

Chapter 8

LICENSES AND BUSINESS REGULATIONS*

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***Cross references**—Franchises, ch. 6; mobile home parks, ch. 9; oil and gas wells, ch. 11; solid waste management collection, § 15-31 et seq.

State law references—Occupational and business regulations, Vernon's Ann. Civ. St. art. 8402 et seq.; licensing of persons with criminal backgrounds, Vernon's Ann. Civ. St. art. 6252-13c et seq.; public houses of amusement, Vernon's Ann. Civ. St. art. 178 et seq.; weights and measures, V.T.C.A., Agriculture Code § 13.001 et seq.; municipal regulation of miscellaneous businesses, etc., V.T.C.A., Local Government Code § 215.001 et seq.; municipal authority to regulate sexually oriented business, V.T.C.A., Local Government Code § 243.001 et seq.; deceptive business practices, V.T.C.A., Penal Code § 32.42; consumer protection, Vernon's Ann. Civ. St. art. 5069-9.01 et seq.



ARTICLE I. IN GENERAL

Sec. 8-1. Circuses, athletic competitions, etc., restricted.

(a) It shall be unlawful for the owner, manager or proprietor of any circus, theater, stock company, menagerie, exhibitor of skill of any kind or character, such as wrestling, boxing, hypnotist, skating rinks, etc., to erect a tent or temporary structure, within 100 feet of any church, schoolhouse, residence or street in the city.

(b) Subsection (a) of this section shall not include chautauquas, lycieums, or other entertainments of like character generally given under the auspices of churches, schools and local clubs for charitable purposes.

(Ord. of 5-4-22, §§ 1, 2)

State law reference—Municipal authority to regulate circuses, etc., V.T.C.A., Local Government Code § 215.032.



Sec. 8-2. Pool halls and billiard tables prohibited, exception.

The owning and operating for profit of a pool hall or billiard table by any person is hereby banned and prohibited in the city excluding religious, charitable and educational organizations authorized under the laws of the state.

(Ord. of 8-19-63, § 1)

Sec. 8-3. Burning cotton burs prohibited.

(a) It shall be unlawful for any person to burn cotton burs in the city.

(b) If a quarantine, either by the state or the United States, that would prohibit the hauling of these burs, such burs, may be burned on the spot of discharge, provided the gin is equipped with an incinerator, and under no condition, if there is no such quarantine, shall these burs be set a fire, without being put in an incinerator, unless permission is first secured from the city fire marshal, fire department and proper city authorities and nearby property owners and residents which might be affected by the smoke and odors from such burning of cotton burs.

(c) Any person violating the provisions of this section shall, upon conviction, be punished in accordance with section 1-14.

(Ord. of 11-1-51(2); Ord. of 6-7-58, §§ 1, 2)

Cross reference—Fire prevention and protection, ch. 5.

Secs. 8-4–8-30. Reserved.

ARTICLE II. PEDDLERS AND ITINERANT MERCHANTS***Sec. 8-31. Permit required.**

It shall be unlawful for any itinerant merchant who may remove from place to place and sell or offer for sale any bankrupt, fire or water damaged stock or merchandise, or goods, wares, or any other commodity, or any itinerant dealer in used or secondhand automobiles, or for any person to go from house to house or from place to place in the city soliciting, selling or taking orders for goods, wares, merchandise, subscriptions to magazines or newspapers, to expose plates or films to make negatives, to make picture delivery without first applying for a permit to do so from the city secretary.

(Ord. of 8-7-39, § 1)

Sec. 8-32. Permit application; fee.

Any person desiring to engage in the business of itinerant merchant, itinerant dealer in used or secondhand automobiles, or that of peddling within the city shall make written application for a permit or license to do so to the city secretary which application shall show the name and address of the applicant, the kind of goods, wares and merchandise offered for sale and whether such applicant upon any such order obtained will demand, accept, or receive payment or deposit of money in advance of final delivery, and the period of time such applicant wishes to so solicit, sell or take orders in the city. Such written application shall be accompanied by the currently required fee and no permit shall be issued, until such fee has been paid by the applicant and such written application has been so filed with the city secretary for a period of 24 hours.

(Ord. of 8-7-39, § 2)

Sec. 8-33. Issuance of permit.

Where the application for a permit required by this article shows that the applicant will not demand, receive or accept payment or deposit of money in advance of final delivery of such goods, wares, merchandise, or articles to be sold or solicited by such applicant, it shall be the duty of the city secretary to issue to such applicant a permit to solicit, sell and take orders for such goods, wares, merchandise, or articles set out in such applicant's application.

(Ord. of 8-7-39, § 3)

Sec. 8-34. Bond requirements.

If an application shows that such applicant shall receive, demand or accept payment or deposit of money in advance of final delivery of goods, wares, merchandise or of articles sold, then such application shall be accompanied by a bond executed by such applicant as principal

***State law reference**—Municipal authority to regulate hawkers and peddlers, V.T.C.A., Local Government Code § 215.031.

and a surety company licensed to do business as such in the state or by two financially responsible owners of property situated in the state subject to execution of the value in double the amount of the bonds, conditioned upon making final delivery of such goods, wares, merchandise, magazines, newspapers, plates, films and photographs or orders obtained and which bond shall be for the use and benefit of all persons who may pay in advance or make any advance deposit on the purchase price of such orders, and shall stipulate in its terms.
(Ord. of 8-7-39, § 3)

Sec. 8-35. Permit fees.

(a) The city secretary shall issue a permit required by this article upon the payment of the required fees which fees shall be set from time to time by the council and a schedule of which is on file in the city secretary's office.

(b) Persons offering for sale agricultural products, meats, poultry or other articles of food grown or produced by such persons shall not be required to pay the license fees, but license shall be issued to such persons by the city secretary upon satisfactory proof that they have produced or grown the products to be peddled and such license shall so state.
(Ord. of 8-7-39, § 4)

Sec. 8-36. Term of permit.

All permits required by this article shall be issued for a period of 12 months from date of issuance.
(Ord. of 8-7-39, § 4)

Sec. 8-37. Peddling in fire limits prohibited.

Peddlers and itinerant merchant permits shall not be issued to any person peddling in the fire limits, and any and all peddling is prohibited in the fire limits of the city.
(Ord. of 8-7-39, § 5)

Cross reference—Fire limits, § 4-4.

Sec. 8-38. Stopping or standing of vehicle limited.

It shall be unlawful for any peddler to stop or stand his vehicle on any public street within the city for a longer time than ten minutes.
(Ord. of 8-7-39, § 6)

Cross reference—Stopping, standing and parking, § 18-61 et seq.

Sec. 8-39. Compliance with applicable ordinances required.

All peddlers shall in all respects comply with all other ordinances of the city, applicable to such persons; and this article shall not be construed to repeal any of the health, sanitary or food ordinances of the city but shall be cumulative thereof.
(Ord. of 8-7-39, § 7)

Secs. 8-40–8-59. Reserved.

ARTICLE III. PRIVATE CLUBS

Sec. 8-60. 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:

Private club shall mean a club, room or suite of rooms or a building available to a restricted membership composed of an association of persons, whether incorporated or unincorporated, the purpose of any such association being for the promotion of some common object, and whose members must be passed upon and elected as individuals by a committee or board made of members of such club, such association being licensed or permitted by the state alcoholic beverage commission, and as further defined in V.T.C.A., Penal Code art. 666, as presently written or as the same may be amended or re-written from time to time hereafter.

(Ord. No. 04-07-85, 4-29-85)

Sec. 8-61. Purpose of permit; primary use.

(a) It is the purpose of the private club permit to promote facilities within the city for leisurely dining with availability of alcoholic beverages to accompany meals.

(b) No such use shall be made of any such club, room or suite of rooms, or building, whether such use be primary or accessory to a primary use, unless and until the city council has authorized the issuance of a specific use permit therefor, as provided for in this article.

(Ord. No. 04-07-85, 4-29-85)

Sec. 8-62. Secondary uses.

(a) Private beverage clubs shall be permitted to operate as a secondary use only in a:

- (1) General restaurant;
- (2) Restaurant in an office complex;
- (3) Motel;
- (4) Hotel;
- (5) Country club; or
- (6) Nationally recognized private social/fraternal organization.

(b) When operated in a restaurant in an office complex, such complex shall contain a minimum of 40,000 square feet of gross floor area, and the club shall be in a general restaurant in the complex.

