

CITY OF SANGER, TEXAS

ORDINANCE 11-33-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REPEALING EXISTING ARTICLE 4.200, "ITINERANT MERCHANTS, PEDDLERS AND VENDORS," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF SANGER, TEXAS, AND REPLACING IT WITH A NEW ARTICLE 4.200, "SOLICITORS AND ITINERANT MERCHANTS; HANDBILL DISTRIBUTION"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger, Texas (the "City") is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City has deemed it necessary and in the best interest of the City and its residents to repeal existing Article 4.200, "Itinerant Merchants, Peddlers and Vendors." of the City's Code of Ordinances and replace it with an updated ordinance regarding solicitation, itinerant merchants and handbill distribution, in full compliance with state and federal case law relative thereto; and

WHEREAS, the City Council finds it necessary for the public safety, comfort, convenience, and protection of the city and the citizens, soliciting and handbill distribution occur in a controlled and orderly manner; and

WHEREAS, the City Council finds that the amending Chapter 4, Article 4.200, of the Code of Ordinances is in the best interest of the citizens of Sanger.

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

SECTION 1. That Chapter 4, "Business Regulations," Article 4.200 of the Code of Ordinances is repealed in its entirety and replaced with a new Article 4.200, "Solicitors and Itinerant Merchants; Handbill Distribution," of Chapter 4, "Business Regulations," to read as follows:

“ARTICLE 4.200, SOLICITORS AND ITINERANT MERCHANTS; HANDBILL DISTRIBUTION”

4.201. Purpose.

This article is and shall be deemed an exercise of the police powers of the state and of the city for the public safety, comfort, convenience, and protection of the city and the citizens thereof, and all of the provisions of this article shall be constructed for the accomplishment of that purpose by:

- (1) Prohibiting door-to-door solicitation and canvassing activity at residences during the times when such activity is most intrusive and disruptive to citizens' privacy;
- (2) Regulating the manner in which any solicitation activity, canvassing activity or handbill distribution may occur to promote good order, prevent litter and protect citizens from aggressive and intimidating practices; and
- (3) Requiring solicitors to register with the city to aid crime detection and deter deceptive practices and fraud.

§ 4.202. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable purpose. Means the solicitation of money or property, for the benefit of a charity, philanthropy, or non-profit organization or for the poor, underprivileged, needy, crippled, or handicapped persons; the teaching of patriotism or assistance to veterans or veteran's organizations; or for existing educational institutions or for the establishment or endowment of educational institutions. Non-profit organizations shall include but not be limited to, Multiple Sclerosis, American Heart Association, Muscular Dystrophy, American Cancer Society, Boy Scouts of America, Girl Scouts, etc.

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

Handbill. Means 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 that is commercial in nature or has a commercial intent.

Handbill Distribution. Means traveling either by foot or vehicle, going door-to-door, house-to-house or building-to-building without personally contacting persons to distribute or leave on or at each premises handbills for any purpose.

Itinerant merchant or itinerant vendor. Means any person other than a publication solicitor, engaged as a solicitor.

Motor vehicle. Means a vehicle that is subject to registration under V.T.C.A., Transportation Code Chapter. 502, or its successor chapters.

Solicitor. Means any individual, firm, company, partnership, corporation, association, trust, society, religious sect, organization, league, or other legal entity and includes any trustee, receiver, assignee, agent, or similar representative.

Religious organization. Means an organization that is dedicated to the support of a church, religious society, or any other religious sect, group, or order.

City. Means the City of Sanger, Texas.

Solicitation. Conduct whereby a person or its agent, member, or representative:

- (1) Either orally or in writing, asks for a ride, employment, property, financial aid, money, or any article representing monetary value, for any purpose;
- (2) Whether orally or in writing, sells or offers to sell goods, services, publications, or subscriptions;
- (3) Distributes without remuneration goods, services, publications, or subscriptions;
- (4) Solicits signatures on a petition or opinions for a survey.

"Solicitation" shall include persons engaged in the delivery of handbills or circulars door to door for the solicitation of money, products, services or other items of pecuniary value. An offer of membership in any organization is expressly excluded.

- a. The term "solicitation" shall include persons engaged in the delivery of handbills or circulars door to door for the solicitation of money, products, services or other items of pecuniary value. An offer of membership in any organization is expressly excluded.
- b. All terminology used in this article and not specifically defined above shall retain its meaning in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and/or the latest volume of Webster's Collegiate Dictionary.

