Ordinances Governing

MISCELLANEOUS OFFENSES

in the

CITY OF ARLINGTON

TEXAS

Amended by Ordinance No. 16-007

(February 9, 2016)

(Chapter Designator: MISCELLANEOUS)

ORDINANCE HISTORY

Number	Date of Adoption	Comments
85-282	12/17/85	Add **Section 1.02**, Interfering With A Peace Officer.
86-213	11/04/86	Add **Section 1.13**, Interfering With Police Animals.
86-225	11/18/86	Add **Section 1.13**, Block Parent Emblem.
86-241	12/09/86	Add **Section 1.13**, Failure to Display Gasoline Prices.
87-18	01/27/87	Renumber **Section 1.13** to be **1.14** and **1.15**.
92-10	01/14/92	Repeal existing chapter, adopt new chapter.
94-55	03/15/94	Amend **Article I, Section 1.10**, Prohibition Against The Transportation of Cans, Glass Containers or Ice Chests Into Arlington Stadium, to change references to "Arlington Stadium" to "The Ballpark In Arlington." Amend **Article I, Section 1.11**, Regulations of Sales on the Grounds of City of Arlington Municipally Owned Property, to add regulations of sales on property owned by, leased to or from or managed by the City of Arlington or the Arlington Sports Facilities Development Authority, Inc.
95-152	10/17/95	Amend **Article I**, **Section 1.07**, Firearms - Discharge, relative to an exception for firearms discharged in a gun club, skeet or target ranges, or other facility or area for the sport of shooting at targets to test accuracy.
06-017	02/14/06	Amend **Article I**, Miscellaneous Offenses, **Section 1.01**, Definitions; **Section 1.10**, Prohibition Against the Transportation of Cans, Glass Containers or Ice Chests into The Ballpark in Arlington; and **Section 1.11**, Regulations of Sales on the Grounds of any Property Owned By, Leased To or From, or Managed By The City of Arlington or the Arlington Sports Facilities Development Authority, Inc., relative to regulating possession of containers and ice chests in certain main facilities, throwing objects and substances

ORDINANCE HISTORY

Number	Date of Adoption	Comments
		at any scheduled event, unauthorized entry into restricted areas of any main facility, loitering at a tailgating facility after a scheduled event and unauthorized sales on the grounds of any major sports complex.
06-058	06/13/06	Amend **Article I**, Miscellaneous Offenses, by the addition of a new **Section 1.12**, Regulation of Sex Offender Residency, relative to making it unlawful for certain sex offenders to reside within 1,000 feet of any defined premise where children commonly gather, and renumbering the remaining section; and providing that a culpable mental state is not required for committing an offense under this Section.
07-077	11/20/07	Amend **Article I**, Miscellaneous Offenses, by the addition of a new **Section 1.16**, Aggressive Solicitations, relative to protecting citizens from the fear and intimidation accompanying certain forms of solicitation.
07-078	11/20/07	Amend **Article I**, Miscellaneous Offenses, by the addition of a new **Section 1.15**, Motel/Hotel Guest Registration, relative to requiring persons registering with a Motel or Hotel to provide identification and requiring Motels or Hotels to maintain a record of guest registrations and obtain certain type of identification from guests.
07-079	11/20/07	Amend **Article I**, Miscellaneous Offenses, by the addition of a new **Section 1.14**, Manifesting the Purpose of Engaging in Prostitution Prohibited, relative to prohibiting persons from loitering in public places in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another person to commit an act of prostitution.

ORDINANCE HISTORY

Number	Date of Adoption	Comments
14-023	04/22/14	Amend **Article I**, Miscellaneous Offenses, by the addition of **Section 1.075**, Weapons Prohibited at Public Meetings, relative to carrying or possession of a weapon or simulated weapon at meetings of governmental bodies within the City.
14-044	08/19/14	Amend **Article I**, Miscellaneous Offenses, **Section 1.05**, Air Rifles - Discharge, relative to the discharge of air or gas propelled weapons within the City; and amend **Section 1.07**, Firearms - Discharge, relative to the discharge of firearms within the City.
15-051	10/27/15	Amend **Article I**, Miscellaneous Offenses, **Section 1.075**, Weapons Prohibited at Public Meetings, relative to carrying or possession of a weapon or simulated weapon at meetings of governmental bodies within the City.
16-007	02/09/16	Amend **Article I**, Miscellaneous Offenses, **Section 1.16**, Aggressive Solicitations, by the deletion of Subsection (C)(5), relative to prohibited acts.

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ARTICLE I

MISCELLANEOUS OFFENSES

Section 1.01 Definitions

"Admission perimeter" shall mean the boundary at which a person enters a scheduled event, regardless of whether such boundary is located within or outside a structure and regardless of whether admission to the scheduled event is by ticket, by license, by payment of an admission fee, by invitation or free and open to the public.

"Block parent sign" shall mean a sign which has thereon a symbol which purports to be or is an imitation of or resembles the silhouette of a human hand and contains the words "Block Parent."

"Container" shall mean a bottle, can or other receptacle that either contains any amount of liquid or is customarily used to transport liquids.

"Firearm" shall mean any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

"Ice chest" shall mean any receptacle that either is used for or is customarily used for refrigeration of containers.

"Main facility" shall mean a facility designed to seat at least 40,000 spectators for professional or amateur sports events and located within a major sports complex.

"Major sports complex" shall have the meaning provided in the "Zoning" Chapter of the Code of the City of Arlington.

"Peace officer" shall mean any person so designated by the Texas Code of Criminal Procedure.

"Person" shall mean an individual, corporation or association.

"Restricted area" shall mean any playing field, court, playing surface, stage, dressing room, locker room, press box, team assembly area, weight room, dugout, team bench area, team warm-up area, bullpen, and any portion of a main facility that has been posted as a "Restricted Area" (or similar notice indicating access to such area is limited to

authorized persons) by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

"Scheduled event" shall mean an event of any kind or character, (including, but not limited to, athletic contest, sporting event, program, concert, ceremony, presentation, lecture, service, circus, rodeo, video presentation and religious event) held at a main facility, whether admission is by ticket, by license, by payment of an admission fee, by invitation or free and open to the public.

