



Vendors and Peddlers Application for License

City of Tomball, Texas

Application Fees

Per Day.....	\$10.00
Per Week.....	\$25.00
Per Month.....	\$50.00
Per 3 Months.....	\$100.00
Per 6 Months.....	\$150.00

Note: these application fees are non-refundable.

For Questions or to Submit This Application

Tomball City Hall
 401 Market St.
 Tomball, Texas 77375
 Tel. 281-351-5484
 Fax 281-351-6256

General Vendors and Peddlers Requirements

- **Completed application** - All sections of this application **MUST** be filled out. If something does not apply to you, write N/A.
- **Doctor's certification regarding health** - Tomball, Code of Ordinances, **Sec. 54-32.02 on reverse of this page.**
- **\$1,000 surety bond, naming the City of Tomball as the certificate holder** - Tomball Code of Ordinances, **Sec. 54-36 on reverse of this page.**
- **Copy of lease and/or letter from property owner and signed acknowledgment affidavit from property owner** - This provision only applies to non-mobile vendors selling at any location for any period of time, Tomball Code of Ordinances, **Sec. 54-9 and Sec. 54-11 on reverse of this page.**
- **Completed fingerprint card** - Fingerprint cards may be completed at the Tomball Police Department, located at 400 Fannin Street. Please contact the police department at 281-351-5451 for hours of service.
- **Proof of sales tax permit (clerk will make a copy to go with your application)** - Tomball, Code of Ordinances, **Sec. 54-31.13 on reverse of this page.**
- **Valid driver's license** - (clerk will make a copy to go with your application)
- **IMPORTANT:** All applications for non-mobile vendors must also be approved by the Zoning Department. Please call 281-290-1400 for more information.
- Food vendors must also furnish proof of their Harris County Food Medallion. **Any vendor** using electrical, gas, propane, or other energy sources as well as temporary structures must receive an inspection and approval from the Fire Marshal's Office prior to issuance of a permit by the City.
- **Must successfully pass a background screening by the Tomball Police Department.**

Special Events Permit Requirements

- **Completed application** - All sections of this application **MUST** be filled out. If something does not apply to you, write N/A.
- **Fee of \$25 per day** - Special Event permits are for **one (1) day only**; events for more than one day require a permit for each day. No more than five special event permits during any 12-month period will be issued to any one applicant.
- **Valid driver's license (clerk will make a copy to go with your application)**
- **Proof of Sales Tax Permit (clerk will make a copy to go with your application)**
- **Must successfully pass a background screening by the Tomball Police Department.**

Interstate Permit Requirements

- **Completed application** - All sections of this application **MUST** be filled out. If something does not apply to you, write N/A.
- **Valid driver's license** - Clerk will make a copy to go with your application.
- **Proof of interstate commerce and affidavit from an officer of the corporation** - Tomball Code of Ordinances, **Sec. 54-31.12**
- **Proof of Sales Tax Permit** - clerk will make a copy to go with your application - Tomball Code of Ordinances, **Sec. 54-31.13**
- **Must successfully pass a background screening by the Tomball Police Department.**

The following excerpts from the City of Tomball Code of Ordinances, Chapter 54, Peddlers and Solicitors, are provided for your convenience in filling out this application. For more information, please consult the City of Tomball Code of Ordinances.

Sec. 54-3. Refusing to leave. "Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, or any peddler who enters upon property posted with a "No Peddlers Allowed," "No Solicitations Allowed," or other similar type posted sign, shall be deemed guilty of criminal trespass and/or attempted criminal trespass and may be punished as provided in V.T.C.A., Penal Code §§ 15.01, 30.05."

Sec. 54-6. Hours of operation.

"(a) It shall be unlawful for any peddler engaged in the business of peddling within the city, to go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence prior to 9:00 a.m. or after 8:00 p.m. of any day Monday through Friday, or prior to 10:00 a.m. or after 8:00 p.m. on Saturday, Sunday, or any Federal, State or City of Tomball holiday, except by specific appointment with or invitation from the prospective customer."

Sec. 54-8. Misrepresentation. "(a) It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

(b) If, after a permit has been issued, the City determines that such permit was obtained by false representation in the application or the permit holder has committed any act or practice that violates Subchapter E of Chapter 17 of the Texas Business and Commerce Code, otherwise known as the Texas Deceptive Trade Practices-Consumer Protection Act, or any crime or misdemeanor involving moral turpitude, or any violation of this Chapter or any other City Ordinance, or any other state or federal law, during the term of the permit, the permit shall be revoked by the Chief of Police."

Sec. 54-9. Responsibility of owners, tenants and lessees allowing peddlers to utilize property. "Any property owner, tenant, or lessee who allows a peddler to utilize their private property shall be responsible, along with the peddler, for compliance with the adopted Zoning Ordinance of the City of Tomball. Approval by the Zoning Administrator must be obtained before a permit may be issued."

Sec. 54-10. Compliance with the Home Solicitation Sales Act. "A peddler shall comply with the requirements of the Home Solicitation Sales Act provided for in Chapter 601 of the Texas Business and Commerce Code. In addition to any other rights or remedies available, a consumer may cancel a consumer transaction not later than midnight of the third business day after the date the consumer signs an agreement or offer to purchase. A peddler must provide a consumer notice and a complete cancellation form, as provided for in Sections 601.052 and 601.053 of the Texas Business and Commerce Code, at the time a consumer signs an agreement."

