



INDIVIDUAL SOLICITOR'S PERMIT APPLICATION (TO BE USED AS ADDENDUM TO MASTER PERMIT)

Name of Soliciting Business:							
Business Address:							
City:		State:		Zip:			
Bus. Phone:		Bus. Email:					
Solicitor's Name:							
Home Address:							
City:		State:		Zip:			
Home Phone:		Cell Phone:					
Date of Birth:		DL/Govt. ID #:		Issued by State of:			
Other ID (Int'l passport/visa & nbr.):		Starts:		Ends:			
Personal Email:							
Have you ever been convicted of a Felony? Or, within the last five (5) years, have you been convicted of a Misdemeanor offense?						<input type="checkbox"/> YES <input type="checkbox"/> NO	
If YES, give date:		Charge:					
Location:		Disposition:					

APPLICANT'S SWORN STATEMENT ** [Only sign and date this section in front of a TX Notary] **

My signature indicates that I affirm that, should I be issued an individual solicitor's under the authority of a Master Permit, I understand that it is the property of the Town of Flower Mound, Texas, and that it is issued to me alone, and that it must be worn conspicuously (in plain view) while soliciting.

I understand soliciting at any location with a posted "No Solicitor" or "No Soliciting" sign, or attempting to solicit after being verbally advised that soliciting is unwelcome, is expressly prohibited by the Town of Flower Mound's Solicitation Ordinance. I also further understand that I must surrender the permit upon the demand of any police officer acting under the color of authority of the Flower Mound Police Department. I understand that this permit expires on the expiration date of the Master Permit.

By my signature, I certify that I have read and agree to abide by all the regulations of the Town of Flower Mound's Solicitation Ordinance. I grant the Flower Mound Police Department permission to inquire as necessary to verify the information I have given.

Applicant's Signature and Acceptance _____ Date _____

Notary Public Acknowledgement: Subscribed & sworn before me on: _____ day of _____ year: _____

Notary Public Signature

FOR OFFICE USE ONLY:			
Date received:		Permit Number:	
Fee paid:		Permit expires on:	
Receipt number:		Approved by:	
Received by:		Denied by:	
Police Chief:		Date of Action:	

DPS Computerized Criminal History (CCH) Verification (AGENCY COPY)

I, _____, acknowledge that a Computerized Criminal History (CCH) check
APPLICANT or EMPLOYEE NAME (Please print)

may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers. (This is not a consent form, but serves as information for the applicant.) Authority for this agency to access an individual's criminal history data may be found in Texas Government Code 411; Subchapter F.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI), therefore the organization conducting the criminal history check is not allowed to discuss with me any CHRI obtained using the name and DOB method. The agency may request that I also have a fingerprint search performed to clear any misidentification based on the result of the name and DOB search.

In order to complete the fingerprint process I must make an appointment with the Fingerprint Applicant Services of Texas (FAST) as instructed online at www.txdps.state.tx.us/Crime Records/Review of Personal Criminal History, or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints, request a copy be sent to the agency listed below, and pay a fee of \$25.00 to the fingerprinting services company.

Once this process is completed, the information on my fingerprint criminal history may be discussed with me.

 Signature of Applicant or Employee (optional)

 Date

(This copy must remain on file by the Flower Mound Police Department. This is required for future DPS Audits.)

FLOWER MOUND POLICE DEPARTMENT TO COMPLETE THIS SECTION	
Flower Mound Police Department	CCH Report printed: Yes ___ No <u>X</u> ___ Initial Purpose of CCH check: <u>Solicitor permit</u> ___ Employed: ___ Vol/Contractor: <u>X</u> ___ Initial Date printed: <u>N/A</u> ___ Initial Date destroyed: <u>N/A</u> ___ Initial
Agency Name (Please print)	
Agency Representative Name (Please print)	
Signature of Agency Representative _____ Date _____	



ABOUT THE TOWN OF FLOWER MOUND'S SOLICITORS PERMIT

(Read and acknowledge each section with your initials.)

TOWN OF FLOWER MOUND SOLICITORS ORDINANCE

Permit Applicants must read and be familiar with the [Town of Flower Mound's Solicitation Ordinance](#) before any fees are paid for their application.