Street or highway. Means the portion of the street that is paved, designated, or used for vehicular traffic, and all areas dedicated to public use for public street purposes, which includes parkways, alleys, and sidewalks.

Parkway. Means the area between the edge of the designated street and the adjacent owner's property line.

Sidewalk. Means any surface provided for the exclusive use of pedestrians.

Traffic island. Means a barrier within a street or roadway to exclude vehicles, designated for the purpose of separating or directing streams of vehicular traffic.

§ 4.203. Regulation of solicitors; generally.

- (a) A solicitor shall identify himself as a solicitor upon approaching a person at a residence or at any other location in the city and explain his purpose, whether it be direct sales, solicitation of orders or services, or the demonstration of merchandise, or any combination of such purposes.
- (b) A person who uses a vehicle in solicitation activities shall post a sign located in a conspicuous place on the vehicle, identifying the name of the person, company or organization that the person represents. If the name is an individual person, it must be followed by the word "solicitor". The lettering on the sign must be at least two and one-half inches high.
- (c) A solicitor who holds a current City of Sanger health permit is permitted to solicit for the sale of edible merchandise. Any such solicitor shall keep all articles for sale to the public in a clean and sanitary condition, as well as the wagons, vehicles, or other conveyances used in the transportation of such merchandise and shall meet all applicable federal, state and local regulations.
- (d) A solicitor commits an offense if he or she sells or offers to sell any unsound or unwholesome merchandise or give a false weight of measure to such offered for sale.
- (e) A solicitor commits an offense if he or she represents that the city or any of its employees or officials has endorsed or approved the goods or services which the solicitor is attempting to sell or take orders for.
- (f) A person commits an offense if the person engages in solicitation activities, canvassing activities, or handbill distribution and distributes, deposits, places, throws, scatters, or casts a handbill at a residence except by:
 - (1) handing or transmitting the handbill directly to the owner or occupant than present in or upon the premises; or
 - (2) without using adhesive or tape, placing or depositing the handbill in a manner that secures the handbill and prevents it from being blown away, except that mailboxes may not be used when the use is prohibited by federal postal laws or regulations.

(g) A person commits an offense if the person secures a handbill at a residence in the manner described by subsection (f)(2):

(1) in a place that is more than five (5) feet from the front door of the residence; or

(2) when another handbill has already been left or secured at the residence and has not been removed from the outside of the residence.

(h) A solicitor commits an offense if he or she attempts to contact a person at an address where a "No Solicitors" or similar sign is posted.

(i) A solicitor commits an offense if he or she fails to depart immediately when requested or ordered to leave.

(j) A solicitor commits an offense if he or she fails to immediately step back from the door after knocking or ringing a doorbell and remaining back from such door unless and until invited into the home.

(k) It shall be an offense for a person not prominently displaying a valid permit issued to such person under this article for the purpose described in the application for such permit to engage in solicitation within the city.

(l) It is an offense for a solicitor to solicit for the sale of any potentially hazardous food, whether packaged or unpackaged, raw or cooked, such as fish, beef, or poultry, or for the sale of fruit, produce or other unpackaged goods.

(m) It shall be an offense for any solicitor to refuse to produce proof of identity upon the request of a police officer.

§ 4.204. Solicitation in public right-of-way.

(a) A person commits an offense if the person engages in solicitation activity within the roadway, or on any median or traffic island within the right-of-way of any street or highway within the city.

(b) A person commits an offense if the person engages in solicitation activity by a direct transaction or exchange with the occupant of any vehicle stopped or traveling on the roadway of any street or highway in the city. An offense under this subsection occurs when the offer, solicitation or distribution is made regardless of whether a transaction is completed.

- (c) A person commits an offense if the person engages in solicitation activity on a sidewalk within the city in a manner that impedes the flow of pedestrian traffic.
- (d) It is a defense to prosecution under subsections (a) or (b) above if the person engages in solicitation activity to operate a taxi cab, mail carrier, vehicle for hire such as commercial servicing or repair of any disabled motor vehicle.
- (e) It is a defense to prosecution under subsection (a) if the person engages in solicitation activity from a vehicle in a manner that does not violate section 4.212.

§ 4.205. Solicitation from a vehicle.

- (a) A person commits an offense if the person conducts solicitation activities from a vehicle and:
 - (1) The solicitation is conducted at a location within the right-of-way of any street or highway in the city which is designated as an arterial or collector on the city's thoroughfare plan; or
 - (2) The person stops the vehicle within a roadway to conduct business before the vehicle has been approached, called, or waved down by a prospective customer.
- (b) A person commits an offense if the person operates a vehicle from which solicitation activities are conducted upon any street or highway within the city and the vehicle is not equipped with warning lights that are in actual operation, whether or not the vehicle is stopped or moving.
- (c) A person commits an offense if the person operates a vehicle from which solicitation activities are conducted upon any street or highway within the city in a manner that blocks or impedes access to or from any alley, street or driveway, or impedes the flow of traffic on any public street or highway.

§ 4.206. Permit Required

- (a) It shall be unlawful for any person eighteen (18) years of age or older to engage solicitation activities within the City of Sanger without first obtaining a permit issued by the city secretary.
 - (1) It shall be unlawful for any person to attempt or to peddle, sell, solicit, canvass, or take orders for any services, wares, merchandise, or goods, or any article of value, including plants, flowers, paintings, novelties, painting house numbers on streets, firewood, books, magazines, photographs, or any articles for future delivery, on a sidewalk, parking lot or parkway within the city or from door to door without having first obtained a permit therefor from the city.

- (2) Each person engaged in soliciting or selling as defined in subsection (a)(1) above must have a permit issued under the terms of this section, and such permit shall be personal to the applicant and shall not be reproduced nor assigned nor transferred to any other person. Any such attempted transfer or reproduction shall render the permit void.
- (3) Each permit shall expire as of the date noted thereon, which date shall be in accordance with the provisions of this article, and such permit shall indicate the hours when solicitation and selling within the city is permitted in accordance with the provisions of this article.
- (4) It shall be unlawful for any person who shall solicit funds in the city to represent in connection with such solicitation of funds that the issuance of a permit or identification card by the city constitutes an endorsement thereof.
- (5) It shall be unlawful for any person to solicit funds for a purpose other than that set out in the registration statement or application upon which the permit was issued.
- (6) The recipient of a permit or named applicant shall be responsible for the acts of his/her authorized representatives or solicitors listed in permit application in connection with solicitation activities. In this regard, the recipient of the permit shall actively supervise all persons listed in the permit application, which supervision shall include but not be limited to remaining within the corporate city limits during all solicitation activity and responding promptly (within ten minutes) to calls by city representatives relative to the solicitation activity which may include responding to an on-site complaint from a citizen.
- (7) A permit shall not be issued to any person under thirteen (13) years of age.
- (8) Solicitation shall be deemed completed when made, regardless of whether the person making the solicitation receives any contribution or makes any sale.

(b) Revocation of permit.

- (1) If, after the permit required by this section has been issued, the city secretary, or authorized designee, finds that the permit was obtained by false representation in the application, or the permit has been reproduced or transferred or assigned to another person or the applicant has led someone to believe the permit is an endorsement of the applicant's product or service by the city, or in the event of fraud or misrepresentation by the permit holder, or in the event of conviction of the permit holder of a felony or a misdemeanor involving moral turpitude, or in

the event the permit holder has failed to furnish the items required by this article, such permit may be revoked by the city manager or his authorized designee.

- (2) If more than one complaint of misconduct by a solicitor or group of solicitors working for the same company is received, the permit may be immediately revoked by the city.
 - (A) A person who is denied a solicitor's permit, or whose permit is revoked or suspended, may appeal the decision to the city manager by filing a notice of appeal with the city secretary within 15 days after the notice of decision is delivered or mailed to the address indicated on the application.
 - (B) Within ten days of the receipt of the notice of appeal, the city manager shall set a time and place for a hearing on the appeal, which shall be not later than 30 days from the date of receipt of the notice of appeal. The city manager may designate a person to hear such appeal.
 - (C) Notice of the time and place of the hearing shall be delivered to such person or mailed to the person at the address indicated on the application. Notice shall be sent within ten days of the receipt of the notice of appeal.
 - (D) The decision of the city manager or his designee on the appeal is final. No other administrative procedures are provided by the city.

§ 4.207 Permit Application.

