

Legislation Details (With Text)

File #:	19-702	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	9/6/2019	In control:	City Council
On agenda:	9/23/2019	Final action:	
Title:	Discuss and consider approval of the first reading of an ordinance amending Chapter 90, Peddlers and Solicitors, to prohibit the placement of commercial handbills or flyers on private property that has a posted sign prohibiting solicitation.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Final Ordinance Amendment Canvassers, Peddlers, Solicitors		

Date	Ver.	Action By	Action	Result
9/23/2019	1	City Council		

Presenter/Contact
Valeria M. Acevedo, City Attorney
(830) 221-4281 - vacevedo@nbtexas.org

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Chapter 90, Peddlers and Solicitors, to prohibit the placement of commercial handbills or flyers on private property that has a posted sign prohibiting solicitation.

BACKGROUND / RATIONALE:

On August 26, 2019, Councilmember Harry Bowers brought this ordinance before the City Council for discussion. The concerns he brought up were centered around City Council approved a motion to amend Chapter 90, Peddlers and Solicitors so that it is illegal to place commercial handbills or flyers on private property that has a posted sign that reads “no solicitors” or contains words to that effect. In protection of First Amendment rights, the draft ordinance has an exception for noncommercial handbills and flyers which is encompassed in the term “canvasser”. A *canvasser* is defined as a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) 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, or (2) distributing a handbill or flyer advertising a noncommercial event or service.

There are three exceptions to the prohibition on solicitation when a resident posts a ‘no soliciting’ sign on their private property:

- a) federal, state, or local government employee or a public utility employee in the performance of his or her duties for his or her employer;
- b) a person peddling goods or soliciting funds for a school sponsored event or program, a nonprofit sporting or cultural organization created specifically to benefit the youth of the

community, scouting groups, or other similar organizations; and
c) canvassers.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A