"**Tailgating facility**" shall mean any overnight parking facility (as defined in the "Zoning" Chapter of the Code of the City of Arlington) and any parking facility (as defined in the "Zoning" Chapter of the Code of the City of Arlington) within a major sports complex used for tailgating before a scheduled event. (Amend Ord 06-017, 2/14/06)

Section 1.02 <u>Obedience to Peace Officers</u>

A person commits an offense if he knowingly or intentionally fails to comply with any lawful order or direction of any peace officer invested by law with the authority to enforce the criminal laws of this State and the ordinances and regulations of this City.

Section 1.03 <u>Giving Articles, Etc., to Prisoners</u>

A. A person commits an offense if he knowingly or intentionally delivers or attempts to deliver any article or item to any prisoner confined in the City Jail.

B. It is an exception that the person had the express permission of the jailer or his designated representative.

Section 1.04 <u>Refusing to Assist a Peace Officer</u>

A person commits an offense if he knowingly or intentionally refuses to assist a person he knows to be a peace officer from making an arrest, conduct a search, prevent an escape or suppress any disturbance when requested to do so by a peace officer who meets with resistance in discharging his duties.

Section 1.05 <u>Air Rifles - Discharge</u>

A. A person commits an offense if he knowingly, intentionally or recklessly shoots off, fires or discharges any air rifle, air gun, air pistol or other air or gas propelled weapon of any description within the City.

B. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged by a peace officer in the course of his official duties or on Arlington Municipal Airport property by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP).

C. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged:

1. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or

2. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981 in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or

3. at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended. (Amend Ord 14-044, 8/19/14)

Section 1.06 <u>Archery</u>

A person commits an offense if he knowingly, intentionally or recklessly propels an arrow or any other projectile used in the sport of archery onto or over the property of another who has not given permission to the person to do so.

Section 1.07 <u>Firearms - Discharge</u>

A. A person commits an offense if he intentionally, knowingly or recklessly discharges a firearm within the City.

B. This Section does not apply if:

1. The firearm was discharged in violation of Texas law in which case the discharge is chargeable under Texas law;

2. The firearm was discharged by a peace officer in the course of his official duties;

3. The firearm was discharged in a gun club, skeet or target range, or other facility or area for the sport of shooting at targets to test accuracy in rifle and pistol practice as authorized by the "Unified Development Code" Chapter of the Code of the City of Arlington or at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended;

4. The firearm was discharged on the Arlington Municipal Airport property, by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP);

5. The firearm was a shotgun which was discharged:

   a. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or

   b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or

6. The firearm was a center fire or rim fire rifle or pistol of any caliber which was discharged:

   a. in an area annexed by the City after September 1, 1981, on a tract of land of 50 acres or more and more than 300 feet from a

residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, on a tract of land of 100 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

C. It is a defense to an offense under this section that the firearm was discharged as authorized by the Texas Penal Code. (Amend Ord 14-044, 8/19/14)

Section 1.075 <u>Weapons Prohibited at Public Meetings</u>

A. It is an offense for any person to carry or possess a weapon or simulated weapon, other than a knife, at a public meeting of a municipality, county, or other governmental body which is being held within the City.

B. This section does not apply to a person carrying a handgun under the authority of Chapter 411 of the Texas Government Code, said license holders being regulated by state law. Nor does this section apply to a certified peace officer, as defined by Texas Code of Criminal Procedure Article 2.12, possessing a firearm as permitted by state or federal law.

C. For the purposes of this section, the following definitions shall apply:

"Gun" shall mean any device designed or manufactured to shoot, fire, or otherwise discharge a projectile. The term shall include, but is not limited to firearms, antique firearms, replicas of antique firearms, air rifles, air guns, and air pistols.

"Simulated weapon" shall mean any item or object which is manufactured or designed to appear as though it is a weapon regardless of whether it is capable of inflicting injury or damage.

"Weapon" shall mean an object or other thing manufactured, designed, or used for the purpose of inflicting injury or damage. This term shall include, but is not limited to guns, clubs, and incendiary devices. (Amend Ord 15-051, 10/27/15)

Section 1.08 <u>Encouraging School Truancy</u>

A. A person who is a resident or owner of a dwelling place commits an offense if he knowingly or intentionally permits, aids, abets or encourages a minor of compulsory school attendance age to enter or remain in said dwelling place during the time when said minor should lawfully be attending public school, provided that such resident or owner knew or is guilty of criminal negligence as that term is defined in Texas Penal Code, Section 6.03, in failing to ascertain that said minor should lawfully be attending public school.

B. It is an exception that the person was the parent of or person standing in parental relationship with said minor.

Section 1.09 <u>Unauthorized Display of "Block Parent" Sign</u>

A. A person commits an offense if he knowingly or intentionally displays on or about premises owned by or under the control of such person a "Block Parent" sign without proper authorization.

B. Under this section, proper authorization means the issuance of a "Block Parent Sign" from the Parent Teacher Association Chairperson of an Arlington Independent School District school, without such authorization having been revoked in writing by the Chairperson.

Section 1.10 <u>Illegal Conduct Within Any Major Sports Complex</u>

A. <u>Prohibition Against Possession of Containers and Ice Chests within Admission Perimeter</u>

1. A person commits an offense if the person possesses any of the following prohibited items on the day of a scheduled event within the admission perimeter of any main facility designed to seat at least 50,000 spectators: (a) a container or (b) an ice chest.

2. Possession by a person of each such prohibited item shall constitute a separate offense.

3. Proof of a culpable mental state is not required for conviction of an offense under this Subsection (A).

4. It is an exception to the application of Subsection (A)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

5. It is an exception to the application of Subsection (A)(1) that the prohibited item was purchased or received on the day of the scheduled event from an agent, employee, representative or licensee (acting in an official capacity) of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

B. Prohibition Against Throwing Objects and Substances at Any Scheduled Event

1. A person commits an offense if the person intentionally, knowingly or recklessly throws any tangible object or substance during a scheduled event.

2. It is an exception to the application of Subsection (B)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

3. It is an exception to the application of Subsection (B)(1) that the person was expressly authorized to throw the substance or object by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

C. Prohibition Against Unauthorized Entry into Restricted Areas of Any Main Facility

1. A person commits an offense if the person intentionally, knowingly or recklessly enters any restricted area of any main facility.

2. It is an exception to the application of Subsection (C)(1) that the person was expressly authorized to enter the restricted area by the person or entity

holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility, or its agent, employee, representative or licensee acting in an official capacity.

D. Prohibition Against Remaining at a Tailgating Facility After a Scheduled Event

1. A person commits an offense if the person intentionally, knowingly or recklessly remains at any tailgating facility after two hours following the end of any scheduled event.

2. It is an exception to the application of Subsection (D)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the tailgating facility.

3. It is an exception to the application of Subsection (D)(1) that the person was expressly authorized to remain at the tailgating facility by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the tailgating facility, or its agent, employee, representative or licensee acting in an official capacity. (Amend Ord 06-017, 2/14/06)

Section 1.11 Regulation of Sales on the Grounds of Any Major Sports Complex

A. A person commits an offense if the person intentionally, knowingly or recklessly sells or offers to sell any goods or services on the grounds of any major sports complex.

B. It is an exception that the sale or offer:

1. Occurred in a City park, as limited by the “Parks” Chapter; or

2. Occurred in or upon sidewalks, medians, curbs, streets, highways, roadways, shoulders, improved shoulders or public right-of-way not located within a major sports complex as long as the activity is not otherwise prohibited by Article XV of the “Streets” Chapter of the Code of the City of Arlington, Texas, 1987; or

3. Was made by a person acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether

directly or indirectly) the legal possessory right or interest to use or occupy the property on which the sale or offer occurred. (Amend Ord 06-017, 2/14/06)

Section 1.12 <u>Regulation of Sex Offender Residency</u>

A. <u>Definitions</u>. For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

"Habitual Offender" means any offender subject to registration under State Law, who has for a "sexually violent offense" been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication or any combination thereof and is required to verify every 90 days in accordance with the Texas Code of Criminal Procedure, Section 62.058.

"Minor" means a person younger than seventeen (17) years of age.

"Permanent Residence" means a place where a person abides, lodges, or resides for 14 or more consecutive days.

"Temporary Residence" means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

B. <u>Offenses</u>.

For each person required to register on the Texas Department of Public Safety's Sex Offender Database (the "Database") because they are a "Habitual Offender", it is unlawful for that person to establish a permanent residence or temporary residence within 1,000 feet of any premise where children commonly gather, which, for purposes of this ordinance, shall be a public park; private or public school; or daycare center, as such terms are defined in the Zoning Ordinance of the City of Arlington, Texas. For the purposes of this Ordinance, planted street medians are not public parks.

C. Evidentiary matters; measurements.

1. It shall be prima facie evidence that this Section applies to such a person if that person's record appears on the Database and the Database indicates that the person is required to verify every 90 days in accordance with the Texas Code of Criminal Procedure, Section 62.058. For purposes of this ordinance that person is classified as a "Habitual Offender".

2. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein above, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

3. A map depicting the prohibited areas shall be maintained by the City of Arlington. The City shall review the map annually for changes. Said map will be available to the public at the Arlington Police Department.

D. Culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this Chapter.

E. Affirmative defenses.

It is an affirmative defense to prosecution that any of the following conditions apply:

1. The person required to register on the Database established the permanent or temporary residence and has complied with all of the sex offender registration laws of the State of Texas, prior to the date of the adoption of this ordinance.

2. The premises where children commonly gather, as specified herein, within 1,000 feet of the permanent or temporary residence of the person required to register on the Database was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.

3. The information on the Database is incorrect, and, if corrected, this Section would not apply to the person who was erroneously listed on the Database. (Amend Ord 06-058, 6/13/06)

Section 1.13 <u>Failure to Display Gasoline Prices Along Controlled Access Highway</u>

A. Any establishment located within three hundred feet (300') (as measured from the property line to the nearest edge of the highway right-of-way) of State Highway 360, Interstate Highway 20 or Interstate Highway 30 which sells gasoline, diesel fuel or any other substance containing hydrocarbons intended as motor vehicle fuel to the general public shall properly post each true and correct price charged for each type of fuel.

B. The posting requirements shall be as follows:

1. The fuel prices shall be posted in dollars or cents per gallon, half gallon or liter. In the event that the fuel is dispensed in units other than gallons, the per gallon price shall also be posted.

2. The fuel prices shall be posted in a location so that they are readable from at least one (1) street access point to the establishment.

C. This section shall not be deemed to permit any sign in violation of the "Construction" Chapter of the Code of the City of Arlington or in violation of any provision of the Zoning Ordinance.

D. A person commits an offense if, while the owner or operator of an establishment described in this section, he knowingly or intentionally violates a provision of this section. (Amend Ord 06-058, 6/13/06)

Section 1.14 <u>Manifesting the Purpose of Engaging in Prostitution Prohibited</u>

A. <u>Definitions</u>. For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

"Known Prostitute or Panderer" means a person who has, within the knowledge of the arresting officer, been convicted of prostitution, promotion of prostitution,

aggravated promotion of prostitution, or compelling prostitution within one year previous to the date of an arrest for a violation of this section.

"Prostitution" has the meaning provided in Section 43.01 (Definitions) of the Texas Penal Code.

"Public Place" has the meaning provided in Section 1.07 (Definitions) of the Texas Penal Code.

B. A person commits an offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another person to commit an act of prostitution.