Permit applications are accepted by the City Secretary's Office by appointment only between the hours of 9:00 AM to 11:00 AM and 2:00 PM to 4:00 PM during regular business hours.

- (a) Every person desiring to solicit in the city, unless otherwise excepted, is subject to the provisions of this article and shall file with the city secretary an application in writing on a form furnished by the city, which shall provide the following information:
 - (1) Names, addresses, State driver's license numbers or valid/official photo ID identification card number with a photograph of the applicant and all persons who will solicit and may act as agent or employee of the applicant;
 - (2) The address and identification number of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

- (A) If a vehicle is used, a description of the same, together with the state where licensed, license number, and the vehicle identification number;
- (3) Whether the applicant, or any solicitor listed in the application, has ever pleaded guilty or nolo contendere to, or has been convicted of a felony or misdemeanor, or any law or ordinance involving fraud, deceit, misrepresentation, a sex offense, theft, trafficking a controlled substance, illegal possession of a firearm, stalking, a crime of moral turpitude, or any act of violence against persons or property, a description of each such conviction or plea, the name of the court and jurisdiction in which the complaint or indictment was filed.
 - (4) A brief description of the business or activity to be conducted or goods to be sold, including the name brand, manufacturer and distributor of goods and commodities and the name, publisher and distributor of all books, magazines or periodicals to be offered for sale;
 - (5) If employed, the name, address and telephone number of employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
 - (6) The applicant's state sales and use tax permit number, if required by law in order to conduct the proposed business, or proof of exemption if none is required;
 - (7) Whether applicant, upon sale or order, shall demand, receive, or accept deposit or total payment in advance of final delivery; and
 - (8) It shall be the responsibility of a licensed handbill distributor to update the information provided on the application for a handbill distribution solicitor permit, as such information may change.

(b) Permit attachments.

- (1) A photocopy of a State driver's license number or valid/official photo ID identification card number with a photograph of the applicant and all persons who will solicit and may act as agent or employee of the applicant;
- (2) A certificate or letter from the president, vice-president, general manager, sales manager, assistant sales manager, or district or area manager of the company for which the applicant works, sells, or solicits, stating that the applicant is an employee and/or agent of such company;

- (3) A reference to a recognized financial rating publication, which reference shall show the page on which the company's or firm's financial standing can be found; or a letter or a certificate from an association or organization which has as its purpose the protection of citizens of the United States against illegal or unsavory business practices stating that the firm or company is a member in good standing of such association or organization; and
- (4) An individual criminal background check, no older than thirty (30) days, from the state department of public safety for all persons who may act as an agent or employee of the applicant and who may be going door to door within the city that each has not been convicted within the five (5) years preceding the date of application of convicted of a felony or misdemeanor, or any law or ordinance involving fraud, deceit, misrepresentation, a sex offense, theft, trafficking a controlled substance, illegal possession of a firearm, stalking, a crime of moral turpitude, or any act of violence against persons or property, a description of each such conviction or plea, the name of the court and jurisdiction in which the complaint or indictment was filed.; and
- (5) In the event that the applicant is an individual who is not canvassing, selling, or soliciting for any firm or company, letters of recommendation from two (2) citizens, non-familial, of the applicant's permanent residence shall be submitted.
- (6) Application fee. The fee is due upon submittal of the application and shall be determined by the most recent adopted fee schedule.

§ 4.208. Permit for Sponsoring Juveniles.

No person under the age of eighteen (18) shall be permitted to engage in soliciting except as provided in this section.

A permit shall be obtained by a sponsoring person, company, or organization for the conduct of any solicitation activities involving, in whole or in part, a sales force of one or more persons under eighteen (18) years of age.

The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, under the sponsor's permit.

The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are soliciting.

§ 4.209 Exemptions.

