

AN ORDINANCE 2010-12-16-1089

**AMENDING CHAPTER 21, ARTICLE I, OF THE CITY CODE
ALLOWING CITIZENS TO CHOOSE WHETHER OR NOT TO
RECEIVE DOOR-TO-DOOR ADVERTISEMENTS AND
EXPANDING ENFORCEMENT EFFORTS AGAINST
UNAUTHORIZED ADVERTISING ON PRIVATE PROPERTY.**

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WHEREAS, advertising and handbill distribution on private property by unscrupulous solicitors is an issue of major concern to the City of San Antonio and its citizens because the problem impacts every sector of the City and the health and safety of its citizens;

WHEREAS, the amendment, in conjunction with city department initiatives, and continued policing, will increase the City's ability to combat criminals using door-to-door advertising as a cover for burglary or theft; and

WHEREAS, this amendment makes it unlawful for persons to place handbills on private property where the owner or occupant has indicated a desire to not received such handbills; and

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 21, Article I, of the City Code of San Antonio, Texas is hereby amended to expand enforcement efforts against unscrupulous solicitors on private property; additions are signified by underline, deletions are signified by ~~strikeout~~ text as follows:

Section 21-3: Advertising on public or private property.

- (a) It shall be unlawful for any person to paint, print, stamp or indent letters, words or figures, on any fence, tree, post, building, wall, sidewalk or bridge in this city, or to post bills on any fence, building, walk, sidewalk, or bridge in this city, without having first obtained the consent of the parties owning or controlling the same.
- (b) It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered or cast any handbill upon any private property if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous place upon or near the main entrance to the premises, a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words "no solicitation," "no advertisements," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do

not desire to have any such handbills left upon their premises. The letters on such cards shall be not less than two-thirds (2/3) of an inch in height.

(c) This section does not apply to any department, branch or agency of federal, state, or municipal government and any religious, political or charitable handbills.

SECTION 2. Only warning citations may be issued for the first 60 days following the effective date of this Ordinance so that an educational effort by the City of San Antonio may be conducted to inform the public about the importance and requirements of this new Ordinance.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

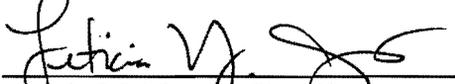
SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. This Ordinance shall take effect 5 days from the date of publication in accordance with Section 4 above.

PASSED AND APPROVED this 16th day of December, 2010.


M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 32

Name:	32						
Date:	12/16/2010						
Time:	03:48:02 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 21-3 of the City Code of the City of San Antonio entitled "Advertising on public or private property" in order to give a citizen an avenue to restrict the distribution of advertisements on their property where "No Solicitation" or similar notices are displayed. [T.C. Broadnax, Assistant City Manager; David D. Garza, Director, Code Enforcement Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x			x	

Amendment to Chapter 21-3 Advertising on Public and Private Property

**Agenda Item #32
December 16, 2010**

Issue

- **Council Consideration Request (CCR) to amend City Code Chapter 16 regarding peddlers to not allow door-to-door solicitations in order to curtail potential criminals using such solicitation as a cover for burglary or theft**

Background

- **On September 8th City staff briefed the Public Safety Committee on recommended alternative**
 - **Amend Chapter 21-3 of the City Code to restrict distribution of handbills by allowing property owners avenue to restrict such distribution when “No Solicitation” type notices are displayed**
- **Additional information was provided to the Committee on October 13th**

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Legal Issues

- **General prohibition on door-to-door solicitation unconstitutional**
 - **Ordinance must be narrowly tailored to serve significant governmental interest and leave open ample channels for communication of the information**
- **Ordinance provides property owners avenue to express and protect choice and right to control activity preferred**

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Enforcement Process

- **“No Solicitation” type signs required**
 - In English; in addition, signs could be posted in Spanish
 - Not less than 3 X 4 inches
 - Placed in conspicuous place near main entrance
- **Police Department to enforce**
 - Requires a homeowner’s complaint
 - Calls not priority
 - Cases filed with City Attorney’s Office
- **Violations are Class C misdemeanors**
 - Subject to fines up to \$500

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Education Efforts

- **Police and Code Enforcement Services Departments to complete a public education campaign prior to implementation**
 - Outreach and education campaign recommended for a 60-day period
 - Neighborhood Association meetings
 - TVSA and Website
 - Homebuyer’s Club

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Recommendations

- **Amend City Code 21-3 giving citizens avenue to restrict distribution of advertisements on their property where “No Solicitation” type signs displayed**
 - **Would not apply to federal, state or local governments; or religious, political or charitable handbills or advertisements**
- **Delay effective date by 60 days to allow for outreach and education campaign**

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