City of Lake Worth
Permit Department
3805 Adam Grubb
Lake Worth, Texas 76135
817-237-1211 X 112 Fax 817-237-1333
Email: kdavis@lakeworthtx.org

GENERAL SOLICITOR APPLICATION

This application must be filled out in its entirety and all applicable documentation must accompany application to be reviewed for approval.

APPLICANT INFORMATION

Applicant Name: Last,	First,	Middle	
Address:	**City:**	**State:**	**Zip:**
Phone:	**Fax:**	**Email:**	
Date of Birth:	**DL or ID #** *(copy required)*	**State Issued:**	

ORGANIZATION INFORMATION

Company Name:			
Address: *(physical)*	**City:**	**State:**	**Zip:**
Address: *(mailing)*	**City:**	**State:**	**Zip:**
Phone:	**Fax:**	**Email:**	

SOLICITATION INFORMATION

Starting Date:	**Ending Date:**
Dates of Solicitation:	**Times of Solicitation:**
Merchandise Type(s)/Service Description: *(attach detailed description of item/services to be sold)*	**Will payment be required in advance of delivery?** ☐ **YES** ☐ **NO** *(If yes, attach copy of bond)*

Will vehicles be used to conduct solicitation? ☐ **YES** ☐ **NO** *(If yes please attach vehicle information form)*	**Is this a non-profit organization?** ☐ **YES** ☐ **NO** *To be considered non-profit you be exempt from payment of tax pursuant to section 501 (c) (3) of the Internal Revenue Code* ***(If yes please attach copy of proof of non-profit organization)***
Has applicant, applicant's employer, or a minor solicitor over the age of 17 been convicted of or plead guilty or nolo contendere to a felony or misdemeanor involving fraud, deceit, or misrepresentation within the last 5 years? ☐ **YES** ☐ **NO** *(If so please attach criminal history form)*	**Will any minors (persons under the age of 18) be soliciting on behalf of your employer organization, or principal?** ☐ **YES** ☐ **NO** *(If so please attach minor information form and parental consent form for each participating minor)*
Attached copies of all licenses and permits which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed solicitation. ☐ **YES** ☐ **NO** ☐ **NOT APPLICABLE**	
Attached letter of credentials/authorization from employer, principal or organization allowing employee or volunteer to act on their behalf. ☐ **YES** ☐ **NO**	

I affirm that the information contained in this application and all attached documents are true and correct to the best of my knowledge. I acknowledge that if approved, the registration certificate will be carried by a solicitor and identification badges will be worn by each solicitor at all times during solicitation activities, and that both expire and are non-transferable. I also acknowledge receipt of Ordinance No. 804 pertaining to the rules and regulations in reference to solicitation activities and will comply with all regulations set forth and are responsible for informing all parties involved in this solicitation activity of said regulations.

_____ _____

Applicant Signature **Date**

Office Use Only

Approved By:	*Denied By:*
Date Approved:	*Date Denied:* *Date Notified of Denial:*
Registration #:	*Reason for Denial:*
Initial Solicitor Nonrefundable Application Fee: ***$100.00***	*Payment Method:* ☐*Cash* ☐*Check* ☐*MO* *Receipt #:*
Additional Solicitor Nonrefundable Application Fee: ***$50.00 per solicitor*** *# of Solicitors x $50=Total Due:*	*Payment Method:* ☐*Cash* ☐*Check* ☐*MO* *Receipt #:* *Date Paid:*
ID Badges Issued: ☐ *Yes* *Date Issued:*	*Police Chief Received Copy of Certificate:* ☐ *Yes* *Date Received:*

GENERAL SOLICITOR APPLICATION
CRIMINAL HISTORY FORM

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

Defendant Name:	**Date of Offense:**
Description of Offense:	**Plea/Disposition of Offense:**

GENERAL SOLICITOR APPLICATION
PARENTAL CONSENT FORM

MINOR INFORMATION

Minor Name: Last,	First,	Middle	
Address:	**City:**	**State:**	**Zip:**
Phone: / **Date of Birth:**	**DL or ID #**	**State Issued:**	

I _____, the parent/legal guardian for the above
(Print Name)

mentioned child do release the above information to the City and authorize the City to photograph my child.

_____ _____
Parent/Legal Guardian Signature Date

State of _____

County of _____

On this _____ day of _____, 200__, before me, the undersigned notary public, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

(seal)

_____
Notary Public

My Commission Expires: _____

GENERAL SOLICITOR APPLICATION
VEHICLE INFORMATION FORM

The following vehicles will be used during our solicitation period and will be operated by the following person(s). Should any of this information change I will notify the City immediately with the correct information.

1.

