

CITY OF BAY CITY

PROCESS FOR APPLYING FOR PEDDLER'S, ITINERANT MERCHANT OR TRANSIENT VENDOR PERMIT

- 1.) Call and apply for a State Sales Tax I.D. and permit to the Comptroller of Public Accounts for the State of Texas. Phone number is 1-800-252-5555.
- 2.) Pick up an application from the City Secretary's Office at City Hall or visit the City's web site at www.cityofbaycity.org. Fill out questions 1 through 12 completely. Question 13 requires that your signature be witnessed and notarized at the time you sign it by a Notary Public. If you have any questions with any part of the application, please contact the City Secretary's Office at (979) 245-5311.
- 3.) Obtain written permission from owner of the property where you will be selling your goods. Unless you have reserved a booth at an exhibit such as Market Days, Heritage Day, etc., which does not require a vendor permit. You may not sell on any public streets or sidewalks within the City limits, the property on which you sell, must be private property and must have the owner's written permission.
- 4.) If selling food or beverage for human consumption, apply to the Matagorda Public Health Officer for a retail food permit. His office is located in the County Building (Old Western Gulf Building) across from Auto Zone.
- 5.) Purchase a vendor's bond from a local (Bay City or Matagorda County) insurance company in the amount of \$3,000 or a blank bond to cover a group. The City Attorney must approve said bond.
- 6.) Bring the completed application to the City Secretary's Office, along with all other documentation (e.g. bond, food permit, written permission, etc.). Your application will be submitted to the Chief of Police for a background check.
- 7.) Once the City Attorney and Chief of Police have approved your bond and background check, you will receive a call from the City Secretary's Office asking you to return to City Hall, where the final steps of your application will be completed. **Two (2) passport size color photos must be provided.** The fee must be paid at this time and a badge will be prepared, which must be worn when you are selling and/or soliciting.

FEE SCHEDULE:

\$50.00 per month, per person; or

\$70.00 per year, per person

Note:

*The only exception to this is if the products or donations you are selling or soliciting are to benefit a non-profit organization

*You may only sell between the hours of 9:00 a.m. and 9:00 p.m., unless the property owner allows otherwise.

LICENSE _____
ISSUE DATE _____

CITY OF BAY CITY

**APPLICATION FOR PEDDLER'S ITINERANT MERCHANT OR
TRANSIENT VENDOR PERMIT**

Attach Photo
of Applicant

1. NAME OF APPLICANT: _____

CURRENT RESIDENCE

ADDRESS: _____ AND TELEPHONE _____

CURRENT BUSINESS

ADDRESS: _____ AND TELEPHONE _____

FORMER RESIDENCE

ADDRESS: _____ AND TELEPHONE _____

FORMER BUSINESS

ADDRESS: _____ AND TELEPHONE _____

2. SOCIAL SECURITY NO. _____ BIRTHDAY: _____

DRIVER'S LICENSE NO. _____ STATE ISSUING: _____

EXPIRATION DATE: _____

3. PHYSICAL DESCRIPTION OF APPLICANT

Height _____ Weight _____ Hair _____ Eyes _____ Race _____ Sex _____

4. APPLICANT WHO IS A NON-DRIVER MAY SUBMIT THE FOLLOWING FOR
IDENTIFICATION:

(A) Governmental Identification: _____ (Federal/State Number)

(B) Certified copy of Birth Certificate _____

5. DESCRIPTION OF GOODS TO BE SOLD, INCLUDING BRAND NAMES, IF ANY:

6. IF GOODS ARE TO BE SHIPPED, LIST NAME, ADDRESS AND TELEPHONE NUMBER OF MANUFACTURING LOCATION AND/OR SHIPPING LOCATION: _____

7. ADDRESS OF LOCATION WHERE GOODS SHALL BE DISPLAYED TO PUBLIC OR OFFERED FOR SALE: _____

8. NAME, ADDRESS AND TELEPHONE NUMBER OF OWNER OF PROPERTY WHERE GOODS WILL BE DISPLAYED TO PUBLIC OR OFFERED FOR SALE: _____

