

**ORDINANCE # 03-2020
PERMITS & LICENSING FEES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMANCHE, TEXAS, AMENDING
ORDINANCE #05-30-1992 MOVING HOUSES; ORDINANCE #03-2007 ZONING REGULATIONS;
ORDINANCE #01-2012 SOLICITORS' PERMITS; ORDINANCE #20-2018 BUILDING PERMITS; AND
ORDINANCE #06-2019 DEMOLITION AND BUILDING PERMITS; PERMITS REQUIRED; EXCEPTIONS;
PERMIT APPLIATIONS; PERMIT DURATION; AND EFFECTIVE DATE.**

WHEREAS, the City of Comanche, Texas has established a Code of Ordinances incorporating fees to be applied to City operations; and

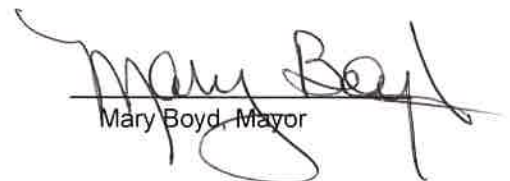
WHEREAS, City Staff has studied the cost of providing the services and enforcing the regulatory guidelines which are currently not being covered by the existing fees, and

WHEREAS, the City Council finds that the fees and rates described herein are necessary to provide for the services and regulated programs.

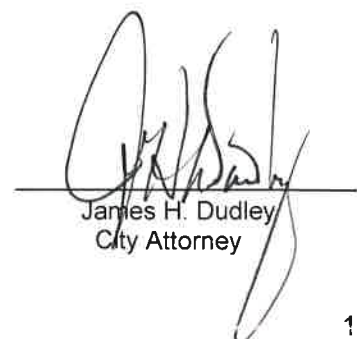
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COMANCHE, TEXAS:

1. The following schedule of fees and charges shall be adopted for City operations with are authorized to create or enforce such fees by the Local Government Code.
2. Should any section or provision of this Ordinance be declare by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
3. This Ordinance shall take effect upon its adoption.

APPROVED AND ADOPTED this 16th day of March 2020, at a called Meeting of the Comanche City Council, Comanche, Texas.


Mary Boyd, Mayor


Jacqui Stewart, ccd, ics
Interim City Secretary


James H. Dudley
City Attorney

PERMITS & LICENSES

March 2020

DESCRIPTION	CURRENT FEE	PROPOSED FEE	AMENDS ORDINANCE
BUILDING PERMITS	\$ 5.00	\$ 5.00	#06-2019 Section 4.41.1
CHIPPING SERVICE	\$ 15.00	\$ 30.00	No Ordinance
DEMOLITION PERMIT	\$ 250.00	\$ 250.00	#06-2019 Section 4.42 (a)(c)
MOVING (HOUSE) CONTRACTOR	\$50.00	\$250.00	#05-30-1992 Section 4.42 (a)(c)
SIGN PERMIT- FREE STANDING	\$100.00	\$ 150.00	#03-2007 Section 4.4
SIGN PERMIT-ON BUILDING/BANNERS	\$100.00	\$ 150.00	#03-2007 Section 4.4
SOLICITOR'S PERMIT D-D/HANDBILLS	\$ 10.00	\$ 100.00	#01-2012 Section 12c
SOLICITOR'S PERMIT (STREET CORNER)	\$10.00	\$ 100.00	#01-2012 Section 12c
SPECIAL USE VARIANCE PERMIT	\$ 100.00	\$ 150.00	#03-2007 Section 4.4
VENDOR PERMIT (ONE YEAR)	\$ 25.00	\$ 100.00	#01-2012 Section 12c
FOOD VENDOR (ONE YEAR)	\$ 25.00	\$100.00	#01-2012 Section 12c
ZONING CHANGE APPLICATION	\$ 500.00	\$ 500.00	#03-2007 Section 5.5

COMPLETED APPLICATION REQUIRED FOR ALL PERMITS

PERMITS & LICENSES
SPECIAL CONDITIONS
 March 2020

PERMIT	CONDITIONS
BUILDING PERMITS	Permits valid for six (6) months.
CHIPPING SERVICE	\$ 30.00 per half hour; chipping once per month.
DEMOLITION PERMIT	Permit refundable after lot/property cleared of debris. \$250.00 Deposit required.
MOVING (HOUSE) CONTRACTOR	\$1,000 Bond required.
SIGN/BANNER PERMIT-FREE STANDING (Variance)	Sign/banner not mounted on a structure (free standing). Includes temporary or permanent signage. This fee applies to non-conforming size according to Zoning Ordinance; variance application required
SIGN PERMIT-BUILDING/BANNERS (Variance)	Sign/banner mounted on a structure (free standing). Includes temporary or permanent signage. This fee applies to non-conforming size according to Zoning Ordinance; variance application required
SOLICITOR'S PERMIT D-D/HANDBILLS	Must pass Background check; have valid Texas Drivers' License or Texas Sales Tax I.D. Permit valid for ninety (90) days. <i>See Ordinance #01-2012 Section I., Section XI., Section XII. for non-profits.</i>
SOLICITOR'S PERMIT (STREET CORNER)	Must pass Background check; have valid Texas Drivers' License or Texas Sales Tax I.D. Permit valid for ninety (90) days. <i>See Ordinance #01-2012 Section I., Section XI., Section XII. for non-profits.</i>
SPECIAL USE VARIANCE PERMIT	Requesting non-conforming use according to Ordinance 03-2007; variance is according to function/use, not property.
VENDOR PERMIT (ONE YEAR)	Must pass Background check; have valid Texas Drivers' License or Texas Sales Tax I.D. Permit valid for January to December calendar year (pro-rated).
FOOD VENDOR (ONE YEAR)	Permit valid for January to December calendar year (pro-rated).
ZONING CHANGE APPLICATION	Zoning Change Request is for change in property zoning classification, not functionality.

ORDINANCE # 1-2012

AN ORDINANCE REGULATING SOLICITORS, DEFINITIONS, APPLICABILITY, LOCATION AND MANNER OF PERMISSIBLE SOLICITATIONS, PROHIBITED CONDUCT GENERALLY, MINORS SOLICITING, PERMITS NONTRANSFERABLE, REVOCATION OF PERMITS, APPEAL FROM DENIAL OR REVOCATION OF PERMITS, AGENTS AND SOLICITORS FOR PERMIT HOLDERS, RESPONSIBILITY FOR ACTS OF SOLICITORS, PERMIT REQUIRED; EXCEPTIONS, PERMIT APPLICATION, PERMIT ISSUANCES; CAUSE FOR DENIAL, PERMIT DURATION, IDENTIFICATION BADGE, REGISTRATION REQUIRED, REGISTRATION FORM, VIOLATION, SEVERABILITY, AND EFFECTIVE DATE

WHEREAS, many citizens of this community expect their local government to assist them in preserving their privacy and avoiding petty annoyances that disrupt their quiet enjoyment of their homes, and

WHEREAS, other persons often desire to interrupt the quiet enjoyment of one's home to solicit donations for causes believed to be worthy of support, or to canvas for support for particular religious, ideological, or political causes or for reasons of prompting commerce, and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas that may be unpopular, and to engage others in debate without government interference, and

WHEREAS, the Supreme Court of the United States has consistently recognized the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved, and

WHEREAS, it is the responsibility of all units of government to balance these competing interests in a manner consistent with the Constitution of the United States and of Texas, while attempting to minimize fraud, prevent crime, and protect the privacy of our citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMANCHE TEXAS, AS FOLLOWS:

GENERAL PROVISIONS

SECTION I: DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARITABLE SOLICITATIONS CAMPAIGN. Any course of conduct whereby any person shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value or the plea or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, patriotic, or philanthropic purpose.

COMMERCIAL ENTERPRISES. Any property intended for the conduct of business, whether for profit or not, including but not limited to office buildings, private offices, factories, markets, shopping centers, and shopping malls.

