

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2025-03-09**

Regulating Solicitation and Canvassing Activity in Roadways

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING CHAPTER 10, "STREETS, PARKS AND OTHER PUBLIC WAYS AND PLACES," OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE 10.08, "ROADWAY SOLICITATION," PROVIDING REGULATION OF SOLICITATION AND CANVASSING ACTIVITY; PROVIDING A PENALTY CLAUSE FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

**WHEREAS**, the Lavon City Council (the "City Council") has determined that solicitations and sales by persons standing within the roadway or on medians and traffic islands of streets and highways within the City endangers such persons and the motoring public and greatly increases traffic congestion within the City; and

**WHEREAS**, the City Council has determined that solicitations and sales by persons directed towards the occupant of any vehicle on any street or highway within the City endangers such persons and the motoring public and also increases traffic congestion within the City and distracts drivers from their primary duty of observing their surroundings; and

**WHEREAS**, the City Council has determined that it is necessary to prohibit solicitations and sales within the roadway, and on medians, and traffic islands of streets and highways and that it is also necessary to prohibit solicitations and sales directed at the occupants of any vehicle on any highway or street within the City, 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**, considering the foregoing, the City Council now deems it advisable and necessary to enact regulations concerning solicitation within the roadways in the City in order to protect the public health, safety and general welfare of the citizens of the City of Lavon; and

**WHEREAS**, this Ordinance shall not be interpreted in a manner inconsistent with the First Amendment of the United States Constitution.

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

**SECTION 1. INCORPORATION OF PREMISES.** The above and foregoing premises are: (i) true and correct and are incorporated herein and made a part of this Ordinance for all purposes; and (ii) legislative findings of the City Council.

**SECTION 2. FINDINGS.** After due deliberation and consideration, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety, and welfare.

**SECTION 3. AMENDMENT.** Chapter 10, "Streets, Parks and Other Public Ways and Places," of the City's Code of Ordinances is hereby amended to add a new Article 10.08, "Roadway Solicitation," to read in its entirety as follows:

**"ARTICLE 10.08 ROADWAY SOLICITATION**

**§ 10.08.001 Purpose.**

The purpose of this article 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 regulating the locations in which solicitation activity may occur to promote safety and minimize traffic congestion. The provisions of this chapter shall be construed to accomplish these purposes.

**§ 10.08.002 Definitions.**

In this article:

*Canvassing or canvassing activity* means the act 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, or collecting money.

*City* means the City of Lavon, Texas.

*Roadway* means that portion of a street or highway designed, improved or ordinarily used for vehicular travel, typically delineated by curbs, edge-lines, or the edge of the pavement.

*Selling* means to sell, dispense, peddle, hawk, display, offer to sell or solicit for sale by offering or exposing for sale any goods, wares, merchandise or services.

*Sidewalk* means the portion of a street or highway that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

*Solicitation activities* means traveling either by foot or vehicle, or occupying space in or traveling on or through any public place in the City while 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.

*Solicitor* means a person who engages in solicitation activities.

*Street* or *highway* means the width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular traffic.

*Traffic safety vest* means a high visibility vest made of fluorescent orange or yellow material that may be clearly seen at any time of the day.

**§ 10.08.003 Solicitation and canvassing in public right-of-way.**

- (a) A person commits an offense if the person engages in solicitation or canvassing activity within the roadway, or on any median or traffic island within the right-of-way of any street or highway within the City.
- (b) A person commits an offense if the person engages in solicitation activity by a direct transaction or exchange with the occupant of any vehicle stopped or traveling on the roadway of State Highway 78, State Highway 205, State Highway 78 Business, Farm-to-Market Road 6, or any street or highway in the City which is designated as an arterial or collector on the City's thoroughfare plan. An offense under this subsection occurs when the offer, solicitation, or distribution is made regardless of whether a transaction is completed.
- (c) A person commits an offense if the person engages in solicitation or canvassing activity on a sidewalk within the City in a manner that impedes the flow of pedestrian traffic.
- (d) It is a defense to prosecution under subsections (a) or (b) above if the person engages in solicitation activity to operate a taxicab, mail carrier, vehicle for hire such as commercial servicing or repair of any disabled motor vehicle.
- (e) It is a defense to prosecution under subsection (a) if the person engages in solicitation activity from a vehicle in a manner that does not violate section 10.08.004(a)(1).

**§ 10.08.004 Solicitation from a vehicle.**

- (a) A person commits an offense if the person conducts solicitation activities from a vehicle and:
  - (1) the solicitation is conducted at a location within the right-of-way of State Highway 78, State Highway 205, State Highway 78 Business, Farm-to-Market Road 6, or any street or highway in the City which is designated as an arterial or collector on the City's thoroughfare plan; or

- (2) the person stops the vehicle within a roadway to conduct business before the vehicle has been approached, called, or waived down by a prospective customer.
- (b) A person commits an offense if the person operates a vehicle from which solicitation activities are conducted on any street or highway within the City in a manner that blocks or impedes access to or from any alley, street or driveway, or impedes the flow of traffic on any public street or highway.

**§ 10.08.005 Penalty.**

Any person that violates this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not exceeding \$500. Each continuing day's violation shall constitute a separate offense. A culpable mental state is not required for the commission of an offense under this article, and none shall be pleaded or proven in the prosecution of a violation of this article. The penalty provisions imposed under this article shall not preclude the City from filing suit to enjoin violations. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law."

**SECTION 4. SAVINGS/REPEALING CLAUSE.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. SEVERABILITY.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6. PENALTY.** Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be subject to the penalty provision described in added Section 10.08.005. Nothing in this Ordinance shall limit the remedies available to the City in seeking to enforce the provisions of this article or other law, and all remedies shall be cumulative and not exclusive.

**SECTION 7. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 8. OPEN MEETING.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

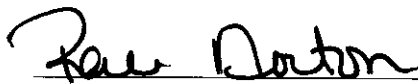
**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 18<sup>th</sup> day of March 2025.



Vicki Sanson  
Mayor



ATTEST:



Rae Norton  
City Secretary