9. APPLICANT WILL TRAVEL DOOR TO DOOR TO EXHIBIT OR SELL GOODS:
_____ YES _____ NO

10. IF GOODS TO BE SOLD OR TRANSPORTED IN OR DISPLAYED FROM A VEHICLE, THE FOLLOWING INFORMATION IS REQUIRED:

Owner of Vehicle: _____ Telephone No. _____

Owner's Address: _____

Vehicle Make: _____ Model _____ Color _____ Year _____

VIN No. _____ License No. _____ State _____

11. HAS APPLICANT BEEN CONVICTED WITHIN THE LAST TEN (10) YEARS OF ANY CITY, STATE OR FEDERAL OFFENSE INCLUDING:

A) Misrepresented or made any false statements in regard to his authority to sell such goods. YES _____ NO _____

B) Any offense involving narcotics, dangerous drugs or crimes with dangerous weapons. YES _____ NO _____

C) Any offense involving the use of force and violence upon the person of another that is designated as a felony in the state of Texas, YES _____ NO _____

D) Any offense of fraud, misrepresentation, embezzlement, forgery, or theft That is designated as a felony in the state of Texas. YES_____ NO_____

E) Been convicted in a court of proper jurisdiction of any of the previously Named violations at any time YES_____ NO_____

12. DOCUMENTS TO BE ATTACHED TO APPLICATION:

(A) **PERMIT FROM LANDOWNER** – A written permit signed by owner or his authorized agent of the property at the location where goods will be displayed or offered for sale, and stating owner consents to applicant’s use of such property. YES_____ NO_____

(B) **STATE SALES TAX PERMIT** - A valid sales tax permit issued by the office of the Comptroller of Public Accounts of the State of Texas. YES_____ NO_____

13. APPLICANT AGREES TO READ, UNDERSTAND, AND TO ABIDE BY THE BAY CITY CODE OF ORDINANCES GOVERNING ANY PERSON ENGAGING IN THE CCUPATION OF A PEDDLER, ITINERANT MERCHANT OR TRANSIENTENDOR BEFORE SIGNING THIS APPLICATION.

APPLICANT

THE STATE OF TEXAS
COUNTY OF MATAGORDA

BEFORE ME, The undersigned authority, on this day personally appeared _____, who has stated under oath that he/she has read the foregoing application and that all facts therein set forth are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this the ____ day of _____, 20____,

NOTARY PUBLIC

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IF YOU ARE APPLYING FOR A PERMIT TO ENGAGE IN THE OCCUPATION OF A PEDDLER, INTINERANT MERCHANT OR TRANSIENT VENDOR WITHIN THE CITY LIMITS OF THE CITY OF BAY CITY, TEXAS, THE FOLLOWING CERIFICATIONS MUST BE COMPLETED BY THE APPROIATE OFFICIALS.

CERTIFICATE OF PUBLIC HEALTH OFFICER
(Complete only if applying to sell food for human consumption)

I, _____, Public Health Officer for Bay City, Matagorda County, Texas, do certify that the food products offered for sale by Applicant meet the minimum food standards of the State of Texas.

Given under my hand and seal of office this the ____ day of _____ 20____,

Public Health Officer
Matagorda County, Texas

CERTIFICATE OF CHIEF OF POLICE

I, _____, chief of Police of Bay City, Texas, do hereby certify that I have conducted a "Security Check" on the following named Applicant for a Peddler, Itinerant Merchant or Transient Vendor's Permit, _____, I further certify that the Applicant:

1. Has ___ Has Not ___ misrepresented nor has he made any false statements in regard to his authority to sell such goods.
2. Has ___ Has Not ___ been convicted of an offense involving narcotics, dangerous drugs or crimes with dangerous weapons within the last ten (10) years.
3. Has ___ Has Not ___ been convicted of an offense involving the use of force and Violence upon the person or another when the offense is designated as a felony in the state of conviction or this state within the last ten (10) years.
4. Has ___ Has Not ___ been convicted of an offense of fraud, misrepresentation, embezzlement, forgery, or theft when such offense is designated as a felony in the state of conviction or this state within the last ten (10) years.
5. Has ___ Has Not ___ been convicted in a court of proper jurisdiction of and of the previously named violations at any time within the last ten (10) years.

This application for a "Security Check" was received on the ____ day of _____, 20____, and completed on the ____ day of _____ 20_____.

Application for a Permit is ___ APPROVED ___ DISAPPROVED on this the ____ day _____ m 20___ at _____ m,

Chief of Police
Bay City Police Department

CERTIFICATE OF CITY SECRETARY

I, _____, City Secretary of the City of Bay City, Texas, do hereby certify that this application for a Peddler, Itinerant Merchant or Transient Vendor's Permit meets all requirements City Ordinance No. 972 and the City of Bay City Building Codes, and that the facts set forth in the application are _____ and that _____ lawful reason exists or warrants the denial of this Permit.