C. In making a determination that a person is in violation of this section, a peace officer may consider whether the person:

1. Is a known prostitute or panderer;

2. Repeatedly beckons to, stops or attempts to stop, or engages in conversation with persons passing by; or

3. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture.

D. A peace officer may not arrest a person for a violation of this section unless the officer has given the person an opportunity to explain the person's conduct.

E. It is an affirmative defense to prosecution under this section if the explanation given the arresting officer under Subsection (D) is true and discloses a lawful purpose.

F. Any person who shall violate any provision of this section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500) for each offense. (Amend Ord 07-079, 11/20/07)

Section 1.15 <u>Motel/Hotel Guest Registration</u>

A. No person registering in a hotel shall do so or attempt to do so under any false name or identity. No person registering in a hotel shall present for the purpose of

registration, false identification or any identification which misrepresents or fails to disclose the registrant's true identity.

B. It shall be the duty of the owner or operator of any hotel as defined in this chapter to keep, in a format chosen by the hotel sufficient to comply with the record keeping requirements set out in this ordinance, a register, of persons accommodated in such establishment for the purpose of verifying registrants' identities. Such register shall include, for all guest rooms and guest stays, either:

1. The name of the registrant, the type of official photo identification presented and any personal identification number contained thereupon, the registrant's address, and the expected duration of the registrant's stay in such establishment; or, in the alternative,

2. Documentation that the person guaranteed payment using a valid credit card issued in the name of the registrant as provided by the registrant, which at the time of registration, was verified through the hotel's customary credit card verification procedures.

No such owner or operator, or his employee, agent or representative shall knowingly write, cause to be written or permit to be written, in any register in any such hotel any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known.

C. Such record or register shall be available at all times for inspection by any City official, and maintained for a period of two (2) years.

D. Any person who shall violate any provision of this section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00).

E. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. “Hotel” means a building having three (3) or more rooms in which members of the public may temporarily obtain sleeping accommodations for consideration. The term includes those establishments commonly known as hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, or inns.

2. "Official Photo Identification" means a driver's license, passport, or other government issued identification document. (Amend Ord 07-078, 11/20/07)

Section 1.16 <u>Aggressive Solicitations</u>

A. <u>Findings</u>

1. The City Council finds that the increase in aggressive solicitation throughout the City has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

2. Aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic. The City Council further finds that the presence of individuals who solicit money from persons at or near banks or automated teller machines is especially troublesome because of the enhanced fear of crime in those confined environments.

3. This law is timely and appropriate because current laws and City regulations are insufficient to address the aforementioned problems.

4. The law is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence in the City.

B. <u>Definitions</u>. For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein:

"Aggressive manner" means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

2. Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a City legally issued permit shall not constitute obstruction of pedestrian or vehicular traffic;

5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

6. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

“Automated teller machine” means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

"Automated teller machine facility" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

"Check cashing business" means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

"Exterior public pay telephone" means any coin or credit card reader telephone that is:

1. Installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

2. Accessible and available for use by members of the general public.

"Public area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

"Self-service car wash" means a structure:

1. At which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

2. That is accessible and available for use by members of the general public.

"Self-service fuel pump" means a fuel pump:

1. From which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

2. That is accessible and available for use by members of the general public. "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may

be, without limitation, by the spoken, written, or printed word, or by other means of communication.

C. Prohibited Acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

1. In an aggressive manner in a public area;

2. In any bus station or stop;

3. Within fifteen (15) feet of any entrance or exit of any bank, credit union, other similar financial institution, exterior public pay telephone, self-service car wash, self-service fuel pump, or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, credit union, other similar financial institution, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

4. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property. (Amend Ord 16-007, 2/9/16)

D. Penalty. Any person who shall violate any provision of this Section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00).

E. Construction and Severability

1. Severability is intended throughout and within the provisions of the Section. If any subsection, sentence, clause, or phrase of this Section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Section.

2. This Section is not intended to prescribe any demand for payment for services rendered or goods delivered.

3. This Section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of or the Constitution of the United States of America. (Amend Ord 07-077, 11/20/07)

ARTICLE II

PENALTY

Section 2.01 **Penalty**

A person adjudged of an offense under this chapter shall be punished by a fine not to exceed Five Hundred Dollars and No Cents ($500.00). (Amend Ord 92-10, 01/14/92)

Publi d ST 2-20-06 & 2-27-06

Ordinance No. 06-017

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, Section 1.01, Definitions; Section 1.10, Prohibition Against the Transportation of Cans, Glass Containers or Ice Chests into The Ballpark in Arlington; and Section 1.11, Regulations of Sales on the Grounds of any Property Owned By, Leased To or From, or Managed By The City of Arlington or the Arlington Sports Facilities Development Authority, Inc.; containing findings and other provisions relating to the foregoing subject; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date

WHEREAS, the City of Arlington (the "City") is host to numerous major events that draw large volumes of people into the City's major sports complexes; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens to regulate possession of containers and ice chests in certain main facilities, throwing objects and substances at any scheduled event, unauthorized entry into restricted areas of any main facility, loitering at a tailgating facility after a scheduled event and unauthorized sales on the grounds of any major sports complex; and

WHEREAS, the City Council of the City desires to effect certain changes to the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

2.

That the **"Miscellaneous Offenses"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I**, Miscellaneous Offenses, by amending **Section 1.01**, Definitions, to be and read as follows:

Section 1.01 Definitions

"Admission perimeter" shall mean the boundary at which a person enters a scheduled event, regardless of whether such boundary is located within or outside a structure and regardless of whether admission to the scheduled event is by ticket, by license, by payment of an admission fee, by invitation or free and open to the public.

"Block parent sign" shall mean a sign which has thereon a symbol which purports to be or is an imitation of or resembles the silhouette of a human hand and contains the words "Block Parent."

"Container" shall mean a bottle, can or other receptacle that either contains any amount of liquid or is customarily used to transport liquids.