I have read and understand the Town of Flower Mound's Solicitation Ordinance, Article IV. Solicitation Activities, Sec. 18-251 to Sec. 18-267. _____

PERMIT FEES & EXPIRATION DATE

- Fees are \$75 every 12 months for the Master Permit, plus \$20 for every individual permit and are non-refundable. Permit fees are non-refundable, regardless of whether a permit has been issued or denied.
- An individual can only solicit under a Master Permit.
- Master Permits shall expire after 12 months from the date of issuance; and Individual Permits shall expire on the same date as the Master Permit.
- From receipt of the signed application, it takes approximately 10 days to process. You will be contacted when to come and collect your permit badge(s).

I have read and understand the requirements for permit fees & expiration date. _____

BACKGROUND CHECK

- A criminal history background check is completed by the Police Department on each solicitor. The paperwork signed by the solicitor (*DPS Computerized Criminal History Verification Form*) authorizes this check.
- A person may not solicit in Flower Mound if they have ever been convicted of a felony.
- A person may not solicit in Flower Mound if they have been convicted of a misdemeanor within the last 5 years that involves moral turpitude.

I have read and understand the requirements of the background check. _____

SURETY BOND

- If the business to be conducted requires: (a) Cash deposits; (b) Taking orders on delivery purchases (Cash On Delivery); (c) A contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future; THEN, prior to the Master & Individual permits being issued:
 - A surety bond in the amount of \$5,000 (five thousand dollars) must be posted with the Town of Flower Mound by the Master Permit holder as principal, and by a security company licensed to do business in Texas. <https://www.tdi.texas.gov/commercial/pcbondsurety.html#surother> [Submit a copy with the Master Permit application.]
- The Surety Bond must be valid for the full year. If it expires before the 12 months of the Master Permit, then both the Master and all associated Individual Permits will expire on the same date as the Surety Bond.

I have read and understand the requirements for a Surety Bond. _____

SOLICITING IN THE TOWN OF FLOWER MOUND

- Door-to-door solicitation is only permitted Monday to Saturday from 9am until dark (i.e. civil twilight, per the US Naval Observatory for Flower Mound - <https://www.timeanddate.com/sun/@4691585>).
- No solicitations are allowed on Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve Day or Christmas Day.
- The Solicitor's Permit Badge must be carried at all times and visible in plain sight when approaching a home.
- As proof of identification, each solicitor must also carry a Govt. issued picture ID card/driver's license. (A current international passport with a valid work visa for the United States is also acceptable.)
- If a solicitor conducts a financial transaction with a customer, they must provide the customer with information regarding the right to cancel a transaction.
- No solicitation is permitted on public property or from public rights-of-way (roadside sales), or at a location with a posted "no solicitor" or "no soliciting" sign.
- If a resident verbally states that their solicitation is unwelcome, the solicitor must cease.
- No solicitor may use a loud speaking device, bells, whistles, or other noise-making devices.
- Fines for soliciting without a permit can reach \$500 (five hundred dollars). [If arrested, the normal bond is \$500.]
- The Town may revoke a permit if: (i) it is determined that it was issued in error, or (ii) if incorrect information is supplied, or (iii) when it is determined that an ordinance or regulation has been violated.

I have read and understand all points in this section on 'Soliciting in the Town of Flower Mound'. _____

		/ /
Applicant's Printed First and Last Names	Signature	Date

Business Name (per Master Permit Application): _____

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

https://library.municode.com/tx/flower_mound/codes/code_of_ordinances?nodeId=SPAGEOR_CH18BU_ARTIVSOAC_SS18-268--18-300RE

and Appendix A, Fee Schedule, as relating to Solicitor Permits

ARTICLE IV. - SOLICITATION ACTIVITIES

Sec. 18-251. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means a person who undertakes to transact some business or manage some affair for another person by the authority and on the account of the latter.

Badge means photographic identification permit issued by the police department of the town.

Canvasser means a person who engages in canvassing activities.

