

CITY OF GLENVIEW, KENTUCKY
ORDINANCE NO. 3, SERIES 2012

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

This Ordinance is designed to protect against criminal activity, including fraud and burglary, minimize the unwelcome disturbances of citizens and the disruption of privacy and to otherwise preserve the public health, safety and welfare by regulating, controlling and licensing peddlers, canvassers and solicitors.

BE IT ORDAINED BY THE CITY OF GLENVIEW, KENTUCKY:

SECTION 1: DEFINITIONS.

The following words, terms and phrases, and their derivations, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) *Canvasser* means any person who, within the City of Glenview at residences, on public or private roadways or on city property, without prior invitation or appointment, attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

(B) *Peddler* means any person who, within the City of Glenview at residences, on public or private roadways or on city property, without prior invitation or appointment, carries, transports goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Ordinance.

(C) *Contributions* mean and include the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

(D) *Person* means a natural person or any firm, corporation, association, club, society or other organization.

(E) *Solicitor* means any person who, within the City of Glenview at residences, on public or private roadways or on city property, without prior invitation or appointment, takes or attempts to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to

request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial or commercial purposes.

SECTION 2: PERMIT APPLICATION

(A) Any person who is a canvasser, peddler, or solicitor shall obtain a permit from the City Clerk before engaging in such activity within the City.

(B) All permits issued under this Ordinance shall be valid for the date(s) listed on the permit. Penalty, see § 6.

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

(D) The fee for the permit required by this Ordinance is \$250.00 for the first day and \$200.00 for each subsequent day until such time as it is changed by the legislative body. A renewal permit shall cost \$200.00 for each additional day. A renewal permit may be issued within 365 days of the original permit at a cost of \$200.00 per day.

SECTION 3: APPLICATION PROCEDURE.

(A) All applicants for permits required by this Ordinance shall file a written, notarized 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 shall be made on forms available from the Clerk. The application shall state:

(1) The name(s), address(es) and date(s) of birth of the applicant and of all persons who will act as agents, employees, or contractors of the applicant in the City of Glenview;

(a) A description and a recent photograph of the applicant, and all persons listed in Section 3. (A)(1);

(b) A description of all vehicles proposed to be used with regard to the permit, including registration or license numbers.

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

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The telephone number(s) of such individual, and

(e) 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 dates for which it is proposed that the permit be valid;

(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 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 applicants for permits required by this Ordinance shall attach to their application the following:

(1) Full payment of the permit fee;

(2) Two letters of recommendation from persons residing 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/her duties hereunder; and

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

SECTION 4. STANDARDS FOR ISSUANCE.

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

(B) The Clerk shall approve the application within 10 business days unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a 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; or any persons who will act as agents, employees or contractors of 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 canvassers, peddlers and solicitors; or

- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has any unsatisfactory moral character that will constitute valid reasons for disapproval of an application.

SECTION 5. EXHIBITION OF PERMITS.

(A) Any permit issued to a canvasser, peddler or solicitor under this Ordinance shall be carried by the applicant and all persons acting as agents, employees or contractors of the applicant while conducting activities related to the permit.

(B) The Clerk shall issue a badge or certificate to each peddler, canvasser or solicitor permitted under this chapter. The badge or certificate shall contain the words "Permitted Peddler," "Permitted Solicitor " or "Permitted Canvasser", valid dates of the permit, and the number of the permit. The badge or certificate shall be worn conspicuously by the permittee during such time as he/she is engaged in the business permitted.

(C) Peddlers, canvassers or solicitors shall exhibit their permit at the request of any citizen.

(D) Anyone accepting a permit must be required to respect the privacy of the residents of the City of Glenview and not solicit properties that specifically request no soliciting. The City Clerk will either provide the solicitor with a list of properties that request no soliciting or a list of properties where signs have been posted on the property stating that no solicitation is permitted. The lists will be considered current until someone chooses to allow solicitation on their property and then the lists will be updated accordingly.

SECTION 6. PENALTY.

In addition to revocation of any permit granted hereunder, whoever violates any provision of this title shall be fined not more than \$500 for the first offense, \$1,000.00 for the second offense and \$5,000.00 for each subsequent offense. Each day's violation shall constitute a separate offense.

SECTION 7. ENTRY UPON PREMISES UNLAWFUL.

It shall be unlawful for any person, whether permitted or unpermitted, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has:

(A) Posted, at the entry to the premises, and/or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," "No Canvassers" or words of similar import; or

(B) Filed a "No Solicitation Registration Form" with the City on a form furnished by the City for that purpose. The City will maintain a "No Solicitation" list of those persons who wish to restrict solicitation on their property by canvassers, peddlers, and solicitors. The "No Solicitation" list shall be a public document and a copy of the list shall be provided to each recipient of a permit to engage in solicitation. It will be the responsibility of canvassers, peddlers and solicitors to obtain a copy of the "No Solicitation" list.

SECTION 8. HOURS OF SOLICITATION.

No person, while conducting the activities of a peddler, canvasser or solicitor, whether permitted or unpermitted, shall utilize public or private roadways, city property, enter upon any private property, knock on doors or otherwise disturb persons in their residences except between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday.

SECTION 9. PERMIT REVOCATION.

Any permit issued under this Ordinance may be revoked or suspended by the Mayor and City Commission, after notice and hearing, for any of the following reasons:

- (A) Fraud, misrepresentation or false statement contained in the application for a permit;
- (B) Conducting peddling, canvassing, solicitation or other activities contrary to the provisions contained in the permit;
- (C) Conviction for any crime involving moral turpitude; or
- (D) Conducting peddling, canvassing or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

SECTION 10. NOTICE AND HEARING.

Notice of a hearing for revocation of a permit issued under this Ordinance or the violation of the ordinance even if the violator has not applied for or received a permit, shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

SECTION 11. APPEALS.

- (A) Any person aggrieved by the action or decision of the Clerk, Mayor or City Commission to deny, suspend or revoke a permit applied for under the provisions of this Ordinance or has violated the ordinance even if the violator has not applied for or received a

permit shall have the right to appeal such action or decision to the Clerk within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(B) An appeal shall be taken by filing with the City Clerk a written statement setting forth the grounds for the appeal.

(C) The Clerk shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor and City Commission shall set a time and place for a hearing on the appeal.

(D) A hearing shall be set not later than thirty (30) days from the date of receipt of the appellant's written statement.

(E) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(F) The decision of the Mayor and City Commission on the appeal shall be final and binding on all parties concerned.

(G) Upon final determination of the proceedings, the violator shall pay the fine, the legal costs and court costs incurred by the City.

SECTION 12. Ordinance No. 3-1993 enacted on October 20, 1993 and relating to soliciting charitable contributions, and Ordinance No. 4 - 1993 enacted on October 20, 1993 and relating to commercial solicitations are hereby repealed in their entirety by this Ordinance.


SECTION 13. PUBLICATION OF ORDINANCE.

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

COMMISSION MEMBERS	YES	NO	ABSTAIN
John Caperton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Donald Bennett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah Reiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanette Tafel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richard Breen, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FIRST READING: NOV 7, 2012
SECOND READING: DEC 5, 2012

PASSED and APPROVED this 5th day of DEC, 2012.



Richard Breen, Mayor
City of Glenview, Kentucky

Publication: January 2, 2013

Attest: Kacy DeVore
Kacy DeVore, City Clerk Administrator