



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 5873**

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**File Number: 2016-0205**

**AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION:**

AN ORDINANCE TO AMEND CHAPTER 116: DOOR TO DOOR SOLICITATION OF THE FAYETTEVILLE CODE BY REPEALING § 116.01, ENACTING A REPLACEMENT § 116.01 AND BY AMENDING THE DEFINITION OF SOLICITOR IN § 116.02 (A) (4)

**WHEREAS**, the owners and residents of private residences in Fayetteville have constitutional rights to occupy and control their private homes and prohibit uninvited and unwelcome private citizens from disturbing the quiet enjoyment of their private residences and from invading their constitutional privacy rights; and

**WHEREAS**, if the owner or resident of a private residence conspicuously posts “No Soliciting,” “No Trespassing” or similar warning sign in a conspicuous location near the usual means of ingress onto the residential property or on or near the front door of the residence, a solicitor or peddler who ignores such sign and goes upon the private residential property has committed an intentional trespass and violation of the home owner’s or resident’s constitutional rights of privacy and property; and

**WHEREAS**, no person’s right to the free exercise of their religion or their free speech is superior to a private home owner’s constitutional right of privacy at his or her residence and constitutional right to control their own private property to the exclusion of other private citizens; and

**WHEREAS**, § 116.02 (A) (4) *Solicitor* needs to include within its definition a person who requests or accepts donations so homeowners will be protected from not only those seeking to sell magazines or other merchandise, but also those soliciting donations of money.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**

**FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.01 in its entirety and enacts a replacement § 116.01 as follows:

**“§ 116.01 Going Upon Private Residential Property**

(A) *Honoring Fayetteville Citizens' Private Property And Privacy Rights.*

No solicitor or peddler not invited by the owner or legal tenant of a private residence shall enter upon such private residence, knock on the door, ring the doorbell or otherwise attempt to gain admittance or ask questions or converse with the private residence's occupant(s) if the owner or legal tenant has posted at or near the entry of the residence or conspicuously placed at or near the usual means of ingress toward the home, a sign or decal bearing the words “no soliciting”, “no trespassing” or other words of similar import.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02

(A) (4) by repealing the first sentence in its entirety and enacting the following to replace that first sentence:

“(4) *Solicitor* means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose:

(a) of taking or intending to take orders for the sale of services or the sale of goods, magazines, wares, merchandise or other personal property of any nature; or

(b) of seeking or accepting donations or making any other requests for money or other things of value.”

The remaining second sentence of §116.02 (A)(4) shall be included as a new subsection (c).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 116.02

(B) by renaming this subsection “*Obtaining ‘no soliciting’ ‘decal or sign’*” and amending the first sentence to read: “The Planning Department shall provide any resident of the city a decal or sign which reads ‘no soliciting.’”

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals §116.02 (F) *Penalty* and enacts the following replacement section:

“(F) *Penalty.* A violation of §116.01 and §116.02 (E) (2) and (8) shall support a homeowner's or lawful tenant's right to seek a charge of criminal trespass from the City Prosecutor. A violation of any other provision in §116.02 shall be punishable pursuant to §10.99 of the

Fayetteville Code.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 116.02 (H) and (I), enacts a replacement (H) as shown below and re-letters (J) to (I):

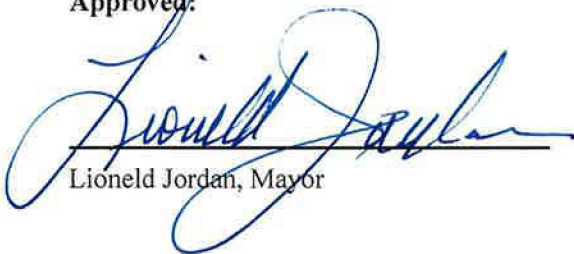
“(H) *Exemptions for free speech rights and for Fayetteville children through High School senior status.*

(1) As long as a person is not acting as a solicitor or peddler and is exercising only free speech rights, the person shall be exempt from all permitting requirements and prohibitions of this section, but should honor the reasonable time limits of (E) (3) and must obey a homeowner’s or tenant’s request to leave pursuant to (E) (8).

(2) Fayetteville children through high school senior status must abide by the restrictions found in (E)(2)(3)(4) and (8) but are otherwise exempt from the remainder of this chapter.”

PASSED and APPROVED on 5/17/2016

Approved:

  
Lioneld Jordan, Mayor

Attest:

  
Sondra E. Smith, City Clerk Treasurer