Canvassing or canvassing activity means the act of:

- (1) Traveling either by foot or vehicle, going door-to-door, house-to-house, building-to-building; or
- (2) Occupying space in or traveling on or through any public place in the city;

Personally contacting persons to communicate in any manner, whether orally, by written or printed materials including, but not limited to, handbills, leaflets, hand signing or by any other method, direct or implied, for any purpose other than selling or taking orders for goods, wares, merchandise or services or collecting money.

Charitable purpose shall mean philanthropic or other nonprofit objectives, including the benefit of poor, needy, sick or handicapped persons; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization; or the benefit of any educational institution.

Consumer means an individual who seeks or acquires real property, service, money or credit for personal, family or household purposes.

Consumer transaction means a sales transaction in which one or more of the parties is a consumer.

Handbill means 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.

Handbill distribution means traveling either by foot or vehicle, going door-to-door, house-to-house or building-to-building without personally contacting persons to distribute or leave on or at each premises handbills for any purpose.

Home solicitation transaction means a consumer transaction for the purpose 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, and the consumer's agreement or offer to purchase is given at the residence to the merchant. 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 permit means a permit issued under the authority of this article to each individual working under a master permit, who engages in the business of solicitation.

Local business means a business located and operated within the corporate limits of the town.

Master permit means the permit required under the authority of this article to engage in the business of solicitation.

Merchant means a party to a consumer transaction other than the consumer.

Person means an individual, corporation, trust, partnership, association or other legal entity.

Police department means the police department of the town.

Political purpose shall mean any form of communication related to a political issue, a particular candidate to a position or nonpartisan office, a political committee, as defined by state law, or to a political party.

Religious purpose shall mean the use of money or property for the support of a church, religious society or other religious sect, group, or order.

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

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and Appendix A, Fee Schedule, as relating to Solicitor Permits

Residence means any separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Solicitation shall mean engaging in or attempting to engage in home solicitation transactions. This term does not include solicitation or fundraising of any sort by a political, religious or charitable institution or group, unless indicated otherwise.

Solicitor means all persons, as well as their agents and employees, engaged in or attempting to engage in solicitation.

(Code 1989, ch. 4, § 2.01; Ord. No. 03-03, § 2, 1-23-2003; Ord. No. 34-14, § 1, 7-21-2014)

Cross reference— Definitions generally, § 1-2.

Sec. 18-252. - Permit required.

- (a) It shall be unlawful for any person to go upon any residential 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 residence for the purpose of engaging in or attempting to engage in a home solicitation transaction without first obtaining a permit from the town.
- (b) Each person engage in or attempting to engage in a home solicitation transaction must have a permit issued under the terms of this section, and such permit shall be personal to the applicant and shall not be reproduced, assigned, or transferred to any other person. Any such attempted transfer or reproduction shall render the permit void.

(Code 1989, ch. 4, § 2.02; Ord. No. 03-03, § 3, 1-23-2003)

Sec. 18-253. - Exemptions.

- (a) The provisions of this article shall not apply to public utility companies or others operating under franchises granted by the town, insurance sales people, real estate sales people, and others licensed by the state, political groups or organizations which are subject to financial disclosure under state or federal law.
- (b) The provisions of this article shall not apply to commercial agents dealing with local business establishments in the usual course of business.

(Code 1989, ch. 4, § 2.03; Ord. No. 34-14, § 2, 7-21-2014)

Sec. 18-254. - Master permit application.

- (a) Any person desiring to make home solicitation transactions within the town shall make written application, on a form provided by the town, to the police department for a master permit. The application shall contain the following:
 - (1) The name, social security number, date of birth and address of the person applying and desiring to make home solicitations;
 - (2) Whether the master permit is for an individual (natural person), a partnership, or a corporation; and
 - a. If an individual, the individual's business or residence address and telephone number;
 - b. If a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - c. If a corporation, the person registering must state whether the corporation is organized under the laws of the state or is a foreign corporation, the mailing address, business location, telephone number, names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and registered agent for the state;
 - (3) The approximate time period within which the solicitation is to be made, giving the date of the beginning of the solicitation and its projected conclusion and how often the applicant will solicit in the town during the year;
 - (4) Names of other communities in the state in which the applicant has made home solicitations during the last six months;
 - (5) The nature of the merchandise to be sold or offered for sale or the nature of the services to be furnished;