Make:	**Model:**	**Year:**	**Color:**
License Plate #:		**Vehicle Identification #:**	
Operator Name:		**Driver's License #/State:**	

2.

Make:	**Model:**	**Year:**	**Color:**
License Plate #:		**Vehicle Identification #:**	
Operator Name:		**Driver's License #/State:**	

3.

Make:	**Model:**	**Year:**	**Color:**
License Plate #:		**Vehicle Identification #:**	
Operator Name:		**Driver's License #/State:**	

4.

Make:	**Model:**	**Year:**	**Color:**
License Plate #:		**Vehicle Identification #:**	
Operator Name:		**Driver's License #/State:**	

5.

Make:	**Model:**	**Year:**	**Color:**
License Plate #:		**Vehicle Identification #:**	
Operator Name:		**Driver's License # / State:**	

ARTICLE 4.200 SOLICITORS*

Sec. 4.201 Purpose

The purpose of this article is to protect the citizens against deceptive practices and fraud; to minimize the unwelcome disturbance of citizens and the disruption of citizens' privacy; and to preserve the public health, safety, and general welfare by registering and regulating solicitors. (Ordinance 804, sec. 1 (4.201), adopted 8/9/05)

Sec. 4.202 Definitions

In this article:

City Manager. The city manager of the city or the city manager's designated representative.

Handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any manner.

Minor. A person under the age of 18.

Nonprofit Organization. An organization or entity that is exempt from the payment of tax pursuant to Section 501(c)(3) of the Internal Revenue Code.

Police Chief. The police chief of the city or the police chief's designated representative.

Selling. To sell, dispense, peddle, hawk, display, offer to sell or solicit for sale by offering or exposing for sale any goods, wares, merchandise or services.

Solicitation Activities. Traveling either by foot or vehicle, going door-to-door, house-to-house or building-to-building personally contacting persons to ask, barter or communicate in any manner, whether orally, by written or printed materials including but not limited to handbills or leaflets, hand signing or by any other method, direct or implied, for the purpose of selling or taking orders for goods, wares, merchandise or services or collecting money for any purpose. The term does not include:

(1) The activity of a salesperson with an appointment calling upon or dealing with manufacturers, wholesalers, distributors, brokers or retailers at their place of business or homes and in the usual course of business;

(2) The activity of a person acting on behalf of an organization that is only directed at the members of the organization; or

(3) The activity of a person collecting money or soliciting funds only from foundations.

Solicitor. A person who engages in solicitation activities.

(Ordinance 804, sec. 1 (4.202), adopted 8/9/05)

Sec. 4.203 Registration Required

(a) A person commits an offense if the person engages in solicitation activities in the city without first registering with the city and obtaining a registration certificate and city-issued identification badge from the city manager.

(b) A registration certificate shall be valid for one (1) year following the date of its issuance unless a shorter period is requested by the applicant.

(c) An applicant for a registration certificate shall pay a nonrefundable application fee at the time the application is submitted, and if required, shall submit a bond.

(d) The amount of the nonrefundable application fee shall be $100.00. If a person, firm, corporation or organization engages in solicitation activity through two or more agents, employees or volunteers the nonrefundable application fee shall be $100.00 for the first solicitor plus an additional nonrefundable application fee of $50.00 for each additional solicitor. The nonrefundable application fee shall be used for the purpose of defraying administrative expenses incident to the issuing of registration certificates and identification badges.

(e) A nonprofit organization or a person conducting solicitation activity on behalf of a nonprofit organization is exempt from payment of the application fee.

(Ordinance 804, sec. 1 (4.203), adopted 8/9/05)

Sec. 4.204 Solicitation by Minors; Applications

(a) A minor who conducts solicitation activities shall be sponsored or employed by a person over the age of eighteen, a corporation, firm or organization. The person, corporation, firm or organization that is sponsoring or employing the minor(s) is responsible for controlling the conduct of the minors and the minors shall be under the constant supervisor of a person eighteen (18) years of age or older.

(b) A person, corporation, firm or organization that sponsors or employs one or more minors as solicitors may submit one (1) application and pay one $50.00 nonrefundable application fee for the registration of the minors regardless of the number of minors who conduct solicitation activities. The sponsor or employer shall provide the city manager the name(s), date(s) of birth, address(es) and driver's license number(s) (if applicable), and a notarized parental consent for each minor that will be conducting solicitation activities. The parental consent form, which shall be provided by the city manager, shall acknowledge the release of the information set forth above and shall state that the city is authorized to photograph their minor child.

