

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 22 (BUSINESSES), ARTICLE III (PEDDLERS, SOLICITORS, AND HANDBILL DISTRIBUTORS), DIVISION 2 (PEDDLERS AND SOLICITORS) THEREOF BY AMENDING SECTION 22-83 (HOURS OF SALE) BY CHANGING THE HOURS DURING WHICH A HOME SOLICITATION TRANSACTION OR HANDBILL PLACEMENT IS PROHIBITED MONDAY THROUGH SATURDAY FROM PRIOR TO 9:00 A.M. OR AFTER 9:00 P.M. TO PRIOR TO 9:00 A.M. OR AFTER 8:00 P.M.; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas ("City") is a home rule municipality having full power of local self government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City Council has determined that it is advantageous, beneficial and in the best interest of the citizens of the City to create appropriate and orderly residential atmospheres; and

WHEREAS, the City Council has determined that it will be advantageous, beneficial and in the best interest of the citizens of the City to maintain the privacy of their home and reasonably limit what an occupant may be unwillingly exposed to relative to the enjoyment of their home and their investment therein; and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas that may be unpopular and to engage others in debate without government interference, but courts have recognized the right of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved; and

WHEREAS, it is the desire of the City Council to balance these competing interests in a manner consistent with the Constitution of the United States and of Texas, while attempting to minimize fraud, prevent crime, protect the privacy of the City's residents, protect the value of property, and promote the public health, safety and welfare; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the public health, safety and welfare of its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances (“Code”) of the Town of Addison, Texas (“City”) is hereby amended by amending Chapter 22 (Businesses), Article III (Peddlers, Solicitors, and Handbill Distributors), Division 2 (Peddlers and Solicitors) thereof by amending Section 22-83 (Hours of Sale) of the Code to read as follows (additions are underlined; deletions are ~~struck through~~):

Sec. 22-83. - Hours of sale.

No person shall go upon any residential premises (i) and ring the doorbell or rap or knock upon the door or create any sound in a manner calculated to attract attention of the occupant of any residence for the purpose of engaging in or attempting to engage in a home solicitation transaction, or (ii) for the purpose of depositing or placing a handbill (as defined in section 22-101 of this chapter), prior to 9:00 a.m. or after 89:00 p.m. of any day Monday through Saturday, or any time of a Sunday, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day or Christmas Day. This section shall not apply to a visit to the premises as a result of a request made by the occupant.

Section 3. Savings. Except as amended hereby, the Code of Ordinances is not amended. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication as required by law, including but not limited to the City Charter and ordinances.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ____ day of _____, 2015.

Todd Meier, Mayor

ATTEST:

By: _____
Chelsea Gonzalez, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney