

ORDINANCE NO. 3082

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY ADDING ARTICLE XI, CHARITABLE SOLICITATIONS ON PUBLIC RIGHTS-OF-WAY; ESTABLISHING PERMIT REQUIREMENTS AND SOLICITATION REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8 of the Code of the City of Mesquite, Texas is hereby amended by adding Article XI to read as follows in all other respects said Code and chapter to remain in full force and effect:

Section 8-827 Definitions

In this Article:

- (1) *Charitable purpose* shall mean the use of money or property for philanthropic, religious, educational, civic, patriotic or other non-profit objectives including:
 - (a) For the benefit of any poor, sick, needy, or disabled person.
 - (b) For the benefit of any church or religious society sect, group or order.
 - (c) For the benefit of any educational institution or program.
 - (d) For patriotic purposes such as the teaching of patriotism.
 - (e) For the benefit of any veterans organization.
 - (f) For the benefit of civic cultural, improvement or beautification programs.
- (2) *Highway or Street* means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.
- (3) *Public right-of-way* shall mean all streets, highways, alleys, and sidewalks within the City dedicated to the use of the public for vehicular and pedestrian passage, including all medians, curbs, shoulders, and sidewalk areas.
- (4) *Roadway* shall mean that portion of a public street or highway other than the berm or shoulder which is improved, designed or ordinarily used for vehicular travel.

- (5) *Solicit or Solicitation* shall mean any request, oral or by other communication, made in person for the donation of money, property or anything of value upon the representation, express or implied, that the donation will be used for a charitable purpose as such term is herein defined.

Sec. 8-828. Unlawful Solicitation

It shall be unlawful for any person to solicit funds or other thing of value on public right-of-way within the City unless the solicitation is for a charitable purpose in connection with a charitable organization, the organization possesses a *Charitable Solicitors Street Permit* issued by the Mesquite Police Department and the charitable solicitation is conducted in compliance with the regulations contained in this article.

Sec. 8-829 Charitable Solicitors Street Permit

- (a) Any organization desiring to use any public right-of-way to solicit funds for charitable purposes shall, prior to conducting any such solicitation, make application for a *Charitable Solicitors Street Permit* at the Mesquite Police Department.
- (b) The application for permit must be made not less than ten (10) working days prior to the date(s) the solicitation is to occur and the permit shall be issued within such time if the following conditions are met:
- (1) The applicant provides all requested information requested in the application.
 - (2) The applicant provides a copy of their § 501(c) certificate.
 - (3) The applicant executes a waiver of liability in favor of the City on a form provided by the City.
 - (4) The applicant furnishes the City with a certificate of insurance complying with the minimum standards established by the City.

Sec. 8-830 Regulations

In addition to the requirement to obtain a *Charitable Solicitors Street Permit*, the following regulations shall apply to all charitable solicitations conducted on public right-of-way:

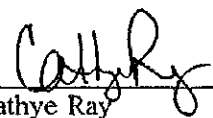
- (a) A *Charitable Solicitors Street Permit* shall be valid only at the traffic intersections named on the permit, and no more than seven (7) intersections may be named on a permit. All soliciting shall take place within 100 feet of the named intersection or within the length of the left hand turn lane, whichever is longest.
- (b) Charitable solicitations shall be conducted only during hours of daylight when the use of headlights on motor vehicles is not required under state law.
- (c) An organization may obtain no more than one *Charitable Solicitors Street Permit* per calendar year (January through December) and a permit shall be issued for no more than three consecutive days.
- (d) Only one organization may be permitted for a particular intersection on a particular day regardless of the nature of the solicitation. First come first serve.
- (e) No person under 18 years of age shall conduct any solicitation in or upon public right-of-way.
- (f) Each person participating in the solicitation of funds under a permit shall wear on their outer clothing, the permit furnished by the City of Mesquite.
- (g) Distribution or selling of any item, or printed literature is prohibited.
- (h) All solicitations must take place from the median. Entering onto the roadway is prohibited.
- (i) Soliciting shall not be permitted on any street or highway designated by the State as a state highway.
- (j) Soliciting shall not be permitted at intersections designated and determined by the City Traffic Engineer, based upon traffic volume and/or configuration, as being high risk intersections. The list of such intersections, and days the prohibition is in effect, shall be available for review at the following locations:
 - 1) The Mesquite Police Department
 - 2) The office of the Traffic Engineer

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.

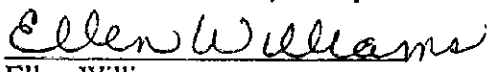
SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health, safety and welfare of the inhabitants of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance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

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of March, 1996.



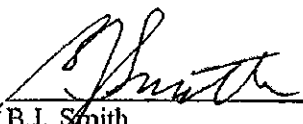
Cathye Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney