

ORDINANCE NO. 3583

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE RELATING TO CHARITABLE SOLICITATIONS ON PUBLIC RIGHTS-OF-WAY BY AMENDING SECTIONS 8-827 AND 8-830 THEREBY CLARIFYING WHERE SUCH SOLICITATIONS ARE PERMITTED; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite, Texas, has determined that it is in the best interest of the City and its citizens to amend Chapter 8 of the Code of the City of Mesquite thereby revising regulations relating to charitable solicitations on public rights-of-way.

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 is hereby amended by deleting Sections 8-827, 8-830(1), 8-830(4) and 8-830(8) in their entirety and adding new Sections 8-827, 8-830(1), 8-830(4) and 8-830(8) to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

- A. Amend Chapter 8 by deleting Section 8-827 in its entirety and adding a new Section 8-827 to read as follows:

Sec. 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 nonprofit 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) *Median* shall mean a barrier within a roadway to exclude vehicles, designed for the purpose of separating or directing streams of vehicular traffic.
 - (4) *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.
 - (5) *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.
 - (6) *Solicit or solicitation* shall mean any request, oral or other communication, made in person for the donation of money, property or anything of value.
- B. Amend Chapter 8 by deleting Sections 8-830(1) in its entirety and adding a new Section 8-830(1) to read as follows:

Sec. 8-830. Regulations.

- (1) A charitable solicitors street permit shall be valid only at the traffic intersections named on the permit and no more than seven 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 shortest.

- C. Amend Chapter 8 by deleting Section 8-830(4) in its entirety and adding a new Section 8-830(4) to read as follows:

Sec. 8-830. Regulations.

- (4) Only one organization may be permitted for a particular intersection on a particular day regardless of the nature of the solicitation. First come - first served.

- D. Amend Chapter 8 by deleting Section 8-830(8) in its entirety and adding a new Section 8-830(8) to read as follows:

Sec. 8-830. Regulations.

- (8) All charitable solicitations must take place from the median or other public right-of-way other than the roadway. Soliciting from the roadway is prohibited.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. 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.

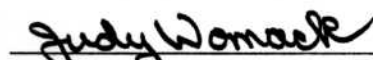
SECTION 5. That the present ordinances of the City of Mesquite are in need of revision to clarify where charitable solicitations are permitted on public rights-of-way creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall 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 2nd day of June, 2003.



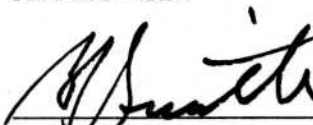
Mike Anderson
Mayor

ATTEST:



Judy Wornack
City Secretary

APPROVED:



B. J. Smith
City Attorney