

**TOWN OF PROSPER**  
**APPLICATION FOR SOLICITOR PERMIT**

**\*READ THIS PAGE IN ITS ENTIRETY BEFORE CONTINUING TO APPLICATION\***

1. ONLY A COMPLETE APPLICATION WILL BE ACCEPTED. INCOMPLETE APPLICATIONS WILL BE DENIED AND RETURNED.
2. **PAGE 2** OF THIS APPLICATION MUST BE COMPLETED IN ITS ENTIRETY FOR EVERY PERSON APPLYING FOR A SOLICITOR PERMIT. **THE REST OF THE APPLICATION IS SUBMITTED ONLY ONE TIME AND IS COMPLETED AND SIGNED BY THE PARTY RESPONSIBLE FOR ORGANIZING THE SOLICITING GROUP.**
3. SELECT THE APPLICATION WHICH BEST DESCRIBES WHAT TYPE OF SOLICITING YOU AND YOUR COMPANY WILL BE DOING ('**CHARITABLE SOLICITATION**' OR '**NON CHARITABLE SOLICITATION & HANDBILL DISTRIBUTION**').
4. ONCE YOU DECIDE WHICH APPLICATION TO COMPLETE, RESPOND TO ALL SECTIONS THAT APPLY (SOME PARTS MAY BE SKIPPED DEPENDING ON APPLICABILITY).
5. SECTIONS THAT NEED A RESPONSE ARE MARKED WITH A **HIGHLIGHTED LINE**. AGAIN, SOME OF THESE SECTIONS MAY BE OMITTED IF NOT APPLICABLE.
6. PHOTOCOPIES OF A VALID DRIVER'S LICENSE OR OTHER VALID/OFFICIAL PHOTO ID MUST ACCOMPANY EVERY PAGE 2 APPLICATION.
7. SHOULD YOU NEED MORE SPACE TO WRITE, USE A SEPRATE SHEET OF PAPER AND REFERENCE BACK TO THE QUESTION YOU ARE RESPONDING TO.
8. THERE IS A **NON-REFUNDABLE** REGISTRATION FEE OF \$25.00. AS OF 06-08-2020, THIS FEE CAN ONLY BE PAID ONLINE VIA Echeck OR CREDIT/DEBIT CARD ONLINE (<https://www.msbpay.com/TownOfProsperPolice/>).
  - WHEN PAYING ONLINE, **USE YOUR BUSINESS' NAME AS THE PERMIT NUMBER.**
  - A COPY OF THE RECEIPT IS **REQUIRED** WITH THE COMPLETED APPLICATION.
9. AS OF 06-08-2020, APPLICATIONS ARE ONLY ACCEPTED ONLINE. COMPLETED APPLICATIONS CAN BE EMAILED TO [PDRECORDS@PROSPERTX.GOV](mailto:PDRECORDS@PROSPERTX.GOV) .
  - INCOMPLETE APPLICATIONS WILL BE RETURNED WITH CLARIFICATION AS TO WHAT IS MISSING
  - MONITOR YOUR SPAM FOLDER, AS OUR EMAILS MAY BE SENT THERE
10. QUESTIONS CAN BE SENT TO [PDRECORDS@PROSPERTX.GOV](mailto:PDRECORDS@PROSPERTX.GOV) .

**\*THIS PAGE MUST BE COMPLETED FOR EVERY PERSON APPLYING FOR A SOLICITOR PERMIT\***

**\*\*THE ISSUE OF A PERMIT IS NOT AN ENDORSEMENT BY THE TOWN OF PROSPER, ITS OFFICERS, OR EMPLOYEES\*\***

**APPLICANT INFORMATION**

Name of Applicant:	Application Date:
Address:	City, State, Zip:
Date of Birth:	DL State & #:
Business Phone #:	Cell Phone #:
Email Address:	

**COMPANY INFORMATION**

Company Name:	Company Sales Tax ID #:
Company Address:	Company Insurance Name: Policy #:
Supervisor's Name:	Supervisor's Phone #:

Type of product or service you wish to solicit:

Requested Begin Date to Solicit:

Requested End Date:

I hereby agree by signing this document that a background check may be conducted to obtain this permit. I further authorize the Prosper Police Department to conduct any checks necessary to determine suitability of obtaining a solicitor permit within the Town of Prosper in accordance of the Town's Ordinances #02-04 and #02-06. I also swear that all the information in this application is true and correct and within my personal knowledge. I understand that any false information contained herein may result in, among other things, the denial and/or revocation of a permit. The Town of Prosper also reserves the right to deny the issuance of a permit based on the finding of their investigation.

Signature of Applicant:

**OFFICE USE ONLY**

Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Revoked	Approval Date:
Permit Effective Date:	Permit End Date:
Permit Approved By:	Permit #:
Approval Signature:	



## **ARTICLE 4.03 SOLICITORS AND ITINERANT MERCHANTS; HANDBILL DISTRIBUTION\***

### **Division 1. Generally**

#### **Sec. 4.03.001 Findings**

- (a) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to reduce the potential for criminal behavior throughout the town.
- (b) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to protect the safety of citizens, peddlers, solicitors or handbill distributors by providing reasonable times in which to conduct such activities.
- (c) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to prevent nuisances, litter and invitations to vandalism.
- (d) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to reduce the opportunity for crime to occur.
- (e) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to provide a means of identifying a person appearing at the front door of a residence to demonstrating compliance with this article.
- (f) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to maintain the privacy of the home and limit nuisances and fears of crime that unwilling citizens must be exposed to relative to the enjoyment of the investment made in the home.
- (g) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to enhance psychological well-being for individuals and families.
- (h) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to prevent fraud and deceit that may occur in door-to-door solicitations.
- (i) The Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the town to establish reasonable regulations of certain commercial activities and the solicitation of funds.

(j) The Town Council has investigated and determined that the requirements of this article are narrowly tailored to the governmental interests of the town.

(Ordinance 02-26, sec. 1, adopted 9/10/02)

### **Sec. 4.03.002 Definitions**

(a) The following words and phrases, when used in this article, shall have the meanings ascribed to them by this subsection:

Business day. Any calendar day except Saturday, Sunday or any state or national holiday.

(Ordinance 02-04, sec. 2, adopted 2/12/02)

Charitable purpose. Philanthropic or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any patriotic or veterans' association or organization; the benefit of any fraternal, social or civil organization; or the benefit of any educational institution. "Charitable purpose" shall not be construed to include:

- (1) The direct benefit of the individual making the solicitation;
- (2) The benefit of any political group or political organization that is subject to financial disclosure under state or federal law; or
- (3) The benefit of any church or religious society or order.

(Ordinance 02-26, sec. 2, adopted 9/10/02)

Consumer. An individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

Consumer transaction. A sales transaction in which one (1) or more of the parties is a consumer.

(Ordinance 02-04, sec. 2, adopted 2/12/02)

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 matter or literature that is commercial in nature or has a commercial intent. (Ordinance 02-26, sec. 2, adopted 9/10/02)

Handbill distributor. Any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Handbill sponsor. Any person, firm or corporation who utilizes handbills as a medium of advertising or spreading a message.

Home solicitation transaction. A consumer transaction for the purchase of goods, services, or realty, payable in installments or in cash, in which the merchant engages in a personal solicitation of the sale to the consumer at a residence, in person or by telephone, and the consumer's agreement or offer to purchase is given at the residence to the merchant either in person or by telephone. A home solicitation transaction shall not include a sale made

pursuant to a preexisting revolving charge account or retail charge agreement; or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale of realty in which transaction the purchaser is represented by a licensed attorney or in which the transaction is being negotiated by a licensed real estate broker.

Individual or person. Only a natural person.

Job placement activities. Any request, offer, enticement, or action which announces the availability for or of employment or seeks to secure employment. As defined herein, "job placement activities" shall be deemed complete when made, whether or not an actual employment relationship is created.

Merchant. A party to a consumer transaction other than a consumer.

Resident. Any separate living unit occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.

Solicit funds or solicitation of funds. Any home solicitation transaction; any request for the donation of money, property, or anything of value, or the pledge of a future donation of money, property, or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications. Expressly excluded from the meaning of "solicit funds" or "solicitation of funds" is any offer of membership in any organization. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the corporate limits of the town.

(b) All terminology used in this article and not specifically defined above shall retain its meaning in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and/or the latest volume of Webster's Collegiate Dictionary.

(Ordinance 02-04, sec. 2, adopted 2/12/02)

### **Sec. 4.03.003 Unlawful solicitation and handbill distribution**

(a) No person, directly or through an agent, shall canvass or solicit in person from house to house in the town, to sell or attempt to sell goods, merchandise, wares, services or anything of value or to take or attempt to take orders for the future delivery of goods, merchandise, wares, or any personal property of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed in the future, without first having a written permit therefor, unless the solicitation is for charitable purposes.

(b) It shall be unlawful for any person, directly or through an agent or employee, to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill in or upon any premises within the corporate limits of the town without first having obtained a written permit for such distribution.

(c) It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the town without first having obtained a certificate of registration for such solicitation.

(d) It shall be unlawful for any person, as the agent or employee of another, to solicit funds for charitable purposes within the corporate limits of the town unless his/her employer has received a certificate of registration.

(Ordinance 02-04, sec. 3, adopted 2/12/02)

(e) It shall be unlawful to solicit funds or distribute handbills after sundown and before 9:00 a.m. (Ordinance 02-04, sec. 3, adopted 2/12/02; Ordinance adopting Code)

(f) It shall be unlawful for any person, directly or through an agent or employee, to solicit funds or distribute handbills after the expiration of any permit or certificate of registration issued as hereinafter provided.

(g) It shall be unlawful for the person registering or applying, or the agents or employees thereof, to solicit funds or distribute handbills for a purpose other than that set out in the registration statement or application upon which the certificate of registration or permit was issued.

(h) It shall be unlawful for any person who shall solicit funds or distribute handbills in the town to represent that the issuance of a certificate of registration or permit by the town constitutes an endorsement or approval of the solicitation or distribution by the town or its officers or employees.

(i) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill in or upon any premises which are temporarily or continuously uninhabited or vacant.

(j) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill upon any premises which are inhabited and not otherwise posted as provided for in subsection (k) below, except by:

(1) Handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such premises; or

(2) Placing or depositing the handbill in a secure manner to prevent such handbill from being blown or drifting about the premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.

(k) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill upon any premises if requested not to do so by the owner, occupant, or any other person then present in or upon such premises, or if there is placed on such premises, in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words “no trespassing,” “no peddlers,” “no advertisements,” “no solicitation,” no handbills,” or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbill left upon such premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

(l) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, cast, scattered, handed out or circulated any handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name, address and telephone number of the handbill sponsor who caused the same to be distributed; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers, or agents for the fictitious person or club sponsoring such handbill shall also appear thereon.

(Ordinance 02-04, sec. 3, adopted 2/12/02)

#### **Sec. 4.03.004 Penalty for violation**

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in [section 1.01.009](#) of this code. Each continuing day's

violation under this article shall constitute a separate offense. The penal provisions imposed under this section shall not preclude the town from filing suit to enjoin the violation. The town retains all legal rights and remedies available to it pursuant to local, state and federal law. (Ordinance 02-04, sec. 25, adopted 2/12/02)

**Sec. 4.03.005 Supervision of child solicitors**

It shall be unlawful for any person to use children thirteen (13) years of age or less for any type of solicitation or handbill distribution purposes unless the children are actively supervised by an adult individual at least eighteen (18) years of age, who has obtained the permit or certificate of registration required by this article, or is the agent of the individual who obtained the permit or certificate of registration. In all cases the supervising adult shall be within one hundred (100) yards of the child solicitor. (Ordinance 02-04, sec. 4, adopted 2/12/02)

**Sec. 4.03.006 Permit or certificate of registration—Grounds for denial or revocation**

Failure to comply with any of the provisions of this article shall constitute grounds for denial or revocation of any permit or certificate of registration sought to be issued or issued in accordance with the provisions of this article. (Ordinance 02-04, sec. 5, adopted 2/12/02)

**Sec. 4.03.007 Same—Appeal from denial or revocation**

Should an applicant or registrant be denied a permit or certificate of registration, or have a permit or certificate of registration revoked, he/she may appeal that action to the town administrator by submitting a letter within ten (10) days of the denial or revocation. The town administrator may review the appeal at a staff level and shall have the authority to reject the action complained of and order that the permit or certificate of registration be granted or reinstated. However, should the town administrator uphold the denial or revocation, he/she shall schedule a hearing before the Town Council at a regular or special meeting within thirty (30) days of the appeal request. The Town Council shall render a decision on the appeal within seven (7) days of the date of the hearing. Such hearing shall be an administrative hearing and adherence to formal rules of evidence shall not be required. The decision of the Town Council shall be final. (Ordinance 02-04, sec. 6, adopted 2/12/02)

**Sec. 4.03.008 Sale of merchandise on public right-of-way**

It shall be unlawful for any person to peddle, solicit, sell, offer for sale, or exhibit for sale any merchandise upon any public sidewalk, street, street right-of-way, parkway, or other public right-of-way. (Ordinance 02-04, sec. 7, adopted 2/12/02)

**Sec. 4.03.009 Affirmative defense and exemption**

(a) It shall be an affirmative defense to prosecution under this article if the person is occupying the public right-of-way for the purpose of selling newspapers or publications of other printed material which deal with the dissemination of information or opinion; however, this defense is not available if said act occurred upon the paved surface or shoulder of any public street, highway or road.