The following solicitations are exempt from the provisions of this Article:

- (a) The following persons engaged in the activities set out in paragraphs (a) through (c) below in the city shall first register with the city by filling out a form to be promulgated by the city in accordance with the provisions of this article and by furnishing proof that he is actually engaged in such activity in the city, and the city manager shall issue to such person a registration certificate exempting him from the terms and conditions of this section and from paying a fee therefore, namely:
 - (2) Public utility companies or others operating under a franchise granted by the city;
 - (3) Commercial agents dealing with local business establishments in the usual course of business;
 - (4) Snow-cone and Ice Cream truck vendors should refer to the most recently adopted ordinance regulating mobile food vendors; and
 - (5) Insurance salesmen, real estate salesmen, and others licensed by the state, political groups, or organizations which are subject to financial disclosure under state or federal law.
- (b) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- (c) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (d) Any solicitation in the form of a collection at a regular meeting, assembly, or service of a charitable organization;
- (e) Any solicitation for the relief of any individual specified by name at the time of the solicitation, where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary;
- (f) Solicitations related to children's activities, including but not limited to Girl Scouts, Boy Scouts, and Big Brothers and Sisters, which may involve children under the age of thirteen (13). Children under the age of thirteen (13) may participate in such activities to the extent they are actively supervised by a parent, guardian or other adult person, at least eighteen (18) years of age, who is responsible for the well-being of the child: and

- (g) Religious, political or non-profit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public need not register with the city or pay a permit fee. A donation received from the distribution of handbills or pamphlets does not affect this exemption.

§ 4.210. Fees.

A non-refundable application fee, which is set out in the fee schedule, shall be paid prior to the issuance of a permit for each solicitor or peddler. When any solicitor or peddler shall engage in an activity through one or more agents or employees, in addition to the fee for the applicant, a fee shall be paid for each agent or employee so engaged, and the fee shall entitle the agent or employee to a permit for the same term and upon the same conditions as that of the primary permit. The non-refundable application fee shall be used for the purpose of defraying administrative expenses incident to the issuing of a solicitor permit.

§ 4.211. Exemption From Fees.

No fee shall be required of those persons engaging in interstate commerce.

§ 4.212. Application Review and Permit Issuance.

Upon receipt of an application, the city secretary shall review the application and each as deemed necessary to ensure compliance with Section 4.207.

If the city secretary shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, issue the required permit to the applicant (for each agent or employee that will be engaged in solicitation).

The permit shall show the name of the applicant, the name of the business, (the agent or employee that will be engaged in solicitation), the permit number, the expiration of the permit, and the signature of the authorized by whom.

§ 4.213. Denial of Permit.

- (a) Upon the city secretary's review of the application, may refuse to issue a permit to the applicant for any of the following reasons:
- (1) The criminal background check reveals information that solicitation could endanger the safety and welfare of the city's citizens for the following;
 - (A) The applicant, solicitor, agent, employee, principal or organization has pled guilty or nolo contendere to, or has ever pleaded guilty, or nolo contendere to, or has been convicted of a felony or misdemeanor, or any law or ordinance

involving fraud, deceit, misrepresentation, a sex offense, theft, trafficking a controlled substance, illegal possession of a firearm, stalking, a crime of moral turpitude, or any act of violence against persons or property, a description of each; and

(B) There is no proof as to the authority of the applicant to serve as an agent to the principal; and

(C) The applicant (or the agent or employee that will be engaged in solicitation) has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the city secretary that the reasons for such earlier denial no longer exist.

(b) Notice. If it is found that a solicitor permit should be denied or revoked, there shall be a denial letter written or electronic report of the reason for the denial or revocation which shall be immediately made available to the applicant within ten business days from the date of the denial.

§ 4.214. Permit Exhibition.

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer, city employee or police officer.

§ 4.215. Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use or exhibit any permit issued under the provisions of this article.

§ 4.216. Permit Expiration.

All permits issued under the provisions of this article shall expire twelve (12) months from the date of issuance, unless an earlier expiration date is noted on the permit.

§ 4.217. Hours of Solicitation.

No person, while conducting the activities of a solicitor or peddler, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 9:00 a.m.

There shall be no solicitations on Sunday, New Years Day, Fourth of July, Memorial Day (observed), Labor Day (observed), Thanksgiving, or Christmas Day.

§ 4.218. Permit Revocation.

(a) Any permit issued under this article may be revoked or suspended by the city secretary after notice and hearing for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for a permit;
- (2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation activities;
- (3) Conducting solicitation or activities contrary to the provisions contained in this article; and
- (4) Conducting solicitation activities in such a manner as to create a public nuisance, constitute breach of peace, or endanger the health, safety, or general welfare of the public.

§ 4.219. Enforcement.

It shall be the duty of any police officer of the city to require any solicitor who is not known by such officer to be duly permitted to produce his permit and to enforce the provisions of this article against any person found to be violating the same.

