

**Chapter 67**  
**Outdoor Vendors and Solicitors**

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**Sec. 67-1. Definitions.**

For the purpose of this chapter the following terms or words shall have the meaning ascribed after them:

*Building Official.* The term "Building Official" shall mean the Building Official of the City of Longview, or the Building Official's designee for the purposes of this ordinance.

*Charitable purpose.* The term "charitable purpose" shall mean the use of money or property for the support of a

charitable, educational, religious, benevolent, patriotic, civic, or other philanthropic organization or entity.

*Charitable solicitations.* The term "charitable solicitations" shall mean conduct whereby a person, organization, society, corporation, or its agent, member, or representative directly or indirectly solicits property, financial aid, gifts in money, or any article representing monetary value; or sells or offers to sell a product, article, tag, service, or printed material on the plea or representation, whether express or implied, that the proceeds from the solicitation or sale are for a charitable, educational, religious, benevolent, patriotic, civic, or other philanthropic purpose.

*City Planner.* The term "City Planner" shall mean the City Planner of the City of Longview, or the City Planner's designee for the purposes of this ordinance.

*City Manager.* The term "City Manager" shall mean the City Manager of the City of Longview, or the City Manager's designee for purposes of this chapter.

*Chief of Police.* The term "Chief of Police" shall mean the Chief of Police of the City of Longview, or the Chief of Police's designee for the purposes of this ordinance.

*Door-to-door soliciting.* The term "door-to-door soliciting" shall mean going to one or more locations within the city in person or by agent for the purpose of vending, selling or taking orders for merchandise or services and which may include the use of a cart, wagon, truck, or easily movable display. This does not include charitable, religious, or political solicitations or temporary outdoor vending as defined in this chapter.

*Merchandise.* The term "merchandise" shall mean property of every kind including services, which is used in its broadest sense, and shall include any work done for the benefit of another person.

*Mobile display.* The term "mobile display" shall mean a temporary vending location where no lease or contract has been signed for use of the property and the display of goods or services is conducted directly from an easily movable display that is removed at the end of business each day including but not limited to passenger vehicles or push carts.

*Mobile Food Unit (MFU).* The term "Mobile Food Unit" (MFU) shall have the same meaning as ascribed to term in Chapter 46 of the Longview City code.

*Person.* The term "person" shall mean an individual, corporation, association, or other legal entity.

*Political purpose.* The term "political purpose" shall mean the use of money or property for the support of a political party, candidate, group, or association.

*Political solicitation.* The term "political solicitation" shall mean conduct whereby a person, organization, society, corporation, or its agent, member, or representative solicits property, financial aid, gifts in money, or any article representing monetary value; or sells or offers to sell a product, article, tag, service, or printed material, on the plea or representation, whether express or implied, that the proceeds from the solicitation or sale are for a political purpose.

*Public property.* The term "public property" shall mean any property open or devoted to public use or owned by the city, including, but not limited to, sidewalks, streets, rights-of-ways, parks, and municipal buildings. This definition does not include property owned by any county entity.

*Public rights-of-way.* The term "public rights-of-way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, easement, or similar property in which the city or the State of Texas now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a person's facilities. Nothing in this article or in any permit shall be deemed to be a representation or guarantee by the city that its interest or other right to control the use of such property is sufficient to permit its use for such purposes. The holder of a permit shall be deemed to gain only those rights to use as are properly in the city and as the city may have the undisputed right and power to give.

*Religious purpose.* The term "religious purpose" shall mean the use of money or property for the support of a church, religious society, or other religious sect, group, or order.

*Religious solicitation.* The term "religious solicitation" shall mean conduct whereby a person, organization, society, corporation, or its agent, member, or representative solicits property, financial aid, gifts in money, or any article representing monetary value; or sells or offers to sell a product, article, tag, service, or printed material; on the plea or representation, whether express or implied, that the proceeds from the solicitation or sale are for a religious purpose.

