

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2024-09-16-02

AN ORDINANCE AMENDING TITLE 1: GENERAL ORDINANCES; CHAPTER 6 BUSINESS REGULATIONS; ARTICLE 6.03 SOLICITORS AND APPENDIX; APPENDIX A FEE SCHEDULE; ARTICLE A4.000 BUSINESSES; SECTION A4.002 SOLICITING; AND PROVIDING FOR PENALTY, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lakeway, Texas, (the Council) has, within its police powers, the right to protect the public health, safety, welfare, and the general well-being of its citizens; and

WHEREAS, the City Council recognizes the need to update the Code of Ordinances to amend the current solicitation ordinance to include signage, time limit and no visit list; and

WHEREAS, the Council has determined it is necessary to update its fee ordinance regarding the administration fee required for processing a solicitation permit of the Municipal Code;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Title I (General Ordinances), Chapter 6 (Business Regulations), Article 6.03 (Solicitors), and Appendix, Appendix A (Fee Schedule), Article A4.000 (Businesses), Section A4.002 (Soliciting) is hereby amended as follows:

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§ 6.03.002. "No visit" list.

~~The BDS department shall maintain a list of addresses within the city where visiting is not allowed (including their leasehold, in the case of a tenant) by peddlers, solicitors and canvassers. The~~

~~BDS department shall provide a form to assist residents in expressing their preferences regarding unsolicited visits. This "no visit" list shall be a public document, and shall be reproduced on the city's web site and available for public inspection and copying. A copy of the "no visit" list shall~~

be provided to each applicant for and each recipient of a license. (Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.003002. Notice regulating soliciting.

- (a) Every resident desiring to prohibit peddlers, solicitors, or canvassers from entering upon their property to seek an audience with them shall install a sign upon or near the main entrance door to the residence indicating the determination by the occupant to not be disturbed by peddlers, solicitors or canvassers, using phrases such as **“NO SOLICITING”** or **“NO SOLICITORS INVITED.”**
- (b) Such sign so exhibited shall constitute sufficient notice to any peddler, solicitor, or canvasser of the determination by the occupant of the residence to prohibit peddling, soliciting, or canvassing activities.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.004003. Duty of peddlers, solicitors and canvassers.

- (a) It shall be the duty of every peddler, solicitor, and canvasser upon going onto any premises in the city upon which a residence as herein defined is located, to first examine the notice provided for in this article, if any is attached, and be governed by the statement contained on any notice. If the notice indicates that the residents do not wish to be disturbed, then the peddler, solicitor, or canvasser, whether registered or not, shall immediately and peacefully depart from the premises and shall not leave any material, merchandise or literature whatsoever on the premises.
- (b) Any peddler, solicitor or canvasser on private property, or who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the property owner or occupant.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.005004. Uninvited visitation prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for a peddler or solicitor to go upon any premises and ring the doorbell upon or near any door, or to knock or otherwise create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant, in defiance of the notice exhibited at the residence in accordance with the provisions of this article. (Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.006005. Time limit on soliciting, peddling, or canvassing.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of

securing an audience with the occupant thereof prior to 9:00 a.m. or after ~~8:00~~ 6:30 p.m. of any day, except when the peddler, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any property. (Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.~~007~~006. Distribution of handbills and commercial flyers.

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers in the city shall observe the following regulations:

- (1) No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way.
- (2) No handbill or flyer shall be left at or attached in any way to a vehicle.
- (3) Handbills or flyers that are left on private property must be placed in such a manner as to prevent such handbill or flyer from being blown about. Mailboxes may not be used for such purpose.
- (4) No handbill or flyer shall be placed at or attached to any privately owned property in a manner that causes damage to such privately owned property.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.~~008~~007. Solicitation in public right-of-way.

- (a) A person may solicit for a charitable or political purpose in or upon the public right-of-way, except those areas prohibited in this article.
- (b) A person may conduct solicitation in or upon the public right-of-way, except those areas prohibited in this article, if the solicitor has obtained a license or who is a member of an organization that has obtained a license.
- (c) Solicitation for any purpose in the public right-of-way shall be conducted only during the hours of daylight, specifically one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset.
- (d) It shall be unlawful for a person younger than eighteen (18) years of age to solicit in the public right-of-way.
- (e) It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway unless the solicitor has been granted authorization pursuant to section 552.0071 of chapter 552 of the Texas Transportation Code.
- (f) It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway of residential streets so that their presence impedes the flow of traffic.
- (g) It shall be unlawful for a person to solicit in the public right-of-way that is within 1,000 feet of any public or private elementary or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when such school is in session. The measurement of the distance shall be made from the nearest property line of the public or private elementary or secondary school.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.009008. Solicitation in specific public rights-of-way prohibited.

Due to safety concerns, it shall be unlawful for any person to solicit or to distribute handbills at any time in the public rights-of-way, with or without a license, along any portion of RR 620, SH 71, Main Street, Birrell Street, Stewart Road, Clara Van Drive, Lakeway Boulevard, Lakeway Drive, Lohmans Crossing Road, Rough Hollow Drive, Highlands Boulevard, Serene Hills Drive, Flint Rock Road, Flintrock Trace, Aria Drive or Dave Drive. (Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.010009. Fee.

The city council shall by resolution or ordinance set a fee for the issuance of licenses of registration. (Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.011010. Penalty.

Any person who violates any provision of this article or fails to observe any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00). Every day the violation continues and every occurrence or the doing of any act or thing prohibited, or the neglect or refusal to do any act or thing required by this article, shall constitute a separate offense. It shall not be necessary for the complaint to allege or for proof to be made that the act was knowingly done, nor shall it be necessary for the complaint to negate any exception contained in this article concerning any prohibited act, but any such exception made herein may be urged as defense by any person charged by such complaint.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.012011. Enforcement.

The police department and building and development services department are hereby authorized to enforce this article, including but not limited to, the issuance of citations and the revocation of licenses.

(Ordinance 2018-12-17-02 adopted 12/21/18)

§ 6.03.013012. through § 6.03.030. (Reserved)

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§ 6.03.032. Exceptions.

- (a) This article shall not apply to a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer.
- (b) This article shall not apply to students who are enrolled in a ~~Lake Travis Independent School District school~~ **public** or a private school and are selling or soliciting under the direction and with the approval of the governing board of the school district or private school, provided

such persons are supervised by a person 18 years or older and ~~provided they respect the city's "no visit" list.~~

(Ordinance 2018-12-17-02 adopted 12/21/18)

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§ 6.03.037. Validity.

Unless revoked, a license shall be valid within the meaning of this article for a period of ~~ninety (90) days~~ **one-year** from its date of issuance, except that a license for an itinerant vendor or hawker shall be valid for a period of forty-five (45) days from its date of issuance. The license shall state the expiration date thereof.

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A4.002 Soliciting.

(a) Each company required to obtain a solicitor's license pursuant to the city's solicitors ordinance shall pay an application fee of \$200.00 at the beginning of each ~~ninety (90) day~~ **one-year** period. Each person who is soliciting shall pay a \$50.00 fee at the beginning of ~~each ninety (90) day~~ **one-year** period.

(b) Permit fees are waived for those corporations created under section 501(C)(3) of the Internal Revenue Code.

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3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

4. GENERAL REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED & APPROVED this 16th day of September, 2024, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Thomas Kilgore, Mayor

ATTEST:


Desiree Adair, City Secretary

