

ORDINANCE NO. O 05-28-26-1

AN ORDINANCE OF THE CITY OF BRUCEVILLE-EDDY, TEXAS, REGULATING COMMERCIAL PEDDLERS AND COMMERCIAL SOLICITORS; REQUIRING TEMPORARY PERMITS FOR CERTAIN COMMERCIAL SOLICITATION ACTIVITIES; PROVIDING DEFINITIONS; ESTABLISHING APPLICATION PROCEDURES, FEES, PERMIT TERMS, HOURS OF OPERATION, AND ENFORCEMENT; PROVIDING EXEMPTIONS; PROVIDING FOR APPEALS; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bruceville-Eddy, Texas, finds that reasonable regulation of commercial peddling and commercial solicitation activities is necessary to protect the public health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Council further finds that such regulations are intended to prevent fraud, reduce criminal activity, protect residential privacy, and promote public safety while preserving rights protected by the Constitution of the United States and the laws of the State of Texas; and

WHEREAS, the City Council intends that this Ordinance regulate only the time, place, and manner of commercial solicitation activities in a content-neutral manner;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRUCEVILLE-EDDY, TEXAS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish reasonable and content-neutral regulations governing commercial peddling and commercial solicitation activities occurring within the City limits of Bruceville-Eddy, Texas, in order to:

1. Protect residents from fraud, deception, and criminal activity;
2. Protect the privacy and tranquility of residential neighborhoods;
3. Promote public safety and accountability;
4. Provide reasonable identification and regulation of transient commercial solicitors and peddlers; and
5. Preserve constitutionally protected rights of speech, expression, religion, and association.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following words and phrases shall have the meanings assigned herein:

(A) Commercial Solicitor

A person who goes from place to place, door to door, or operates in public areas within the City for the primary purpose of seeking orders, contracts, subscriptions, or agreements for the future sale or delivery of goods or services for commercial profit or financial gain.

(B) Peddler

A person who travels from place to place or from house to house carrying goods, wares, merchandise, or items for immediate sale and delivery for commercial profit or financial gain.

(C) Person

An individual acting on behalf of a firm, partnership, corporation, company, association, limited liability company, organization, or other legally recognized entity, including any employee, agent, contractor, or representative acting on behalf of such entity.

(D) Permit

A temporary authorization issued by the City permitting commercial solicitation or peddling activities regulated under this Ordinance.

(E) Completed Application

An application containing all information required under this Ordinance, including payment of all applicable fees.

SECTION 3. PERMIT REQUIRED

(A) It shall be unlawful for any person to engage in commercial peddling or commercial solicitation within the City without first obtaining a valid permit issued pursuant to this Ordinance.

(B) A separate permit shall be required for each individual person conducting regulated activities.

(C) Permits issued under this Ordinance shall be temporary permits valid for a period not to exceed thirty (30) calendar days from the date of issuance.

(D) Permits shall be non-transferable.

(E) Any act performed by an employee, agent, contractor, or representative shall be deemed an act of the individual or entity on whose behalf the activity is conducted.

SECTION 4. APPLICATION REQUIREMENTS

Applicants shall submit a sworn written application to the City Secretary containing the following information:

1. Full legal name of applicant;
2. Permanent residential address and telephone number;
3. Business name, business address, and telephone number, if applicable;
4. Description of goods or services to be offered;
5. Proposed dates and locations of solicitation activity;
6. Government-issued photo identification;
7. Vehicle description and license plate number for any vehicle utilized during solicitation activities;
8. Disclosure of any criminal conviction within the preceding five (5) years involving:
 - o fraud;
 - o theft;
 - o burglary;
 - o robbery;
 - o assaultive offenses;
 - o deceptive trade practices; or

- offenses involving violence or threats to public safety;
9. Such other information reasonably necessary to administer this Ordinance in a content-neutral manner.

SECTION 5. FEES

(A) Standard Permit Fee

A non-refundable permit fee of Twenty-Five Dollars (\$25.00) shall be paid at the time of application.

(B) Optional Identification Badge

Applicants may request a badge-style identification permit for an additional fee of Five Dollars (\$5.00).

(C) No permit fee shall be refunded for denied, revoked, suspended, or expired permits.

SECTION 6. INVESTIGATION

(A) Upon receipt of a completed application, the Chief of Police or designee may conduct a reasonable investigation of the applicant for purposes of verifying compliance with this Ordinance.

(B) The investigation shall be limited to matters reasonably related to the enforcement of this Ordinance and public safety.

SECTION 7. ISSUANCE OR DENIAL OF PERMIT

(A) The City Secretary shall issue or deny a permit within seven (7) business days after receipt of a completed application.