*Sale.* The term "sale" shall mean the actual transfer of goods or merchandise, or the agreement to transfer goods or merchandise.

*Solicit.* The term "solicit" shall mean to offer for sale, attempt to sell, vend, display for sale, or accept orders for any merchandise, goods, or services or to ask, beg, or plead, by the spoken, written, or printed word, or other such means of communication, for the purpose of receiving contributions, alms, charity, money, or anything of value from another person, regardless of the solicitor's purpose or intended use of the money or thing of value, and regardless of whether consideration is offered.

*Stationary display.* The term "stationary display" shall mean a temporary vending location designed for sale of goods or services from a temporary structure or display that is not easily movable or is not removed at the end of each day including but not limited to tents, trailers, sheds, or awnings.

*Temporary.* The term "temporary" shall mean any such business for which no contract, hire, rental or lease agreement has been for more than 30 consecutive calendar days for the lot, tract, or location on which such business is to be operated or conducted.

*Temporary outdoor vending.* The term "temporary outdoor vending" shall mean the sale, display, offering for sale soliciting of any merchandise, goods, or services from a temporary outdoor location not within any permanent building or structure designed for the sale of such goods. The term shall specifically include the sale of merchandise, goods, or services from a stationary display by means such as stands, stalls, or tents; from a mobile display by means of a vehicle; and all other sales not within a permanent structure. The term shall not include activity of door-to-door vending.

*Vend.* The term "vend" shall mean to sell, offer for sale, solicit, distribute, or display for sale any merchandise, goods or services.

*Vendor.* The term "vendor" shall mean any person who engages in a temporary business in the city of selling, exhibiting, or offering or soliciting for sale any merchandise or service, including door-to-door soliciting or temporary outside vending as defined in this chapter.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 2, 9-25-03; Ord. No. 3525, § 38, 6-14-07; Ord. No. 4036 § 3, 2-11-16; Ord. No. 4125, §3, 9-28-17)

## Sec. 67-2. Temporary outdoor vendors - Prohibited acts.

- (a) No person, personally, by agent, or as the agent of another, may engage in, transact, or conduct the business or occupation of a temporary outdoor vendor, as herein defined, which shall specifically include, but is not limited to:
- (1) vending, selling, distributing, or displaying for sale any food, household items, clothing, furniture, novelties, toys, boats, automobiles or any other manufactured items;
  - (2) vending, selling, distributing, donating, offering for sale, or displaying for sale any animal whether or not for profit or charge;
  - (3) vending, soliciting, selling, distributing, offering for sale or order, or in any manner displaying for sale any merchandise from public property or public rights-of-way within the city limits;
  - (4) utilizing a camper vehicle, tent, travel trailer, motor home, bus, or any manner or type of shelter used as a dwelling or for purposes of sleeping, cooking, or living quarters, for the purposes of offering, or displaying merchandise for sale at any location permitted as a sales site under this chapter; and
  - (5) allowing an outdoor stationary display to remain at a location, business, lot, or tract of land for more than 30 days.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 3, 9-25-03)

## Sec. 67-3. Prohibited conduct.

No person, personally, by agent, or as the agent of another, may engage in, transact, or conduct the business or occupation of door-to-door soliciting, temporary outdoor vending, or charitable, political, or religious soliciting, or otherwise solicit, as herein defined, and:

- (a) make physical contact with the person being solicited unless that person grants permission;
- (b) misrepresent the affiliation of the vendor;
- (c) continue to sell to an individual, or solicit from an individual, once that individual gives notice to the vendor that they do

not wish to be sold merchandise by, or solicited by that vendor or solicitor. Notice includes but is not limited to verbal communication that the individual does not wish to be solicited, or a sign or signs prominently displayed on or near the entrance to the business or residence conspicuously stating "NO SOLICITORS", "NO SOLICITING", or similar language of notice;

- (d) vend, sell, or solicit at a private residence at any time other than between the hours of 9:00 a.m. to 8:00 p.m., or such other hours posted by the occupant unless a prior invitation from the occupant has been received;
  - (e) enter a private residence under false pretenses; or
  - (f) remain in a private residence or on the premises thereof after the owner or occupant has requested such person to leave.
  - (g) a mobile food unit shall not conduct business in a residential area, other than events specifically allowed by this Code and permitted through the city.
- (Ord. No. 3192, § 3, 2-13-03; Ord. No. 4036, 2-11-16; Ord. No. 4125, §5, 9-28-17)

#### Sec. 67-4. Vending or soliciting on public property or public rights-of-way prohibited.

- (a) No person shall occupy public property or the public rights-of-way in the city for the purpose of vending, selling, distributing, soliciting, or offering for sale any merchandise or services, or for the purpose of charitable, political, or religious solicitation.
- (b) No person shall conduct vending, soliciting, charitable, political, or religious solicitations, selling, distributing, offering for sale, ordering or in any manner displaying for sale any merchandise from a public street or public rights-of-way within the city limits.
- (c) It is a defense to prosecution under the provisions of this section if the person:
  - (1) is doing so in connection with the transaction of official government business;
  - (2) is doing so by authority of a contract with the city to operate a concession within designated areas of public property;
  - (3) is doing so in a city park as defined in Chapter 81 of the City of Longview Code of Ordinances pursuant to a permit issued by the Director of Parks and Recreation, or the Director's designee;
  - (4) is doing so at any of the Longview Activity Center locations by authority or agreement with the city;
  - (5) is doing so as the permit holder of an outdoor event permit or parade permit as defined in Chapter 79 of the city code;
  - (6) is operating as a mobile food unit or mobile produce vendor according to the requirements of Chapter 46 of the city code while moving from location to location along the public rights-of-way;
  - (7) is operating a vehicle for hire as defined in Chapter 103 of the city code;
  - (8) is doing so on the public rights-of-way controlled by the state pursuant to appropriate authorization issued by the state; or
  - (9) is doing so on City property or on-street parking pursuant to a permit issued by the Director of Community Services.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 4, 9-25-03; Ord. No. 4036, 2-11-16; Ord. No. 4101, § 3, 5-25-17; Ord. No. 4124, §2, 9-14-17; Ord. No. 4125, §6, 9-28-17)

#### Sec. 67-5. Permit required.

- (a) No person, personally, by agent, or as the agent of another, may engage in, transact, or conduct the business or occupation of door-to-door soliciting or temporary outdoor vending, as herein defined, either as principal or as agent or employee of any other person, unless a valid permit has been issued as provided in this chapter.
- (b) No person may engage in, transact, conduct the business or occupation, or allow door-to-door vending or temporary outdoor vending, in violation of the terms and conditions of a valid permit issued in accordance with this chapter.

### Sec. 67-6. Application for permit.

- (a) Any person desiring to engage in, transact or conduct the business or occupation of temporary outdoor vending within the city shall file a written application for a permit with the City Planner, or the City Planner's designee. The application must provide the following:
- (1) the name, address, and telephone number of the applicant including the name under which the business is operating;
  - (2) the name, address, and telephone number of the owner or owners of the business;
  - (3) the period of time the applicant is requesting to vend in the City of Longview;
  - (4) the location where the vendor will conduct business, and provide written permission from the property owner permitting the vendor to conduct business at the location including any contract, hire, rental, or lease agreement for use of the property;
  - (5) a site plan including the location of the all displays or structures, parking, and driveway accesses;
  - (6) a valid form of identity such as a Texas drivers license or Texas identification card issued by the Texas Department of Public Safety from the owner or the applicant; and
  - (7) a copy of a valid sales tax certificate issued by the State of Texas.
- (b) Any person desiring to engage in, transact or conduct the business or occupation of door-to-door vending within the city shall file a written application for a permit with the Chief of Police, or the Chief of Police's designee. The application must provide the following:
- (1) the name, address, telephone number and date of birth of the applicant;
  - (2) if the applicant is the agent or employee of another, the name, address and telephone number of applicant's principal or employer;
  - (3) the period of time the applicant is to vend or solicit in the City of Longview;
  - (4) if the applicant is vending food as a door-to-door solicitor, attach a copy of the current mobile food service permit or mobile produce vendors permit issued by the City of Longview environmental health division;
  - (5) a valid form of identity such as a Texas drivers license or Texas identification card issued by the Texas Department of Public Safety; and
  - (6) a recent photographic likeness of the applicant for attachment to the permit.
- (c) The required permit fee, as established by separate resolution, must be submitted with the application.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 5, 9-25-03)

