

CITY OF GLENVIEW, KENTUCKY

ORDINANCE NO. 4, SERIES 1993

AN ORDINANCE PROVIDING FOR THE LICENSING AND  
REGULATION OF PEDDLERS, ITINERANT MERCHANTS, AND  
SOLICITORS

BE IT ORDAINED BY THE CITY OF GLENVIEW, KENTUCKY:

- Section 101 - Definitions
- Section 102 - License requirement
- Section 103 - Application procedure
- Section 104 - Standards for issuance
- Section 105 - Revocation procedure
- Section 106 - Standards for revocation
- Section 107 - Appeal procedure
- Section 108 - Provision for service of process
- Section 109 - Exhibition of licenses and badges
- Section 110 - Penalty
- Section 111 - Publication of Ordinance

§ 101 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS." The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

"GOODS." Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

"ITINERANT MERCHANT." Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the City and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the City.

"PEDDLER."

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the City.

A person who is a peddler is not an itinerant merchant.

"SOLICITOR." Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

§ 102 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the City.

(B) The fee for the license required by this ordinance shall be \$100.00 until such time as it is changed by the legislative body.

(C) No license issued under this ordinance shall be transferable. The granting of a license shall not constitute an endorsement by the City of Glenview of the licensee or the goods sold or offered for sale by the licensee.

(D) All licenses issued under this ordinance shall expire 90 days after the date of issuance thereof. Penalty, see § 110.

§ 103 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this ordinance shall file a written, sworn application with the Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the Clerk. The application shall state:

(1) The name and address of the applicant and of all persons who will act as agents, employees, or contractors of the applicant with respect to the sale of goods in the City of Glenview;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the City;

(b) The local address of such individual;

(c) The permanent address of such individual; and

(d) The capacity in which such individual will act.

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(6) Whether or not the applicant, or any of the individuals identified pursuant to subsection 103(A)(1) above, or the individual identified in subsection 103(A)(2)(a) above, or the person identified in subsection 103(A)(3) above has

been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) All applications for peddler or, solicitor or itinerant merchant licenses shall state, in addition to statements required by division (A):

(1) A description of the applicant and shall include a recent photograph of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this ordinance shall attach to their application the following:

(1) Two letters of recommendation from persons residing or doing business in the City certifying the applicant's good moral character and business responsibility; or, in lieu of such letters, other evidence which may be used by the Clerk to satisfy his duties under § 104; and

(2) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

#### § 104 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, the Clerk shall cause an investigation of the applicant's business reputation and moral character to be made.

(B) The Clerk shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. Without limiting the generality of the foregoing, the application shall be denied if the applicant:

(1) Has been convicted of a crime of moral turpitude or involving physical violence against another person; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character will constitute valid reasons for disapproval of an application.

§ 105 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Mayor after notice and hearing, pursuant to the standards in § 106. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 106 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude or physical violence against another person; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 107 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 104 or 106 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 105.

- (B) The order of the legislative body after the hearing shall be final.

§ 108 PROVISION FOR SERVICE OF PROCESS.

- (A) Requirements of successful applicant.

(1) Upon receipt of notice of approval of his application, the applicant shall file with Clerk an instrument appointing the Clerk as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of applicant in respect to any matter arising under this chapter.

(2) Forms for the required statement are available at the Clerk's office. Such form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon this agent, and when so made shall be taken and held to be as valid as if personally served upon the applicant,

according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment.

(B) Duty of Clerk. Immediately upon service of any process upon the Clerk under this chapter, the Clerk shall send, by registered mail, a copy of the process to the licensee at his last known address. Penalty, see § 110

§ 109 EXHIBITION OF LICENSES AND BADGES.

(A) Any license issued to an itinerant merchant under this ordinance shall be posted conspicuously in or at the place named therein. In the event more than one place within the City shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a badge or certificate to each peddler or solicitor licensed under this chapter. The badge or certificate shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The badge or certificate shall be worn conspicuously by the licensee during such time as he is engaged in the business licensed.

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen. Penalty, see § 110

§ 110 PENALTY.

In addition to revocation of any license granted hereunder, whoever violates any provision of this title shall be fined not more than \$500 per offense. Each day's violation shall constitute a separate offense.

§ 111 PUBLICATION OF ORDINANCE.

The Mayor of the City is authorized and directed to publish and advertise this ordinance as required by law.

FIRST READING: 9/15/93

SECOND READING: 10/20/93

PASSED AND APPROVED this 20<sup>th</sup> day of October, 1993.

John E. St. Lawrence  
JOHN E. ST. LAWRENCE, Mayor

ATTEST:

Susan A. McCracken  
City Clerk

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