(B) A permit shall be issued unless one or more of the following conditions exists:

1. The application is incomplete;
2. The applicant has made a material false statement or material omission on the application;
3. The applicant has been convicted within the preceding five (5) years of an offense listed in Section 4(8);
4. The applicant has previously violated this Ordinance within the preceding two (2) years;
5. The applicant has failed to pay any required fee under this Ordinance.

(C) Any denial of a permit shall be provided in writing and shall state the specific grounds for denial.

SECTION 8. REVOCATION OR SUSPENSION

(A) A permit issued under this Ordinance may be suspended or revoked by the City Secretary upon recommendation of the Chief of Police if the permit holder:

1. Violates any provision of this Ordinance;
2. Makes a material false statement in the application process;
3. Engages in fraudulent, deceptive, threatening, or unlawful conduct;

4. Fails to comply with applicable state or local laws.

(B) A peace officer may order the immediate cessation of solicitation activities when probable cause exists to believe a violation of this Ordinance or other law has occurred.

(C) A temporary suspension pending administrative review may be imposed when necessary to protect public safety.

(D) Written notice of revocation or suspension shall be provided to the permit holder.

SECTION 9. APPEAL OF DENIAL, REVOCATION, OR SUSPENSION

(A) Any applicant or permit holder aggrieved by a denial, suspension, or revocation may appeal such action to the City Council by filing a written notice of appeal with the City Secretary within five (5) business days of receipt of notice.

(B) The City Council shall hear the appeal at the next regularly scheduled City Council meeting for which notice requirements can be met.

(C) The appellant shall be afforded an opportunity to present evidence and argument.

(D) The decision of the City Council shall be final.

SECTION 10. DISPLAY OF PERMIT

(A) Permit holders shall carry the permit at all times while engaged in regulated activities.

(B) The permit shall be presented upon request to any resident, City official, or peace officer.

(C) Badge-style permits, if issued, shall be visibly displayed during solicitation activities.

(D) Failure to possess or present a valid permit constitutes a violation of this Ordinance.

SECTION 11. HOURS OF SOLICITATION

Commercial solicitation and peddling activities regulated by this Ordinance shall only occur during the following hours:

- Monday through Saturday: 9:00 a.m. to 6:00 p.m.
- Sundays and legal holidays: prohibited.

SECTION 12. NO SOLICITING SIGNS

(A) No person regulated under this Ordinance shall enter upon premises where a sign is displayed stating "No Soliciting," "No Trespassing," or words of similar meaning.

(B) Failure to comply with posted signage constitutes a violation of this Ordinance.

SECTION 13. EXEMPT ACTIVITIES

This Ordinance shall not apply to:

1. Religious, political, or other constitutionally protected noncommercial speech activities;
2. Charitable or nonprofit advocacy activities not conducted for commercial profit;
3. Petition circulation;
4. Persons distributing religious, political, or informational literature without commercial sales;
5. Government employees performing official duties;
6. Public utility employees acting within the scope of their employment;
7. Licensed contractors or service providers performing previously scheduled services;
8. School-sponsored fundraising activities;
9. City-sponsored events or activities authorized by the City.
10. Bruceville-Eddy sports related activities.

SECTION 14. CONSTITUTIONAL CONSTRUCTION

This Ordinance shall be construed and enforced in a manner consistent with the Constitution of the United States and the Constitution and laws of the State of Texas.

This Ordinance regulates only the time, place, and manner of commercial solicitation activities and shall not be interpreted to restrict constitutionally protected speech or expressive conduct.

All provisions of this Ordinance shall be administered in a content-neutral manner.

SECTION 15. PENALTIES

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor offense punishable upon conviction by a fine not to exceed Five Hundred Dollars (\$500.00).

Each separate occurrence and each separate day a violation continues shall constitute a separate offense.

SECTION 16. REPEALER

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict only.

SECTION 17. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have adopted this Ordinance and each provision hereof irrespective of the fact that any one or more provisions may be declared invalid.

SECTION 18. SAVINGS CLAUSE

Nothing in this Ordinance shall affect any pending enforcement action, prosecution, or legal proceeding existing prior to the effective date of this Ordinance.

SECTION 19. PUBLICATION

The City Secretary is directed to publish the caption of this Ordinance as required by Texas law.

SECTION 20. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Bruceville-Eddy, Texas, on this the 28th day of May, 2026.

Yeas: 5 Nays: 0 Abstain: 0

APPROVED:



Linda Owens, Mayor
City of Bruceville-Eddy, Texas

ATTEST:



Renee Flores, City Secretary
City of Bruceville-Eddy, Texas