### Sec. 67-7. Issuance of permit.

- (a) Permits issued under the provisions of this chapter shall be valid for the type, location, and dates stated on the permit application.
- (b) Door-to-door solicitor permits shall be issued for a time not to exceed 12 months per permit. Employees, agents, or representatives of a partnership or corporation must obtain a door-to-door solicitor permit for each individual that vends or solicits.
- (c) Temporary outdoor vendor permits shall only be granted for the sale of seasonal items such as Christmas trees, pumpkins, roses, or produce and only for the period of time related to the season.
- (1) Permits for stationary displays may only be issued for the season appropriate for the items for which the permit is granted. In no case shall more than one permit be granted to any applicant within any 12-month period, either as the individual applicant or as a business entity. Additionally, no more than three permits may be

granted for any location, lot, or tract of land within any 12-month period.

- (2) Permits for mobile displays shall not exceed 90 days per permit. Permits may only be issued for the season appropriate for the items for which the permit is granted. In no case shall more than two permits be granted to any applicant within any 12-month period, either as the individual applicant or as a business entity. No more than two permits may be granted for any location, lot, or tract of land within any 12-month period.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 6, 9-25-03)

#### Sec. 67-8. Denial of permit, grounds.

- (a) A permit shall be granted to an applicant meeting all requirements of this chapter. The following are considered grounds for denial of permit:
  - (1) an applicant or employee is prohibited from working by federal or state law because of applicant's age;
  - (2) false or misleading information is contained in the application or required information is omitted;
  - (3) the permit fee has not been paid;
  - (4) the location indicated on the application does not have an improved off-street parking surface of adequate size to accommodate the proposed vending activity and a driveway for entrance on to the property. For the purpose of this chapter, the minimum parking standards are established by the "zoning" ordinance of the city as it currently exists and as it may hereafter be amended;
  - (5) the applicant has failed to comply with any applicable requirements of state or federal laws or regulations, or has failed to comply with any applicable requirements of the Code of the city, including but not limited to the provisions of the ordinances regulating building standards, zoning, food and food establishments, and parks and playgrounds of this Code as said ordinances, laws or rules currently exist and as they may hereafter be amended;
  - (6) the applicant fails to obtain all applicable permits including but not limited to building permit, electrical permit, or mobile food permit;
  - (7) the activity would violate an applicable federal, state or municipal law;
  - (8) the location of the temporary outdoor vending activity does not comply with applicable zoning ordinances and/or restrictions of the city related to outside storage and display of merchandise;
  - (9) the applicant has been issued a temporary outdoor vendor permit for a stationary display within the last 12 months;
  - (10) three permits have been issued for temporary outdoor vendor permits for a stationary display at the location, tract, or lot within the last 12 months; or
  - (11) the applicant or the activity to be conducted by the applicant is not eligible for issuance of a permit under this chapter or fails to comply with an applicable provision of this chapter.
- (b) Any application denied under subsection (a) above may be amended and resubmitted within five (5) business days of the denial.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3255, § 7, 9-25-03)

#### Sec. 67-9. Revocation of permit.

At any time the Chief of Police, City Manager, or the City Manager's designee, after written notice to the vendor may revoke the permit on a finding that the information as stated in the application is false or incorrect, or the conditions imposed by the permit will not be met.

