

**CITY OF BEDFORD, TEXAS
ORDINANCE NO. 2025-3440**

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING, IN ITS ENTIRETY, CHAPTER 90, "PEDDLERS AND SOLICITORS," AND REPLACING WITH A NEW CHAPTER 90, "PEDDLERS AND SOLICITORS," OF THE CODE OF ORDINANCES, CITY OF BEDFORD, TEXAS, PROMULGATING REGULATIONS GOVERNING THE ACTIVITIES OF SOLICITORS, CANVASSERS, AND HANDBILL DISTRIBUTORS; REQUIRING A PERMIT FOR CERTAIN ACTIVITIES RELATED TO SAME; PROVIDING FOR ENFORCEMENT MECHANISMS RELATED TO SAME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford, Texas (the "City"), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council has determined that in order to prevent and deter deceptive practices and fraud, it is necessary to require door-to-door solicitors to register and to regulate those activities; and,

WHEREAS, the City Council has determined that solicitation, canvassing and handbill distribution at residences and other private property at certain times and under certain circumstances greatly intrudes on the privacy and personal property rights of the citizens of Bedford and can result in litter; and,

WHEREAS, it is the intent of the City Council to not infringe on any rights protected by First and Fourteenth Amendments to the United States Constitution; and,

WHEREAS, in light of the foregoing, the City Council now deems it advisable and necessary to amend the current regulations concerning solicitation within the City in order to protect the public health, safety and general welfare of the citizens of the City of Bedford, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, THAT:

SECTION 1.

The findings above are found to be true and correct and are incorporated herein in their entirety.

SECTION 2.

The Code of Ordinances of the City of Bedford, Texas, as amended be the same is, hereby amended by repealing Chapter 90 "Peddlers and Solicitors" in its entirety and replacing with a new Chapter 90, "Peddlers and Solicitors" which shall read as follows:

"Chapter 90 PEDDLERS AND SOLICITORS

ARTICLE I. - IN GENERAL

Sec. 90-1. - Purpose.

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The purpose of this chapter is to provide for the general health, public safety and welfare, comfort, convenience and protection of the city and the residents of the city by:

- (1) Prohibiting door-to-door solicitation activity, canvassing activity and handbill distribution at residences during the times when such activity is most intrusive and disruptive to citizens' privacy;
- (2) Regulating the manner in which any solicitation activity, canvassing activity or handbill distribution may occur to promote good order, prevent litter and protect citizens from aggressive and intimidating practices; and
- (3) Requiring solicitors and handbill distributors to register with the city and obtain permits to aid in crime detection efforts and deter deceptive practices and fraud. The provisions of this chapter shall be construed to accomplish these purposes.

Sec. 90-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive or intimidating manner means:

- (1) Blocking the path of a person in a way that prevents an individual from walking or moving past the solicitor, canvasser or handbill distributor; or
- (2) Following behind, ahead of, or alongside a person who walks away from the solicitor, canvasser or handbill distributor after being solicited, approached, or offered a handbill, or any other item.

City is defined as the City of Bedford, Texas.

Canvasser means a person who engages in canvassing activities.

Canvassing or canvassing activity is defined as the act of:

- (1) Traveling either by foot or vehicle, going door-to-door, house-to-house, building-to-building; or
- (2) Occupying space in or traveling on or through any public place in the city, personally contacting persons to communicate in any manner, whether orally, by written or printed materials including, but not limited to, handbills, leaflets, hand signing or by any other method, direct or implied, for any purpose other than selling or taking orders for goods, wares, merchandise or services. The activity of a canvasser who distributes written or printed materials at a residence shall also be considered a handbill distributor.

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Commercial advertising is a form of communication used to promote the sale of products or services to a wide audience.

Commercial home solicitation or soliciting is defined as the solicitation at a residence through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell goods, services, or realty, which includes promoting, advertising, receiving or obtaining money, gifts or items of value.

Do not solicit/do not deposit handbill list is defined as a list, developed and maintained by the police chief, or his designee, of residences where the property owner or occupant has indicated that they do not wish to be solicited or receive handbills.