COMMERCIAL SOLICITATION. Any course of conduct whereby any person shall solicit orders for the sale of goods, wares, merchandise, services or anything of value, or shall attempt to dispose of such, whether in exchange for payment or not, to an individual or a commercial entity.

PRIVATE RESIDENCE. Any dwelling place, including but not limited to homes, duplexes, rooming houses, apartments, and condominiums.

RELIGIOUS SOLICITATIONS, SOLICITATIONS FOR A RELIGIOUS PURPOSE. Any course of conduct on the streets, in any office building, or any other public or private place, by house-to-house canvassing whereby any person solicits property or financial assistance of any kind or sells or offers for sale any article, tag, service, emblem, publication, ticket, advertisement, subscription, or anything of value on the plea or representation that such sale or solicitation is, or the proceeds therefore, are for a religious purpose.

SECTION II: APPLICABILITY.

This subchapter shall apply to all solicitors and peddlers regardless of whether they are required to obtain a permit or to register to solicit.

SECTION III: LOCATION AND MANNER OF PERMISSIBLE SOLICITATIONS.

(A) Solicitations to private residences or commercial enterprises shall not be permitted without a valid permit issued by the City Secretary. This provision shall not apply where, at a private residence; the solicitor is on the property by express, prior invitation of the person residing on the premises. Where the property is a commercial enterprise, this provision shall not apply where the solicitor is on the property by express, prior invitation of the owner or someone with apparent authority to act for the owner.

(B) Solicitations to private residences shall occur between the hours of 9:00 a.m. and 7:00 p.m. This provision shall not apply where the solicitor is on the property by permission of the person residing on the premises.

(C) Solicitations on public property are permissible except that solicitors may not:

(1) Solicit in public streets or rights-of-way or from medians in the streets or in any way block, obstruct or unduly hinder passage on public streets and rights-of-way; and/or

(2) Block, obstruct or unduly hinder passage on public sidewalks or passageways.

(D) Solicitation to residences shall not be permitted when the residence has a sign posted upon or near the main entrance containing the words, "No Solicitors."

SECTION IV: PROHIBITED CONDUCT GENERALLY.

A person engaged in solicitation shall not:

(A) Make physical contact with the person being solicited, unless that person's permission is obtained;

(B) Misrepresent the purpose of the solicitation;

(C) Misrepresent the affiliation of those engaged in the solicitation;

(D) Continue efforts to solicit from an individual once that individual informs the solicitor that such individual does not wish to give anything or to buy anything from that solicitor; and/or

(E) Represent the issuance of any permit or registration under this chapter as an endorsement of recommendation of the solicitation.

SECTION V: MINORS SOLICITING.

No person under six years of age shall solicit, nor shall any organization holding a permit to solicit allow persons less than six years of age to solicit.

SECTION VI: PERMITS NONTRANSFERABLE.

Any permit issued under this chapter shall be personal to the applicant and shall not be assigned or transferred to any other person. Any attempted assignment or transfer shall render the permit void.

SECTION VII: REVOCATION OF PERMITS.

(A) If, after issuance of a solicitation permit, it is determined that the applicant has knowingly given false or misleading information on the application, any solicitation permit issued upon such application shall be revoked.

(B) If a solicitor holding some permit under this chapter is convicted of theft or fraud or a violation of any state penal law in connection with the solicitation for which the permit was issued, that solicitor's permit to solicit shall be revoked.

(C) If a solicitor holding some permit under this chapter violates any section of this chapter, that solicitor's permit to solicit shall be revoked.

(D) Nothing herein shall prevent the city from filing a criminal or civil action for violations hereunder if said action is appropriate or provided by law.

SECTION VIII: APPEAL FROM DENIAL OR REVOCATION OF PERMITS.

Under this chapter, if an applicant shall be denied a permit or shall have a permit revoked, such applicant may appeal that action to the City Council by submitting a letter to the City Secretary within ten days of the action complained of. A hearing of the denial will then be scheduled for the next regular meeting of the City Council or a special meeting of the City Council.