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

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and Appendix A, Fee Schedule, as relating to Solicitor Permits

- (6) Whether such applicant, upon any order obtained, will demand, accept or receive payment or the deposit of money in advance of final delivery;
 - (7) Whether the applicant or any person employed by the applicant to solicit, has been convicted of a felony or a misdemeanor involving moral turpitude in the past five years;
 - (8) Names, addresses, telephone numbers and social security numbers of the adults who shall be responsible for supervising any solicitor;
 - (9) Names, addresses and telephone numbers of two persons as references, excluding relatives and persons living with the applicant;
 - (10) Valid state driver's license number or a state-approved identification card number with a photograph;
 - (11) All applications shall be on a form provided by the town and shall be sworn to or affirmed. The application shall be filed for public inspection.
- (b) The application must be signed by the applicant if the person is an individual; if the person applying is a partnership, by a general partner; if the person applying is a corporation, by an officer. The individual signing the application will sign a statement that he has carefully read the application and that all the information contained therein is true and correct upon penalty of perjury.
 - (c) If a person applying for a master permit intends to contract with, employ or otherwise retain individuals to engage in solicitations, the person must identify all such individuals, along with their addresses and telephone numbers, and obtain an individual permit for each such individual.

(Code 1989, ch. 4, § 2.04; Ord. No. 03-03, § 4, 1-23-2003)

Sec. 18-255. - Investigation by the police department.

- (a) The police department is authorized to investigate the affairs of any person soliciting either before or after the filing of an application for a permit for solicitation.
- (b) The police department may deny a permit to any applicant for good cause, which shall include, but is not limited to, the following:
 - (1) A fugitive from justice.
 - (2) Upon submission of an incomplete application for a solicitor's permit;
 - (3) Providing false and/or misleading statements on the application for a solicitor's permit.

(Code 1989, ch. 4, § 2.05)

Sec. 18-256. - Bond.

Each holder of a master permit requiring cash deposits or taking orders on delivery purchases (COD) or who requires a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, shall furnish the town a bond in the amount of \$5,000.00 by the master permit holder as principal, and by a security company authorized and licensed to do business in the state.

(Code 1989, ch. 4, § 2.06)

Sec. 18-257. - Damages.

Any person aggrieved or damaged by the action of a solicitor shall have the right of acting on the bond set forth in section 18-256 for recovery of money or damages, or both. (Code 1989, ch. 4, § 2.07)

Sec. 18-258. - Application fee.

A nonrefundable fee, as provided for in the fee schedule found in appendix A of this Code, for investigation and administration of the application shall be charged. Such fee shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued. All fees are subject to change upon resolution of the town council. (Code 1989, ch. 4, § 2.08)

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

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and Appendix A, Fee Schedule, as relating to Solicitor Permits

Sec. 18-259. - Issuance of a photographic permit (badge).

After review of a permit application to determine its compliance with this article, and within ten working days of the receipt of the same, the police department shall either issue a master permit, and any associated individual permits, in the form of a badge, or notify the person applying that the application does not comply with this article, and specifically point out what information or explanation has not been furnished that is required before a permit can be issued. Permits shall expire after one year from the date of issuance. (Code 1989, ch. 4, § 2.09)

Sec. 18-260. - Requirement that badge be displayed.

Upon issuance of the badge by the police department, the following requirements shall apply:

- (1) The badge issued shall be in such form and requirement so as to fully identify the person soliciting and will bear a photographic likeness of the solicitor and shall contain an expiration date.
- (2) The badge shall be valid only for the person to whom it is issued (nontransferable). Each solicitor is also required to carry a state approved picture identification card or a state driver's license as proof of identification.
- (3) The badge issued shall be carried/displayed by the solicitor in plain sight while he is engaged in soliciting.
- (4) The badge is and shall remain the property of the town and may be revoked and required to be surrendered at any time for any false or misleading information on the permit application, for violation of any town ordinance, including the provisions set forth in this article, and for violation of any state or federal law. (Code 1989, ch. 4, § 2.10)

Sec. 18-261. - Regulations.

