

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 21-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 7, "BUSINESS REGULATIONS", ARTICLE 7.04 "PEDDLERS, SOLICITORS, AND ITINERANT VENDORS", SECTIONS 7.04.001 THROUGH 7.04.004, TO PROHIBIT SOLICITING TO OCCUPANTS OF VEHICLES STOPPED ON A PUBLIC ROADWAY FROM THE PUBLIC RIGHT OF WAY, AND TO PROHIBIT SOLICITING AT A PRIVATE OFFICE BUILDING OR COMMERCIAL BUILDING OR PUBLIC BUILDING WITHOUT PERMISSION OF THE PERSON IN CHARGE OF THE BUILDING; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville determines and declares that solicitors can pose a threat to public safety when soliciting from occupants of vehicles traveling or stopped on a public right of way, or when soliciting by coercion; and

WHEREAS, the City Council finds that solicitors should obtain permission from the individual in charge of a hotel, private office or commercial building or public building before soliciting from such premises; and

WHEREAS, the City Council of the City of Seagoville finds it is in the best interest of the public health, safety and welfare to implement further regulations governing solicitation.

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

SECTION 1. The Code of Ordinances, City of Seagoville, Texas be amended by adding the following Section 7.04.001 to Section 7.04.004, to read as follows:

"ARTICLE 7.04 PEDDLERS, SOLICITORS AND ITINERANT VENDORS

Division 1. Generally

Sec. 7.04.001 Definitions

The following words and phrases, when used in this article, shall have the meanings ascribed to them by this section, except where the context indicates otherwise:

Canvassing. . . .

Coercion.

(1) To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(i) Imminent bodily injury; or

(ii) The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) To persist in a solicitation after the person solicited has given a negative response;

(3) To block, either individually or as part of a group of persons, the passage of a solicited person; or

(4) To engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

Commercial Solicitation or Soliciting. . . .

Public property shall mean:

(1) Any property open or devoted to public use or owned by the City of Seagoville; and

(2) Any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.

Public right-of-way. . . .

Vehicle shall have the meaning given that term in Chapter 541, Texas Transportation Code.

Sec. 7.04.002 Solicitation to occupants of vehicles on public roadways prohibited

(a) No person who is within a public right-of-way may solicit or sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person, other than a person twelve years of age or younger; may solicit or sell or distribute material to the occupant of a motor vehicle on a public roadway so long as he or she remains on the surrounding sidewalks and unpaved shoulders, and not in or on the roadway itself, including the medians and islands.

(b) Exceptions to this section are limited to:

- (1) Summoning aid or requesting assistance in an emergency situation;
- (2) A law enforcement officer in the performance of official duties; or
- (3) The solicitor has been granted the authority pursuant to section 552.0071 of the Texas Transportation Code.

Sec. 7.04.003 Solicitation within one thousand (1,000) feet of specified public rights-of-way prohibited

- (a) It shall be unlawful for any person to solicit, at any time, in the public rights-of way, within one thousand (1,000) feet of the following intersections:
 - (1) U.S. Highway 175 Service Road at its intersection with:
 - (A) Malloy Bridge Road; and
 - (B) Hall Street.
- (b) The restrictions in this section do not apply to a solicitor who has received authorization pursuant to section 552.0071 of the Texas Transportation Code.

Sec. 7.04.004 Solicitation and handbill distribution on private property

- (a) A person commits an offense if that person:
 - (1) Solicits, seeks, or begs contributions for himself or on behalf of another or distributes advertising matter, upon the premises of a private office or commercial building or public building without first having obtained written consent from the owner, lessee, managing agent, or person in charge of the operation of the private office building or public building; or
 - (2) Conducts a solicitation by coercion; or
 - (3) Conducts commercial solicitation upon residential property within the city, without first obtaining a written permit as prescribed by this article.
- (b) All solicitation on private property, including the distribution of handbills”

SECTION 2. All provisions of the ordinances of the City of Seagoville, Texas in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by the prior law and provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be invalid, void or unconstitutional, the same shall not affect the validity of the remaining portions hereof or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. Any person, firm or corporation violating 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 Seagoville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. That this ordinance shall take effect 30 days from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Seagoville, Texas, on the 20th day of June, 2016.

APPROVED:



MAYOR

ATTEST:

Dara Crabtree
CITY SECRETARY



APPROVED AS TO FORM:

Alexis M. Allen
CITY ATTORNEY