

**ORDINANCE NO. 3544**

**AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE V, CHAPTER 12 BY AMENDING THE REGULATIONS GOVERNING DOOR TO DOOR SOLICITATIONS; BY AMENDING CHAPTER 13 TO ADD SECTIONS 13-53 AND 13-54 REGULATING SOLICITATION AT CERTAIN LOCATIONS; BY AMENDING CHAPTER 22 TO ADD SECTION 22-12 REGULATING SOLICITATIONS OF VEHICLE OCCUPANTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:**

**SECTION 1.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-116 in part to read as follows:

**“Sec. 12-116. 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 a person who attempts to make personal contact with a person at a residence without prior specific invitation or appointment from the residence for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.

*Charitable purpose* ....

*Chief of Police* means the Chief of Police of the City of Richardson, or designee.

*Consumer* ....

*Solicit or solicitation* means to ask, beg or plead, whether orally or in a written or printed manner for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

*Solicit funds or solicitation of funds* means any request for money, property or anything of value; or the pledge of future money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to

publications. Expressly excluded from the meaning of “solicit funds” or “solicitation of funds” is any offer of membership in any organization. A solicitation of funds is complete when the solicitation is communicated to any individual then located within the corporate limits of the city.

*Sunset ...”*

**SECTION 2.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-118 in part to read as follows:

**“Sec. 12-118. Hours of solicitation.**

It shall be unlawful for any person to solicit, solicit funds or go upon any residential premises and ring the doorbell, or rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a home solicitation:

(1) ....

(2) At any time on a Sunday, New Year's Day, July Fourth, Labor Day, Thanksgiving Day, Christmas Day, Memorial Day, or Veterans Day.”

**SECTION 3.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-119 in part to read as follows:

**“Sec. 12-119. Solicitation and handbill distribution on private property.**

(a) A person desiring that no person conduct solicitation, home solicitation transaction, charitable solicitation, solicitation of funds, the placement of handbills or other advertisements, or canvassing for any cause at such person’s residence shall exhibit in a conspicuous place upon or near the main entrance to the residence a weatherproof card, not less than three inches by four inches in size, containing the words “NO SOLICITORS.” The letters shall not be less than two-thirds of an inch in height. The owner or manager of a multi-family unit or apartment complex shall exhibit such card in a conspicuous place upon or near the main entrances to the facility, or the individual occupant of a unit of such facility shall exhibit the card in a conspicuous place upon or near the entrance to the residential unit.

...

(c) It shall be unlawful for any person to go upon any residential premises and ring the doorbell, or rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a solicitation, home solicitation transaction, charitable solicitation, placement of handbills, or other advertisement, solicit funds, or to canvass for any cause, if a card as described in subsection (a) of this section is exhibited in a conspicuous

place upon or near the main entrance to the residence, unless the visit is a result of a request by the occupant.

(d) It shall be unlawful for any person, handbill distributor, or sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill or other advertisement upon any residential property or motor vehicles except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure and prevent such handbills from being blown or drifting about the premises. It shall be unlawful for any person to attach handbills to the door of any residence in any manner except by the use of rubber bands. No handbills may be tacked, glued or taped to the premise of the residence. No handbills may be attached or place on any motor vehicles on private or public property.

(e) The name of the commercial handbill distributor or sponsor shall be clearly printed on each handbill or other advertisement that is distributed.”

**SECTION 4.** That the Code of Ordinances of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-121(a) in part to read as follows:

**“Sec. 12-121. Solicitation and sale of merchandise on public right-of-way, city parks; mobile vendors.**

(a) It shall be unlawful for any person to peddle, solicit, sell, offer for sale, or exhibit for sale, any merchandise, or items of value, upon any public sidewalk, street, street right-of-way, parkway or other public right-of-way, except that it shall be lawful for that person to engage in mobile vending operations involving food products upon any street, public street or street right-of-way provided such person has obtained a solicitor’s permit and a health permit from the city’s director of health under the conditions set forth in this section.”

**SECTION 5.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-123 in part to read as follows:

**“Sec. 12-123. Pedestrian Charitable Solicitations.**

Persons may solicit charitable contributions in a roadway if such persons have been issued a permit subject to the requirements set forth in this section. For purposes of this section charitable contribution means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service. Charitable solicitation in the roadway is subject to the following conditions:

- (1) A person who desires to stand in a roadway to solicit chartable contributions shall file a written application for a charitable solicitation registration certificate not later than the 11th day prior to the date the solicitation is to begin. The application shall include: the dates and times when the solicitation is to occur; each location

at which solicitation is to occur; the number of solicitors to be involved in the solicitation at each location; and proof of liability insurance of at least \$1 Million Dollars to cover damages that may arise from the solicitation and which provides coverage against claims against the applicant and the City.

- (2) A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except to solicit a charitable contribution.
- (3) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (4) A person conducting such solicitations shall at all times during which the solicitation is being conducted wear traffic safety vests.
- (5) No person under 18 years of age shall conduct solicitation in or upon the public right-of-way.
- (6) A person may not solicit charitable contributions in a roadway more than 36 consecutive hours each 12 month period and such solicitation shall be conducted only during daylight hours.”

