



AGENDA
WATAUGA CITY COUNCIL
WORKSHOP MEETING
MONDAY, MARCH 10, 2025
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **City Council Workshop Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

CALL TO ORDER (Council Members, City Staff, Members of the Public - when speaking during the meeting please speak directly into the microphones on the dais or podium)

ROLL CALL

ANNOUNCEMENTS

PUBLIC COMMENT This is an opportunity for citizens to address the Council on items not posted on the current meeting agenda. Only those who have submitted a proper "Request to Speak Form" shall be permitted to speak. Citizens should provide their name and address for the record and will have no more than 3 minutes to speak. If representing an organization or group, the speaker should identify who they represent. Those wishing to speak are reminded 1). All comments are to be directed to the Council. 2) Be respectful of others. 3) No profanity permitted. 4) Violators will be removed from the premises. No discussion by the Council or Staff is allowed except to correct factual inaccuracies or request that the item be placed on a future agenda.

PUBLIC TESTIMONY FOR ACTION ITEMS This is an opportunity for citizens to address the Council on current agenda action items (excludes presentations and reports). Only those persons who have submitted a proper "Request to Speak Form" will be allowed to speak. Citizens will be required to state their name and address for the record. They have up to 3 minutes to speak, and their comments must be germane to the item. If speaking for an organization or group, the speaker should identify the group represented. Council members may ask questions or discuss the item with the citizens directly.

PRESENTATIONS

1. Workshop discussion about Solicitor Ordinances
Randy Richards, CFM, Assistant Director of Public Works

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation

regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the [City Council/Board/Commission/Committee] to address a subject matter on the agenda. Action, if any, will be taken in open session.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Linda Proskey, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on March 7, 2025, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

/S/ Linda Proskey
City Secretary





AGENDA MEMORANDUM

DATE: February 24, 2025
TO: Honorable City Council Members
FROM: Randy Richards, CFM, Assistant Director of Public Works
THROUGH: Sandra Gibson, City Manager
SUBJECT: Workshop discussion about Solicitor Ordinances

BACKGROUND/INFORMATION:

This workshop on Solicitor Ordinances is provided at the request of City Council and covers information in the City of Watauga's ordinance and compares to NRH ordinances. The goal is to obtain feedback and direction from City Council, as well as review recommendations from staff.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

Discussion and Direction.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Solicitor-Solicitation Presentation

REVIEWED BY:

Paul Hackleman, Director of Public Works
Sandra Gibson, City Manager
Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 2/26/2025

Approved - 3/3/2025

Final Approval - 3/3/2025

City Council Workshop

March 10, 2025



“Solicitor/Solicitation Update & Discussion”



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Watauga has solicitor ordinances over Numerous sections of the Code.

- a. Sec. 12-22 - Licenses, permits and business regulations
- b. Sec. 22-21 - Charitable Solicitations
- c. Sec. 22-110 - Itinerant Merchants

Sec. 22-21. Definitions



- Charitable purpose means the use of money or property for the benefit of:
 - (1) Charity or philanthropy, or poor, impoverished, destitute, underprivileged, needy, refugee, diseased, injured, crippled, disabled, or handicapped persons, or persons in need of rehabilitation;
 - (2) Patriotism, that is, for the teaching of patriotism or the relief or assistance of veterans or veterans' organizations; or
 - (3) Existing educational institutions, or for the establishment or endowment of educational institutions or in aid of the education of any person or group of persons.
- Charitable solicitation means conduct whereby a person, organization, society, corporation or its agent, member or representative:
 - (1) Solicits property, financial aid, gifts in money, or any article representing monetary value; or
 - (2) Sells or offers to sell a product, article, tag, service, publication, ticket, advertisement, or subscription, on the plea or representation, whether express or implied, that the proceeds from the solicitation, sale or entertainment are for a charitable purpose.

- (a) A person commits an offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility.
- (b) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each offense is punishable by a fine in accordance with the general penalty provision found in **section 1-7**.
- (c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership or other association, and within the course and scope of his employment.

Sec. 1-7. - General penalty; continuing violations.



