

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

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 111, “PEDDLERS AND SOLICITORS,” OF THE CODE OF MANSFIELD, TEXAS BY AMENDING SECTION 111.22, “TIME RESTRICTIONS,” ALLOWING COMMERCIAL HOME SOLICITATION AND HANDBILL DISTRIBUTION ON CERTAIN HOLIDAYS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the City of Mansfield has previously adopted regulations governing Peddlers and Solicitors, codified in Chapter 111 of the City’s Code; and

**WHEREAS**, the City Council has determined that commercial solicitations and handbill distribution at residences at certain times greatly intrudes on the privacy and personal property rights of the citizens of Mansfield; and

**WHEREAS**, the City Council desires to amend Chapter 111 to allow commercial home solicitation and handbill distribution on certain holidays; and

**WHEREAS**, the City Council has determined that the amendments as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Mansfield and the public; 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.

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

**SECTION 1.**

That Title XI, “Business Regulations,” Chapter 111, “Peddlers and Solicitors,” Section 111.22, “Time Restrictions,” subsection (D), of the Code of Mansfield, Texas is hereby amended to read as follows:

**“§ 111.22      TIME RESTRICTIONS**

*. . . . [subsections A, B, and C are to remain unchanged]*

- (D) Any of the following holidays: Good Friday; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day.”

## **SECTION 2. CUMULATIVE CLAUSE**

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

## **SECTION 3. SEVERABILITY CLAUSE**

Should any paragraph, sentence, 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 of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

## **SECTION 4. PENALTY CLAUSE**

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 5. SAVINGS CLAUSE**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting peddlers and solicitors 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 6. PUBLICATION**

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

## **SECTION 8. EFFECTIVE DATE**

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

**PASSED AND APPROVED ON THE FIRST READING THIS 14TH DAY OF SEPTEMBER, 2020.**

**PASSED AND APPROVED ON THE SECOND READING THIS 28TH DAY OF SEPTEMBER, 2020.**

**PASSED AND ADOPTED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS THE 12TH DAY OF OCTOBER, 2020.**

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David L. Cook, Mayor

ATTEST:

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Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

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Allen Taylor, City Attorney