"Firearm" shall mean any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

"Ice chest" shall mean any receptacle that either is used for or is customarily used for refrigeration of containers.

"Main facility" shall mean a facility designed to seat at least 40,000 spectators for professional or amateur sports events and located within a major sports complex.

"Major sports complex" shall have the meaning provided in the "Zoning" Chapter of the Code of the City of Arlington.

"Peace officer" shall mean any person so designated by the Texas Code of Criminal Procedure.

"Person" shall mean an individual, corporation or association.

"Restricted area" shall mean any playing field, court, playing surface, stage, dressing room, locker room, press box, team assembly area, weight room, dugout, team bench area, team warm-up area, bullpen, and any portion of a main facility that has been posted as a "Restricted Area" (or similar notice indicating access to such area is limited to authorized persons) by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

"Scheduled event" shall mean an event of any kind or character, (including, but not limited to, athletic contest, sporting event, program, concert, ceremony, presentation, lecture, service, circus, rodeo, video presentation and religious event) held at a main facility, whether admission is by ticket, by license, by payment of an admission fee, by invitation or free and open to the public.

"Tailgating facility" shall mean any overnight parking facility (as defined in the "Zoning" Chapter of the Code of the City of Arlington) and any parking facility (as

defined in the "Zoning" Chapter of the Code of the City of Arlington) within a major sports complex used for tailgating before a scheduled event.

Further, **Article I, Section 1.10,** Prohibition Against the Transportation of Cans, Glass Containers or Ice Chests into The Ballpark in Arlington, is hereby amended so that said Section shall be and read as follows:

Section 1.10 Illegal Conduct Within Any Major Sports Complex

A. Prohibition Against Possession of Containers and Ice Chests within Admission Perimeter

1. A person commits an offense if the person possesses any of the following prohibited items on the day of a scheduled event within the admission perimeter of any main facility designed to seat at least 50,000 spectators: (a) a container or (b) an ice chest.

2. Possession by a person of each such prohibited item shall constitute a separate offense.

3. Proof of a culpable mental state is not required for conviction of an offense under this Subsection (A).

4. It is an exception to the application of Subsection (A)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

5. It is an exception to the application of Subsection (A)(1) that the prohibited item was purchased or received on the day of the scheduled event from an agent, employee, representative or licensee (acting in an official capacity) of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

B. Prohibition Against Throwing Objects and Substances at Any Scheduled Event

1. A person commits an offense if the person intentionally, knowingly or recklessly throws any tangible object or substance during a scheduled event.

2. It is an exception to the application of Subsection (B)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

3. It is an exception to the application of Subsection (B)(1) that the person was expressly authorized to throw the substance or object by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility.

C. Prohibition Against Unauthorized Entry into Restricted Areas of Any Main Facility

1. A person commits an offense if the person intentionally, knowingly or recklessly enters any restricted area of any main facility.

2. It is an exception to the application of Subsection (C)(1) that the person was expressly authorized to enter the restricted area by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the main facility, or its agent, employee, representative or licensee acting in an official capacity.

D. Prohibition Against Remaining at a Tailgating Facility After a Scheduled Event

1. A person commits an offense if the person intentionally, knowingly or recklessly remains at any tailgating facility after two hours following the end of any scheduled event.

2. It is an exception to the application of Subsection (D)(1) that the person was acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the tailgating facility.

3. It is an exception to the application of Subsection (D)(1) that the person was expressly authorized to remain at the tailgating facility by the person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the tailgating facility, or its agent, employee, representative or licensee acting in an official capacity.

Further, **Article I, Section 1.11, Regulations of Sales on the Grounds of any Property Owned By, Leased To or From, or Managed By The City of Arlington or the Arlington Sports Facilities Development Authority, Inc.**, is hereby amended so that said Section shall be and read as follows:

Section 1.11 Regulation of Sales on the Grounds of Any Major Sports Complex

A. A person commits an offense if the person intentionally, knowingly or recklessly sells or offers to sell any goods or services on the grounds of any major sports complex.

B. It is an exception that the sale or offer:

1. Occurred in a City park, as limited by the "Parks" Chapter; or

2. Occurred in or upon sidewalks, medians, curbs, streets, highways, roadways, shoulders, improved shoulders or public right-of-way not located within a major sports complex as long as the activity is not otherwise prohibited by Article XV of the "Streets" Chapter of the Code of the City of Arlington, Texas, 1987; or

3. Was made by a person acting in an official capacity as an agent, employee, representative or licensee of a person or entity holding or owning (whether directly or indirectly) the legal possessory right or interest to use or occupy the property on which the sale or offer occurred.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 24th day of January, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of February, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 06-058

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, by the addition of a new Section 1.12, Regulation of Sex Offender Residency, relative to making it unlawful for certain sex offenders to reside within 1,000 feet of any defined premise where children commonly gather, and renumbering the remaining section; providing that a culpable mental state is not required for committing an offense under this Section; providing for affirmative defenses; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, the City Council of the City of Arlington finds and declares that sex offenders are a serious threat to public safety; and

WHEREAS, the City Council finds from the evidence that the recidivism rate for released sex offenders is significant, especially for those who are habitual offenders; and

WHEREAS, the City Council finds that establishing a policy to restrict the property available for residence of sex offenders will provide better protection for children gathering in the City; and

WHEREAS, the City of Arlington is a home rule city with the power to enact ordinances to protect the health, safety and well-being of its citizens; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, by the addition of a new **Section 1.12**, Regulation of Sex Offender Residency, **and the renumbering of the remaining section**, so that said section shall be and read as follows:

Section 1.12 <u>Regulation of Sex Offender Residency</u>

A. <u>Definitions</u>. For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

"Habitual Offender" means any offender subject to registration under State Law, who has for a "sexually violent offense" been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication or any combination thereof and is required to verify every 90 days in accordance with the Texas Code of Criminal Procedure, Section 62.058.

"Minor" means a person younger than seventeen (17) years of age.

