



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: Ordinance Prohibiting Solicitations to Occupants of Vehicles
on Public Roadways

Town Council Meeting – May 28, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon an ordinance amending Chapter 8, “Offenses and Nuisances,” of the Town’s Code of Ordinances by adopting a new Article 8.10 prohibiting the solicitation of occupants of vehicles on public roadways.

Description of Agenda Item:

It has come to the attention of the Town that on occasion individuals stand in the roadway for the purpose of engaging drivers and the occupants of vehicles in the solicitation of funds, the sale of goods, or requests from drivers or the occupants of vehicles, among other activities. Specifically, Prosper police records reflect that from January 1, 2022, through May 1, 2024, 72 citizen-generated calls were related to individuals soliciting on or near a roadway, thus calling into question the safety of those individuals so soliciting. As a consequence, it is the intent of this proposed Ordinance to provide for the public health and safety, ensuring the normal and safe flow of traffic, while recognizing the First Amendment rights of the public. The ordinance has been drafted in a manner to be in full compliance with current First Amendment jurisprudence, including recent federal district and circuit court opinions addressing this topic.

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 adopt an ordinance amending Chapter 8, “Offenses and Nuisances,” of the Town’s Code of Ordinances by adopting a new Article 8.10 prohibiting the solicitation of occupants of vehicles on public roadways.

Proposed Motion:

I move to approve an ordinance amending Chapter 8, "Offenses and Nuisances," of the Code of Ordinances by adopting a new Article 8.10 prohibiting the solicitation of occupants of vehicles on public roadways.