

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE PROVISIONS OF CH. 21 ART. 1 SEC 21.6 OF THE CODE OF ORDINANCES “PROHIBITED ACTS” TO INCLUDE AN OFFENSE TITLED “AGGRESSIVE SOLICITATION” OUTLINING PROHIBITED ACTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is amending Ch. 21 Section 21-6. title from “Section 21-6. Prohibited Acts” to “Section 21-6. Prohibited Acts: Aggressive Solicitation”; and

WHEREAS, the City is amending Ch. 21 Section 21-6. by incorporating Part A. Definitions including definitions for “Aggressive Manner” and “Solicit or solicitation” and by outlining prohibited acts; and

WHEREAS, the City is amending Ch. 21 Section 21-6. by incorporating Part B. outlining prohibited acts and providing for a penalty; and

WHEREAS, the City Council of the City of Denton, finds that it is in the best interest of public safety to prohibit aggressive solicitation; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Ch. 21 Section 21-6 of the Code of Ordinance is hereby amended as attached hereto. The attached ordinance shall replace and supersede any previous Ch. 21 Section 21-6. Prohibited Acts adopted by the City Council.

SECTION 2. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a Class “C” misdemeanor and fined a sum not to exceed five hundred dollars (\$500.00) for each violation.

SECTION 5. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances.

SECTION 6. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of this passage and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2023.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____
Digitally signed by Marcella Lunn
DN: cn=Marcella Lunn, o, ou=City
of Denton,
email=marcella.lunn@cityofdenton
.com, c=US
Date: 2023.05.31 09:01:43 -05'00'

Sec. 21-6. Prohibited acts: Aggressive Solicitation

A. Definitions: The following words and phrases used in this section shall have the following meanings unless a different meaning clearly appears from the context:

AGGRESSIVE MANNER: To:

1. Intentionally make any nonconsensual physical contact with another person in the course of a solicitation; or
2. Approach or follow the person being solicited in a manner that is intended to cause a reasonable person to be intimidated into responding affirmatively to the solicitation for fear of imminent bodily harm to oneself or another; or damage to or loss of property; or
3. Continuing to solicit within five feet (5') of the person being solicited after the person has given or expressed a negative response, if continuing the solicitation is intended to cause a reasonable person to be intimidated into responding affirmatively to the solicitation for fear of imminent bodily harm to oneself or another, or damage to or loss of property; or
4. Intentionally obstruct the safe or free passage of the person being solicited, causing the person, including a person operating a vehicle, to move from his or her intended path to avoid reasonably imminent nonconsensual physical contact with the person making the solicitation; or
5. Make any threatening statement or gesture immediately before or during the solicitation or after a refusal to make a donation intended to cause a reasonable person to be intimidated into responding affirmatively to the solicitation for fear of imminent bodily harm to oneself or another, or damage to or loss of property.

SOLICIT OR SOLICITATION: To request, ask or beg, whether by words, bodily gestures, signs or other means, for an immediate performance, donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation.

B. Prohibited Acts; Penalty: It shall be unlawful for a person to solicit in an aggressive manner. Any person violating this section may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.

(Ord. No. 2004-105, § 1, 4-6-04)