

Dear Schertz Resident,

In response to your email below, I have included, in this email, Chapter 62 of the Code of Ordinance of the City of Schertz for your review outlining what is required and the hours allowed. Please feel free to share this information with the residents in your neighborhood. Basically what this says is Solicitors are required to obtain a Solicitors permit for a total of \$60.00 from the City of Schertz. They must have their permit in possession at all times when conducting business within the city limits of the Schertz and are only allowed to do so between the hours of 10:00 am and 6:00 pm Monday through Saturday. No soliciting is permitted during the hours of 6:00 p.m. and 10:00 a.m. or anytime on Sunday. Please also make note of Sec. 62-4 which deals with the exceptions.

Should you have any questions, please feel free to contact me.

Sincerely,

Libby Rinehart, Records Manager

City of Schertz Police

210-619-1201

Sec. 62-1. 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:

Canvasser means any person compiling information and/or conducting a poll from house-to-house, business-to-business, or in a public place.

Interstate commerce means soliciting, selling or taking orders for, or offering to take orders for any goods, wares, merchandise, magazines, or other things of value, which at the time the order is taken are in another state or will be produced in another state and shipped into the city in fulfillment of such order.

Itinerant merchant means any person, firm or corporation as well as agents, or employees thereof, who or which engage in the temporary or transient business of selling, exhibiting, or offering for sale in the city any goods, merchandise, services, photographs, magazines, or other things of value, or exhibits same for the purpose of taking orders thereof, and who or which, for the purpose of carrying on such temporary or transient business, either rents, leases, or occupies without renting or leasing, any room or space in any building or structure or in any space, enclosed or unenclosed, upon any private premises within the city.

Peddler means any person who engages in a temporary business within the city limits by carrying goods or merchandise and who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house, business-to-business or upon public property; a merchant shall be considered temporarily in business and a peddler unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business in the city as a merchant for a period of 60 days or more.

Solicitor means any person who solicits or attempts to solicit, from house-to-house, business-to-business or upon public property, orders for services, commercial goods, wares, merchandise, subscriptions, or publications to be delivered at a future date or time. A "canvasser" is a solicitor.

Temporary business means any business transacted or conducted in the city, in, upon, or through or from any private premises for which no definite arrangement for legal right of occupancy therefore has been made in advance of such use and occupancy.

Transient business means any business described above under "itinerant merchant" conducted or operated by any person, or his agent or employees, who resides away from the city or who has a fixed place of business headquarters outside the city, or who moves stocks of goods, wares, merchandise or other things of value into the city, or samples thereof into the city with the purpose or intention of removing them or the unsold portion thereof away from the city before the expiration of six months.

(Ord. No. 03-L-16, § 13-1, 6-3-2003)

Sec. 62-2. Purpose.

This chapter shall be deemed an exercise of the police power of the state and of the city for the public safety, comfort, welfare, convenience and protection of the city and citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(Ord. No. 03-L-16, § 13-2, 6-3-2003)

Sec. 62-3. General prohibitions.

(a)

It shall be unlawful for any person to engage in peddling or soliciting within the city between the hours of 6:00 p.m. and 10:00 a.m. or at any time on Sunday.

(b)

It shall be unlawful for any solicitor to solicit, take orders for, or offer to take orders for any goods, wares, merchandise, magazines or other things of value without first making application for and obtaining a peddlers' and solicitors' permit from the city manager.

(c)

It shall be unlawful for any itinerant merchant, to sell, offer for sale, or exhibit for the purpose of selling or the taking of orders for the sale thereof, any goods, wares, merchandise, service, photographs, magazines or any other thing of value without first making application for and obtaining a peddlers' and solicitors' permit from the city manager.

(Ord. No. 03-L-16, § 13-3, 6-3-2003)

Sec. 62-4. Exclusions from applicability of this chapter.

The provisions of this chapter shall not apply to the following:

- (1)
Commercial agents dealing with local business establishments in the usual course of their business;
- (2)
Insurance salesman, real estate agents, and others licensed by the state;
- (3)
Vendors of farm produce or agricultural products when the vendor himself produces such produce or products;
- (4)
Persons engaged in religious or political speech, which does not include the sale of any item or the solicitation of contributions;
- (5)
Persons engaged in the distribution of handbills or flyers for services, commercial goods, wares, merchandise, subscriptions, or publications to be delivered at some future date, who do not engage in face-to-face contact with prospective customers or clients.
- (6)
City employees authorized to solicit pursuant to [Ordinance No. 11-M-24](#).

(Ord. No. 03-L-16, § 13-4, 6-3-2003; [Ord. No. 11-M-24, § 2, 8-16-2011](#))