§ 4.220. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this article, or from the payment of a permit fee, shall cite to the city secretary the statute or other legal authority under which exemption is claimed and shall present to the city secretary proof of qualification for such exemption.

§ 4.224. Violations and Penalty.

Violation of any of the provisions of this article shall upon conviction be punishable by a fine in accordance with the general penalty provision set forth in Section 1.109 of this code for each offense, and each and every day such violation shall continue shall constitute a separate offense. In addition to any criminal enforcement, the city or any individual may pursue any available civil remedies deemed appropriate and necessary.

(a) A person commits an offense if the person engages in solicitation activity or handbill distribution activity at a residence:

- (1) Before 9:00 a.m.;
- (2) After 7:00 p.m.; or
- (3) On Sunday, any federally designated holiday.

- (b) A person commits an offense if the person engages in solicitation activity or handbill distribution activity at a premises with a posted notice that such activity is not welcomed or invited. It shall be presumed that there is notice that solicitation activity and handbill distribution activity are not welcomed or invited when there is exhibited in a conspicuous place on or near the main entrance of a premises, a sign, not less than one inch by three inches in size, containing the words "NO SOLICITORS", "NO SOLICITING," "NO TRESPASSING", "NO SOLICITORS OR HANDBILLS" or words of similar meaning.
- (c) A person commits an offense if the person engages in solicitation activities in an aggressive or intimidating manner. The term "aggressive or intimidating manner" means:
- (1) Blocking the path of a person who is the object of the activity;
 - (2) Following behind, ahead or alongside a person who walks away from the solicitor or canvasser after being solicited, approached, accosted or offered a handbill, leaflet or any other item;
 - (3) Shouting, making any outcry, blowing a horn or whistle, or using any sound device, including any loud speaker or sound amplifying system in violation of the city's noise ordinance for the purpose of attracting attention to one's location;
 - (4) Suggesting that the person or their family is in danger or will suffer harm if they do not purchase the goods or services offered by the solicitor;
 - (5) Remain on property after the property owner, or the property owner's designee, representative or agent, has instructed the solicitor to leave; or
 - (6) Failing to immediately step back from the door after knocking or ringing a doorbell and remain at least three feet back from such door unless and until invited into the home.
- (d) No handbill shall be delivered to any uninhabited building.
- (f) No handbill shall be deposited upon or in any motor vehicle unless such vehicle is occupied and the occupant expressly accepts such handbill.
- (g) No handbill shall be delivered or distributed to any residential property in a manner which could result in such handbill being blown or drifting about or away from such property.
- (h) No handbill shall be nailed, tacked, stapled, glued or taped to any door or structure or attached in any other manner which could mar or leave adhesive residue.
- (i) No person shall engage in solicitation through the delivery of handbills or circulars by placing said handbills or circulars on motor vehicles, public utility posts, or other location

such that the same constitutes littering under chapter 365 of the Texas Health and Safety Code. It is presumed that the person or business whose address or telephone number is listed in the notice, poster, paper, or device, or who is otherwise named, described, or identified in the notice, poster, paper, or device, is the person or business who committed the violation, either personally or through an agent or employee.

- (j) It shall be unlawful for any person to use children thirteen (13) years of age or younger for solicitation activities, unless otherwise expressly permitted herein, unless such children are actively supervised by a parent, guardian or other adult person at least eighteen (18) years of age who is registered as provided herein. For purposes of this section, actively supervised means that the adult person shall be within one hundred (100) feet of all children thirteen (13) years of age or younger for whom the adult person is responsible at all times when the children are engaged in solicitation activities.
- (k) It shall be an affirmative defense to prosecution under this article if the person is occupying the public right-of-way for the purpose of selling newspapers or publications or other printed material which deal with the dissemination of information or opinion; however, this defense is not available if said act occurred upon the paved surface or shoulder of any public street, highway, or road.

§ 4.225. Public Disclosure.

All applications, whether or not a permit has been issued, shall be a public record and shall be available for inspection by members of the public during regular business hours, and copies may be obtained at cost.”

SECTION 2. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 6. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provides.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this 3rd day of November, 2025.

APPROVED:

ATTEST:

Thomas E. Muir, Mayor

Kelly Edwards, City Secretary

APPROVED TO FORM:

City Attorney