

ORDINANCE NO. 089-007

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 11, PEDDLERS AND SOLICITORS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, TO REQUIRE A PERMIT FOR SOLICITATION AND FOR PLACEMENT OF HANDBILLS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Section 11-16 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 11-16. Permit Required for Solicitation and Placement of Handbills.

(a) For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

(1) "Handbill" means any printed or written matter, any sample or device, circular, flyer, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by United States mail, including, but not limited to, those which:

a. advertise for sale any merchandise, product, commodity, or thing; or

b. direct attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

c. direct attention to or advertise any meeting, theatrical performance, exhibition, or

event of any kind for which an admission fee is charged for the sole purpose of private gain or profit.

(2) "Private Premises" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, lawn, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure appurtenant thereto.

(3) "Public Place" means any and all streets, sidewalks, boulevards, walkways, parkways, rights-of-way, alleys or other public ways, lakes, rivers, watercourses or fountains and any and all public parks, squares, spaces, grounds, and buildings.

(b) A permit must be applied for and obtained prior to engaging in the following conduct in the Town of Addison:

(1) Going from house to house, or from place to place soliciting selling, or taking orders for, or offering to sell or take orders for, goods, wares, merchandise, subscriptions to magazines, photographs to be taken in the future, or any article for future delivery;

(2) Depositing or distributing any Handbill in or upon Private Premises provided, however, that the Handbill be placed in such a manner as to prevent it from being deposited by the elements upon any Public Place or other Private Premises, except that mailboxes may not be so used when prohibited by federal postal law or regulations;

(3) Placing any Handbill in or upon any motor vehicle.

(c) The permit shall be carried at all times during such solicitation.

(d) The permit shall be renewed each year or or before the first of January.

(e) The provisions of this section shall not apply to the distribution of newspapers or political literature.

(f) In case of placement of Handbills, the responsible party for prosecution under this ordinance shall be either the individual, individuals, business or other entity whose name appears on the Handbill or his representative, or both.

(g) It shall be the responsibility of any person distributing Handbills to maintain the area which they are utilizing free of litter, rubbish, or refuse caused by or related to such Handbill distribution.

SECTION 2. 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 provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be 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.

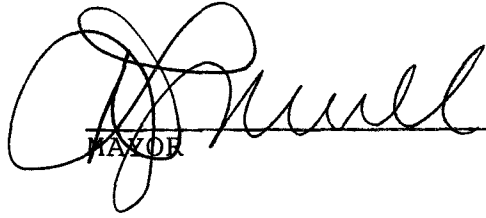
SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Four hundred Dollars (\$400.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. The fact that the present code of Ordinances does not require a permit for sollicitaion and therefore is inadequate to properly safeguard the general public health and safety,

creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 11th day of April, 1989.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY

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