

STATE OF TEXAS

§

COUNTY OF SMITH

§

§

---

---

**COMMISSIONERS COURT ORDER ESTABLISHING RULES AND  
REGULATIONS GOVERNING SOLICITATION BY PEDESTRIANS ON  
ROADWAYS WITHIN SMITH COUNTY AND PROVIDING FOR A  
PERMITTING PROCESS FOR AUTHORIZED SOLICITATION ACTIVITIES**

---

---

BE IT REMEMBERED, that on this the 15<sup>th</sup> day of April, 2014, the Smith County Commissioners Court met in regular sessions after public notice and deliberation by all interested stakeholders.

Whereupon, among other proceedings, had the following Order Approved:

**WHEREAS**, Smith County, a political subdivision of the State of Texas (hereinafter “County” or “The County”) has determined that regulating solicitation by pedestrians on County roadways, streets, or thoroughfares is necessary to safeguard the health and safety of both its residents and pedestrian solicitors.

**WHEREAS**, pursuant to the authority granted in the Texas Transportation Code, the Smith County Commissioners Court adopts an order governing the solicitation by pedestrians on roadways within the County. Tex. Transp. Code § 552.007(a).<sup>1</sup>

**WHEREAS**, pursuant to the authority granted by the Texas Transportation Code, the Smith County Commissioners Court adopts an order governing the issuance of permits authorizing persons to stand in a roadway to solicit a charitable contribution within the County. Tex. Transp. Code § 552.0071.<sup>2</sup>

**Authorized Solicitation by Pedestrians**

Notwithstanding any other County provision, ordinance, or State Law, a person may solicit contributions while standing on a traffic median, shoulder, improved shoulder, sidewalk,

---

<sup>1</sup> Authorizing the local authority having jurisdiction over the roadway to regulate solicitation of charitable contributions.

<sup>2</sup> Authorizing the local authority to grant permits for solicitation of charitable contributions from the roadway within its jurisdiction.

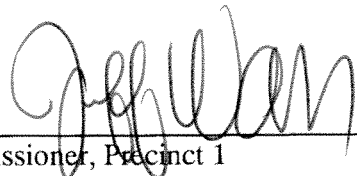
or improved portion of the roadway from occupants of any vehicle on a roadway, street, or thoroughfare under the following terms and conditions:

- 1) Solicitors shall submit an application for a Charitable Organization Solicitation Permit from the applicable precinct constable no later than eleven (11) days prior to the event.
- 2) Applications for Charitable Organization Solicitation Permits shall be available on the Smith County Website, or at the applicable precinct constable's office.
- 3) The precinct constable for the area of the proposed solicitation site has the sole authority to grant or deny applications for Charitable Organization Solicitation Permits.
- 4) The fee for the permit shall be set by the Smith County Commissioners Court.
- 5) Solicitors shall qualify as a charitable organization as defined by the Internal Revenue Service.
- 6) Solicitors shall provide a \$1 Million liability insurance policy to cover damages that may arise from the solicitation. The insurance policy must provide coverage for claims against the applicant and Smith County.
- 7) A permit will be issued for no more than Two (2) consecutive days.
- 8) The hours of roadway solicitation on a weekday shall be 9:00 am to One (1) hour before sunset. On Saturday the hours of soliciting shall one (1) hour after sunrise to On (1) hour before sunset. There shall be no solicitation on Sunday.
- 9) The location of the roadway solicitation shall be at intersections controlled by a stop sign or flashing red light, where all lanes come to a stop. There shall be no solicitation at exit ramps or service roads of controlled access roadways.
- 10) There shall be no more than two (2) solicitors per traffic lane.
- 11) Solicitation shall be conducted on dry pavement, and any precipitation shall cause solicitation to cease.
- 12) All solicitors shall wear a brightly colored shirt or vest.
- 13) All solicitors shall be age eighteen (18) or older.
- 14) No signage or temporary traffic control device shall be placed on the roadway. An informational sign may be placed no less than ten (10) feet off the roadway.
- 15) Solicitors may not have physical contact with a vehicle for the purpose of alerting operator or passengers of the solicitation.

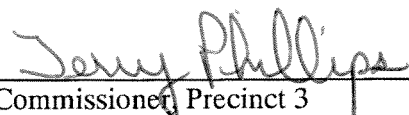
16) At each solicitation site, a copy of the approved permit shall remain in the custody of the solicitors. Solicitors shall provide the copy to any law enforcement officer upon request.

Read and Approved this the 15<sup>th</sup> day of April, 2014, by a vote of 4 ayes and 0 nays.

  
\_\_\_\_\_  
County Judge

  
\_\_\_\_\_  
Commissioner, Precinct 1

  
\_\_\_\_\_  
Commissioner, Precinct 2

  
\_\_\_\_\_  
Commissioner, Precinct 3

Absent  
\_\_\_\_\_  
Commissioner, Precinct 4

ATTEST:

  
\_\_\_\_\_  
County Clerk, **Karen Phillips**