(Ord. No. 3192, § 3, 2-13-03)

#### Sec. 67-10. Permit denial or revocation hearing.

- (a) Every denial or revocation of a permit under this article shall be in writing, dated and shall state the reason for such action. Said notice shall immediately be sent to the applicant by certified mail, or shall be personally delivered to such person.
- (b) Any applicant may, within ten business days after the date of the notice provided for in subsection (a) above, submit to the City Manager a written request for a hearing to show cause as to why the permit should be granted or should not be revoked. Such request shall not stay the denial or revocation. A hearing shall be scheduled within ten business days of such request and notice shall be immediately given to all affected parties. The City Manager or the City Manager's designee may cause the hearing to be conducted solely upon written submissions from the parties.
- (c) Following the hearing, the City Manager or the City Manager's designee shall render a written decision granting or denying the application, or reinstating or revoking the permit, as the case may be. The decision shall be immediately provided to the permit applicant.
- (d) The applicant may appeal the decision of the City Manager to the District Court.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 4125, §7, 9-28-17)

### Sec. 67-11. Display of permit.

When engaged in door-to-door soliciting the permit required by this chapter shall be carried by each individual solicitor whether conducting business as an individual or an employee, representative, or agent of another, and shall, upon request, be displayed to any police officer for examination. Otherwise, such permit shall be prominently displayed upon the premises or place where the business is authorized and conducted.

(Ord. No. 3192, § 3, 2-13-03)

### Sec. 67-12. Exceptions.

The provisions of this chapter shall not apply to the following:

- (a) Any person who is conducting business at a location for which a certificate of occupancy has been granted and the activity conducted at the location is not in violation of any ordinance regulating zoning, or any other provision of law, for the activity for which the certificate of occupancy has been granted at that location.
- (b) Any vending that is conducted as a part of a scheduled event held exclusively on property owned by the city and controlled by the city parks and recreation department, or the Longview Activity Center, when approval has been obtained from the city prior to the event.
- (c) Any vending that is conducted as a part of an event held exclusively on property owned by a county, such as Gregg County or Harrison County, when the vending is conducted with the permission of the county.
- (d) Any vending that is conducted as a part of an outdoor event or parade as defined in Chapter 79 of the city Code as they currently exist or as they may be amended, when written permission is obtained from the permit holder.
- (e) Any occasional sale or garage sale in a residential zoned district that is conducted in compliance with the requirements of the zoning ordinance and any other applicable requirements of law for such activity.
- (f) Any vending of fresh fruits or vegetables from the farm or land from which produce is grown.
- (g) Any vehicle offered for sale by the owner at the private residence of the owner or when driven or parked by the owner as a part of the owner's normal daily activities.
- (h) Any religious, political, or charitable solicitation as defined in this chapter where all of the proceeds are used for religious, political, or charitable purposes, unless otherwise specifically prohibited in ordinance or by state statute.

(Ord. No. 3192, § 3, 2-13-03; Ord. No. 3286, § 44, 1-22-04; Ord. No. 4125, §8, 9-28-17)

### Sec. 67-13. Penalty.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The City Council hereby dispenses with the requirement of establishing a culpable mental state in order to prove a violation of this section.

(Ord. No. 3192, § 3, 2-13-03)

#### Sec. 67-14. Mobile Food Units.

All Mobile Food Units shall abide by all of the following:

