



STAFF REPORT

DATE: March 5, 2019

TO: Ronald L. Olson, City Manager

VIA: Kathy Davis, City Attorney

FROM: Traci Briggs, Deputy City Attorney

SUBJECT: Amending the ordinance relating to solicitation from the public right-of-way

BACKGROUND AND FINDINGS:

The city regulates solicitation from the public rights-of-way in chapter 20. The current ordinance allows solicitation with a permit from the first Monday through the following Sunday in the months of May, July, September and December. The locations are limited to seven (7) intersections within the city. Solicitation can be from shoulders and sidewalks, but cannot be on the roadway itself.

The Killeen Fire Fighters Association, composed exclusively of City of Killeen firefighters, annually supports the Fill the Boot campaign to for the Muscular Dystrophy Association (MDA). The campaign involves firefighters at designated corners in the city accepting cash donations for the MDA. The city's ordinance is prohibitive of the activity.

The Texas Transportation Code provides that a person may not stand in a roadway to solicit a ride, contribution, employment or business from an occupant of a vehicle, but a local authority may authorize a person to do so to solicit a charitable contribution. Additionally, the statute states that a local authority shall give authorization to a person to solicit a charitable contribution in the roadway if the person is an employee of the local authority. The person must still file an application and provide proof of liability insurance.

The proposed change would exempt from the ordinance requirements any employee groups such as the Killeen Fire Fighters Association that comply with the state law. Regulations for solicitation by other charitable organizations will remain the same. There are also minor administrative changes.

THE ALTERNATIVES CONSIDERED:

The options are to amend the solicitation ordinance as written, make any other or additional amendments, or not amend the ordinance at all.

Which alternative is recommended? Why?

Staff recommends amending the solicitation ordinance as written. This will provide employee groups such as the Killeen Fire Fighters Association the opportunity to solicit from the roadway as allowed by state law as long as there is compliance with the statute.

CONFORMITY TO CITY POLICY:

The proposed ordinance conforms to city policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no fiscal impact related to this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the attached ordinance amending chapter 20 relating to solicitation from public rights-of-way.

DEPARTMENTAL CLEARANCES:

City Manager

ATTACHED SUPPORTING DOCUMENTS:

Ordinance