

JD
Item No. 32
05/05/05
revised 05/06/05

AN ORDINANCE 100823

AMENDING CHAPTER 19, ARTICLE I OF THE CITY CODE; ADOPTING AN EXCEPTION TO CITY CODE SECTION 19-8 TO ALLOW FOR THE SOLICITATION OF NEWSPAPERS FROM AN OFF-ROADWAY SURFACE TO THE OCCUPANTS OF MOTOR VEHICLES ON PUBLIC STREETS; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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WHEREAS, the Chapter 19, Article I, Section 19-8 of the City Code prohibits the solicitation of occupants of vehicles with some exceptions; and

WHEREAS, the City Council has determined that certain amendments to Chapter 19, Article I, Section 19-8 of the City Code are necessary; and

WHEREAS, the City Council finds that it has a governmental interest in protecting the general welfare, health, safety, and order of the citizens of the City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 19-8 of the City Code of the City of San Antonio is hereby amended as follows to add the following provisions:

(i) Notwithstanding the other provisions of §19-8, § 16-227, § 16-240 or any other provision of the City Code, a person sixteen (16) years of age or older may solicit the sale of newspapers to occupants of motor vehicles from sidewalks, walkways, raised medians, islands and other off-roadway surfaces and may deliver the newspaper to any such occupant who responds to the solicitation in order to complete the sales transaction so long as doing so does not impede traffic flow and provided that such person wears a fluorescent orange visibility vest. The owner and publisher of the newspaper will be responsible for periodically monitoring the activity of any such solicitor under the age of eighteen (18), such monitoring to be done by an agent or employee of the newspaper who is at least twenty-one (21) years of age. Any solicitor under the age of eighteen (18) must have the consent of a parent or adult having custody of the child.

(j) The owner and publisher of any newspaper distributed pursuant to paragraph (i) of this section shall maintain at its sole expense insurance coverage (1) that is written by an insurance company with an A-or better rating by AM Best and that is submitted and licensed to do business in the State of Texas; (2) that is in full force and effect at any time sales and distribution are being conducted pursuant to Section 19-8(i); (3) that provides One Million Dollar (\$1,000,000.00) of liability coverage per occurrence; (4) that insures the newspaper and all persons who will be selling and distributing on its behalf; (5) that names the City of San Antonio, its officers, employees and elected representatives as additional insures; (6) that provides that any insurance or self-insurance maintained by the City shall apply in excess of and not contribute with it; and (7) that is written on an occurrence basis. The owner and publisher shall file and keep current a certificate of insurance signed by an agent authorized to bind coverage indicating that the owner and publisher has obtained the aforementioned insurance coverage, with the chief of police.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or sets of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereby, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 3. The City Clerk of the City of San Antonio, Texas, is hereby directed to publish this ordinance in a newspaper published in the City of San Antonio, Texas as authorized by the City Charter of the City of San Antonio.

SECTION 4. This Ordinance shall become effective ten (10) days after the date of passage.

PASSED AND APPROVED on this the 5th day of May, 2005.



MAYOR
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: 32.

Date: 05/05/05

Time: 06:08:39 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 19, Article I of the City Code; adopting an exception to the City Code 19-8 to allow for the solicitation of newspapers from an off-roadway surface to the occupants of motor vehicles on public streets; providing a severability clause and an effective date. [Presented by Martha Sepeda, Acting City Attorney; J. Rolando Bono, Interim City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR ED GARZA	MAYOR	Not present			