(b) The provisions of this article shall not apply to:

- (1) The regular delivery of newspapers or magazines or other items which have been subscribed to by the persons receiving them or by occupants of the premises to which they are delivered;
- (2) The interruption of service notices by utility companies;
- (3) The distribution of mail by the United States government; and

(4) The service of any lien foreclosure or governmental notices of any character distributed by the town or any other governmental entity.

(Ordinance 02-04, sec. 8, adopted 2/12/02)

**Sec. 4.03.010 Exhibiting card prohibiting solicitors and handbill distributors**

(a) A person desiring that no merchant or other person engage in handbill distribution or a home solicitation at his/her premises shall exhibit, in a conspicuous place upon or near the main entrance to the premises, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words “no trespassing,” “no peddlers,” “no advertisements,” “no solicitation,” “no handbills,” or any similar notice indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbill left upon the premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

(b) Every person upon going onto any premises shall first examine the premises to determine if any notice prohibiting solicitation or handbill distribution is exhibited upon or near the main entrance to the premises. If notice prohibiting soliciting or handbill distribution is exhibited, the person shall immediately depart from the premises without distributing, placing, or depositing any handbill or disturbing the occupant, unless the visit is the result of a request made by the occupant.

(c) No person shall go upon any premises and ring the doorbell, or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the premises, for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a solicitation or distribution transaction, if a card, as described in this section, is exhibited in a conspicuous place upon or near the main entrance to the premises, unless the visit is the result of a request made by the occupant.

(d) No person, other than the owner or occupant of the premises, shall remove, deface, or render illegible a card placed by the occupant pursuant to this section.

(e) Any merchant who has gained entrance to a premises, or audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.

(Ordinance 02-04, sec. 9, adopted 2/12/02)

**Secs. 4.03.011–4.03.040 Reserved**

**Division 2. Charitable Solicitation**

**Sec. 4.03.041 Exceptions**

The following are exceptions from the operation of this division:

- (1) The solicitation of funds for charitable purposes by any organization or association from its members.
- (2) The solicitation of funds for charitable purposes by a person when such solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises, when previously invited to the premises for the solicitation.
- (3) The issuance of any announcement or advertisement that charitable solicitation will occur or which announces or advertises an event at which unannounced charitable solicitation will occur.

(Ordinance 02-04, sec. 10, adopted 2/12/02)

**Sec. 4.03.042 Registration statement**

(a) All persons desiring to solicit funds for charitable purposes in the town shall file with the town's police department a registration statement, on forms provided by the town, containing the following information:

- (1) The name of the person registering and desiring to solicit funds for charitable purposes.

\_\_\_\_\_

- (2) Whether the person registering is a natural person, partnership, corporation or association, and:

\_\_\_\_\_

- (A) If a natural person, the business or residence address and telephone number must be given.

\_\_\_\_\_

- (B) If a partnership, the names of all partners and the principal business address and telephone number of the partnership and the address and telephone number of each partner must be given.

\_\_\_\_\_

- (C) If a corporation, the person registering must:

- (i) State whether it is organized under the laws of this state or is a foreign corporation;

\_\_\_\_\_

- (ii) Show the mailing address and telephone number of the principal place of business;

\_\_\_\_\_

(iii) Show the mailing address, business location, telephone number and name of the individual in charge of the town office of such corporation, if any;

\_\_\_\_\_

(iv) State the names of all officers and directors or trustees of such corporation; and

\_\_\_\_\_

(v) If a foreign corporation, state the place of incorporation.

\_\_\_\_\_

(D) If an association, the registration statement must:

(i) Show the association's principal business address, and telephone number, if any;

\_\_\_\_\_

(ii) Show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the names of principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association; and

\_\_\_\_\_

(iii) If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.

\_\_\_\_\_

(3) The names, mailing addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation of funds.

\_\_\_\_\_

(4) The time period within which the solicitation of funds is to be made, giving the date of the beginning of solicitation and its concluding date.

\_\_\_\_\_

(5) A description of the methods and means by which the solicitation of funds is to be accomplished.

\_\_\_\_\_

(6) Approved documentation of the nonprofit status of the applicant to justify the solicitation to be for charitable purposes.

(7) A statement to the effect that if a certificate of registration is granted, such certificate will not be used or represented to be an endorsement or approval by the town or any of its officers or employees.

(8) Each person registering shall provide proof of identification through submission of a valid driver's license or other valid/official photo ID.

(9) Any other information which the town deems necessary for the administration of this division.

(b) The registration statement must be signed by the applicant if the person registering is an individual; if the applicant registering is a partnership, by the partner charged with disbursing the funds solicited; if the applicant registering is a corporation or an association, by its officer charged with disbursing the funds solicited. The individual signing the registration statement shall sign the statement and swear before an officer authorized to administer oaths that he/she carefully read the registration statement and that all the information contained therein is true and correct.

(c) Information provided by applicant in accordance with the provisions of this division shall be subject to verification by the town's police department. Such registration statement shall also be satisfactory written proof of the applicant's authority to represent the partnership, corporation, association or business entity.

(Ordinance 02-04, sec. 11, adopted 2/12/02)

#### **Sec. 4.03.043 Registration fee**

Every registration statement shall be accompanied by a nonrefundable registration fee of twenty-five dollars (\$25.00) to compensate the town for the cost of administering this article, and such fee will not be refunded if a certificate of registration is not issued. No certificate of registration provided for by this article shall be issued until such fee has been paid by the applicant registering. However, such registration fee of twenty-five dollars (\$25.00) shall not be required of a duly authorized, nonprofit, charitable organization registered as such with the secretary of state for the state. Proof of such registration status must be provided to the town. (Ordinance 02-04, sec. 12, adopted 2/12/02)

#### **Sec. 4.03.044 Certificate of registration issuance, duration and form**

(a) After review of the registration statement to determine its compliance with [section 4.03.043](#) above, and within ten (10) business days of the receipt of the registration statement, unless it is determined that the applicant has provided false or incomplete information on its application, the town police department shall either issue a certificate of registration or notify the person registering that the registration statement does not comply with the requirements of [section 4.03.043](#) above, and specifically point out what information or explanation has not been furnished that is required before a certificate of registration can be issued.

(b) Every certificate of registration issued by the town shall expire at the termination of the solicitation period specified in the registration statement or one (1) year from the date of issuance, whichever is less.

(c) The town shall prescribe the form of the certificate of registration. Each such certificate of registration shall be printed in black and the following shall be printed thereon: "The issuance of this certificate of registration is not an endorsement by the Town of Prosper or any of its officers or employees." Each certificate of registration

shall bear a registration number which is the same as the file containing the registration statement filed by the registrant.

(Ordinance 02-04, sec. 13, adopted 2/12/02)

**Sec. 4.03.045 Solicitor's identification**

Each solicitor shall carry with him/her and produce upon request the following authorization and identification:

- (1) Proof of nonprofit status or authorization to represent the charitable organization;
- (2) A copy of the certificate of registration issued by the town; and
- (3) A valid driver's license or other valid/official photo ID.

(Ordinance 02-04, sec. 14, adopted 2/12/02)

**Sec. 4.03.046 Public disclosure**

All registration statements, whether or not a certificate of registration has been issued, shall be a public record and shall be available for inspection by members of the public during regular business hours, and copies may be obtained at cost. (Ordinance 02-04, sec. 15, adopted 2/12/02)

**Sec. 4.03.047 Charitable solicitation on public rights-of-way**

Persons holding certificates of registration issued under the provisions of this division may conduct charitable solicitation within and upon public rights-of-way within the town subject to the following:

- (1) No such charitable solicitations shall be conducted upon or within the right-of-way of any street or road designated by the state as a state highway or farm-to-market road.
- (2) Charitable solicitations within and upon public rights-of-way within the town shall be conducted only during hours of daylight and shall be conducted no more than one (1) consecutive twenty-four-hour period each year per organization.
- (3) No person younger than eighteen (18) years of age shall conduct any solicitation within and upon public rights-of-way within the town.
- (4) Registrants for charitable solicitation who contemplate conducting any solicitation within and upon public rights-of-way shall, prior to conducting any such solicitation, furnish the town with a certificate of insurance showing the town as an additional insured.
- (5) All organizations and persons conducting charitable solicitations within and upon public rights-of-way shall execute a waiver of liability in favor of the town on a form prepared by the town.
- (6) Each organization conducting charitable solicitation within and upon public rights-of-way shall designate a person to be in charge of and responsible for each intersection and/or portion of public right-of-way upon which such solicitation is to be conducted.

(7) All persons conducting such solicitation within and upon public rights-of-way shall, at all times during which the solicitation is being conducted, wear traffic safety vests.

(Ordinance 02-04, sec. 16, adopted 2/12/02)

**Secs. 4.03.048–4.03.080 Reserved**

**Division 3. Noncharitable Solicitation and Handbill Distribution**

**Sec. 4.03.081 Exception**

The provisions of this division shall not apply to a person engaged in charitable solicitation and meeting one of the exceptions in section 4.03.041 or holding a certification of registration as provided for in division 2 of this article. (Ordinance 02-04, sec. 17, adopted 2/12/02)

**Sec. 4.03.082 Permit application**

(a) Any person desiring to make home solicitation transactions or distribute handbills within the town shall file a written application for a permit to do so with the town police department, which application shall show:

- (1) The name of the person applying and desiring to make home solicitations or distribute handbills.

\_\_\_\_\_

- (2) The name of the handbill sponsor if the permit applied for is for distribution of handbills.

\_\_\_\_\_

- (3) Whether the person applying is a natural person, partnership, corporation or association, and:

\_\_\_\_\_

- (A) If a natural person, the business or residence address and telephone number must be given.

\_\_\_\_\_

- (B) If a partnership, the names of all partners and the principal business address and telephone number of the partnership and the address and telephone number of each partner must be given.

\_\_\_\_\_

- (C) If a corporation, the person applying must:

- (i) State whether it is organized under the laws of this state or is a foreign corporation;

\_\_\_\_\_

- (ii) Show the mailing address and telephone number of the principal place of business;

\_\_\_\_\_

- (iii) Show the mailing address, business location, telephone number and name of the individual in charge of the town office of such corporation, if any;

\_\_\_\_\_

(iv) State the names of all officers and directors or trustees of such corporation; and

\_\_\_\_\_

(v) If a foreign corporation, state the place of incorporation.

\_\_\_\_\_

(D) If an association, the application must:

(i) Show the association's principal business address, and telephone number, if any;

\_\_\_\_\_

(ii) Show names and principal business or residence addresses and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the names of principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association; and

\_\_\_\_\_

(iii) If the association is part of a multistate organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.

\_\_\_\_\_

(4) The names, mailing addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation of funds or distribution of handbills.

\_\_\_\_\_

(5) The time period within which the solicitation of funds or distribution of handbills is to be made, giving the date of the beginning of solicitation and its concluding date.

\_\_\_\_\_

(6) A description of the methods and means by which the solicitation of funds or distribution of handbills is to be accomplished.

\_\_\_\_\_

(7) The names of other communities in which the applicant has made home solicitations or distribution of handbills in the past six (6) months.

\_\_\_\_\_

(8) The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished.

(9) Whether such applicant, upon any such order so obtained, will demand, accept or receive payment or deposit of money in advance of final delivery.

(10) Each applicant shall provide proof of identification through submission of a valid driver's license or other valid/official photo ID.

(11) A statement to the effect that if a permit is granted, such permit will not be used or represented to be an endorsement or approval by the town or any of its officers or employees.

(12) Any other information which the town deems necessary for the administration of this division.

(b) The application must be signed by the applicant, if the person applying is an individual; if the applicant is a partnership, by the partner charged with disbursing the funds solicited or overseeing the handbill distribution; if the applicant is a corporation or an association, by its officer charged with disbursing the funds solicited or overseeing the handbill distribution. The individual signing the application shall sign the application and swear before an officer authorized to administer oaths that he/she carefully read the application and that all the information contained therein is true and correct.

(c) The application must be accompanied by a copy of a valid state sales tax certificate, if applicable.

(d) Information provided by the applicant in accordance with the provisions of this division shall be subject to verification by the police department. Such application shall also be satisfactory written proof of the individual's authority to represent the partnership, corporation, association or business entity.