**SECTION 6.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-141 in part to read as follows:

**“Sec. 12-141. Permit required.**

(a) No person, directly or through an agent, shall solicit funds, engage in a home solicitation transaction, or solicit in person from house to house in the city to sell or attempt to sell goods, merchandise, wares, services or anything of value or to take or attempt to take orders for the future delivery of goods, merchandise, wares or any personal property of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed in the future, or to distribute commercial handbills or other advertisements on private property, without first having obtained a permit.

(b) A canvasser is not required to obtain a permit.”

**SECTION 7.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-142(a) and (c) in part to read as follows:

**“Sec. 12-142. Noncharitable solicitations permit.**

(a) *Application and required information.* Any person desiring to solicit, solicit funds, make home solicitation transactions or distribute commercial handbills or other

advertisements on private property within the city shall make written application, on a form provided by the city to the Chief of Police for a permit which shall include at least the following:

(1)...

(c) *Fee.* The application shall be accompanied by a nonrefundable permit fee. An additional fee will be required for each person soliciting, making home solicitations and distributing commercial handbills. Such fees shall be established by resolution of the City Council from time to time. A fee is not required for charitable solicitations or soliciting for charitable purposes.

(d) ...”

**SECTION 8.** That the Code of Ordinances of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-143 in part to read as follows:

**“Sec. 12-143. Charitable Solicitation permit.**

(a) All persons desiring to solicit for a charitable purpose or to solicit funds for charitable purposes in the city shall obtain a permit as provided in Section 12-142.

(b)...”

**SECTION 9.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-144 in part to read as follows:

**“Sec. 12-144. Issuance of permit.**

After review of the permit application, and within ten working days of the receipt of the same, the shall either issue a permit, as provided in this article, or notify the person applying that the application does not comply with the requirements of this article and specifically identify what required information has not been furnished in order for a permit to be issued.”

**SECTION 10.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-145 in part to read as follows:

**“Sec. 12-145. Permit to be carried; displayed.**

It shall be unlawful for any person to engage in a solicitation, home solicitation transaction, or to solicit funds without carrying the permit required by this article on his or her person while engaged in such solicitation or conduct. It shall be unlawful for any person engaged in a solicitation, home solicitation transaction, or the solicitation of funds without visibly

displaying the permit provided by the city, or to display a permit issued in the name of another person.”

**SECTION 11.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-147 in part to read as follows:

**“Sec. 12-147. False information.**

It shall be unlawful for any person to file a false registration statement or application for permit with the Chief of Police.”

**SECTION 12.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-148 in part to read as follows:

**“Sec. 12-148. Expiration of permit.**

A permit issued pursuant to this Article shall expire at the termination of the solicitation period specified in the permit or one hundred eighty (180) days from the date of issuance, whichever is less.”

**SECTION 13.** That the Code of Ordinance of the City of Richardson, Texas be and the same is hereby amended by amending Section 12-149 in part to read as follows:

**“Sec. 12-149. Revocation of permit; appeal.**

(a) Failure to comply with any of the provisions of this article shall constitute grounds for revocation of any permit issued in accordance with the provisions of this article. Written notice of revocation shall be given to such person by registered or certified mail.

(b) Should a person have a permit revoked, such person may appeal that action to the city manager or designated representative by submitting a letter to the chief of police within ten days of the revocation. A hearing shall be held within 15 days of the appeal. The city manager or the designated representative shall render a decision on the appeal within one day of the date of the hearing. Such hearing shall be an administrative hearing. The decision of the city manager or the designated representative shall be final.”

**SECTION 14.** That Article V of Chapter 12 of the Code of Ordinances of the City of Richardson, Texas be and the same is hereby amended in part to change all references to the city secretary in Article V Chapter 12 to “the chief of police”.

**SECTION 15.** That the Code of Ordinances of the City of Richardson, Texas be and the same is hereby amended by amending Chapter 13, in part, to add Sections 13-53 and 13-54 to read as follows:

**“CHAPTER 13**

**MISCELLANEOUS OFFENSES AND PROVISIONS**

...

**Sec. 13-53. Solicitation by coercion; solicitation near designated locations and facilities.**

(a) In this section:

(1) *Automated Teller Machine* means a machine, other than a telephone;

- a. that is capable of being operated by a customer of a financial institution;
- b. by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer’s account or from the customer’s account under a line of credit previously authorized by the financial institution for the customer; and
- c. the use of which may not involve personnel of a financial institution.

(2) *Coercion* means:

- a. 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;
- b. to persist in a solicitation after the person solicited has given a negative response;
- c. to block, either individually or as part of a group of persons, the passage of a solicited person; or

- d. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.
- (3) *Exterior Public Pay Telephone* means any coin or credit card reader telephone that is:
- a. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and
  - b. accessible and available for use by members of the general public.
- (4) *Public Transportation Stop* means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.
- (5) *Self-Service Car Wash* means a structure:
- a. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and
  - b. that is accessible and available for use by members of the general public.
- (6) *Self-Service Fuel Pump* means a fuel pump:
- a. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and
  - b. that is accessible and available for use by members of the general public.
- (7) *Solicitation* means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.
- (b) A person commits an offense if such person conducts a solicitation by coercion.
- (c) A person commits an offense if such person conducts any solicitation within twenty-five (25) feet of:
- (1) an automated teller machine;



- (2) an entrance or exit of bank, credit union, or other similar financial institution;
  - (3) an exterior public pay telephone;
  - (4) a self-service car wash;
  - (5) a self-service fuel pump; or
  - (6) a public transportation stop.
- (d) For purposes of Subsection (c), measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:
- (1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;
  - (2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;
  - (3) the nearest part of an exterior public pay telephone;
  - (4) the nearest part of the structure of a self-service car wash;
  - (5) the nearest part of self-service fuel pump; or
  - (6) the nearest point of any sign or marking designating an area as a public transportation stop.

**Sec. 13-54. Solicitation in certain buildings without consent.**

- (a) A person commits an offense if the person:
- (1) solicits customers or patronage for such person or on behalf of another or distributes advertising matter, upon the premises of a hotel, private office building, restaurant, private parking lot, retail establishment or public building in the city without first having obtained written consent from the owner, lessee, managing agent, or person in charge of the operation of the hotel, private office building, restaurant, private parking lot, retail establishment, or public building;
  - (2) solicits customers or patronage for such person or on behalf of another or distributes advertising matter, upon the premises of a hotel, private office building, restaurant, private parking lot, retail establishment or public building in the city without having written consent from the owner, lessee,

managing agent, or person in charge of the operation of the hotel, private office building, restaurant, private parking lot, retail establishment, or public building in such person's immediate possession;

- (3) solicits, seeks, or begs contributions for such person or on behalf of another upon the premises of a hotel, private office building, restaurant, private parking lot, retail establishment or public building in the city without first having obtained written consent from the owner, lessee, managing agent, or person in charge of the operation of the hotel, private office building or public building;
  - (4) solicits, seeks, or begs contributions for such person or on behalf of another upon the premises of a hotel, private office building, restaurant, private parking lot, retail establishment or public building in the city without first having written consent from the owner, lessee, managing agent, or person in charge of the operation of the hotel, private office building or public building in such person's immediate possession; or
  - (5) fails to display proof of written consent on demand by a code enforcement or law enforcement official to solicit upon the premises of a hotel, private office building, restaurant, private parking lot, retail establishment or public building.
- (b) It is a defense to prosecution under this section if the person charged produces in court written consent for such person to solicit on the premises in effect at the time of the offense."

**SECTION 16.** That the Code of Ordinances of the City of Richardson, Texas be and the same is hereby amended by amending Chapter 22, in part, by adding Section 22-11 to read as follows:

**“CHAPTER 22 TRAFFIC**

....

**Sec. 22-12. Solicitations to occupants of vehicles on public roadways Prohibited.**

- (a) In this section:
  - (1) *Goods* means property of every kind.
  - (2) *Public Property* means:

- a. any property open or devoted to public use or owned by the city; and
  - b. 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.
- (3) *Roadway* has the meaning given that term in Chapter 541, Texas Transportation Code.
- (4) *Services* means any work done for the benefit of another person.
- (5) *Solicitation* means any conduct or act whereby a person:
  - a. either orally or in writing, asks for a ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose.;
  - b. either orally or in writing, sells or offers for sale goods, services, or publications;
  - c. distributes without remuneration goods, services or publications; or
  - d. solicits signatures on a petition or opinions for a survey.
- (6) *Vehicle* has the meaning given that term in Chapter 541, Texas Transportation Code.
- (b) Except as provided in section 12-123, a person commits an offense if, while occupying any public property adjacent to any public roadway in the city, such person knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.
- (c) It is a defense to prosecution under Subsection (b) that the person was:
  - (1) summoning aid or requesting assistance in an emergency situation; or
  - (2) a law enforcement officer in the performance of official duties.

**SECTION 17.** That any 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 laws continued in effect for this purpose.

**SECTION 18.** That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinance of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

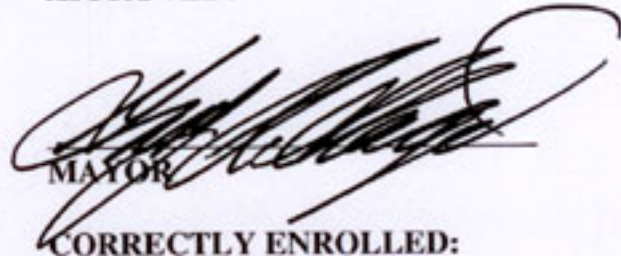
**SECTION 19.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 20.** That 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 Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 21.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide, provided however the amendments to the Code of Ordinances as provided herein shall take effect beginning June 1, 2006.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 10th day  
of April, 2006

APPROVED:



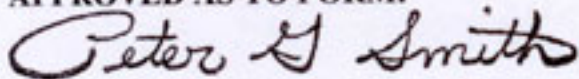
MAYOR

CORRECTLY ENROLLED:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

(PGS/si 11/22/05)