

ORDINANCE NO. 2805

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS BY AMENDING SECTION 10-46 TO PROHIBIT THE DEPOSITING OF HANDBILLS ON PRIVATE PROPERTY WHEN SIGNS ARE POSTED: PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Section 10-46 of the Code of the City of Mesquite, Texas is hereby amended by designating the current section 10-46(b) as 10-46(c) and adding a new section 10-46(b) to read as follows, in all other respects said Chapter and Code to remain in full force and effect:

(b) When a legible sign not less than three (3) inches by four (4) inches in size with letters at least two thirds (2/3) of an inch in height is posted conspicuously upon or near the main entrance to a residence bearing the words "no handbills", "no advertising", "no soliciting" or any similar notice indicating that the occupants of the premises do not desire to be inconvenienced or have their property or privacy disturbed, it shall be unlawful and an offense for any person to distribute or cause to be distributed, deposited or placed any handbill upon a residence so posted.

For purposes of this section, a person is deemed to have caused the distribution, depositing or placing of a handbill if his name appears on the handbill as the solicitor of business or producer of a message, or if he is the owner, manager, or person in control of the business or organization for which the handbills are distributed.


SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to protect the public from unwanted distribution of handbills creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


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DULY PASSED AND APPROVED by the City Council of the City of Mesquite,
Texas, on the 6th day of April, 1992.



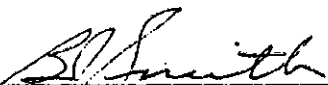
Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney