

📖 ARTICLE III. HOME SOLICITATION

📖 Sec. 4-60. Definitions.

In this Article, the following words and phrases shall have the following meanings:

Charitable solicitation means a plea or representation, whether express or implied, that the proceeds from a solicitation, sale, or activity are for a charitable purpose.

Consumer means an individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

Consumer transaction means a sales transaction in which one (1) or more of the parties is a consumer.

Home solicitation transaction means a consumer transaction for the purchase of goods, services, or realty, payable in installments or in cash, in which the seller engages in a personal solicitation of the sale to the consumer at a residence in person, and the consumer's agreement or offer to purchase is given at the residence to the merchant. A home solicitation transaction shall not include a sale made pursuant to a preexisting revolving charge account or retail charge agreement, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale of realty in which the purchaser is represented by a licensed attorney or which is being negotiated by a licensed real estate broker.

Residence means any separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure. (Ord. O-97-26, 5-28-97; 0-97-71, 12/17/97)

Sunset means the time of day identified by the National Weather Service as the time for sunset for that day for the City of Tyler. (Ord. No. 0-2010-126; 12/8/10)

📖 Sec. 4-61. Solicitations permitted only during certain hours; prohibited if notice provided by occupants.

a. No person shall go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging in or attempting to engage in a charitable solicitation or home solicitation transaction, prior to 10:00 a.m. or after sunset of any day Monday through Saturday, or at any time on a Sunday or New Year's Day, Fourth of July, Memorial Day (observed), Labor Day (observed), Thanksgiving, or Christmas Day.

b. It is unlawful for any person to go upon any residential premises and ring the doorbell, rap or knock upon the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence, for the purpose of a charitable solicitation or a home solicitation transaction, if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence or main entrance to a residential gated community, apartment complex or other residential living facility, a sign indicating in any manner the occupants' desire not to have their privacy disturbed or otherwise prohibiting solicitation, peddling or trespassing. Distribution of handbills on residential premises is governed by Section 4-91.

c. This section shall not apply to a visit to the premises as a result of a request by the occupant.

d. This section shall not apply to deliveries made by the U.S. Postal Service or by private mail delivery businesses. (Ord. 0-97-71; 12/17/97) (Ord. No. 0-2010-126; 12/8/10)