"Permanent Residence" means a place where a person abides, lodges, or resides for 14 or more consecutive days.

"Temporary Residence" means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

B. <u>Offenses</u>.

For each person required to register on the Texas Department of Public Safety's Sex Offender Database (the "Database") because they are a "Habitual Offender" , it is unlawful for that person to establish a permanent residence or temporary residence within 1,000 feet of any premise where children commonly gather, which, for purposes of this ordinance, shall be a public park: private or public school: or daycare center, as such terms are defined in the Zoning Ordinance of the City of Arlington, Texas. For the purposes of this Ordinance, planted street medians are not public parks.

C. <u>Evidentiary matters; measurements</u>.

1. It shall be prima facie evidence that this Section applies to such a person if that person's record appears on the Database and the Database indicates that the person is required to verify every 90 days in accordance with the Texas Code of Criminal Procedure, Section 62.058. For purposes of this ordinance that person is classified as a "Habitual Offender".

2. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as

described herein above, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

3. A map depicting the prohibited areas shall be maintained by the City of Arlington.. The City shall review the map annually for changes. Said map will be available to the public at the Arlington Police Department.

D. Culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this Chapter.

E. Affirmative defenses.

It is an affirmative defense to prosecution that any of the following conditions apply:

1. The person required to register on the Database established the permanent or temporary residence and has complied with all of the sex offender registration laws of the State of Texas, prior to the date of the adoption of this ordinance.

2. The premises where children commonly gather, as specified herein, within 1,000 feet of the permanent or temporary residence of the person required to register on the Database was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.

3. The information on the Database is incorrect, and, if corrected, this Section would not apply to the person who was erroneously listed on the Database.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **23rd** day of **May, 2006**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **13th** day of **June**, **2006**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney
BY /s/Kathleen Weisskopf

Ordinance No. 07-077

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, by the addition of a new Section 1.16, Aggressive Solicitations, relative to protecting citizens from the fear and intimidation accompanying certain forms of solicitation; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder; and

WHEREAS, aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic; and

WHEREAS, the presence of individuals who solicit money from persons at or near banks, automated teller machines, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait; and

WHEREAS, this section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and not to limit a constitutionally protected activity; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, by the addition of a new **Section 1.16**, Aggressive Solicitations, so that said section shall be and read as follows:

Section 1.16 Aggressive Solicitations

A. Findings

1. The City Council finds that the increase in aggressive solicitation throughout the City has become extremely disturbing and disruptive to

residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder.

2. Aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic. The City Council further finds that the presence of individuals who solicit money from persons at or near banks or automated teller machines is especially troublesome because of the enhanced fear of crime in those confined environments.

3. This law is timely and appropriate because current laws and City regulations are insufficient to address the aforementioned problems.

4. The law is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence in the City.

B. Definitions. For the purpose of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein:

"Aggressive manner" means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

2. Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to

picket or legally protest, and acts authorized by a City legally issued permit shall not constitute obstruction of pedestrian or vehicular traffic;

5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

6. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

"Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

"Automated teller machine facility" means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

"Check cashing business" means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

"Exterior public pay telephone" means any coin or credit card reader telephone that is:

1. Installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

2. Accessible and available for use by members of the general public.

"Public area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

"Self-service car wash" means a structure:

1. At which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

2. That is accessible and available for use by members of the general public.

"Self-service fuel pump" means a fuel pump:

1. From which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

2. That is accessible and available for use by members of the general public.

"Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

C. Prohibited Acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

1. In an aggressive manner in a public area;

2. In any bus station or stop;

3. Within fifteen (15) feet of any entrance or exit of any bank, credit union, other similar financial institution, exterior public pay telephone, self-service car wash, self-service fuel pump, or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, credit union, other similar financial institution, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

4. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or

5. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

D. Penalty. Any person who shall violate any provision of this Section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00).

E. Construction and Severability

1. Severability is intended throughout and within the provisions of the Section. If any subsection, sentence, clause, or phrase of this Section is

held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Section.

2. This Section is not intended to prescribe any demand for payment for services rendered or goods delivered.

3. This Section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of or the Constitution of the United States of America.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 6th day of November, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of November, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN BARLAR, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 07-078

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, by the addition of a new Section 1.15, Motel/Hotel Guest Registration, relative to requiring persons registering with a Motel or Hotel to provide identification and requiring Motels or Hotels to maintain a record of guest registrations and obtain certain type of identification from guests; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, City Council believes that, in an effort to deter illegal activity, it is necessary to require that the person registering at a motel/hotel present identification at registration sufficient to establish the person's true identity for potential law enforcement purposes; and

WHEREAS, City Council wishes to establish a method of identification which clarifies for motel/hotel operators which identification is acceptable to establish identity for law enforcement purposes while minimizing disruption of business activity; and

WHEREAS, City Council finds that it is in the interest of public safety that proper identification be obtained to allow emergency responders to properly identify sick, ill or injured persons and to allow for notification of next of kin in case of emergency or death; and

WHEREAS, it is necessary to amend the Miscellaneous Offenses Chapter of the Code of the City of Arlington, Texas, 1987, by the addition of a new Section 1.15, Motel/Hotel Guest Registration; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, by the addition of a new **Section 1.15**, Motel/Hotel Guest Registration, so that said section shall be and read as follows:

Section 1.15 <u>Motel/Hotel Guest Registration</u>

A. No person registering in a hotel shall do so or attempt to do so under any false name or identity. No person registering in a hotel shall present for the purpose of registration, false identification or any identification which misrepresents or fails to disclose the registrant's true identity.

B. It shall be the duty of the owner or operator of any hotel as defined in this chapter to keep, in a format chosen by the hotel sufficient to comply with the record keeping requirements set out in this ordinance, a register, of persons accommodated in such establishment for the purpose of verifying registrants' identities. Such register shall include, for all guest rooms and guest stays, either:

1. The name of the registrant, the type of official photo identification presented and any personal identification number contained thereupon, the registrant's address, and the expected duration of the registrant's stay in such establishment; or, in the alternative,

2. Documentation that the person guaranteed payment using a valid credit card issued in the name of the registrant as provided by the registrant, which at the time of registration, was verified through the hotel's customary credit card verification procedures.