- (a) Every solicitor shall identify himself as a solicitor upon approaching a citizen at a residence and explain his purpose, whether it be direct sales, solicitation of orders, or the demonstration of goods or merchandise, or any combination of such purposes.
- (b) Solicitors shall conduct solicitation activities, canvassers shall conduct canvassing activities, and handbill distributors shall distribute handbills only on Monday through Saturday. Solicitors, canvassers, and handbill distributors shall not conduct solicitation or canvassing activities, or distribute handbills: (i) before 9:00 a.m. or (ii) after 9:00 p.m. or after dark on any day, whichever is earlier. "Dark" means the time of day identified by the United States Naval Observatory as being the end of civil twilight on a particular day in the town.
- (c) A person commits an offense if the person engages in solicitation activities, canvassing activities or handbill distribution at any time on a Sunday, New Year's Day, July 4th, Labor Day, Thanksgiving Day, Christmas Eve Day or Christmas Day.
- (d) Subsections (b) and (c) of this section shall not apply to a visit on the premises as a result of a request or an appointment made by the occupant.
- (e) A person commits an offense if the person engages in solicitation activities - including solicitation or fundraising activities by any institution or group organized for a political, religious or charitable purpose, canvassing activities, or handbill distribution 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, canvassing activity, or handbill distribution is not welcomed or invited when there is exhibited in a conspicuous place on or near the main entrance to the residence, a weatherproof sign or card containing the words "No Solicitors," "No Trespassing," or words of similar meaning in letters not less than two-thirds of one inch in height.
- (f) No person engaged as a solicitor, canvasser, or handbill distributor shall remain or linger at a residence after having been verbally informed by the resident that they are not welcome.
- (g) No person may engage in solicitation activities, canvassing activities, or handbill distribution 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, canvasser, or handbill distributor after being solicited, approached, accosted or offered a handbill, leaflet or any other item.
- (h) A person commits an offense if the person engages in solicitation activities, canvassing activities, or handbill distribution and distributes, deposits, places, throws, scatters, or casts a handbill at a residence except by:

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- (1) Handing or transmitting the handbill directly to the owner or occupant then present in or upon the premises; or
- (2) Without using adhesive or tape, placing or depositing the handbill in a manner that secures the handbill and prevents it from being blown away, except that mailboxes may not be used when the use is prohibited by federal postal laws or regulations.
 - (i) A person commits an offense if the person secures a handbill at a residence in the manner described by subsection (h)(2) of this section:
 - (1) In a place that is more than five feet from the front door of the residence; or
 - (2) When another handbill has already been left or secured at the residence and has not been removed from the outside of the residence.
 - (j) No solicitor, or any person working on his behalf, shall shout, make any outcry, blow a horn or whistle, ring a bell, or use any sound device, including any loud-speaking radio or sound amplifying system, upon any of the streets, avenues, alleys, parks or other public places of the town, or upon any private premises of the town where sound of sufficient volume is emitted or produced therefrom to be capable to be plainly heard upon the streets, avenues, alleys, parks or other places, for the purpose of attracting attention to the location or to any goods, wares or merchandise which any person permitted pursuant to this article proposes to sell. This subsection also prohibits the use of any audio device for the purpose of attracting customers to retail establishments or merchants.

(Code 1989, ch. 4, § 2.11; Ord. No. 03-03, §§ 5, 6, 1-23-2003; Ord. No. 34-14, § 3, 7-21-2014)

Sec. 18-262. - Consumer's right to cancel.

- (a) In addition to other consumer rights to revoke an offer or to rescind a transaction, or to any other remedy for a merchant's breach, the merchant shall provide to the consumer the right to cancel a home solicitation transaction made in person in which the consideration exceeds \$5.00, until midnight of the third business day after the day on which the consumer signs an agreement or offer to purchase in a home solicitation transaction.
- (b) Every merchant in a home solicitation transaction made in person in which the consideration exceeds \$5.00, shall furnish the consumer with a fully completed receipt or copy of any contract pertaining to the home solicitation transaction at the time of its execution, which is in the same language as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name, address and telephone number of the merchant, and in immediate proximity to the space reserved in the contract for the signature of the consumer or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of ten points, a statement in substantially the following form:

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

- (c) A merchant in a home solicitation transaction made in person in which the consideration exceeds \$5.00, shall furnish each consumer, at the time he signs the home solicitation transaction contract or otherwise agrees to buy realty, consumer goods or services from the merchant, a completed form in duplicate, captioned "Notice of Cancellation," which shall be attached to the contract or receipt and easily detachable, and which shall contain in bold face type of a minimum size of ten points the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

YOU MAY CANCEL MS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN TEN

Extract from the Charter for the Town of Flower Mound

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BUSINESS DAYS FOLLOWING RECEIPT BY THE MERCHANT OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE MERCHANT AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE MERCHANT REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE MERCHANT'S EXPENSE AND RISK.

