

Memorandum



CITY OF DALLAS

DATE January 20, 2012

Honorable Members of the Quality of Life & Government Services Committee:
TO Angela Hunt (Chair), Sandy Greyson (Vice Chair), Mónica Alonzo, Dwaine Caraway,
Carolyn R. Davis

SUBJECT Home Solicitation Ordinance Briefing

Attached you will find material for the Home Solicitation Ordinance briefing that will be presented to the committee by the City Attorney's Office on Monday, January 23, 2012.

If you have any questions or require additional information, please let me know.

A handwritten signature in black ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Rosa A. Rios, Acting City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
C. Victor Lander, Administrative Judge
A.C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Stephanie Cooper, Assistant to the City Manager

Amendments to “Anti-Litter” and
“Home Solicitation” Regulations

ANTI-LITTER REGULATIONS

CHAPTER 7A, DALLAS CITY CODE

I. Current Requirements:

- Handbilling is prohibited on uninhabited or vacant private premises.
- Handbilling is prohibited when requested not to by a person on the premises or where a sign states no handbills or no solicitors.
- Where handbilling is not prohibited, handbills must be handed directly to an occupant of the premises or deposited in a manner that prevents them from blowing away. Mailboxes may not be used for handbills.
- Requirements apply to commercial and noncommercial handbills.

ANTI-LITTER REGULATIONS CHAPTER 7A, DALLAS CITY CODE

II. Possible Amendments:

- Provide that the person “causing” an unlawful handbill distribution commits an offense in addition to the person actually distributing the handbills.
- Add a presumption that the person named in a handbill is responsible for a handbill violation.
- Provide defenses to prosecution if the handbill was delivered by the U.S. Post Office or a private courier service, was an official legal notice, or was delivered at the occupant’s request.

HOME SOLICITATIONS
CHAPTER 42, DALLAS CITY CODE
(Possible Amendments)

I. General Provisions:

- Registration is required for persons conducting home solicitations, whether personally or through an employee or agent.
- Purpose is to prevent criminal activity (including burglary and fraud) and to minimize the unwelcome disturbance of citizens or disruption of privacy.
- “Home Solicitation” means the business of soliciting, selling, or taking orders for goods or services or distributing commercial printed matter on residential premises.
- Defenses are provided, including for educational, charitable, religious, or political solicitations; solicitations conducted at the invitation of the property owner or occupant; and newspaper sales requested by the property owner or occupant.
- Before taking any enforcement action, a police officer or code inspector must inquire as to the reason for the person being on the premises and consider whether a defense applies.
- Violators may be fined up to \$500.

HOME SOLICITATIONS
CHAPTER 42, DALLAS CITY CODE
(Possible Amendments)

II. Certificate of Registration:

- If applicant is a company, application must include:
 - Name, address, and telephone number of the company and its officers.
 - Date and place of establishment of the business.
 - Name, address, and telephone number of each solicitor working for the applicant.

- If the applicant is an individual, application must include:
 - Applicant's name, address, telephone number, date of birth, and driver's license (or ID card) number.
 - Names, addresses, and telephone numbers of applicant's employers, employees, and agents.
 - Current photograph of applicant.
 - Names of other communities where applicant has worked as a home solicitor.
 - Description of the goods or services solicited.
 - Dates, times, locations, and methods of solicitations.
 - Applicant's criminal history and authorization for city to obtain a criminal history report.
 - Proof of any required licenses or permits to operate the business.

HOME SOLICITATIONS
CHAPTER 42, DALLAS CITY CODE
(Possible Amendments)

II. Certificate of Registration (cont'd):

- Nonrefundable registration fee will be charged (amount to be determined).
- Certificate of registration expires one year after issuance and is non-transferable.
- Director must be notified of any material changes in initial registration information, including changes in registrant's employer, employees, or agents; changes in the goods and services solicited; or changes in dates and locations of solicitations.
- Certificate of registration must be issued within 30 days after application unless applicant:
 - Provided false information.
 - Was convicted of homicide, kidnapping, specified sexual offenses, specified assaults, robbery, burglary, or theft or fraud committed while soliciting and less than two years for a misdemeanor (or five years for a felony) have elapsed since the conviction or release from confinement.
 - Failed to meet other specified qualifications.

HOME SOLICITATIONS
CHAPTER 42, DALLAS CITY CODE
(Possible Amendments)

II. Certificate of Registration (cont'd):

- Upon issuance of a certificate of registration, each registrant will be issued an identification badge which must be displayed while conducting home solicitations.
- A certificate of registration may be suspended or revoked for violations. After revocation, a person must wait 90 days to one year before being issued another registration.

III. Home Solicitation Requirements:

- Home solicitations are prohibited before 9 a.m. or after sunset any day, Monday through Saturday, and any time on Sunday and specified holidays, unless at the occupant's request.
- Home solicitors must not enter premises posted with signs stating no soliciting, trespassing, or handbills, unless at the occupant's request.
- Only front entrances to premises may be used for home solicitations.
- Registrants must maintain records relating to solicitors working for them.