Given under my hand seal of office this the _____ day of _____, 20_____.

Date Approved _____

Date Disapproved _____

City Secretary,
City of Bay City, Texas

EXHIBIT A – VENDOR'S BOND

THE STATE OF TEXAS
COUNTY OF MATAGORDA

(NAME OF VENDOR)

VENDOR MAILING ADDRESS: _____

VENDOR STREET ADDRESS: _____

VENDOR PHONE NUMBER: _____

KNOWN ALL MEN BY THESE PRESENTS that _____, hereinafter called "Principal", and _____, hereinafter called "Surety", as Surety are held and firmly bound unto the Obligees, who are City of Bay City and any person to whom Principal sells or delivers goods within the City of Bay City, Texas, and any person who may be damaged or injured by the Principal's failure to comply with the Ordinances of the City of Bay City or with Texas Deceptive Trade Practices and Consumer Protection Act. TEX. BUS. & COM. 17.41 et seq., V.A.C.S. as now in effect or hereafter amended, the "Act", for damages suffered by and court costs and attorney's fees incurred by any such Obligee as a consequence of any violation of a municipal ordinance or of said Act in connection with the sale or delivery of such goods by the Principal in the amount of THREE THOUSAND DOLLARS (\$3,000) for the payment whereof the said Principal and Surety do bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, by these presents.

It is condition of this obligation that if the Principal complies with said Act and with all ordinances of the City of Bay City and if said Principal shall remedy all damages caused by or arising from any violation of said Act or ordinances by said Principal during the course of said transaction including the payment of any court costs or attorney's fee incurred by an Obligee hereon in connection with such transaction, then this obligation shall be void.

In the event of the breach of the obligation of Principal hereon, said Surety shall pay to any Obligee hereon a sum not to exceed the face amount of this bond to compensate said Obligee for the damages suffered as a consequence of such breach and all court costs and attorney's fees incurred by said Obligee in connection therewith.

The obligation of the Principal and Surety shall continue for a period of two years from the date of sale or delivery of any such goods to any Obligee whichever date is later in time and as long thereafter as required to bring to a final conclusion any litigation pending against the Principal or Surety or both at the expiration of said two year period that has been instituted by an Obligee hereon or by the District Attorney of Matagorda County or the Attorney General of the State of Texas for violation of said sale or delivery of goods.

Written notice of any non compliance with or violation of said ordinances or statute and the probably amount of damages resulting from such noncompliance or violation shall be given to the Surety hereon with two years after the later of either the date or sale or the date of delivery of such goods to an Obligee hereon.

Liability for future acts or omissions of Principal in violation of the Code of Ordinances of the City of Bay City or of any state statute may be terminated by the Surety hereon by giving thirty (30) days written notice to the City Secretary of the City of Bay City, and the liability of Surety shall cease at the expiration of said thirty (30) days; provided, however, that said Surety shall be liable for all acts or omissions by said Principal covered by this bond and occurring prior to the date of the expiration of said thirty (30) days period. Surety shall give written notice to the City of Bay City within thirty (30) days after the date on which any claim is filed against the bond.

This bond expires at midnight _____, 20_____.

In witness whereof, the said Principal and Surety have signed and sealed this instrument this _____ day of _____, 20_____.

SURETY

PRINCIPAL

BY: _____
TITLE

BY: _____
TITLE

The undersigned surety company represents that it is duly qualified to do business in the State of Texas and hereby designates _____ as its agent resident in Matagorda County to whom any requisite notices may be delivered and on whom service of process may be had in matters arising out of such suretyship.

SURETY

BY: _____
TITLE

The undersigned agent accepts the designation of agency by _____ for the purpose above stated.

AGENT: _____

BY: _____

TITLE: _____

PHONE NO: _____

BOND NO: _____

MAILING ADDRESS: _____

STREET ADDRESS: _____

If the above is signed by an officer of the Surety Company, there must be attached to this bond a certified extract from the by-laws of said Company establishing that this person has authority to sign such obligation. If signed by an attorney-in-fact, a certified copy of the Power of Attorney must be attached to this bond and such certification must bear even date with the date of the execution of this bond by said attorney-in-fact.

APPROVED THIS _____ DAY OF _____, 20__.

CITY ATTORNEY,
CITY OF BAY CITY, TEXAS