

Solicitation

Public Safety Committee Meeting

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JULY 24, 2024

Solicitation, Sales, and Panhandling

Burleson Ordinance 14-405

- Stands on or in any manner occupies a roadway, median, traffic island, or public right-of-way in the city
- To solicit or attempt to solicit for the purpose of exchange with occupants of a vehicle
- Sell or offer for sale and merchandise or service directly to the occupants of a vehicle
- Distributes or attempts to distribute any object directly to the occupants of the vehicle, or
- Panhandle directly to the occupants of a vehicle.

Defense to Prosecution

- It is a defense to prosecution if at the time of the solicitation, offer, distribution, or panhandle the occupants of the vehicle were lawfully parked.

Types of Solicitation

Panhandlers in right of way

- Solicitation of funds only- "Will work for food", "Please Help" signs

Fundraising

- Sports teams, Bands, Church Donations, Medical Bills etc.

Sales of goods/ animals

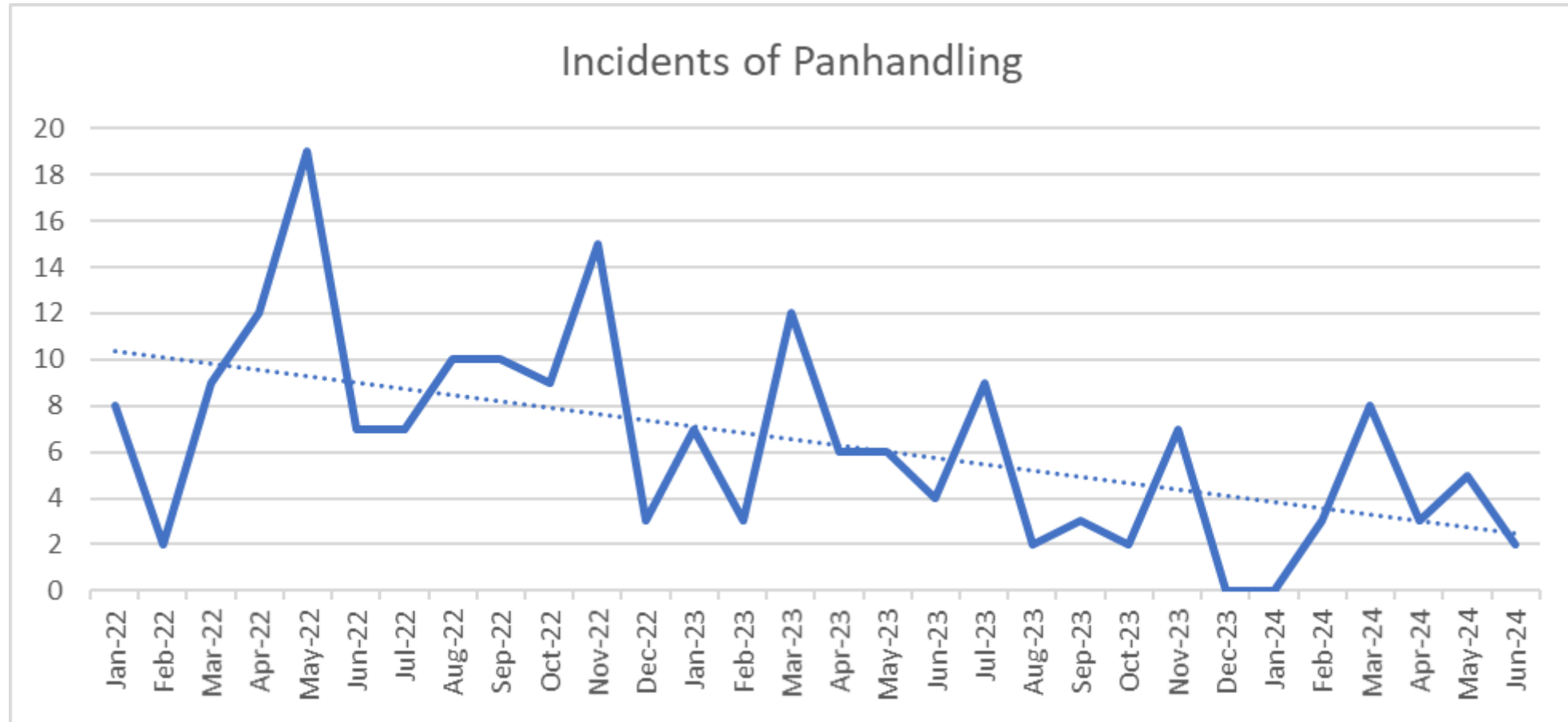
- Typically dogs/ cats, flowers, Food, etc.

Door-to-Door Solicitor (Permits)

- Roofers, Security Systems, Pest Control, Solar Panels, etc.

TYPE OF SOLICITATION	2022	2023	2024
Panhandler	111 (52%)	61 (30%)	21 (32%)
Fundraising	6 (3%)	12 (6%)	6 (9%)
Selling goods	22 (10%)	22 (11%)	9 (14%)
Door-to-Door (Solicitor Calls)	76 (35%)	108 (53%)	30 (45%)

Panhandling Calls -2022, 2023, June 2024



	2022	2023	2024
Business Parking Lot	62	35	14
Intersection/Arterial Street Block	47	26	7
Residential Block	1	0	0
City Owned Property	1	0	0

Panhandling Locations

Top Three Intersections for Panhandling:

1. **Alsbury/35W** (46 reported incidents)
2. **John Jones/Wilshire** (12 reported incidents)
3. **Bethesda/35W** (5 reported incidents)

Resolution of Encounters

Nearly half of the incidents were resolved with a verbal warning from the officer and the individual agreeing to stop the action or leave the area.

	2022	2023	2024
Unable to Locate	37 (33%)	15 (25%)	7 (33%)
Verbal Warning	45 (41%)	29 (48%)	10 (48%)
Warning Citation	0	1	0
Citation	7	3	1
Arrest	3	2	1
Criminal Trespass Warning	9	2	1

Court Cases/ Rulings

Indigent law- Can't hold a person for a class c misdemeanor that is punishable by fine only

Supreme Court- Panhandling- often defined by ordinances as a verbal or written request for immediate donation of money, is a form of speech protected by the First Amendment

Texas- There is no statewide prohibition against panhandling- often covered in an ordinance.

Dallas- Passed panhandling ordinance in October 2022 for soliciting in medians less than 6' wide
The Texas Civil Rights Project sued on behalf of four people because it "criminalizes" homelessness. Said Dallas manufactured an unjust "public safety" issue that violates the First Amendment.

Supreme Court- June 28, 2024 ruled cities could fine homeless people for sleeping in public. This covers encampments.

Solicitation Permits

Issued by the police department

- Burleson records check for local arrests
- Check for outstanding warrants
- Background check through DPS
- Permit is valid for one year from date of issuance

Do not issue permit when:

- Convicted of a felony, misdemeanor, or any sex offense, narcotic trafficking, or any violent acts against person or property in the previous five years from date of application

Burleson costs

- \$75 for the first five permits from the same company
- \$10 for each additional, from the same company
- Issued **AFTER** they pass the checks and permit is issued

Solicitor Permit Benchmarking

Solicitor permits issued by Burleson:

- 2022- 23
- 2023- 129
- 2024- 77 (through July 15th)

Benchmarking:

- **Burleson**- \$75 for first five **permits** and \$10 for subsequent permits from the same company
- Benbrook, Haltom City, Mansfield, North Richland Hills- \$100 per **application**, non-refundable
- Cleburne- \$50 for first **permit** and \$10 for subsequent permits from the same company
- Grand Prairie- \$50 per **application**, non-refundable
- Hurst- \$50 per **application**, non-refundable
- Richland Hills- \$50 for first **permit**, \$25 for subsequent applications from the same company

Questions