(a)

- In this section, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (b) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (c) Except as otherwise provided by law or ordinance, a violation of this Code or other city ordinance shall be punished by a fine not to exceed:
 - (1) Five hundred dollars, except as provided by subsections 1-7(c)(2) and 1-7(c)(3);
 - (2) Two thousand dollars for a violation governing fire safety, zoning, public health or sanitation, excluding dumping of refuse; or
 - (3) Four thousand dollars for a violation governing the dumping of refuse.
 - (d) Except as otherwise provided by law or ordinance:
 - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) With respect to other violations, each violation constitutes a separate offense.
- (e) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (f) Violations of this Code that are continuous with respect to time constitute a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

- No person may solicit contributions for a charitable purpose until the provisions of this article are fully complied with and until a permit for the purpose has been issued by the city authorizing the solicitation in the city.

Sec. 22-24. Responsibility of permittee; credentials; use of funds; misrepresentation.



- (a) All applicants receiving charitable solicitation permits shall supply their solicitors with credentials of identification, reflecting their authority to solicit on behalf of the organization. Such credentials of identification shall be shown upon request.
- (b) The holder of a charitable solicitation permit is responsible for the overt acts of his authorized representatives in connection with the solicitation.
- (c) No person shall use or disburse funds collected pursuant to a charitable solicitation permit for a purpose other than the charitable purpose described in the application and the actual and necessary expenses incident to the solicitation, collection, and disbursement of the funds.
- (d) No person may solicit or obtain gifts in money or merchandise, directly or indirectly, by the misrepresentation of names, occupation, affiliation, physical disability, financial condition, social condition or residence.

Sec. 22-25. Investigation of irregularities.



- (a) In all cases where the city determines or has reason to believe that a person or organization is soliciting for a charitable purpose without a permit or the funds of a person or organization operating under a charitable solicitation permit have been or are being diverted from the purposes for which they are collected, or have been secured by misrepresentation, the person or organization involved is subject to investigation by the city, and the city may require the person or organization to file an immediate account of its receipts and expenditures.
- (b) The city may execute in writing and cause to be served upon a person who is believed to have information, documentary material, or physical evidence relevant to an alleged or suspected violation of this article, an investigative demand requiring the person to furnish, under oath or otherwise, a report in writing setting forth the relevant facts or circumstances of which he has knowledge, or to appear and testify or to produce relevant documentary material or physical evidence for examination, at a reasonable time and place as may be stated in the investigative demand, concerning a charitable solicitation that is the subject matter of an investigation.
- (c) Failure or refusal to comply with an investigative demand made pursuant to the provisions of subsection (b) of this section is a violation of this article.

- A person engaged in charitable solicitation either door-to-door or in a public place shall not:
 - (1) Obstruct or impede the passage of a pedestrian or vehicle;
 - (2) Make physical contact with the person being solicited unless that person's permission is being obtained;
 - (3) Misrepresent the charitable purpose of the solicitation; or
 - (4) Misrepresent the charitable affiliation of those engaged in the solicitation.

Sec. 22-56. Required; exemptions.



- (a) No person or organization may conduct a charitable solicitation by handbills, advertisements, house-to-house canvass, or by any other method in the city without the person, organization, society, or corporation responsible for conducting the solicitation first obtaining a permit in compliance with the terms of this division, unless specifically exempted by this division.
- (b) If a person or organization conducts or manages a charitable solicitation in the name of or on behalf of another person or organization, each entity shall obtain a charitable solicitation permit, unless specifically exempted by this division.
- (c) It is a defense to prosecution under this division that:
 - (1) An organization solicits funds or goods only from its own membership;
 - (2) A person or organization solicits funds only by use of public broadcasting media;
 - (3) A person or organization solicits funds only from foundations.
- (d) This division shall not apply to persons under 18 years of age if engaged in fundraising activities for a nonprofit organization using all profits for young people's activities, including but not limited to scouting organizations and activities, or donating all profits to charities other than a sponsoring organization. Further, such article shall not apply to the organization for which young persons (18 years of age or under) are soliciting, provided that such young persons are members of said organization.
- (e) A solicitation is conducted within the city when it is communicated to a person then located within the city, whether or not the person making the solicitation receives a contribution or makes a sale.

