

**CITY OF THE COLONY, TEXAS**

**ORDINANCE NO. 2024 - 2584**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING CHAPTER 15, ENTITLED “PEDDLERS AND SOLICITORS” BY REPEALING SECTIONS 15-11 AND 15-12 REGARDING “SOLICITATION AND HANDBILL DISTRIBUTION” AND REPLACING IT WITH NEW SECTIONS 15-11 AND 15-12 BY ADDRESSING HANDBILL DISTRIBUTION ON PRIVATE PROPERTY AND FAILURE TO COMPLY WITH NO TRESPASS SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of The Colony, Texas, has discussed and considered such revisions and has determined that it is in the best interest of the City to amend Chapter 15 of the Code of Ordinances, entitled “Peddlers and Solicitors” by adding a new Sections 15-11 and 15-12 by addressing handbill distribution on private property and the failure to comply with no trespass signs within the City of The Colony, Texas.

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That Chapter 15 of the Code of Ordinances of the City of The Colony, Texas, entitled “Peddlers and Solicitors” is hereby amended by repealing sections 15-11 and 15-12, and replacing it with new sections 15-11 and 15-12, which shall read as follows:

**“Sec. 15-11. Handbill distribution on private property.**

- (a) It shall be unlawful for any individual, handbill distributor and/or handbill sponsor, to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property except by handing or transmitting such handbill directly to the owner, occupant, or any other person then present in or upon such private premises or by placing or depositing the same in a manner to secure to prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
- (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 residential property if requested by anyone thereon not to do so, or if there is a no trespass(ing) sign placed on such premises in a

conspicuous place upon or near the main entrance to the residence or a sign giving notice indicating in any manner, that the occupants of such premises do not desire to be solicited. A no trespass(ing) sign shall be sufficient if it is weatherproof, not less than three (3) inches by four (4) inches in size, and bears the words "no trespassing" or "no trespass" with letters not less than two-thirds ( $\frac{2}{3}$ ) of an inch in height.

- (c) It shall be unlawful for any person or organization to attach or place any handbill on any motor vehicle on private or public property.
- (d) The name and contact phone number of the commercial handbill distributor or sponsor shall be clearly printed on each handbill or other advertisement that is distributed.

**Sec. 15-12. Failure to comply with no trespass sign.**

It shall be unlawful for any person to go upon any residential premises uninvited and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if there is a no trespass(ing) sign placed on such premises or a sign giving notice indicating in any manner, that the occupants of such premises do not desire to be solicited which is placed in a conspicuous place upon or near the main entrance to the residence. A no trespass(ing) sign or other sign shall be sufficient if it is weatherproof, not less than three (3) inches by four (4) inches in size, and bears the words "no trespassing", "no trespass" or "no solicitation" with letters not less than two-thirds ( $\frac{2}{3}$ ) of an inch in height."

**SECTION 3.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto 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; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 6.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS THE 6<sup>th</sup> day of NOVEMBER, 2024.**

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/s/Richard Boyer, Mayor  
City of The Colony, Texas

**ATTEST:**

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/s/Tina Stewart, TRMC, CMC, City Secretary

**APPROVED AS TO FORM:**

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/s/Jeffrey L. Moore, City Attorney