No such owner or operator, or his employee, agent or representative shall knowingly write, cause to be written or permit to be written, in any register in any such hotel any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known.

C. Such record or register shall be available at all times for inspection by any City official, and maintained for a period of two (2) years.

D. Any person who shall violate any provision of this section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00).

E. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "**Hotel**" means a building having three (3) or more rooms in which members of the public may temporarily obtain sleeping accommodations for consideration. The term includes those establishments commonly known as hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, or inns.

2. **"Official Photo Identification"** means a driver's license, passport, or other government issued identification document.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be

published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 6th day of November, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of November, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN MAYNEAR, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 07-079

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, by the addition of a new Section 1.14, Manifesting the Purpose of Engaging in Prostitution Prohibited, relative to prohibiting persons from loitering in public places in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another person to commit an act of prostitution; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, City Council believes that prostitution has a serious and adverse impact on the citizens and businesses within the City of Arlington; and

WHEREAS, citizens and children are at risk of witnessing acts of prostitution and related sale or use of drugs and other illegal acts when these activities are committed in public places; and

WHEREAS, those involved in prostitution are at an extremely high risk of contracting and spreading sexually transmitted diseases; and

WHEREAS, this type of illegal activity poses a threat to the health, safety and welfare of residents, visitors and businesses; and

WHEREAS, it is necessary to amend the "Miscellaneous Offenses" Chapter of the City Code by the addition of Section 1.14 prohibiting loitering in a public place for the purpose of engaging in prostitution; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, by the addition of a new **Section 1.14**, Manifesting the Purpose of Engaging in Prostitution Prohibited, so that said section shall be and read as follows:

Section 1.14 Manifesting the Purpose of Engaging in Prostitution Prohibited.

A. Definitions. For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

"Known Prostitute or Panderer" means a person who has, within the knowledge of the arresting officer, been convicted of prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution within one year previous to the date of an arrest for a violation of this section.

"Prostitution" has the meaning provided in Section 43.01 (*Definitions*) of the Texas Penal Code.

"Public Place" has the meaning provided in Section 1.07 (*Definitions*) of the Texas Penal Code.

B. A person commits an offense if the person loiters in a public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another person to commit an act of prostitution.

C. In making a determination that a person is in violation of this section, a peace officer may consider whether the person:

1. Is a known prostitute or panderer;

2. Repeatedly beckons to, stops or attempts to stop, or engages in conversation with persons passing by; or

3. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture.

D. A peace officer may not arrest a person for a violation of this section unless the officer has given the person an opportunity to explain the person's conduct.

E. It is an affirmative defense to prosecution under this section if the explanation given the arresting officer under Subsection (D) is true and discloses a lawful purpose.

F. Any person who shall violate any provision of this section shall be guilty of a class C misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500) for each offense.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 6th day of November, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of November, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

KAREN MALLAR, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 14-023

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Miscellaneous Offenses, by the addition of Section 1.075, Weapons Prohibited at Public Meetings, relative to carrying or possession of a weapon or simulated weapon at meetings of governmental bodies within the City; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, declaring an emergency and becoming effective upon publication

WHEREAS, the Arlington Police Department has conducted a security analysis of City Hall and recommends increased security at public meetings; and

WHEREAS, the State of Texas has recognized the need to prohibit concealed handguns at public meetings through the enactment of Penal Code 46.035; and

WHEREAS, City Council finds that regulating an individual's ability to possess a firearm at a public meeting is necessary for the safety and welfare of the public and citizens of Arlington; and

WHEREAS, the City of Arlington is a Home-Rule Municipality which has full power of local self-government; and

WHEREAS, Section 229.001(b)(6) of the Local Government Code permits the City to regulate the carrying of a firearm at a public meeting of a governmental entity; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Miscellaneous Offenses"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended to add **Section 1.075**, Weapons Prohibited at Public Meetings, so that hereafter said section shall be and read as follows:

Section 1.075 Weapons Prohibited at Public Meetings

A. It is an offense for any person to carry or possess a weapon or simulated weapon at a public meeting of a governmental body which is being held within the City.

B. This section does not apply to a person carrying a concealed handgun under the authority of Chapter 411 of the Texas Government Code. However, concealed handgun license holders are prohibited from carrying a concealed handgun into any meeting of a governmental entity under Section 46.035 of the Texas Penal

Code, as amended. Nor does this section apply to a certified peace officer, as defined by Texas Code of Criminal Procedure Article 2.12, possessing a firearm as permitted by state or federal law.

C. For the purposes of this section, the following definitions shall apply:

"Gun" shall mean any device designed or manufactured to shoot, fire, or otherwise discharge a projectile. The term shall include, but is not limited to firearms, antique firearms, replicas of antique firearms, air rifles, air guns, and air pistols.

"Simulated weapon" shall mean any item or object which is manufactured or designed to appear as though it is a weapon regardless of whether it is capable of inflicting injury or damage.

"Weapon" shall mean an object or other thing manufactured, designed, or used for the purpose of inflicting injury or damage. This term shall include, but is not limited to, knives, guns, clubs, and incendiary devices.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not

thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two (2) meetings, as specified in Section 11, is hereby waived.

9.