Handbill is defined as any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, newspaper, or any other printed or otherwise reproduced original or copies of any manner.

Handbill distribution is defined as traveling by any means, going door-to-door, house-to-house or building-to-building without personally contacting persons to distribute or leave on or at each premises the handbill, for any purpose.

Handbill distributor is defined as a person who engages in handbill distribution.

Itinerant merchant or *itinerant vendor* is defined as any person other than a publication solicitor, engaged as a solicitor.

Mail is defined as letter, packages, or other items commonly transported and delivered by the United States Post Office, or by delivery service which requires a delivery statement specifically addressed to the address at which it is delivered and an addressee located at that location, or by a delivery service which delivers materials subscribed to by a person living at the address to which the subscribed materials are delivered.

Motor vehicle is defined as a vehicle that is subject to registration under V.T.C.A., Transportation Code ch. 502, or its successor chapters.

Newspaper is defined as any published materials that are printed and distributed, both daily and non-daily, to disseminate news and/or information of general interest to the public, regardless of whether the materials are delivered pursuant to a subscription and regardless of whether the materials have otherwise been requested by the recipient.

Publication solicitor is defined as any itinerant merchant or itinerant vendor who sells or takes orders for sales of newspapers, magazines, or other publications, including audio and visual recordings.

Selling is defined as selling, dispensing, peddling, hawking, displaying, offering to sell or soliciting for sale by offering or exposing for sale any goods, wares, merchandise or services.

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Solicitation activities is defined as traveling by any means, going door-to-door, house-to-house or building-to-building personally contacting persons to ask, barter or communicate in any manner, whether orally, by written or printed materials including, but not limited to, handbills or leaflets, hand signing or by any other method, direct or implied, for the purpose of selling or taking orders for goods, wares, merchandise or services or collecting money for any purpose that does not reflect on the exemption list.

Solicitor is defined as any person who engages in the practice of going door-to-door, house-to-house, or along any streets within the city:

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise, wares, services, or other items of value for further delivery, or for services to be performed immediately or in the future, for commercial purposes; or
- (2) Any itinerant merchant, itinerant vendor, publication solicitor or commercial solicitor as those terms are defined herein.

Traffic safety vest is defined as a high visibility vest made of fluorescent material that may be clearly seen at any time of the day and is issued through the police department for the purposes of this chapter.

Sec. 90-3. - Exemptions.

(a) This chapter does not apply to:

- (1) The activity of a person acting at the request or invitation of the owner or occupant of a residence;
- (2) Activity approved in conjunction with a city-sponsored event;
- (3) The activity of a government employee acting within the course and scope of their official duties serving, delivering or posting official notices including notices of code violations, water restrictions, utility outages, burn bans, special event impacts or security issues; or
- (4) The distribution of newspapers to subscribers.

(b) It shall be an affirmative defense to prosecution for any offense under this chapter that the activity of the defendant is listed in subsection (a) of this section.

Sec. 90-4. - Exhibiting card prohibiting solicitors and handbill distribution.

(a) A person desiring that no solicitor or other person engage in a solicitation or the deposit a handbill at the person's residence shall exhibit in a conspicuous place upon or near the main entrance to the residence a weatherproof card not less than three inches by four inches in size, containing the words, "NO SOLICITORS," or "NO TRESPASSING," or "NO ADVERTISEMENTS," or "NO HANDBILLS," or any similar notice. The letters shall be not

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less than two-thirds of an inch in height.

- (b) Every solicitor or handbill distributor, upon going onto any premises upon which a residence is located, shall first examine the residence to determine if any notice described in subsection (a) of this section is exhibited upon or near the main entrance to the residence. If any notice described in subsection (a) of this section is exhibited, the solicitor, itinerant vendor, itinerant merchant, publication solicitor, or handbill distributor shall immediately depart from the premises without disturbing the occupant or leaving any handbill, unless the visit is the result of a request made by the occupant. The posting of any card described in subsection (a) of this section applies to all solicitation activities and handbill distribution activities, regardless of whether the card only states a prohibition against solicitation or handbill distribution.
- (c) No person shall go upon any residential premises and ring the doorbell or rap or knock upon the door or create any sound in a manner calculated to attract attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in the business of solicitation if a card as described in subsection (a) of this section is exhibited in a conspicuous place upon or near the main entrance to the residence unless the visit is the result of a request made by the occupant.
- (d) No person, other than the occupant of the residence, shall remove, deface or render illegible a card placed by the occupant pursuant to subsection (a) of this section.
- (e) Request to leave.
 - (1) Any solicitor who has gained entrance to a residence or audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.
 - (2) Subsection (1) immediately above shall apply in all cases, regardless of whether a sign is posted and regardless of whether the solicitation was initially invited.

Sec. 90-5. - Do not solicit, do not deposit handbill list.

- (a) The police chief, or their designee, shall develop and maintain a list of residences where both commercial home solicitation and the deposit of handbills are prohibited and such list shall be referred to as the “do not solicit/do not deposit handbill” list.
- (b) Any property owner or occupant may elect to add or remove his or her residence to or from the “do not solicit/do not deposit handbill” list through the procedures developed by the police chief. The property owner or occupant making such a request will be required to affirm that he or she is an owner or occupant of the residence, and is making the request on their behalf and on behalf of any other occupant at that address.
- (c) The police chief shall make the “do not solicit/do not deposit handbill” list available on the city’s website and to any person upon request.

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- (d) The police chief shall provide a copy of the “do not solicit/do not deposit handbill” list to each person issued a permit under this chapter.
- (e) A violation of this section 90-5 shall be grounds for the immediate revocation of the permit issued pursuant to this chapter.

Sec. 90-6. - Cleanliness of products and vehicles; honest weights and measures required.

Every person who sells, or offers for sale, any of the articles as herein specified, shall at all times keep the same in a clean and sanitary condition, and shall also keep their wagons, vehicles, or other conveyances in a clean and sanitary condition, and they shall not sell, or offer for sale, any unsound or unwholesome articles, nor shall they give, or make, any false weights or measures of any of the various articles as specified and covered by this chapter.

Sec. 90-7. - Consent to enter residences.

It shall be unlawful for any solicitor, except as herein provided, to enter a private residence in the city unless requested or invited by the owner or occupant of said residence for the purpose of selling, or dispensing of, or peddling the same.

Sec. 90-8. - Penalties; civil remedies; permit forfeiture.

- (a) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided in the Code of Ordinances, section 1-7, general penalty—continuing violations, each day such violation continues shall constitute a separate and distinct offense.
- (b) In case of any willful violation of any of the terms and provisions of this chapter, the city, in addition to imposing the penalties above provided, may institute any appropriate action or proceeding in any court having proper jurisdiction, to restrain, correct or abate such violations; and the adjudication of any violation of the terms of this chapter as a misdemeanor, shall not preclude the city from invoking the civil remedies given it by the laws of the state, but same shall be cumulative and subject to prosecution as hereinabove prescribed for such violations.
- (c) Each day's engaging in the business regulated by this chapter without the payment of the fee due thereon, and procuring a receipt, or permit therefor, and each day's failure to comply with any of the other provisions of this chapter, shall constitute a separate offense, and the person so found guilty of such violation, or failing to comply with the provisions hereof, shall upon conviction be punished therefor as hereinabove provided.

90-9. - General regulations.

- (a) A person commits an offense if the person engages in solicitation activities, canvassing activities, or engages in handbill distribution at a residence in violation of the following parameters:

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- (1) No person may conduct solicitation activities, canvassing activities, or handbill distributions before the hour of 9:00 a.m. or after the hour of 8:00 p.m.; or
 - (2) On Sundays; or
 - (3) Any of the following holidays: New Year's Day; Martin Luther King's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; the day after Thanksgiving; Christmas Eve; and Christmas Day.
- (b) A person commits an offense if the person engages in solicitation activities, canvassing activities, or handbill distribution in an aggressive or intimidating manner.
- (c) A person commits an offense if the person engages in solicitation activities, canvassing activities, or handbill distribution and distributes, deposits, places, throws, scatters, or casts a handbill at a residence except by:
- (1) Handing or transmitting the handbill directly to the owner or occupant that is present in or upon the premises; or
 - (2) Without using adhesive or tape, placing or depositing the handbill in a manner that secures the handbill and prevents it from being blown away. Mailboxes may not be used when the use is prohibited by federal postal laws or regulations.
- (d) A person commits an offense if the person secures a handbill at a residence in the manner described by subsection (c)(2):
- (1) In a place that is more than five feet (5') from the front door of the residence; or
 - (2) When another handbill has already been left or secured at the residence and has not been removed from the outside of the residence.
- (e) No person shall throw or deposit or cause any handbill to be placed in or upon a motor vehicle parked at a residence.
- (f) No person shall throw or deposit any handbill in or upon any private premises, which the person knows is temporarily or continuously uninhabited or vacant.
- (g) In no event shall a handbill be deposited in a mailbox when so prohibited by federal postal laws or regulations.
- (h) It shall be unlawful to approach any part of a residence other than the front door.

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Sec. 90-10. - Vest requirement; display of permit.

- (a) Each solicitor and person engaged in handbill distribution, where such handbill includes first party or third-party commercial advertising, shall wear a traffic safety vest provided by the city and such vest shall display the current year.
- (b) Each permit shall be worn as part of the traffic safety vest required to be worn by the individual who was issued the permit.

Secs. 90-11—90-25. - Reserved.

ARTICLE II. PERMIT

Sec. 90-26. - Permit required for commercial solicitation and commercial handbill distribution.

- (a) A person commits an offense if the person engages in: 1) commercial home solicitation; or, 2) handbill distribution, where such handbill includes first party or third-party commercial advertising, in the city without a valid permit issued by the city.
- (b) A permit shall be valid for the calendar year in which it was issued. No permit shall be valid past December 31 of the year of issuance.
- (c) Individuals engaged in: 1) soliciting activities; or, 2) handbill distribution, where such handbill includes first party or third-party commercial advertising, within the city, are required to pay a non-refundable registration fee listed on the fee schedule.
- (d) The distribution of handbills that contain no commercial advertising shall not require a permit from the City; provided, however, such activities shall still be governed by the remainder of this Chapter, where indicated herein.

Sec. 90-27. - Permit application.

- (a) A person desiring to conduct: 1) solicitation activities; or, 2) handbill distribution, where such handbill includes first party or third-party commercial advertising, within the city, shall complete a permit application prior to any distribution.
- (b) A separate permit shall be required for every person involved in any of the activities described in subsection (a) of this section.
- (c) A separate permit shall be required for each company or entity involved in any of the activities described in subsection (a) of this section.
- (d) No single permit can be valid for multiple people, companies or entities, even if it is the same person involved in soliciting or commercial handbill distribution for multiple people, companies or entities.