SOLICITATIONS PERMITS

SECTION IX: AGENTS AND SOLICITORS FOR PERMIT HOLDERS.

(A) Every person to whom a permit has been issued under Sections XI through XIV shall furnish proper credentials to his or her agents and solicitors for each such solicitation campaign. Such credentials shall include the name of the permit holder; the date; a statement describing the holder's commercial, charitable, educational, patriotic, or philanthropic activity; a description of the purpose of the solicitation; the signature of the permit holder or of the holder's chief executive office; the name, address, age, sex, and signature of the solicitor to whom such credentials are issued; and the specific periods of time during which the solicitor is authorized to solicit on behalf of the permit holder. No person shall solicit under any such permit without a valid driver's license, or government issued picture ID. The identification credentials and facsimile copy of the permit shall be shown, upon request, to all persons solicited and to any police officer.

(B) No agent or solicitor shall conduct or participate in any solicitation campaign except under a valid permit issued in compliance with this subchapter.

(C) Any person who solicits for a commercial or non-commercial activity is required to wear an easily readable identification badge while engaged in the solicitation. The identification badge must:

- (1) Be on a form as required or approved by the City Secretary;
- (2) Identify the business or organization conducting the solicitations campaign; and
- (3) Identify the name of the person engaged in the solicitation.

SECTION X: RESPONSIBILITY FOR ACTS OF SOLICITORS.

The recipient of a permit for a commercial or charitable solicitation campaign shall be responsible for the acts of such permittee's authorized representatives in connection with such campaign.

SECTION XI: PERMIT REQUIRED; EXCEPTIONS.

It shall be unlawful to conduct any solicitations campaign on the streets, in any office building or in or on any other public or private place, or by house-to-house canvas or in the city unless the person conducting the campaign and responsible thereof shall first have obtained a permit in compliance with the subchapter; provided, however, this section shall not apply to:

(A) Any organization which solicits funds solely from its own members or from its own assemblies, not using public streets or public places for such purposes;

(B) Any public school which controls the solicitation of funds by parent-teacher association organizations and the solicitation of funds by other activity groups which may be sponsored by the public school or by a local association or club, the primary purpose of which is to sponsor certain student and parent activities for the benefit of such association, club or activity; or

(C) Any solicitation campaign conducted through the use of television or radio as to those activities directly related to the use of television or radio.

SECTION XII: PERMIT APPLICATION

(A) A permit to conduct a commercial or no-commercial solicitations campaign on the streets or in any public place or by house-to-house canvass in the city shall be granted upon application for such permit filed in duplicate with the City Secretary's office not less than 24 hours prior to the initiation of the proposed solicitations campaign.

(B) If the application is mailed to the City Secretary's office, it must be received three days prior to the initiation of the proposed solicitations campaign. Such application shall be sworn to by the applicant and shall contain at least the following information:

(1) The full name of the organization or commercial activity for a permit to solicit and the address of the headquarters if the organization has its principal office outside the city, and the name and address of the parent organization;

(2) The names and addresses of the persons who will be in charge of conducting the commercial or non-commercial solicitations campaign;

(3) An outline of the methods to be used in conducting the solicitations campaign;

(4) The period within which such commercial or non-commercial solicitations campaign shall be conducted including the proposed dates for the beginning and ending of such campaign;

(5) For non-commercial solicitations campaigns, the names and addresses of all officers and directors or trustees of the organization and the name and city of residence of all officers, directors, or trustees of the parent organization, if any;

(6) The purpose for which the gross receipts derived from charitable solicitations or other activities are to be used;

(7) For charitable solicitations campaigns a full statement of the character and extent of the charitable, educational, patriotic, or philanthropic work done by the applicant within the city during the last proceeding year; and/or

(8) If the applicant is a charitable corporation or other organization, proof of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(C) The permit fee shall be \$5.00

SECTION XIII: PERMIT ISSUANCE; CAUSE FOR DENIAL.