IF YOU DO NOT AGREE TO RETURN THE GOODS TO THE MERCHANT AND IF THE MERCHANT DOES NOT PICK THEM UP WHEN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO (Name of merchant) AT (Address of merchant's place of business) NOT LATER THAN MIDNIGHT OF (Date).

I HEREBY CANCEL THIS TRANSACTION.

(Date)

(Buyer's Signature)

- (d) Notification by mail shall be considered given at the time mailed as evidenced by the postmark; notification by telegram shall be considered given at the time filed for transmission; and notification by any other writing shall be considered given at the time delivered to the merchant's designated place of business.
- (e) Before furnishing copies of the notice of cancellation to the consumer, a merchant shall complete both copies by entering the name of the merchant, the address of the merchant's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the consumer may give notice of cancellation.
- (f) A merchant shall not include in any home solicitation transaction contract or receipt any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this article including specifically his right to cancel the transaction in accordance with the provisions of this article.
- (g) A merchant in a home solicitation transaction in which the consideration exceeds \$5.00, shall inform each consumer orally, at the time the consumer signs the contract or purchases the goods or services, of the consumer's right to cancel.
- (h) A merchant shall not misrepresent in any manner the consumer's right to cancel.
- (i) A merchant shall honor any valid notice of cancellation by a consumer and, within ten business days after the receipt of the notice, a merchant shall:
 - (1) Refund all payments made under the contract or sale;
 - (2) Return any goods or property traded in, in substantially as good condition as when received by the merchant;
 - (3) Cancel and return any negotiable instrument executed by the consumer in connection with the contract of sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction; and
 - (4) Restore improvements on real property to the condition in which he found them unless requested otherwise by the consumer.
- (j) No merchant shall negotiate, transfer, sell or assign any note or other evidence of indebtedness to a finance company or other third party prior to 12:00 midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.
- (k) No merchant shall fail, within ten business days of receipt of the consumer's notice of cancellation, to notify the consumer whether the licensee intends to repossess or to abandon any shipped or delivered goods.
- (l) This section shall not apply to a home solicitation transaction in which the consideration does not exceed \$25.00 if.

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

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and Appendix A, Fee Schedule, as relating to Solicitor Permits

- (1) The consumer may within a reasonable time:
 - a. Cancel the order;
 - b. Refuse to accept the goods when delivered without obligation to pay for them; or
 - c. Return the goods to the seller and receive a full refund for any amount the consumer has paid; and
- (2) The consumer's right to cancel the order, refuse delivery or return the goods without obligation or charge is clearly and legibly printed on the face or reverse side of the sales ticket or clearly and legibly printed in or on the package.

(Code 1989, ch. 4, § 2.12)

State Law reference— Cancellation of certain consumer transactions, V.T.C.A., Occupations Code § 39.001 et seq.

Sec. 18-263. - Exhibiting card prohibiting solicitors.

- (a) A person, desiring that no merchant or other person engage in a home solicitation, canvassing activity or handbill distribution at his residence, shall exhibit in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign or card, not less than three inches by four inches in size, containing the words, "NO SOLICITORS," "NO TRESPASSING," or words of similar meaning in letters not be less than two-thirds of an inch in height.
- (b) Every merchant, canvasser, or handbill distributor upon going onto any premises upon which a residence is located shall first examine the residence to determine if any notice prohibiting soliciting, canvassing, or handbill distribution is exhibited upon or near the main entrance to the residence. If such notice is exhibited, the merchant, canvasser, or handbill distributor shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request made by the occupant.
- (c) No person shall go upon any residential 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 residence, for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a home solicitation transaction, canvassing activities or handbill distribution, if a card as described in subsection (a) of this section is exhibited in a conspicuous place upon or near the main entrance to the residence, unless the visit is the result of a request made by the occupant.
- (d) No person, other than the occupant of the residence, shall remove, deface or render illegible, a sign or card placed by the occupant pursuant to subsection (a) of this section.
- (e) Any merchant, canvasser, or handbill distributor who has gained entrance to a residence, 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.