(c) A private beverage club shall not be permitted in a drive-in, fast food or take-out restaurant; a snack shop; a confectionery shop or a cafeteria.

(d) Private beverage clubs shall not be permitted within 300 feet of any church, hospital, public school, parochial school, or residential area. The 300-foot distance shall be measured and defined by applicable state laws, along property lines of street fronts, from front door to front door, and in direct line across intersections.

- (e) There shall be no signs advertising the sale of alcoholic beverages.
- (f) The private beverage club shall comply with all city, county, state and federal laws.
- (g) All persons consuming an alcoholic beverage in a club shall be a member of the club or a guest of a member.
- (h) Any bar or lounge room shall be designed such that patrons can only enter from an area within the primary use, i.e. lobby, waiting area, dining room, etc. Emergency exits direct to the outside are permitted.
- (i) A private beverage club which is a part of a general restaurant, including a restaurant in an office complex, shall comply with the following additional regulations and standards:
 - (1) At least 50 percent of the gross combined receipts of the restaurant-private beverage club shall be derived from the sale of food. The operator shall submit a quarterly report of sales within 20 days of the end of the quarter of the business year for review by the city council.
 - (2) The permitted premises shall contain, within a public area designated for dining, a minimum of 50 dining seats, allowing a minimum of 16 square feet of dining area, exclusive of kitchen and storage area, per dining chair.
 - (3) A restaurant shall have no publicly visible bar, but a service bar facility shall be allowed only to the extent necessary to prepare alcoholic beverages for service to the restaurant patrons in conjunction with the food service and to a bona fide waiting area.
 - (4) The owner and/or operator shall be prohibited from offering for sale or selling drinks at a price reduced from the customary price charged by the restaurant facility holding a permit. The purpose of this provision is to prohibit "happy hours" and similar promotional activities.

(Ord. No. 04-07-85, 4-29-85)

Sec. 8-63. Continuation of use; prohibitions.

A private club existing at the time of the adoption of this article may be continued, except as provided in this section, although such use is not permitted according to the provisions of this article; provided, however, that any of the following occurrences shall require conformity with the provisions of this article:

- (1) Failure to operate the premises as a private club for a period of 30 days;
- (2) Transfer of the license or permit of the state alcoholic beverage commission;
- (3) Revocation of the license or permit by the state alcoholic beverage commission for a period of no less than 30 days.

(Ord. No. 04-07-85, 4-29-85)

Sec. 8-64. Specific use permit fees.

The city secretary is authorized to collect an annual license fee for each specific use permit approved by the city council to be issued.
(Ord. No. 04-07-85, 4-29-85)

Secs. 8-65–8-90. Reserved.**ARTICLE IV. PUBLIC DOMINO PARLORS****Sec. 8-91. 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:

Public domino parlor means any place where dominoes are kept for the use of the public in playing games and for which a fee of any kind is charged, provided that any dominoes used in connection with any place of business where cigars or other things of value are sold shall be required, as within the terms of this article.

(Ord. of 4-6-42, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-92. Hours of operation.

It shall be unlawful to operate or keep open any public domino parlor between the hours of 10:00 p.m. and 6:00 a.m., except on Saturday nights such places shall be closed from 11:00 p.m. until 6:00 a.m. Monday morning following.

(Ord. of 4-6-42, § 2)

Sec. 8-93. License required; application; issuance.

It shall be unlawful to carry on the business of running a public domino parlor within the city limits until a license, as provided in this article, shall have been granted for carrying on such place of business. The application for such license shall be in writing by the owner or manager of such domino parlor and presented to the city council at any regular meeting. The city council shall refer all applications for domino parlor licenses to be investigated to determine whether the domino parlor sought to be licensed complies with the regulations, ordinances and laws applicable thereto. The mayor shall, at the next regular meeting of the city council, furnish the city council, in writing, or orally, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. If the mayor refuses or neglects to present his written or oral recommendation at the next regular meeting of the city council, as heretofore provided, then the council shall act on such application and issue such license if they deem such action advisable. The city council alone shall have the power to issue such licenses. Each license granted pursuant to this article

shall expire January 1 of each year, and the license shall be posted in a conspicuous place within the domino parlor.

(Ord. of 4-6-42, § 3)

Sec. 8-94. Annual license fee.

The annual license fee shall be \$25.00. This article shall be printed in full upon each license issued, and each license shall, by its terms, be made subject to revocation as provided in this article.

(Ord. of 4-6-42, § 4)

Sec. 8-95. Revocation of license.

No license for a public domino parlor shall be issued by the city council to the owner applying for such license, whose moral character and reputation is bad. Such license shall not be transferable. The license of any domino parlor shall be forfeited or revoked by the city council for disorderly or immoral conduct on the premises, or for the violation of the rules, regulations, ordinances and laws governing or applying to public domino parlors, or public places. If at any time the license of a public domino parlor shall be forfeited or revoked, at least six months shall elapse before any license or privilege shall be granted the owner.

(Ord. of 4-6-42, § 5)

Sec. 8-96. Minors prohibited without parental consent.

The owner, lessee, or manager of any public domino parlor shall not permit any person under the age of 18 years to enter such places of business or remain there for any length of time, without the consent of the parent of such minor, or someone standing in their place instead, or permit any person under the age of 18 to play dominoes in such places of business, without the consent of such parent or someone standing in their place instead.

(Ord. of 4-6-42, § 6)

Secs. 8-97–8-110. Reserved.

ARTICLE V. TAXICABS*

DIVISION 1. GENERALLY

Sec. 8-111. 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:

***Cross reference**—Vehicles and traffic, ch. 18.

State law reference—Taxicabs, V.T.C.A., Local Government Code § 215.004.

Conduct a taxicab business means the use of one or more taxicabs within the city by the owner thereof, for the purpose of carrying passengers for hire, either by driving the taxicab himself or having the taxicab driven by some other person, provided that this definition shall not apply to any licensed chauffeur hired as a driver by any person holding a permit to conduct a taxicab business in the city.

Taxicab means any and all vehicles carrying passengers for hire, except motor buses or motor coaches operated by bus lines over designated routes in and through the city.
(Ord. of 2-1-47, §§ 1, 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-112. Only valid drivers permitted to operate.

It shall be unlawful for any person holding a permit to conduct a taxicab business in the city, to permit any person who does not hold a valid permit from the city, as a taxicab driver, to drive or operate on the public streets of the city any taxicab owned or used in connection with the business of the permittee.

(Ord. of 2-1-47, § 10)

Sec. 8-113. Inspection.

Every holder of a permit to conduct a taxicab business in the city shall have each and every taxicab used in his business inspected once each month, and shall file with the city secretary on or before the first day of each and every month, a statement in writing signed by a competent resident mechanic showing that he has inspected such vehicle, the date of such inspection, the license number of such vehicle, the name of the permittee and the serial number of his permit, and that the lights, brakes and steering apparatus of all such vehicles so inspected by him are in good mechanical condition.

(Ord. of 2-1-47, § 11)

Sec. 8-114. Cruising prohibited.

It shall be unlawful for any driver of any taxicab to drive or cruise about on the streets of the city seeking passengers who have not ordered or called for a taxicab.

(Ord. of 2-1-47, § 13)

Sec. 8-115. Parking and standing restricted.

It shall be unlawful for the holder of any permit issued under the terms of this article, or the agent, servant or employee of such permittee, to park or leave standing any taxicab on the streets of the city, except while loading and unloading passengers into and from such taxicab.

(Ord. of 2-1-47, § 14)

Sec. 8-116. Owner to use only vehicles owned by himself.

It shall be unlawful for any person conducting a taxicab business in the city to use or operate, or cause to be used or operated, as a taxicab, any vehicle not owned by him.

(Ord. of 2-1-47, § 15)

Sec. 8-117. Passenger buses excepted from provisions.

This article shall not apply to passenger buses operating under the regulations of the state railroad commission, and coming into or passing through the city for the purpose of loading and unloading passengers.

(Ord. of 2-1-47, § 17)

Sec. 8-118. Penalties.

Any person who shall conduct a taxicab business in the city without a valid permit as required by this article or who shall fail to have all vehicles used by him as a taxicab lettered and painted as provided in section 8-137, or who shall use or employ as a driver of any taxicab owned by him, and any person who does not have a valid permit from the city to drive a taxicab, or any person who parks or stands a taxicab on the streets of the city except when loading or unloading passengers or any person who violates any provision of this article, shall be guilty of a misdemeanor and upon conviction be punished in accordance with section 1-14.

(Ord. of 2-1-47, § 18)

Secs. 8-119–8-130. Reserved.

DIVISION 2. PERMIT

Sec. 8-131. Required.

Before any person shall conduct a taxicab business in the city, he shall file with the city secretary, an application to the city council for a permit to conduct such business in the city. The application shall state the name and address of such applicant; whether the applicant is an individual, firm or corporation; and, if a firm, the name and address of each member thereof and the number of vehicles proposed to be operated under such permit.

(Ord. of 2-1-47, § 3)

Sec. 8-132. Applicant's residency.

If the applicant is an individual, before any permit is granted it shall be made to appear that he is a bona fide resident of the city; if a partnership, then that member of the firm, who will be in active charge and control of the affairs of the partnership, is a bona fide resident of the city; and if a corporation, that the president, or other executive officer, in active charge and control of the affairs of the corporation is a bona fide inhabitant or resident of the city.

(Ord. of 2-1-47, § 4)

Sec. 8-133. Granting or refusal.

It shall be the duty of the city secretary, when an application for a permit is filed with him, at the next regular meeting of the city council following the filing of such application to call the attention of the city council thereto; and upon consideration of such application, the city council may grant or refuse such permit, as in their discretion may seem to the best interest of the citizenship of the city and the public in general.

(Ord. of 2-1-47, § 5)

Sec. 8-134. Issuance.

All permits for the conduct of a taxicab business in the city shall be issued and signed by the city secretary and sealed with the seal of his office. The permit shall be dated on the day of its issuance, shall bear a serial number, shall show the name and address of the permittee and that the permittee has been authorized by the city council to conduct a taxicab business in the city until the expiration of December 31 next following the date of issuance and that such permit is subject to cancellation at any time by the council.

(Ord. of 2-1-47, § 6)

Sec. 8-135. Fee.

At the time of issuance of a permit, the permittee shall pay to the city secretary the sum of \$25.00 for the first vehicle; and if more than one vehicle is proposed to be operated as a taxicab, then \$10.00 for each additional vehicle. At the time of issuance of such permit, the permittee shall file with the city secretary a statement in writing under oath signed by him showing the number of vehicles proposed to be operated by him, the make, model, motor number, and state license number of each. If at any time the holder of a taxicab permit shall desire to use any additional vehicles under the permit he may do so only after he has made application to the council for, and been granted by the council, a permit to use additional vehicles, and he shall furnish to the city secretary the same information regarding such additional vehicles as is required in this section regarding those covered by the original permit, and shall pay to the city secretary the sum of \$10.00 for each such additional vehicle.

(Ord. of 2-1-47, § 7)

Sec. 8-136. Insurance.

The holder of any permit to conduct a taxicab business in the city shall at all times during the life of such permit keep each and every vehicle operated by him under his permit insured in a company authorized to do business in the state, indemnifying the permittee in the sum of \$1,000.00 for injury or death or property damage resulting from any accident, through and by reason of the operation of his taxicabs; and such policies of or certificates of insurance shall be approved by the city attorney and filed and left with the city secretary. The policies of insurance shall not be cancelled or surrendered, except upon written notice to the city secretary. Failure of any permittee to procure and file the policies of insurance as required by this section

shall immediately forfeit and make null and void such permit and all rights thereunder shall at once cease.

(Ord. of 2-1-47, § 8)

Sec. 8-137. Permit number to be affixed to taxicab.

Every holder of a permit granted under the terms of this division shall have and keep painted in fast colors, contrasting with color of vehicle, on each side of each and every vehicle used by him as a taxicab the words: "Taxicab _____ Permit No. _____," filling the blank with the figures denoting the serial number of his permit. The letters and figures shall be not less than five inches in height.

(Ord. of 2-1-47, § 9)

Sec. 8-138. Transferability.

Any permit issued under the provisions of this article shall be nonassignable, and may be revoked by the council at any time it shall appear to the council that the permittee has violated any provision of this article or failed to comply with any requirements thereof.

(Ord. of 2-1-47, § 12)

