



CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST

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2010 APR -5 PM 2:13

TO: Mayor & City Council

FROM: City Councilmembers John G. Clamp and Elisa Chan

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Catherine Hernandez, Interim Executive Assistant to the City Manager; Chris Callanen, Assistant to City Council; Michael Bernard, City Attorney; Ramiro Gonzales, Senior Management Analyst

SUBJECT: Review and Assess to Strengthen of Article IX of the City Ordinance relating to Peddlers, Hawkers, Canvassers and Solicitors.

DATE: April 1, 2010

Issue Proposed for Consideration

We ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

We respectfully ask for your concurrence in supporting a review of the current manner in which the city deals with solicitors.

Brief Background

A number of neighborhood associations have requested that our offices review and strengthen the city's ordinance regarding door-to-door peddlers. Their concerns stem from an increase in strangers in residential neighborhoods and a rise in property crime in general. To determine if residents are home, criminal elements use the practice of door-to-door peddling as a first step to a burglary or theft.

After reviewing the current ordinance, we propose that city staff review the exceptions within the ordinance for applicability. Currently, the exceptions read as follows:

**Sec. 16-237. Exceptions to article.**

- (a) This article is not to be construed as prohibiting or limiting the distribution or sale of religious publications, newspapers, handbills or other written or printed matter sold or distributed for the purpose of disseminating information or news on sidewalks or in any public place.
- (b) This article is not to be construed as prohibiting "house-to-house" peddling or canvassing.
- (c) This article is not to be construed as requiring the licensing of canvassers engaged solely in interstate commerce.
- (d) Any person who peddles any food or beverage for human consumption shall not be subject to the licensing provisions of this article, but must be licensed for such peddling by the health department as provided in chapter 13 of this Code.

As part of the review process, we also propose that the City consider implementing a similar ordinance to that passed by the City of Alamo Heights. That ordinance prohibits solicitors to place door hangers or pamphlets on a property without the permission of the property owner.

Below is the ordinance passed by the City of Alamo Heights in 2009:

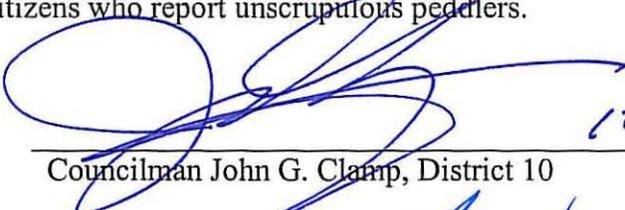
**Sec. 10-7. Signs and advertisements not to be placed on private property without permission of property owner.**

No person shall place, attach, paint, write, stamp, paste, throw, drop, hurl or otherwise put any sign, advertisement or other matter upon any house, wall, fence, gatepost, gate, tree box, yard or driveway on private property without first having obtained the written permission of the owners, agents, or occupants of the premises and having complied with the provisions of this article.

(Code 1965, § 3-21; Ord. No. 1803, 1-12-09)

By limiting the exceptions to Article IX and the additional safeguards that can prohibit or limit material placed on a residence or business, the city can take steps in addressing property crimes and enforce calls by citizens who report unscrupulous peddlers.

Submitted for Council consideration  
by:

  
\_\_\_\_\_  
Councilman John G. Clamp, District 10

  
\_\_\_\_\_  
Councilwoman Elisa Chan, District 9

Supporting Councilmember's Signatures (3 only)

District No.

1.  \_\_\_\_\_

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