(Ordinance 02-04, sec. 18, adopted 2/12/02)

**Sec. 4.03.083 Permit fee generally**

Every application shall be accompanied by a nonrefundable application fee of twenty-five dollars (\$25.00) to compensate the town for the cost of administering this division, and such fee will not be refunded if a permit is not issued. No permit provided for by this division shall be issued until such fee has been paid by the applicant.

(Ordinance 02-04, sec. 19, adopted 2/12/02)

**Sec. 4.03.084 Permit fee exemptions**

The permit fee required for the issuance of a permit under the provisions of this division shall not be required of the following:

(1) Ordinary commercial travelers who sell or exhibit for sale goods, wares or merchandise to persons selling and dealing in the same within the town.

(2) Persons offering for sale agricultural products, meats, poultry or other articles of food grown or produced by such persons.

- (3) Individuals operating under licenses granted by a state agency.

(Ordinance 02-04, sec. 20, adopted 2/12/02)

- (4) Persons engaged in interstate commerce. (Ordinance adopting Code)

#### **Sec. 4.03.085 Permit issuance, duration and form**

(a) After review of the application to determine its compliance with [section 4.03.082](#) above, and within ten (10) business days of the receipt of the application, unless it is determined that the applicant has provided false or incomplete information on its application, the police department shall either issue a permit, or notify the person applying that the application does not comply with the requirements of [section 4.03.082](#) above and specifically point out what information or explanation has not been furnished that is required before a permit can be issued

(b) A permit requested under this division shall be issued for the length of time requested, not to exceed one (1) year.

(c) The town shall prescribe the form of the permit. Each such permit shall be printed in black and the following shall be printed thereon: “The issuance of this permit is not an endorsement by the Town of Prosper or any of its officers or employees.” Each permit shall bear a permit number which is the same as the files containing the application filed by the applicant.

(Ordinance 02-04, sec. 21, adopted 2/12/02)

#### **Sec. 4.03.086 Identification**

Each solicitor and handbill distributor shall carry with him/her and produce upon request the following information and identification:

- (1) Authorization to represent the permittee by holding a copy of the permit issued by the town;
- (2) A copy of the valid state sales tax certificate, if applicable; and
- (3) A valid driver's license or other valid/official photo ID.

#### **Sec. 4.03.087 Public disclosure**

All applications, whether or not a permit has been issued, shall be public record and shall be available for inspection by members of the public during regular business hours, and copies may be obtained at cost.

(Ordinance 02-04, sec. 23, adopted 2/12/02)

#### **Secs. 4.03.088–4.03.120 Reserved**

### **Division 4. Job Placement Activities**

#### **Sec. 4.03.121 Prohibited in unauthorized locations**

(a) No person shall engage in or attempt to engage in job placement activities in an unauthorized location. This section shall not apply to job placement activities concerning employment or business for the owner or lawful tenants of the subject premises.

(b) This section shall only apply to unauthorized locations where the location has a notice posted in both English and Spanish in a conspicuous place at each entrance and exit to such location not less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one (1) inch in height and not to exceed, in total area, six (6) square feet. The notice shall be in substantially the following form: “It is unlawful to engage in job placement activities on these premises.”

(c) This section shall override other ordinances regulating the placement of signage, temporary or permanent, for the purpose of solicitation or job placement in and throughout the town.

(Ordinance 02-04, sec. 24, adopted 2/12/02)

<b>**THIS SECTION IS TO BE COMPLETED BY THE PARTY RESPONSIBLE FOR ORGANIZING THE SOLICITING GROUP.**</b>	
<b>ORGANIZER’S NAME (PRINTED):</b>	<b>ORGANIZER’S TITLE:</b>
<b>ORGANIZER’S ADDRESS:</b>	
<b>ORGANIZER’S PHONE #:</b>	<b>ORGANIZER’S DL # &amp; STATE:</b>
<b>ORGANIZERS’S EMAIL:</b>	
<b>COMPANY NAME:</b>	<b>COMPANY PHONE #:</b>
<b>COMPANY ADDRESS:</b>	
<p><b>Upon signing this document, I swear that all the information in this application is true and correct and within my personal knowledge. I understand that any false information contained herein may result in, among other things, the denial and/or revocation of a permit. The Town of Prosper also reserves the right to deny the issuance of a permit based on the finding of their investigation.</b></p>	
<b>ORGANIZER’S SIGNATURE:</b>	