Upon receipt of a proper application for the permit required under this subchapter, the City Secretary shall issue a permit unless he or she determines that:

(A) One or more of the statements made in the application are not true; and/or

(B) The applicant or person in charge of the solicitations campaign has made or caused to be made false statements or misrepresentations to any member of the public with regard to the solicitations campaign or other activities described in the permit or has made or caused to be made false statements or misrepresentations in the application or has in any way publicly represented that the permit granted under this subchapter is an endorsement or recommendation of the commercial activity or cause for which the solicitations campaign is being conducted or had otherwise violated any of the terms of the permit or this chapter.

SECTION XIV: PERMIT DURATION

A permit issued under this subchapter shall be effective for a maximum of 90 days. At the end of that time, the applicant may apply for an extension of the permit. The same information is required that was part of the original application or only portions of that information. The city reserves the right to limit maximum days of permit duration at its discretion.

RELIGIOUS SOLICITATION

SECTION XV: IDENTIFICATION BADGE

(A) Any person who solicits for a religious purpose and is required to register as required in Section XV through XVII or, though not required, is soliciting for a religious purpose by house-to-house canvass, on the streets or sidewalks, or other public passageway or in any other public place or place open to the general public, shall wear an easily readable identification badge while engaged in that religious solicitation.

(B) The identification badge required by division (A) above must:

- (1) Be on a form as required or approved by the City Secretary;
- (2) Identify the name of the person represented as registered with the City Secretary; and
- (3) Contain the statement "religious solicitations."

SECTION XVI: REGISTRATION REQUIRED.

(A) It shall be unlawful for any person to solicit for religious purposes where the solicitor is not physically residing or domiciled within the city or its extraterritorial jurisdiction, and the religious organization for which such person solicits is not domiciled in the city, unless that solicitor shall have first registered as provided in this subchapter.

(B) Solicitors not required to register under this subchapter are required to comply with the time, manner and place restrictions set out in Section III and IV.

(C) If a person conducting a religious solicitation obtains a permit in compliance with Section IX through XIV, registration is not required.

SECTION XVII: REGISTRATION FORM.

(A) A religious solicitor required to register under this division shall first register in person with the City Secretary's office or with the Police Department if the City Secretary's office is closed, giving the following information:

- (1) The name of the registrant and the registrant's permanent address;
- (2) The name of person the registrant represents and the telephone number and address of such person's principal office;
- (3) The duration and location of the proposed solicitations;
- (4) The methods to be used in conducting the solicitations; and
- (5) The approximate number of participants.

(B) Registration expires after 90 days and must be renewed. If a change occurs in any of the information submitted with the registration, the registrant or organization shall notify the City Secretary's office of the change as soon as possible. The city reserves the right to limit the maximum days of permit duration, at its discretion, as determined by the City Secretary.

SECTION XVIII: VIOLATION.

Any person violation any part of this ordinance or failing to observe any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars. Every day the violation continues shall be deemed as a separate offense.

SECTION XIX: SEVERABILITY.

It is hereby declared to be the intention of the City Council (Board of Aldermen) that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the City Council (Board of Aldermen) without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

SECTION XX: EFFECTIVE DATE.

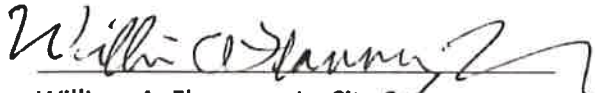
This ordinance shall be effective on and after its date of passage and approval by the City Council, upon publication in the newspaper as required.

PASSED AND APPROVED ON THIS 12TH DAY OF MARCH, 2012.



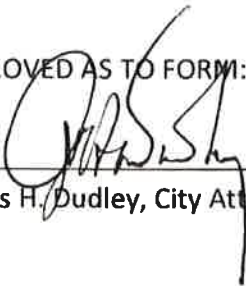
Ronnie Clifton, Mayor

ATTEST:



William A. Flannery, Jr, City Secretary

APPROVED AS TO FORM:



James H. Dudley, City Attorney