(Ordinance 804, sec. 1 (4.204), adopted 8/9/05)

Sec. 4.205 Application

A person desiring to conduct solicitation activities within the city shall make a written application on a form provided by the city manager for a registration certificate. The application shall contain or be

submitted with the following information:

(1) The full name, date of birth, phone number and address of the applicant;

(2) A valid state driver's license number or a state-approved identification card number (the city manager will make a photocopy and attach to the application) of the applicant;

(3) If a vehicle or vehicles are used to conduct the solicitation activity, a description of each vehicle, its license plate number and vehicle identification number, and the name and license number of the driver who will operate each vehicle;

(4) Copies of all such licenses and permits which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed solicitation;

(5) If the applicant is acting as an employee, agent or volunteer, the name and physical street address (not a post office box) and telephone number of the employer, principal or organization; with credentials in written form establishing the relationship and authority of the employee, agent or volunteer to act for the employer, principal or organization;

(6) If applicable, the merchandise to be sold or offered for sale, the nature of the services to be furnished;

(7) The approximate time period within which the solicitation is to be made, stating the date of the beginning of the solicitation activity, its projected conclusion and the proposed dates and times of solicitation;

(8) Whether the applicant, upon any order obtained, will demand, accept or receive payment or the deposit of money in advance of final delivery, and if so, a copy of the bond required by Section 4.206;

(9) If the applicant, the applicant's employer or principal or minor solicitor who is 17 years of age or older has plead guilty, or nolo contendere to, or has been convicted of a felony or misdemeanor involving fraud, deceit, misrepresentation, within five (5) years preceding the date of application, a description of each such conviction or plea and the date of the offense;

(10) If the solicitation activity is to be conducted on behalf of a nonprofit organization, proof of such status shall be attached to the application;

(11) If the applicant is an entity or organization that sponsors or employs minors as solicitors and is submitting one application for those minors, the information set forth in Section 4.204(b).

(Ordinance 804, sec. 1 (4.205), adopted 8/9/05)

Sec. 4.206 Bond

(a) Solicitors who require cash deposits or advance payments for future delivery of goods or for services to be performed in the future or who require an agreement to finance the sale of goods for future delivery or for services to be performed in the future, shall furnish to the city a bond with the

application in the amount determined in subsection (c), signed by the applicant and a surety company authorized to do business in the state:

(1) Conditioned upon the final delivery of goods or services in accordance with the terms of any order obtained;

(2) To indemnify purchasers for defects in material or workmanship that may exist in the goods sold and that are discovered within 30 days after delivery; and

(3) For the use and benefit of persons, firms, or corporations that may make a purchase or give an order to the principal of the bond or to the agent or employee of the principal of the bond.

(b) If a person, firm, or corporation is engaging in solicitation activities through one or more agents, employees, or volunteers only one bond is required for the activities of all the agents, employees or volunteers.

(c) The amount of the bond is determined by the number of solicitors as follows:

1–3 solicitors	$ 500
4–6 solicitors	$ 750
7 or more solicitors	$ 1,000

(Ordinance 804, sec. 1 (4.206), adopted 8/9/05)

Sec. 4.207 Application Review and Registration Acceptance

(a) Upon receipt of an application, the city manager shall review the application to ensure compliance with this article.

(b) The city manager shall authorize the registration within thirty (30) days of receipt of the application unless:

(1) An investigation reveals that the applicant or the applicant's employer, principal or organization falsified information on the application;

(2) Within five years preceding the date of application, the applicant or the applicant's employer, principal or organization has plead guilty or nolo contendere to, or has been convicted of, a felony or misdemeanor involving fraud, deceit or misrepresentation;

(3) A judgment based upon fraud, deceit, or misrepresentation has been entered against the applicant or the applicant's employer, principal or organization within five years preceding the date of application;

(4) The applicant provided no proof of authority to act on behalf of the employer, principal or organization;

(5) The type of solicitation activity requires a bond, and the applicant or the applicant's employer, principal or organization has not complied with the bond requirements; or

(6) The application does not contain the information or documents required by Section 4.205.

(c) The denial and the reasons for the denial shall be noted on the application, and the applicant shall be notified of the denial by notice mailed to the applicant and the applicant's employer, principal or organization at the address shown on the application or the last known address. The notice of denial shall be mailed within thirty (30) days of the receipt of the application.

(Ordinance 804, sec. 1 (4.208), adopted 8/9/05)

Sec. 4.208 Registration Certificate and Identification Badge

(a) Upon authorization of the registration, the city manager shall deliver a registration certificate and identification badge for each solicitor, and shall forward a copy of the certificate to the police chief.

(b) The registration certificate shall show:

(1) The name and address of the solicitor;

(2) The solicitor's employer, principal or organization, if applicable;

(3) The kind of goods or services to be sold or offered for sale, if applicable;

(4) A description and license plate number of any vehicle to be used in carrying out the solicitation activities, if applicable;

(5) A registration number; and

(6) The dates of issuance and expiration of the certificate.

(c) The original or copy of the registration certificate must be carried by a solicitor while engaged in solicitation activities.

(d) The identification badge issued by the city shall be worn by a solicitor while engaging in solicitation activities so that it may be easily read by those being solicited. Lost or damaged badges may be replaced for a nonrefundable fee of $5.00 per badge.

(e) A registration certificate and an identification badge shall be used only by the solicitor to whom they were issued and may not be transferred to another person.

(Ordinance 804, sec. 1 (4.209), adopted 8/9/05)

Sec. 4.209 Regulations

(a) A person commits an offense if the person engages in solicitation activity at a residence before 8:30 a.m. or after 9:00 p.m.

(b) A person commits an offense if the person engages in solicitation activity at a premises with a

posted notice that such activity is not welcomed or invited. It shall be presumed that there is notice that solicitation activity is not welcomed or invited when there is exhibited in a conspicuous place on or near the main entrance of the premises, a sign, not less than four (4) inches by three (3) inches in size, containing the words "No Solicitors," "No Trespassing," or words of similar meaning in letters not less than two-thirds (2/3) of one inch in height.

(c) A person, who is not the owner or tenant of a residence, commits an offense if the person removes, defaces or otherwise renders illegible a sign placed by the owner or tenant of the residence pursuant to subsection (b).

(d) A person commits an offense if the person engages in solicitation activities and remains or lingers on a premises after being informed by the owner or tenant that they are not welcome.

(e) A person commits an offense if the person engages in solicitation activities in an aggressive or intimidating manner. The term "aggressive or intimidating manner" means:

(1) Blocking the path of a person who is the object of the activity; or

(2) Following behind, ahead or alongside a person who walks away from the solicitor after being solicited, approached, accosted or offered a handbill, leaflet or any other item.

(f) A person commits an offense if the person solicits edible merchandise without keeping all articles for sale to the public as well as the wagons, vehicles, or other conveyances used in the transportation of such merchandise in a clean and sanitary condition.

(g) A person commits an offense if that person sells or offers to sell any unsound or unwholesome merchandise or give a false weight or measure to such offered for sale.

(Ordinance 804, sec. 1 (4.210), adopted 8/9/05)

Sec. 4.210 Solicitation from a Vehicle

(a) A person commits an offense if the person conducts solicitation activities from a vehicle and:

(1) The solicitation is conducted at a location within the right-of-way of any street or highway in the city which is designated as an arterial or collector on the city's thoroughfare plan; or

(2) The person stops the vehicle within a roadway to conduct business before the vehicle has been approached, called, or waved down by a prospective customer.

(b) A person commits an offense if the person operates a vehicle from which solicitation activities are conducted upon any street or highway within the city in a manner that blocks or impedes access to or from any alley, street or driveway, or impedes the flow of traffic on any public street or highway.

(Ordinance 804, sec. 1 (4.211), adopted 8/9/05)

Sec. 4.211 Revocation or Suspension of Registration

A registration certificate issued pursuant to this article may be revoked or suspended by the city manager, after notice and hearing, for any of the following reasons:

(1) Fraud, misrepresentation, or false statement contained in the application for registration;

(2) Fraud, misrepresentation, or false statement made by a solicitor in the course of conducting solicitation activities;

(3) Plea or conviction of a crime described in Section 4.207(b)(2);

(4) A judgment involving a matter described in Section 4.207(b)(3); or

(5) A violation of the regulations described in Section 4.209.

(Ordinance 804, sec. 1 (4.212), adopted 8/9/05)

Sec. 4.212 Appeals

(a) A person who is denied a registration certificate or whose registration is revoked or suspended by the city manager, may appeal the decision to the city council by filing notice of appeal with the city manager within 15 days after the notice of the decision is mailed to the address indicated on the application or the last known address.

(b) Within 10 days of the receipt of the notice of appeal, the city manager shall set a time and place for a hearing on the appeal which shall be not later than 40 days from the date of receipt of the notice of appeal.

(c) Notice of the time and place of the hearing shall be delivered to the person by mail, sent to the address indicated on the application or the last known address of the appellant.

(d) The decision of the city council on the appeal is final. No other administrative procedures are provided by the city.

(Ordinance 804, sec. 1 (4.213), adopted 8/9/05)

Sec. 4.213 Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall be fined as provided in Section 1.109 of this code. Each day a solicitor engages in solicitation activities without having obtained a registration certificate or a continuing violation occurs shall be a separate offense. (Ordinance 804, sec. 1 (4.214), adopted 8/9/05)