- (a) An applicant for a permit to conduct a charitable solicitation in the city shall file a sworn application in writing with the city not less than ten days before the proposed charitable solicitation activities are planned.
- (b) Upon the showing of unforeseen emergency or circumstances necessitating immediate action to render aid for a charitable purpose, the city may issue a charitable solicitation permit on a temporary basis before the expiration of the required ten-day period as provided in subsection (a) of this section.

- (a) Upon receipt of an application, the city shall make or cause to be made an investigation to determine the qualifications of the applicant for a permit.

- (b) If the city finds that:
 - (1) The applicant has met all the requirements of this division;
 - (2) None of the circumstances in subsection (f) of this section exist;the city shall issue a permit within two weeks.

- (c)If the city finds that the applicant does not meet the requirements for a charitable solicitation permit as provided by this division, or that there is need to question the applicant to clarify the application, or that one or more of the circumstances in subsection (f) of this section exist, the city shall so notify the applicant in writing that the application has been denied and that they may request a hearing before the city manager within ten days after the receipt of such notice of denial.
- (d)After a formal hearing, if the city manager finds that:
 - (1)The applicant has met all the requirements of this article;
 - (2)None of the circumstances in subsection (f) of this section exist; the city shall issue a permit.

- (e)In the case of unforeseen emergency or circumstances necessitating immediate action to render aid for a charitable purpose, the city may issue a charitable solicitation permit on a temporary basis, not to exceed ten days, if the applicant has met all other requirements of this division and qualifies under subsection (d)(2) of this section. Temporary permits issued by the city shall automatically expire after ten days.
- (f)The city shall refuse issuance of a permit if, upon investigation and hearing, it is found that the applicant has not complied with all the requirements of this division or that any one or more of the following enumerated statements are true:
 - (1)One or more of the statements made in the application or at a hearing on the application are false.

(2)The applicant or person in charge of the charitable solicitation has been convicted of a crime of moral turpitude, or that the applicant or person in charge has made or caused to be made false statements or misrepresentations to a member of the public with regard to the charitable solicitation campaign or other activities described in the permit, or has in any way publicly represented that the charitable solicitation permit is an endorsement or recommendation of the cause for which the charitable solicitation is being conducted or has otherwise violated any of the terms of a charitable solicitation permit or this division

- (f) If the city refuses a charitable solicitation permit pursuant to this division, including denial following a hearing before the city manager, such applicant may appeal to the city council at its next regularly scheduled and legally posted meeting.
- (h) There shall be no permit or application fees collected by the city regarding charitable solicitation permits.

Sec. 22-59. - Duration; Transfer



- (a) Charitable solicitation permits are valid only for the period specified in the permit. Permits will be issued for a period of 30 days unless the applicant justifies and documents the necessity for a longer period. Upon a showing by the applicant of necessity, the city may approve issuance of a permit for a period not to exceed one year, with the written approval of the city manager.
- (b) An extension of the permit, not to exceed 30 days, may be granted by the city secretary upon a showing of a good cause by the permittee, with the written approval of the city manager.
- (c) Charitable organizations continuously operating on an annual basis which have as their chief source of revenue the sale of goods, wares, and merchandise, whether or not donated to the organization, will hold permits effective from January 1 of each year until December 31 of the same year. Annual written applications must be submitted for renewal of these permits.
- (d) A charitable solicitation permit is nontransferable.

Sec. 22-60. - Revocation



- (a) The city shall revoke a charitable solicitation permit of a permittee for any one or more of the following reasons:
 - (1)The making of a false statement as to a material matter in an application or hearing concerning an application;
 - (2) The making of a false statement or misrepresentation to a member of the public with regard to the solicitation activity;
 - (3) Violation of any of the terms or conditions of the charitable solicitation permit;
 - (4) Violation of a provision of this division;
 - (5) The representation by a permittee that the charitable solicitation permit is an endorsement or recommendation of the cause for which the solicitation is being conducted.

Sec. 22-60. – Revocation Cont.



- (b) The city shall send written notice of revocation to the permittee to the address provided on the application, by certified mail, return receipt requested, setting forth the reasons for the revocation. Such shall constitute legally sufficient notice for purposes of this division.