- (a) Vending on grass or dirt is prohibited.
- (b) Mobile Food Units must not obstruct traffic movement, fire lanes, and drive aisles.
- (c) Mobile Food Units cannot impair visibility or safety onsite.
- (d) Mobile Food Units are allowed only within certain zoning districts per the Zoning Ordinance Article 8. Below are exceptions:
  - (1) City property, county property, schools, or churches, where authorized by that entity;
  - (2) Snow cone units and ice cream units are permitted to vend. Snow cone units and ice cream units are not allowed to be stationary unless they obtain a catering permit from the Environmental Health Division if they cater a private party;
  - (3) Private parties;
  - (4) Property where a catering permit is obtained from the Environmental Health Division.
- (e) To locate in a parking lot, there must be at least fifteen (15) parking spaces in the parking lot. If there are multiple trucks per property, twenty (20) parking spaces per unit are required within the parking lot.
- (f) Exterior lighting must be shielded so that the light source does not impact adjacent residential properties.
- (g) A Mobile Food Unit is limited to signs attached to the exterior of the unit and one menu board that must be placed adjacent to the truck. The signs must be secured and mounted flat against the unit and may not project more than 12 inches from the exterior of the truck.
- (h) During business hours, the Mobile Food Unit shall provide a minimum thirty (30) gallon trash receptacle for use by customers.
- (i) The Mobile Food Unit shall keep the area around the truck clear of litter and debris at all times. Prior to leaving the location, the mobile food vendor shall pick up, remove, and dispose of all trash generated by the unit's operation.
- (j) Mobile Food Units shall not utilize tables and chairs for customer seating unless it is a permitted outdoor event.
- (k) Mobile Food Units are not allowed in the right-of-way except in the Central Business District as defined by the Official Zoning Map. If located in Central Business District the following shall be allowed:
  - (1) Mobile Food Units are only allowed in the public right-of-way surrounding Heritage Plaza and parking spaces surrounding Heritage Plaza when it is in conjunction with a Main Street Sponsored Event, outdoor event permit, or by reservation per requirements below.
  - (2) Mobile Food Units are allowed within the city parking lots located in Downtown with applicable permits.
  - (3) Mobile Food Units are allowed within on-street parking Downtown with applicable permits. Location of said parking is determined based on the categories below:
    - (a) Peak-On-Street Parking areas directly adjacent to the East side of Heritage Plaza along Green Street. These areas are only available Monday-Friday 8 a.m - 5 p.m. as long as Heritage is not rented for a private event.
    - (b) Off Peak-On-Street Parking areas on the East and West side of Center Street and the West side of Fredonia Street in the block between the railroad right-of-way and Bank Alley. These areas are only available Monday-Friday after 5 p.m. and all day Saturday and Sunday as long as these areas are not part of a special event permit.



(l) If utilizing city facilities, permits must be obtained through the proper departments.

(Ord. No. 4036, §3, 2-11-16; Ord. No. 4124, §3, 9-14-17)

Sec. 67-15. Permit Required for Mobile Food Units.

(a) No person, personally, by agent, or as the agent of another, may engage in, transact, or conduct a mobile food unit business, either as principal or as agent or employee of any other person, unless a valid permit has been issued by all applicable departments.

(b) No person may engage in, transact, conduct a mobile food unit business, or allow mobile food unit vending, in violations of the terms and conditions of all valid permits.

(Ord. No. 4036, §3, 2-11-16)

Sec. 67-16. Application for Permit for Mobile Food Units.

(a) Any person desiring to engage in, transact, conduct the business or occupation of mobile food unit vending within the City shall apply for a Mobile Food Unit Certificate of Occupancy with the Development Services Department and all applicable permits with the Environmental Health Division.

(b) The application for a Mobile Food Unit Certificate of Occupancy shall include:

(1) Name, address, telephone number, email address of the application under which the business is operating.

(2) Square footage of the vehicle and license plate number.

(3) A checklist of all requirements set forth in this chapter signed by the applicant acknowledging that they have read requirements.

(4) The required Mobile Food Unit Certificate of Occupancy fee, as established by separate resolution, must be submitted with the application.

(Ord. No. 4036, §3, 2-11-16)

Sec. 67-17. Issuance of Permit for Mobile Food Units.

(a) Permits issued under the provisions of this chapter shall be granted:

(1) If the Mobile Food Unit is in compliance with this Chapter and Chapter 46 of the City of Longview Code of Ordinances.

