

AN ORDINANCE REQUIRING LICENSING OF PERSONS SELLING AND/OR SOLICITING SALES OF MERCHANDISE FROM DOOR TO DOOR OR BY TELEPHONE OR OTHER CANVASS, AND PROVIDING FOR A LICENSE FEE AND AN INVESTIGATION FEE

WHEREAS, the City of Newcastle, Texas, is empowered by the Constitution and laws of the State of Texas to enact by and through its City Council such licensing regulations as are necessary for the protection and preservation of the health, safety and general welfare of its citizens; and

WHEREAS, it has become increasingly evident to the City Council of the City of Newcastle, Texas, that many of the citizens of said city have been subjected to numerous unethical and illegal practices on the part of many itinerant salesmen and solicitors; and

WHEREAS, there exists a real danger that many more of the citizens of the City of Newcastle, Texas, will be subjected to such unethical and illegal practices, unless there is enacted by the City Council of the City of Newcastle, Texas, an effective ordinance providing for the investigation, licensing, and regulations of such salesmen and solicitors; Now Therefore,

BE IT ORDAINED by the City Council of the City of Newcastle, Texas:

SECTION I: That no person shall sell or solicit sales of merchandise or services from door to door, or by telephone or other canvass, such merchandise and services including but not limited to home and commercial insect and pest extermination, tree spraying and aluminum and other house exterior siding, without first having obtained a license to make such sales and/or solicitations from the Chief of Police or the City Secretary of the City of Newcastle, Texas. In this regard in the event solicitation, sales or canvass is being made under the auspices of a company, and the company and the officers or owners thereof are liable as hereinafter set out, then and in such event such license may be issued to such company or individual who shall be responsible for those serving under him, and insofar as this ordinance is concerned.

SECTION II: Each licensed applicant shall pay to the City of Newcastle, Texas, in cash upon the making of such application an investigation fee of \$50.00, which fee shall be considered as a reasonable fee to be used and expended by the City of Newcastle, Texas, in investigating the individual company or group making such application.

Upon determination that such license should promptly be issued, then the said company or individual making such application shall pay to the City of Newcastle the sum of \$50.00 which shall be considered as a reasonable license fee, and which license shall remain in effect until either revoked by the City Council of the City of Newcastle, Texas, or which license shall become automatically revoked in the event same is not used at least once each year. The license here referred to shall be issued unless it is determined after investigation that the individual or company which is making application for such license does not have a good credit rating or is subject to question concerning ethical or moral conduct or is subject to question concerning misrepresentations of its products or services.

SECTION III: When such license is issued and as herein provided the party, company or group shall furnish to the City Secretary of the City of Newcastle, Texas, a bond in the amount of \$1,000.00 made payable to the City of Newcastle, Texas, which bond shall insure against the making of false or fraudulent claims by such party and shall also bond said applicant to furnish and perform all items agreed by it to so furnish and perform, and shall be subject to forfeiture upon said bond principal and surety being informed of breach hereof, and without further hearing.

After such license has been issued and the bond furnished, then and in that event such organization company or person shall report to the City Secretary of the City of Newcastle, Texas, each time he or it shall be in Newcastle working under such license, setting out the time during which such work shall be done and the parties representing such company if it be a company.

SECTION IV: Any person who shall violate any of the provisions of this ordinance or shall fail to comply therewith or with any of the requirements thereof shall be deemed guilty of a misdemeanor and shall be liable to a fine, and upon conviction of any such violation shall be fined in any sum not less than \$10.00 nor more than \$200.00; and each day any such violation shall be permitted to exist shall constitute a separate and distinct offense.

SECTION V: Any and all provisions of the ordinances and resolutions of the City of Newcastle, Texas, in conflict with this ordinance are hereby repealed.

SECTION VI: Any and all provisions of the ordinances and resolutions of the City of Newcastle, Texas, requiring the reading of an ordinance on more than one occasion shall be and the same are hereby suspended, and this ordinance shall become effective immediately upon its passing.

PASSED this 19<sup>th</sup> day of May, 1975.

ATTEST:

Mrs. Glutius Rowton  
CITY SECRETARY

Sheldon R. Allen  
MAYOR, CITY OF NEWCASTLE, TEXAS