

ORDINANCE NO. 20051215-017

AN ORDINANCE AMENDING SECTION 9-4-13 RELATING TO AGGRESSIVE SOLICITATION, SECTION 9-4-14 RELATING TO SITTING OR LYING DOWN ON PUBLIC SIDEWALKS IN THE DOWNTOWN BUSINESS AREA, AND SECTION 9-4-22 RELATING TO SOLICITATION BETWEEN CERTAIN HOURS; AND CREATING AN OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The title of Section 9-4-13 and Subsection 9-4-13(C) of the Code are amended to read:

§ 9-4-13 ~~[AGGRESSIVE]~~ SOLICITATION PROHIBITED.

(C) A person commits an offense if the person solicits:

- (1) in an aggressive manner in a public area;
- (2) in a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;
- (3) within 25 feet of:
 - (a) an automated teller facility;
 - (b) the entrance or exit of a bank; or
 - (c) the entrance or exit of a check cashing business; ~~[or]~~
- (4) at a marked crosswalk;
- (5) on either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;
- (6) at a sidewalk café authorized under Chapter 14-4 (*Sidewalk Café*) or the patio area of a bar or restaurant; or
- (7) in the downtown business area described in Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited*) between 7:00 p.m. and 7:00 a.m.

PART 2. Subsections 9-4-14(C), (D), and (E) (*Sitting or Lying Down on Public Sidewalks in the Downtown Business Area Prohibited*) of the City Code are amended to read:

(C) This section applies in the following area, including the streets and pedestrian rights-of-way that bound the area, [described in Section 12-1-27 (Solicitation between an Occupant of a Motor Vehicle and a Pedestrian),] but does not apply on the campus of the University of Texas:[-]

- (1) beginning at the intersection of Cesar Chavez Street and Lamar Boulevard (North);
- (2) north on Lamar Boulevard (North) to 29th Street (West);
- (3) east on 29th Street (West) to Guadalupe Street;
- (4) south on Guadalupe Street to Dean Keeton Street (West/East);
- (5) east on Dean Keeton Street (West/East) to IH-35;
- (6) south on IH-35 from Dean Keeton Street (East) to Cesar Chavez Street (East); and
- (7) west on Cesar Chavez (East/West) from IH-35 to Lamar Boulevard (North), the point of beginning.

(D) A person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section[;]:

- (1) the person is asleep outdoors; or
- (2) the person sits or lies down in the right-of-way between the roadway and the abutting property line or structure, or on an object placed in that area, [in a manner that would:
 - ~~[(1) hinder the unobstructed passage of a person;~~
 - ~~[(2) require a person to take evasive action to avoid physical contact;~~
 - ~~[(3) block the passage of a person entering or leaving a building; or~~
 - ~~[(4) require a person entering or leaving a building to take evasive action to avoid physical contact.]~~

(E) This section does not apply to a person who:

- (1) sits or lies down because of a medical emergency;
- (2) as the result of a disability, uses a wheelchair or similar device to move about;
- (3) operates or patronizes a commercial establishment that conducts business on the sidewalk under Title 14 (*Streets and Use of Public Property*) of the Code;
- (4) participates in or views a parade, festival, performance, rally, demonstration, or similar event;
- (5) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner; ~~[or]~~
- (6) sits within a bus stop zone while waiting for public or private transportation; or
- (7) is waiting in a line to purchase tickets to or attend a performance or public event.

PART 3. Section 9-4-22 of the City Code is amended to read:

§ 9-4-22 SOLICITATION BETWEEN CERTAIN HOURS PROHIBITED.


A person commits an offense if the person solicits contributions [~~for a charitable cause~~] between 9:00 p.m. and 9:00 a.m. [~~by telephone or~~] by going to the door of a residence.

PART 4. This ordinance takes effect on December 26, 2005.

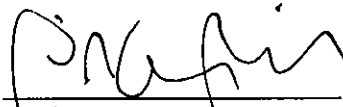
PASSED AND APPROVED

_____, December 15_____, 2005


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Will Wynn
Mayor

APPROVED: 

David Allan Smith
City Attorney

ATTEST: 

Shirley A. Gentry
City Clerk