

Plano No Soliciting Ordinance

DIVISION 1. GENERALLY

Sec. 11-141. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them by this section:

Business day means any calendar day except Saturday, Sunday or any state or national holiday.

Charitable purpose shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the solicitation, to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.

Commercial solicitation or soliciting, means the act of asking, bartering, or communicating in any other such manner, whether orally, by written and or printed material including but not limited to handbills or leaflets, hand signing or by any other method, direct or implied, by an individual or group of individuals for a for-profit purpose which includes promoting, advertising, receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual or group of individuals, or for-profit organization, joint venture, joint stock company, partnership, club, company, corporation, business trust, establishment, However the term does not include solicitation for religious, political, charitable, or other non-commercial purposes.

Consumer means an individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

Handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature.

Handbill distributor means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Handbill sponsor means and includes any person, firm or corporation who utilizes handbills as a medium of advertising or spreading a message.

Individual shall mean only a natural person.

Itinerant vendor shall mean any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the city, **soliciting**, selling, or taking orders for, or offering to sell or take orders for any goods or services. A temporary business is one that continues for forty-five (45) days or less; and, exists whether solicitation is from a stand, vehicle, or freestanding.

Any business that exists more than forty-five (45) days shall be deemed to be a permanent occupancy and is required to obtain a certificate of occupancy from the building inspection department.

Job placement activities means any request, offer, enticement, or action which announces the availability for or of employment or seeks to secure employment. As

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defined herein, "job placement activities" shall be deemed complete when made whether or not an actual employment relationship is created.

Political purpose means any form of communication relating to a political issue, a particular candidate to a position or non-partisan office, or to a political party.

Public right-of-way for the purposes of this Article, right-of-way shall mean the area that is within ten (10) feet of the curb line. In absence of a curb line, the area within ten (10) feet of the shoulder of a road or highway. Right-of-way also includes the travel portion of the roadway and all traffic medians.

Residential street means a thoroughfare with a right-of-way of fifty (50) feet and pavement width of twenty-six (26) feet where the paved section allows for two (2) travel lanes with one (1) parking lane.

Solicitation: Solicitation or **soliciting** or solicited or any other action form of the word solicit means the act of asking, begging, pleading or in any other such manner, communicate, whether orally, by written, and/or printed material, hand signing or by any other method, direct or implied, by an individual or group of individuals for the purpose of receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual, for said group of individuals or a for profit organization or a non-profit organization; individual; person or more than one person; organization; couple; family; relationship; joint venture; joint stock company; partnership; club, company; corporation; business trust; establishment; religious institution or religion; association, or the like or chapter or affiliate thereof, for the purposes of giving, use, sustenance, purchase, barter or any other such form.

(Ord. **No.** 2002-7-13, § I, 7-22-02; Ord. **No.** 2004-9-13, § I, 9-13-04)

Sec. 11-142. Penalties.

Any person violating any provision of this article or failing to observe any provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-4 of this Code of Ordinances by a fine not exceeding five hundred dollars (\$500.00). Every day the violation continues shall be deemed as a separate offense.

(Ord. **No.** 2002-7-13, § I, 7-22-02)

Sec. 11-145. Solicitation and handbill distribution on private property.

(a) It shall be unlawful for any person to conduct commercial solicitation upon residential property within the city, without first obtaining a written permit as prescribed by this article.

(b) All solicitation on residential property, whether for a commercial or non-commercial purpose shall occur only during the time that is one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset. This provision does not apply where the solicitor is on the property by express, prior invitation of the owner of the property or a person residing on the premises.

(c) It shall be unlawful for any person, handbill distributors, sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure to prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.

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(d) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any residential property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

(e) It shall be unlawful for any person to go upon any residential premises for the purpose of solicitation and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no solicitation", "no peddlers", or "no trespassing". The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

(Ord. No. 2002-7-13, § I, 7-22-02; Ord. No. 2003-6-7, § I, 6-9-03)

Sec. 11-146. Display of identification for commercial solicitation.

The person(s) in charge of conducting commercial solicitation shall provide all commercial solicitors involved in the solicitation with identification that is to be clearly displayed and recognizable, by any person, at any time that identifies who the solicitor is and for whom the solicitor is soliciting. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such identification upon the request of any person.

(Ord. No. 2002-7-13, § I, 7-22-02)

Sec. 11-147. Display of permit to conduct commercial solicitation.

The person(s) in charge of conducting the commercial solicitation shall provide each commercial solicitor with a copy of the permit issued by the city as prescribed by this article. It shall be unlawful for any solicitor to engage in commercial solicitation without having a copy of the permit in their possession. It shall be unlawful for any commercial solicitor to fail or refuse to show or display such copy upon the request of any person.

(Ord. No. 2002-7-13, § I, 7-22-02)

Sec. 11-148. Solicitation for purpose not set out in application.

It shall be unlawful for any commercial solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

(Ord. No. 2002-7-13, § I, 7-22-02)