



TOWN ATTORNEY/ POLICE DEPARTMENT

To: Mayor and Town Council

From: Terrence S. Welch, Town Attorney
Doug Kowalski, Chief of Police

Through: Mario Canizares, Town Manager

Re: Door-to-Door Solicitation Ordinance Amendments

Town Council Meeting – June 11, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon an ordinance amending Article 4.03, "Solicitors and Itinerant Merchants; Handbill Distribution," of Chapter 4, "Business Regulations," of the Town's Code of Ordinances by updating terms and conditions related to door-to-door commercial solicitation in the Town.

Description of Agenda Item:

Due to federal constitutional case law that has addressed door-to-door solicitation ordinances around the nation, it is necessary that certain provisions in the Town's existing solicitation ordinance be revised. The proposed ordinance, in accordance with applicable constitutional case law, generally provides as follows: (1) "solicitation" has been defined as excluding fundraising for political, religious or charitable purposes; (2) permits and registration are not required for political, religious or charitable institutions or individuals on behalf of such institutions; (3) individuals or entities that engage in home solicitation transactions (for example, door-to-door sales of products or solicitations for home repair services) or the distribution of commercial handbills will continue to be required to register and receive permits from the Prosper Police Department; (4) no solicitation will be permitted on any property where notice is given that solicitation is either not permitted or desired; (4) the application process for a permit to solicit has been expanded to require more information about the solicitors and their purposes for solicitation; (5) the denial or revocation of permits is further clarified, with expanded grounds for such denial or revocation; and (6) appeals from such denials or revocations shall be to the Town Manager.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached Ordinance as to form and legality.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

The Town Attorney recommends that the Town Council approve an ordinance amending Article 4.03, "Solicitors and Itinerant Merchants; Handbill Distribution," of Chapter 4, "Business Regulations," of the Town's Code of Ordinances by updating terms and conditions related to door-to-door commercial solicitation in the Town.

Proposed Motion:

I move to approve an ordinance amending Article 4.03, "Solicitors and Itinerant Merchants; Handbill Distribution," of Chapter 4, "Business Regulations," of the Town's Code of Ordinances by updating terms and conditions related to door-to-door commercial solicitation in the Town.