

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AMENDING THE SURPRISE MUNICIPAL CODE CHAPTER 26, ESTABLISHING A SOLICITATION ORDINANCE.

WHEREAS, the Mayor and City Council desire to regulate peddling and solicitation within the City in a manner so as to ensure to the residents the maximum amount of privacy and security in their own homes that is permissible in light of court decisions mandating certain types and amounts of access to residential areas by peddlers and solicitors; and

WHEREAS, the Mayor and City Council of the City of Surprise find and determine that it is in the best interest of the community that persons who are engaged in the business of door-to-door solicitation be subject to regulations for the health, safety and welfare of the community;

NOW THEREFORE, BE IT ORDAINED by Mayor and City Council of the City of Surprise as follows:

Sec. 26-220 Definitions.

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) *Canvasser* means a person who attempts to make personal contact with the occupant of any residence without prior specific invitation or appointment, for the primary purpose of:
 - (1) Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or
 - (2) Distributing a handbill or flyer advertising a noncommercial event or service.
- (b) *Solicitor* means a person, business, or entity who attempts to make contact with an occupant of a residence either personally or through the use of a handbill or flyer without prior specific invitation or appointment for the primary purpose of advertising a sale, commercial event, service, and/or attempting to sell a good or service.

Sec. 26-222 Solicitation.

- (a) *Impermissible Solicitation*. No person, business, or entity shall act as a solicitor at any residence where there is a sign indicating "No Solicitation" or "No Soliciting".

(b) *No Solicitation Signs.* Signs indicating "No Solicitation" or "No Soliciting" shall be clearly legible and attached to or in close proximity to the home address numbers as practical. The sign shall be legible from a distance of 20 feet.

(c) *Limitations.*

(1) All handbills, flyers, and advertising shall only be left at the front door.

(2) While canvassing or soliciting, no person shall intentionally or deliberately obstruct the free movement of any person on any street, sidewalk or other place.

Sec. 26-221 Exemptions. The provisions of this Article shall not apply to:

(a) Canvassers as defined in Section 26-220 above.

(b) Solicitations made upon premises owned or occupied by the organization or person on whose behalf such solicitation is made.

(c) Any person collecting a debt or payment required by law to be collected or paid.

(d) Employee of a federal, state or local government in the performance of his or her official duties.

(e) Employee or agent of a public utility in the performance of duties required by federal, state or local law, or to communicate service interruptions or similar notices to the public.

(f) Solicitations made by or on behalf of an organization or association to its own members or employees.

Sec. 26-224 Penalties.

Any violation of any provision of this Article may be designated as a civil or criminal violation pursuant to Chapter 2, Article VI of this Code.

PASSED AND ADOPTED this 12 day of April, 2011.

L. E. Truitt, Mayor

Attest:

Approved as to form:

Sherry A. Aguilar, City Clerk

Michael D. Bailey, City Attorney

Yeas: Council Members: Alton, Wolcott, Williams, Villanueva and Woodard

Nays: Mayor Truitt and Vice Mayor Hall