(Code 1989, ch. 4, § 2.13; Ord. No. 34-14, § 4, 7-21-2014)

Sec. 18-264. - Revocation of permit.

- (a) Any permit issued under this article may be revoked by the police department for any of the following reasons:
 - (1) Fraud or misrepresentation in the application for a permit;
 - (2) Fraud or misrepresentation in the course of conducting solicitation activities;
 - (3) Conducting solicitation activities contrary to the conditions of the permit;
 - (4) Conducting solicitation activities in such a manner as to create or constitute a danger to the public health, safety or welfare.
- (b) Upon revocation, the police department shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address. The chief of police or his designee shall have the authority to seize any and all permit badges possessed by persons conducting business as a solicitor while the official notification process is underway. At such time, any and all solicitation activities conducted under the authority of that permit shall cease.

(Code 1989, ch. 4, § 2.14)

Extract from the Charter for the Town of Flower Mound

Subpart A – General Ordinances, Ch. 18 – Businesses, Article IV. Solicitation Activities

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and Appendix A, Fee Schedule, as relating to Solicitor Permits

Sec. 18-265. - Appeal if permit denied or revoked.

If the police department refuses to issue a permit, the applicant shall have the right to appeal to the town council. Such appeal shall be taken by filing with the town secretary within ten days from the date of the refusal. The same procedure of appeal shall apply to a permit revoked under this article. Thereafter, the town council shall set a reasonable time and place for a hearing on such an appeal and notice of such hearing shall be mailed, postage prepaid, to the permittee at his last known address at least five days prior to the date of the hearing. (Code 1989, ch. 4, § 2.15)

Sec. 18-266. - Penalty for violation of article.

Any person violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor and, upon conviction in municipal court, be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day such violation shall continue be deemed to constitute a separate offense. (Code 1989, ch. 4, § 2.16)

Sec. 18-267. - Solicitation on public property.

- (a) It shall be unlawful for any person to peddle, hawk, sell, solicit, distribute or take orders for any services, wares, merchandise, or goods, including, but not limited to, magazines, encyclopedias, tools, photographs, flowers, candy, plants, or statues, on the streets, street rights-of-way, or medians of the town. This prohibition shall apply to and include any institution or group organized for a political, religious or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group.
- (b) It shall be unlawful for any person to ask or communicate in any such manner, whether orally, by written and/or printed material including, but not limited to, handbills or leaflets, hand signing or by any other method, direct or implied, for any purpose which includes receiving or obtaining money, alms, gifts or items of value on the streets, street rights-of-way, or medians of the town. This prohibition shall apply to and include any institution or group organized for a political, religious or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group.
- (c) It shall be unlawful for any person to operate an outdoor retail sale or outdoor commercial promotion in the town except where such sale or promotion is in connection with or adjacent to an existing permanent business operated in the town except for the sale of Christmas trees between November 15 and December 26.
- (d) No permit provided for herein shall be issued for selling in the above manner.

(Code 1989, ch. 4, § 2.17; Ord. No. 03-03, § 7, 1-23-2003)

APPENDIX A, Fee Schedule

Code Section Number 18-252 – Solicitation Permit Fee

A nonrefundable fee for investigation and administration of the application shall be charged. Such fee shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued. All fees are subject to change upon resolution of the Town Council of the Town of Flower Mound, Texas.

- (1) A fee of \$75.00 shall be charged for a master permit. A master permit shall be valid for six months from the date of issuance.
- (2) A fee of \$20.00 shall be charged for individual permits obtained by a master permit holder for individuals operating under a master permit. Individual permits shall be valid only for so long as the master permit holder's permit is valid and shall not exceed six months.

(Ord. No. 32-09, § 3, 9-8-2009)