(2) For an indefinite period of time unless the Mobile Food Unit changes ownership, changes menu, or has work performed on the unit other than normal maintenance. If any of the above occurs, a new Mobile Food Unit Certificate of Occupancy must be applied for.

(Ord. No. 4036, §3, 2-11-16)

Sec. 67-18. Appeals.

A denial or revocation of a MFU permit may be appealed in accordance with the provisions of Section 67-10 of this chapter.

(Ord. No. 4036, §3, 2-11-16)

## **"Article II. Solicitation."**

Sec. 67-20. Title and Purpose.

(a) This article may be known and cited as "Solicitation."

(b) The purpose of this article is to protect the welfare of the citizens of the City of Longview by prohibiting all solicitation by coercion, and creating zones and areas of the City of Longview in which solicitation is prohibited.

Sec. 67-21. Definitions.

For the purpose of this article the following terms or words shall have the meaning ascribed after them:

*AUTOMATED TELLER MACHINE* means a machine, other than a telephone, that is capable of being operated by a

customer of financial institution, by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer, and the use of which may or may not involve personnel of a financial institution.

**CENTRAL BUSINESS DISTRICT SOLICITATION-FREE ZONE** means the area of the City bounded by the following street or portions of streets: North High Street on the west, Marshall Avenue on the north, Sixth Street and Mobberly Avenue on the east, and Cotton Street on the south.

**COERCION** means:

(A) to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

(1) imminent bodily injury; or,

(2) the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(B) to persist in a solicitation after the person solicited has given a negative response;

(C) to block, either individually, or as part of a group of persons, the passage of a solicited person, or,

(D) to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

**EAST MARSHALL AVENUE SOLICITATION-FREE ZONE** means an area bounded by and including the following streets or portions of streets: East Marshall Avenue from its intersection with Sixth Street and traveling eastbound on East Marshall Avenue to its intersection with Industrial Boulevard, and the area on each side of East Marshall Avenue for one-quarter mile traveling north and south.

**EXTERIOR PUBLIC PAY TELEPHONE** means any coin or electronic card reader telephone that is installed or located anywhere on a premises except exclusively in the interior of a building located on the premises and accessible and available for use by members of the general public.

**FOOD ESTABLISHMENT** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

**LOOP 281 SOLICITATION-FREE ZONE** means the area bounded by and including the following streets or portions of streets: Loop 281 from its intersection with Gilmer Road, eastbound to the North Eastman Road overpass, and one-quarter mile each side of Loop 281, traveling north or south.

**PARK** means a reservation, playground, or recreation center owned, used, or designated for and devoted to active or passive recreation.

**PUBLIC TRANSPORTATION STOP** means an area designated as a place to wait for a bus, or other public transportation vehicle.

**SELF-SERVICE CAR WASH** means a structure at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money or tokens in a coin-operated machine or by an electronic card reader, and is accessible and available for use by members of the general public.

**SOLICITATION** means to ask, beg, solicit, or plead, by the spoken, written, or printed word, or other such means of communication, for the purpose of receiving contributions, alms, charity, money, or anything of value from another person, regardless of the solicitor's purpose or intended use of the money or thing of value, and regardless of whether consideration is offered.

**WEST LOOP 281 SOLICITATION-FREE ZONE** means an area bounded by and including the following streets or portions of streets: West Loop 281 from its intersection with Gilmer Road and traveling southwest on West Loop 281 to its intersection with West Cotton Street, and the area on each side of West Loop 281 for one-half mile traveling northwest and southwest.

**WEST MARSHALL AVENUE SOLICITATION-FREE ZONE** means an area bounded by and including the following streets or portions of streets: West Marshall Avenue from its intersection with Gilmer Road and traveling westbound on West Marshall Avenue to its intersection with Fisher Road, and the area on each side of West Marshall Avenue for one-half mile traveling north and south.

Sec 67-22. Solicitation by Coercion Prohibited.

