this state.
 - (c) A certified copy of its permit to do business in this state if the itinerant vendor be a corporation incorporated under the laws of another state.
 - (d) A bond in the sum of not less than one thousand (\$1,000.00), and it shall be executed by the itinerant vendor as principal with sufficient sureties satisfactory to the licensing officer, which bond shall be payable to the mayor and his successors in office for the use and benefit of any persons entitled thereto, and conditioned that the principal and sureties will pay all damages to persons caused by or arising from or growing out of the wrongful, fraudulent or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the municipality. The bond shall remain in full force and effect for the entire duration of the license as provided herein and two (2) years thereafter.

Section 3. Same-Not Transferable :

The license provided for herein shall not be transferable, nor give authority to more than (1) one person to sell or exhibit goods or merchandise as an itinerant vendor either by agent or by employee or any other way than licensee's own proper person, but any person having obtained such license may have the assistance of one or more persons in conducting the sale or exhibit who shall have the authority to aid principal, but not to act for or without him.

Section 4. Same Duration:display.

The license as provided herein shall continue so long as such sale or exhibit is continuously held in the municipality, but in no event shall it continue for more than one hundred eighty (180) days from date of its issuance. Such license shall be prominently displayed in a conspicuous place on the premises where, or the vehicle from which, such sale or exhibit is being conducted and shall remain so displayed so long as any goods or merchandise are being so sold or exhibited.

Section 5. Exemption.

This article is not and shall not be held applicable to the:

- (a) Ordinary commercial travelers who sell or exhibit for sale goods or merchandise to parties engaged in the business of buying, selling and dealing in such goods or merchandise:
- (b) Vendors of farm products, poultry, stock or agricultural products in their natural state provided such farm products, poultry, stock or agricultural products shall have been actually produced by said vendor. However, the exemption shall not exempt from the provisions hereof sales or exhibits for sale lumber or wooden poles.
- (c) Sales of goods or merchandise donated by the owner thereof, the proceeds whereof to be applied to any charitable or philanthropic purpose.
- (d) Churches, non-profit organizations and charities in Refugio County.

Section 6. Violations.

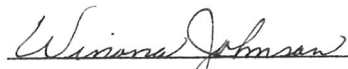
Any person violating any of the provisions of this article shall upon conviction be punished by a fine not to exceed \$250.00, and each sale, offer for sale, exhibition, or solicitation shall be a separate offense.

Section 7. Severability:

The sections, paragraphs, sentences, clauses and phrases of this ordinance are separable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Passed BY THE BOARD OF ALDERMEN AND APPROVED by the Mayor, of the Town of Bayside, County of Refugio, State of Texas, this 11th day of March, 1986.

ATTEST:



City Secretary



Mayor