Charitable solicitation means conduct whereby a person, organization, society, corporation or its agents, members or representatives:

- (1) Solicits property, financial aid, gifts in money, or any article representing monetary value; or
- (2) Sells or offers to sell a product, article, toy, service, publication, ticket, advertisement or subscription on the plea or representation, whether express or implied, that the proceeds from the solicitation, sale or entertainment are for a charitable purpose.

Door-to-door selling means going to one or more residences within the city in person or by agent for the purpose of soliciting, selling or taking orders for merchandise or services.

Sec. 22-115. - It shall be unlawful for any person to enter a private residence under false pretenses for the purposes of engaging in any of the activities named in [section 22-137](#).

Sec. 22-118. - Solicitation at private residence after 8:00 p.m.

It shall be unlawful for any person while engaged in any of the activities named in section 22-137 to go to a private residence in this city for such purposes before 8:00 a.m. or after 8:00 p.m., of any day, without a prior invitation from the occupants of said private residence.

- (a) A person or business desiring that no merchant or other person engage in solicitation at his residence or on its premises shall exhibit in a conspicuous place upon or near the main entrance of its building or structure a weatherproof card which is clearly visible and easily read upon approach to said building or structure, containing the words, **"NO SOLICITORS."** The letters shall be not less than three-quarters of an inch in height.
- (b) 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 the 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 charitable solicitation or sale of merchandise as an itinerant merchant transaction, 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.
- (c) No person, other than the occupant of the residence, shall remove, deface or render illegible a notice placed by the occupant indicating the peddlers or solicitors are prohibited.

When engaged in door-to-door selling or itinerant vending, the license or permit required by this division shall be carried by the salesperson and shall upon request be submitted to any person for examination; otherwise, such license or permit shall be prominently displayed upon the premises or place where the business authorized thereunder is being carried on or conducted.

NRH - Solicitor Ordinance



Article VII. – Solicitors and Handbills

Control Click below to view NRH Ordinance

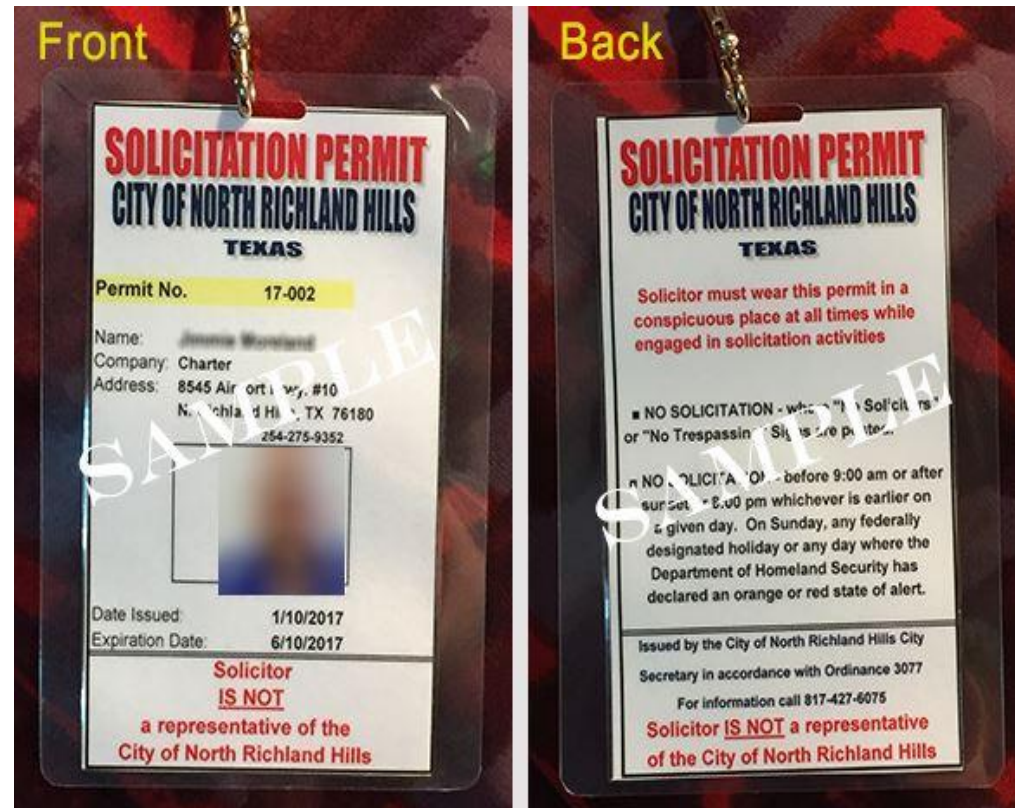
https://library.municode.com/tx/north_richland_hills/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BU_ARTVIISOHA