This ordinance shall become effective from and after its passage and publication as provided by law.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the 22nd day of April, 2014, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

Ordinance No. 14-044

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Miscellaneous Offenses, by the amendment of Section 1.05, Air Rifles - Discharge, relative to the discharge of air or gas propelled weapons within the City; and by the amendment of Section 1.07, Firearms - Discharge, relative to the discharge of firearms within the City; containing findings and other provisions; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Texas Local Government Code Sections 229.001, 229.002, and 229.004 have been amended to limit a municipality's authority to regulate the discharge of air or gas propelled weapons and firearms; and

WHEREAS, certain wildlife such as birds and coyotes pose a significant danger to incoming and outgoing flights; and

WHEREAS, City Council finds that a Wildlife Hazard Management Plan is necessary to protect the public; and

WHEREAS, City Council finds pyrotechnics and controlled use of firearms are necessary for a safe and effective Wildlife Hazard Management Plan; and

WHEREAS; the Federal Aviation Administration requires a Wildlife Hazard Management Plan; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Miscellaneous Offenses**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I**, Miscellaneous Offenses, **Section 1.05**, Air Rifles - Discharge, so that said section shall be and read as follows:

Section 1.05 Air Rifles - Discharge

A. A person commits an offense if he knowingly, intentionally or recklessly shoots off, fires or discharges any air rifle, air gun, air pistol or other air or gas propelled weapon of any description within the City.

B. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged by a peace officer in the course of his official duties or on

Arlington Municipal Airport property by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP).

C. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged:

1. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or

2. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981 in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or

3. at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended.

Further, Article I is hereby amended through the amendment of **Section 1.07**, Firearms - Discharge, so that said section shall be and read as follows:

Section 1.07 Firearms - Discharge

A. A person commits an offense if he intentionally, knowingly or recklessly discharges a firearm within the City.

B. This Section does not apply if:

1. The firearm was discharged in violation of Texas law in which case the discharge is chargeable under Texas law;

2. The firearm was discharged by a peace officer in the course of his official duties;

3. The firearm was discharged in a gun club, skeet or target range, or other facility or area for the sport of shooting at targets to test accuracy in rifle and pistol practice as authorized by the "Unified Development Code" Chapter of the Code of the City of Arlington or at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended;

4. The firearm was discharged on the Arlington Municipal Airport property, by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP);

5. The firearm was a shotgun which was discharged:

   a. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or

   b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or

6. The firearm was a center fire or rim fire rifle or pistol of any caliber which was discharged:

   a. in an area annexed by the City after September 1, 1981, on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or

   b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, on a tract of land of 100 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

C. It is a defense to an offense under this section that the firearm was discharged as authorized by the Texas Penal Code.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars ($500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 5th day of August, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 19th day of August, 2014, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Ordinance No. 15-051

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Miscellaneous Offenses, by the amendment of Section 1.075, Weapons Prohibited at Public Meetings, relative to carrying or possession of a weapon or simulated weapon at meetings of governmental bodies within the City; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, on April 22, 2014, by Ordinance No. 14-023, the City Council approved the enactment of Section 1.075 of the "Miscellaneous Offenses" Chapter of the City of Arlington to prohibit weapons and simulated weapons from being carried into a government meeting to protect the rights and safety of all those in attendance; and

WHEREAS, Section 229.001 of the Local Government Code has been amended to prohibit the City from regulating the transfer, private ownership, keeping, transportation, licensing, or registration of knives; and

WHEREAS, on January 1, 2016, HB 910 will amend Texas law to permit the open carry of firearms; and

WHEREAS, City Council finds that regulating an individual's ability to possess a firearm or other weapon at a public meeting is still necessary for the safety and welfare of the public and citizens of Arlington; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Miscellaneous Offenses"** Chapter of the Code of the City of Arlington, Texas, is hereby amended through the amendment of **Article I**, Miscellaneous Offenses, **Section 1.075**, Weapons Prohibited at Public Meetings, so that said Section shall be and read as follows:

Section 1.075 Weapons Prohibited at Public Meetings

A. It is an offense for any person to carry or possess a weapon or simulated weapon, other than a knife, at a public meeting of a municipality, county, or other governmental body which is being held within the City.

B. This section does not apply to a person carrying a handgun under the authority of Chapter 411 of the Texas Government Code, said license holders being regulated by state law. Nor does this section apply to a certified peace officer, as defined by Texas Code of Criminal Procedure Article 2.12, possessing a firearm as permitted by state or federal law.

C. For the purposes of this section, the following definitions shall apply:

"Gun" shall mean any device designed or manufactured to shoot, fire, or otherwise discharge a projectile. The term shall include, but is not limited to firearms, antique firearms, replicas of antique firearms, air rifles, air guns, and air pistols.

"Simulated weapon" shall mean any item or object which is manufactured or designed to appear as though it is a weapon regardless of whether it is capable of inflicting injury or damage.

"Weapon" shall mean an object or other thing manufactured, designed, or used for the purpose of inflicting injury or damage. This term shall include, but is not limited to guns, clubs, and incendiary devices.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 13th day of October, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 27th day of October, 2015, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 16-007

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, Section 1.16, Aggressive Solicitations, by the deletion of Subsection (C)(5), relative to prohibited acts; providing for a fine of up to $500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Article 15, Solicitation and Distribution, of the "Streets and Sidewalks" Chapter of the Code of the City of Arlington, Texas, was amended on October 28, 2014; and

WHEREAS, Section 1.16, Aggressive Solicitations, Subsection (C)(5), of the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, is redundant to and partially inconsistent with the amended Article 15 of the "Streets and Sidewalks" Chapter; and

WHEREAS, formal amendment of Section 1.16, Subsection (C), of the "Miscellaneous Offenses" Chapter will ensure consistency in the ordinances; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Miscellaneous Offenses"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, **Section 1.16**, Aggressive Solicitations, by the deletion of Subsection (C)(5) so that Subsection 1.16(C) shall read as follows:

C. Prohibited Acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

1. In an aggressive manner in a public area;

2. In any bus station or stop;

3. Within fifteen (15) feet of any entrance or exit of any bank, credit union, other similar financial institution, exterior public pay telephone, self-service car wash, self-service fuel pump, or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, credit union, other similar financial institution, automated teller machine or check cashing business without the consent of

the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or

4. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 26th day of January, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 9th day of February, 2016, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY