



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** LEGAL

**CM/ DCM/ ACM:** Jerry Drake

**DATE:** August 2, 2017

### **SUBJECT**

Consider adoption of an ordinance of the City of Denton, Texas, Amending the Provisions of Chapter 16 relating to licenses, permits, and business regulations by amending section 16-73 to change the hours for home solicitation; providing a savings clause; providing for a penalty not to exceed \$500 for violations of the ordinance; and providing for an effective date.

### **BACKGROUND**

On June 15, 2017, the City Attorney's Office received a letter from a Dallas law firm claiming that the City of Denton's curfew for hours of home solicitation is unconstitutionally restrictive. Section 16-73 of the City of Denton Code of Ordinance restricts hours for home solicitation to after 9:00 a.m. and before 6:00 p.m., Monday through Saturday. There is no time restriction if the visit to the home was made by request or appointment from an occupant or resident of the home. The Dallas firm alleges that the time restriction is overly restrictive and is not constitutional because it unreasonably limits the hours for home solicitation. The law firm cites several Supreme Court and federal cases which invalidated 6:00 p.m. curfews. The courts have invalidated ordinances with early evening curfews for constitutional claims. Federal courts in other jurisdictions have found that 6:00 p.m. restrictions on curfews are unconstitutional limitations on the First Amendment's freedom of speech.

Section 16-73 was amended in 2004. There is no record that the company represented by this Dallas firm has ever been cited for a violation of the home solicitation hours. In fact, there is no indication that any home solicitor has been cited for violating the curfew. The law firm has offered to work with the City of Denton to resolve this matter short of litigation.

### **OPTIONS**

1. Leave the ordinance with the 6:00 p.m. curfew in effect.
2. Amend the ordinance to extend the hours in the evening to 9:00 p.m.
3. Amend the ordinance to extend the hours in the evening to the earlier of dusk or 9:00 p.m.

### **RECOMMENDATION**

Amend the ordinance to extend the hours for home solicitation in the evening to 9:00 p.m.

**ESTIMATED SCHEDULE OF PROJECT**

N/A

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

N/A

**FISCAL INFORMATION**

N/A

**BID INFORMATION**

N/A

**STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:** Choose an item.

**Related Goal:** Choose an item.

**EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Ordinance

Respectfully submitted:  
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