- (a) A person commits an offense if the person conducts a solicitation by coercion.
- (b) A person commits an offense if the person conducts a solicitation in any outdoor area of the City between 6 o'clock p.m. and 8 o'clock a.m., on any day of the week. It is a defense to prosecution under this subsection, subsection (b), that the solicitation was being conducted exclusively on private property with the advance written permission of the owner of the property.
- (c) Solicitation-free zones.
  - (1) A person commits an offense if the person conducts a solicitation at any time in any outdoor area located within any of the following solicitation-free zones:
    - (A) Central Business District Solicitation-free Zone.
    - (B) East Marshall Avenue Solicitation-free Zone.
    - (C) Loop 281 Solicitation-free Zone.
    - (D) West Marshall Avenue Solicitation-free Zone.
    - (E) West Loop 281 Solicitation-free Zone.
  - (2) It is a defense to prosecution under this subsection (c), if the solicitation was being conducted exclusively on private property with the advance written permission of the owner of the property.
- (d) A person commits an offense if he conducts any solicitation within 50 feet of:
  - (1) an automated teller machine;
  - (2) an entrance or exit of a bank, credit union, or other similar financial institution;
  - (3) an exterior public pay telephone;
  - (4) a self-service car wash;
  - (5) a self-service fuel pump;
  - (6) a public transportation stop;
  - (7) a food establishment; or,
  - (8) a park.
- (e) For purposes of Subsection (d), measurement will be made in a straight line, without regard to the intervening structures or objects, from the nearest part at which a solicitation is being conducted to whichever is applicable of the following:
  - (1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automatic teller machine;
  - (2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;
  - (3) the nearest part of an exterior public pay telephone;
  - (4) the nearest part of the structure of a self-service car wash;
  - (5) the nearest part of a self-service fuel pump;
  - (6) the nearest point of a public transportation stop;
  - (7) the nearest part of an entrance or exit of a food establishment, or the closest exterior wall to the place where the solicitation is being conducted;
  - (8) any border of a park.
- (f) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (a), (b), (c), or (d), or who witnesses a violation of Subsection (a), (b), (c), or (d), may file a complaint. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, video or other electronic recordings of the violation, and other relevant evidence.

Sec. 67-23. Culpable Mental State.

A culpable mental state is not required for the commission of an offense under this article and need not be proved.

Sec. 67-24. Penalty.

- (a) An individual arrested or charged with an offense pursuant to Article II of this Chapter or Sections 58-77 or 58-78 of Chapter 58, will be provided by the City of Longview Municipal Court the opportunity to enter a non-profit program designed or approved by the City of Longview Police Department, with said program's primary goal of obtaining necessary drug, alcohol, psychological, physiological, life skills and employment counseling and assistance, and providing necessary skills and options for the arrested or charged individual to secure needed housing, employment, life skills and assistance.
- (b) If the defendant agrees to participate in and complete the program as described in subsection (a), the defendant's case and all City of Longview Municipal Court cases pending against the defendant shall be abated by the City of Longview Municipal Court until the defendant successfully completes the program or until the City Attorney's Office reports to the court that the defendant refuses to participate in the program or has failed to successfully participate in or successfully complete the program.
- (c) Upon successful completion of the program, and upon the recommendation of the City Attorney, the court shall dismiss the case against the defendant.
- (d) If the defendant fails to successfully participate in or successfully complete the program described in subsection (a) above, the City of Longview Municipal Court will summons the defendant to court enter a plea as to the charges against the defendant, and either place the defendant upon a trial docket, or, upon a plea of guilty or no contest, determine if the defendant is or is not indigent.
- (e) Upon a determination that the defendant is indigent, the Court shall sentence the defendant to perform community service pursuant to the provisions of Chapter 45 of the Texas Code of Criminal Procedure, or, if the defendant is unable to perform community service, may waive the payment of fines and costs pursuant also to the provisions of Chapter 45 of the Texas Code of Criminal Procedure.
- (f) An offense under this section is punishable by a fine not to exceed \$500.

(Ord. No. 4125, §2, 9-28-17)