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- (e) The permit required by this section 90-27 shall be valid for the duration of the current calendar year.
- (f) The application for the permit shall contain or be submitted with the following information:
 - (1) The full name, date of birth, phone number and permanent and (if different) current address of the applicant.
 - (2) A valid state driver's license number or a state-approved identification card number of the applicant. The City's police department will make a photocopy identification card and attach it to the application.
 - (3) The approximate time period within which any of the activities described in subsection (a) of this section will be performed, stating the beginning date of the solicitation activity, and its projected conclusion.
 - (4) If the applicant is acting as an employee, agent, or volunteer, the name and physical street address (not a post office box) and telephone number of the employer, principal, or organization, including credentials in written form establishing the relationship and authority of the employee, agent, or volunteer to act for the employer, principal, or organization.
 - (5) If a vehicle or vehicles are used to conduct the solicitation or handbill distribution activity:
 - 1) a description of each vehicle, its license plate number and vehicle identification number; 2) the name and license number of the driver who will operate each vehicle; and 3) adequate proof under state law that each driver maintains financial responsibility for the vehicle they will operate.
 - (6) If applicable, a description of the merchandise to be sold or offered for sale or the nature of the services to be furnished.
 - (7) The names of all cities in which the applicant has conducted solicitation activities or handbill distribution within the past six (6) months.
 - (8) Whether the applicant will receive a payment for goods or services at the time of solicitation or will demand, accept or receive payment or the deposit of money in advance of final delivery, and if so, the amount sought or the basis for calculation of such payment.
 - (9) If the applicant, or the applicant's employer or principal has pled guilty, or nolo contendere to, or has been convicted of a felony or misdemeanor involving fraud, deceit, theft, embezzlement, burglary, larceny, crimes against persons, fraudulent conversion, misrepresentation, or misappropriation of property within ten years preceding the date of application, a description of each such conviction or plea, the name of the court and jurisdiction in which the complaint or indictment was filed and the date of the offense.
 - (10) If the applicant, or the applicant's employer or principal is a person against whom a civil

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judgment or administrative decision based upon fraud, deceit, theft, embezzlement, burglary, larceny, crimes against persons, fraudulent conversion, misrepresentation, or misappropriation of property has been entered or ordered within ten years preceding the date of application, a description of judgment or action, the case or cause number, if any, and the court or administrative agency that rendered the judgment or decision.

- (11) It shall be the responsibility of holder of a permit issued pursuant to this chapter to update the information provided on application for a commercial handbill distribution permit as such information may change. An update is required within fifteen (15) calendar days of any change to the information furnished to the City with the original application.

Sec. 90-28. - Denial, suspension or revocation of permit; appeals.

- (a) *Grounds.* A permit issued pursuant to this article may be revoked or suspended by the city, after notice and hearing, for any of the following reasons:
- (1) fraud, misrepresentation, or false statement contained in the application for the permit;
 - (2) fraud, misrepresentation, or false statement made by a solicitor in the course of conducting solicitation activities;
 - (3) a plea or conviction of a crime described in Sec. 90-27(f)(9);
 - (4) a judgment involving a matter described in Sec. 90-27(f)(10);
 - (5) the type of solicitation activity requires a bond by another governmental entity or agency, and the bond requirements have not been complied with or the bond has expired or is no longer valid; or
 - (6) a violation of any of the regulations set forth in this chapter.
- (b) *Notice.* If it is found that a permit should be denied or revoked, there shall be a denial letter written or electronic report of the reason for the denial or revocation which shall be immediately made available to the applicant within ten (10) business days from the date of the denial.
- (c) *Appeal; hearing.* A person who is denied a permit or whose permit is revoked or suspended by the city may appeal the decision to the police chief by filing a notice of appeal with the police chief within ten (10) calendar days after the notice of the decision is mailed to the address indicated on the application or the last known address. If notice is received within the ten (10) day period, the police chief shall set a time for a hearing for the appeal, which shall be no later than forty (40) calendar days from the date of receipt of the notice of appeal. Notice of the date, time, and place of the hearing shall be delivered to the person by mail, sent to the address indicated on the application or the last known address of the applicant.

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- (d) The filing of an appeal of a revocation or suspension of a permit issued under the provisions of this chapter shall stay enforcement of the revocation or suspension, pending the outcome of the appeal with the City.
- (e) A municipal court judge, in addition to imposing a fine, may institute proceedings to suspend or revoke the permit of a person if the person is required by law to obtain a permit from the city and the judge finds the person guilty of violation of this Chapter.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Bedford, Texas, as amended, including but not limited to all ordinances of the City affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance shall be fined in accordance with Section 1-7 of the Code of Ordinances, City of Bedford, Texas. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights or remedies of the City are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PRESENTED AND PASSED this 27th day of May 2025, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of Bedford, Texas.

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Daniel S. Cogan, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Bryn Meredith, City Attorney