

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 111, "PEDDLERS AND SOLICITORS" BY REVISING THE HOURS ALLOWED FOR SOLICITATION OR CANVASSING ACTIVITY AT A RESIDENCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL CITY NEWSPAPER; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council has determined that in order to prevent and deter deceptive practices and fraud, it is necessary to require door-to-door solicitors to register and to regulate those activities; and,

**WHEREAS**, the City Council has determined that solicitation, canvassing and handbill distribution at residences and other private property at certain times and under certain circumstances greatly intrudes on the privacy and personal property rights of the citizens of Mansfield and can result in litter; and,

**WHEREAS**, it is the intent of the City Council to not infringe on any rights protected by First and Fourteenth Amendments to the United States Constitution; and,

**WHEREAS**, in light of the foregoing, the City Council now deems it advisable and necessary to amend the current regulations concerning solicitation within the City in order to protect the public health, safety and general welfare of the citizens of the City of Mansfield, Texas.

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

### **SECTION 1.**

The above findings are hereby found to be true and correct and are incorporated herein in their entirety.

### **SECTION 2.**

Subsection (a) of Section 111.04 "General regulations" of Chapter 111, "Peddlers and Solicitors" of the Code of Mansfield, Texas is hereby amended to read as follows:

"(a) A person commits an offense if the person engages in solicitation or canvassing activity at a residence:

- (1) Before 9:00 a.m., or
- (2) After 7:00 p.m. Central Standard Time or ~~9:00 p.m.~~ 8:30 p.m. Daylight Savings Time; or,
- (3) Sunday; or
- (4) Any of the following holidays: Good Friday; Thanksgiving Day; the day after Thanksgiving Day; Christmas Eve; Christmas Day.”

### **SECTION 3.**

Subsection (b) of Section 111.22 “Offenses” of Chapter 111, “Peddlers and Solicitors” of the Code of Mansfield, Texas is hereby amended to read as follows:

“(b) A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time after 7:00 p.m. Central Standard Time or 8:30 p.m. Daylight Savings Time; or Sunday; or any of the following holidays: Good Friday; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day.

It is a defense to prosecution under this subsection if the solicitation:

- (1) Consists exclusively of passive, nonverbal acts, or
- (2) Was being conducted on the property with the advance written permission of the owner, manager or other person in control of the property.”

### **SECTION 4.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **SECTION 5.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 6.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 7.**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the code or any other ordinances, as amended, or any other ordinances affecting solicitation, canvassing, or handbill distribution which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 8.**

The City Secretary of the City of Mansfield is hereby directed to publish in the official newspaper of the City of Mansfield as provided by the Charter of the City of Mansfield.

#### **SECTION 9.**

This Ordinance shall be in full force and effect from and after its date of passage and publication as required by law and it is so ordained.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF  
THE CITY OF MANSFIELD, TEXAS, THIS 10<sup>TH</sup> DAY OF JANUARY, 2022.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Drew Larkin, City Attorney**