NRH Solicitor Ordinance

- Solicitors are required to obtain a permit from the Police Department prior to going door to door. Each solicitor will be issued a photo ID badge that is required to be worn at all times while soliciting in North Richland Hills. The ID badges will clearly identify the solicitor, and the organization represented.

A permit is NOT required for:

- persons under eighteen years of age if engaged in fundraising activities for youth organizations;
- persons seeking solely to promote religious views;
- political candidates or parties or their supporters seeking to advocate particular points of view, issues or candidates;
- certain charitable purposes;
- persons distributing handbills without knocking or intentionally making person-to-person contact.



- No person shall solicit within the public right of way of any street or highway.
- Solicitation and handbill distribution are permitted Monday – Saturday, from 9:00 a.m. until sunset or 8:00 p.m., whichever is earlier.
- Solicitation and handbill distribution are not allowed on Sundays, any federally designated holiday or any day where the Department of Homeland Security has declared an orange or red state of alert.
- Solicitors and handbill distributors may not solicit or leave handbills at premises when a sign has been posted near the main entrance of the premises containing the words "No Solicitors," "No Trespassing" or words of similar meaning.
- The North Richland Hills Zoning Ordinance prohibits any person selling from a parking lot.
- No handbill shall be nailed, tacked, stapled, glued, or taped to any door or structure or attached in any other manner which could mar or leave adhesive residue.

- The city encourages residents to call the Police Department to report solicitors operating without a city-issued ID permit. If you have concerns or want to report suspicious persons / activity in your neighborhood, call 9-1-1 or the Police Department non-emergency line at 817-281-1000. If you have other questions about solicitor permits, please contact the Police Department at 817-427-7000.

- The following businesses have current solicitor permits. Each person operating under said business shall have on their person their city-issued photo ID solicitor permit. Solicitor permits are valid for six months following the date of issuance.

- **Edward Jones**

Permit No. SOLP-000182-2024 (Expires 04/14/2025)

Permit No. SOLP-000185-2024 (Expires 04/21/2025)

- **Texas Construction Group**

Permit No. SOLP-000175-2024 (Expires 03/12/2025)

- **Simplicity Solar**

Permit No. SOLP-000177-2024 (Expires 03/17/2025)

- **Anthem Pest Control**

Permit No. SOLP-000196-2024 (Expires 06/13/2025)

Permit No. SOLP-000197-2024 (Expires 06/17/2025)

Permit No. SOLP-000198-2024 (Expires 06/23/2025)

Permit No. SOLP-000199-2024 (Expires 06/17/2025)

- Each individual soliciting in the City of North Richland Hills is required to obtain a solicitors permit. Solicitors permits are issued by the Police Department and are valid for six months.
 1. Applicant must submit an application and all required documents using our [online portal](#) or at the Police Department, 4301 City Point Drive, Public Safety entrance, second floor.
 2. A background check is required of all solicitors.
 3. Permit fees are \$100 for each solicitor.
 4. Current North Richland Hills Health permit required for the sale of edible merchandise.

Summary



City of Watauga

Ordinance: Yes

Permit Required: Yes, through P.W.

No Solicitor sign: Allowed

Penalty for Violations: Yes

Enforcement Body: P.D. & Code

Ordinance: Difficult to locate sections

North Richland Hills

Ordinance: Yes

Permit Required: Yes, through P.D.

No Solicitor sign: Allowed

Penalty for Violations: Yes

Enforcement Body: P.D. & Code

Ordinance: Easy to locate sections

Questions?