Sec. 54-11. Structures erected or maintained by peddlers. "It shall be unlawful for any peddler to erect or maintain any permanent or temporary structure without complying with the applicable Building Codes, Zoning Regulations, and other applicable City Codes."

Sec. 54-31. Required.

"(12) Facts showing explicitly that the registrant is engaged in interstate commerce and an affidavit signed by an officer of the corporation, attesting that the registrant is a bona fide representative or employee of the corporation;

(13) The limited sales tax permit number issued by the State Comptroller of Public Accounts, if any."

Sec. 54-32.02, "A written certificate of a practicing physician in the county, dated not more than five days prior to the date of filing the application, certifying that the physician has examined the applicant and has found him to be free of infectious, contagious or communicable diseases."

Sec. 54-36, "The application for a permit required by the provisions of this article shall be accompanied by a bond in the penal sum of \$1,000.00 signed by the applicant and signed, as surety, by some surety company authorized to do business in this state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal."

Ordinance 2011-01, Vendors and Peddlers, Section 16

"Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense."

Vendors and Peddlers Application for License

City of Tomball, Texas

Important: Each vendor or assistant must be individually licensed.

All spaces on this application must be filled out to the best of the applicant's knowledge. If a question does not apply, please state so by writing N/A. The City of Tomball reserves the right to deny an application for falsifying or failing to provide information.

Personal Information

Name: _____ Age: _____ Gender: M F

Weight: _____ Height: _____ Hair Color: _____ Eye Color: _____

Race: _____ Birth Date: / / Birth Place: _____

Peddling/Vending/Selling Dates: / / thru / /

Home Phone Number: () - Cell Phone Number: () -

E-mail: _____ Social Security Number: _____

Driver's License No.: _____ State Issued by: _____ Expires: _____ /

Permanent Address: _____

Local Address: _____

Name & Address of Applicant's Bank: _____

Names & Addresses of Two Local Texas Credit References

1. _____

2. _____

Names & Addresses of Next of Kin/Emergency Contact

1. _____

2. _____

Names & Addresses of last five (5) cities/towns wherein applicant has worked before coming to Tomball

1. _____ 4. _____

2. _____ 5. _____

3. _____

Will you demand, accept, or receive payment or deposit in advance of final delivery?: Y N

Will you provide the customer notice & a complete cancellation form (Secs. 601.052 + 601.053, Texas Business & Commerce Code) at the time the customer signs agreement?: Y N

Have you ever been convicted of a felony of any nature or any other crime of moral turpitude in Texas or any other state? Have you ever been convicted of any crime, misdemeanor, or violation of any state or federal law or municipal ordinance or code (circle one)?

Yes No

If yes, give information regarding the nature of the offense; the punishment or penalty assessed therefore, if previously convicted; and the place and date of the conviction.

Company Information -- Firm Peddler is Representing

Full Company Name:

Home Office Address:

Local Texas Address:

Texas Registered Agents' Names & Addresses

Name: Address:

Name: Address:

Immediate Employer's Name & Address

Name: Address:

Type of Structure Containing Operations (Tent, Trailer, Stand, Truck, etc. - please be as specific as possible.)

Location (if door-to-door, please state so):

Products or Service Information

Please give full description of products or services to be sold:

Approximate Sales Price

Product/Service: Price:

Product/Service: Price:

Product/Service: Price:

Product/Service: Price:

Product/Service: Price:

Product/Service: Price:

Attachments: please make sure the following items are attached (where applicable) to your application. Applications will not be accepted without appropriate documentation.

- Copy of Harris County Food Medallion
- Health Certificate from Doctor
- \$1,000 Surety Bond or Insurance (Original Certificate)
- Copy of Lease or Letter from Property Owner
- Copy of Valid Driver's License
- Fingerprint Card
- Sales Tax Permit
- Interstate Proof (for Interstate Vendors Only)
- Signature of Acknowledgment of Responsibility from Owner of Property

I certify that my answers to the questions on this application are true and correct to the best of my knowledge. I further understand that by falsifying or failing to provide information, my application will automatically be denied approval.

Signature:

Date:

Acknowledgment of Property Owner/Lessee

I hereby acknowledge that I am responsible, along with the peddler, for compliance with the adopted Zoning Ordinance of the City of Tomball. Approval by the Zoning Administrator must be obtained before a permit may be issued.

A letter or lease agreement is attached.

Signature:

Date:

For City of Tomball Use ONLY

Zoning Approval

Approved/Refused? Approved Refused

If refused, reason for refusal:

Conditions:

Signature:

Date:

Fire Marshal's Office Approval

Approved/Refused? Approved Refused

If refused, reason for refusal:

Signature:

Date:

Police Chief's Approval/Background Check

Approved/Refused? Approved Refused

If refused, reason for refusal:

Signature:

Date:

City Secretary's Office

Received by:

Date:

Approved/Refused? Approved Refused

If refused, reason for refusal:

Signature:

Date: