

ORDINANCE 2009-05

AN ORDINANCE ESTABLISHING GUIDELINES FOR SOLICITING WITHIN THE CITY OF HEBRON ESTATES AND PROVIDING PENALTIES FOR VIOLATION OF THOSE GUIDELINES.

WHEREAS, there has been an increase in the number and frequency of uninvited solicitations within the City of Hebron Estates, and

WHEREAS, the citizens of the City of Hebron Estates have voiced complaints to the City Council about these uninvited solicitations disrupting their daily activities, and

WHEREAS, some of these solicitations are frightening to some of the elderly residents of the City, and have resulted in allegations of intimidation, and

WHEREAS, the City Council believes for the public safety and welfare of City residents some control of individuals involved in door to door solicitation is necessary, now therefore,

BE IT ORDAINED BY THE CITY OF HEBRON ESTATES, as follows:

SECTION ONE: DEFINITIONS.

For the purpose of this ordinance, the following words as used herein shall be considered to have the meaning herein ascribed thereto:

1. "Soliciting" shall mean and include any one or more of the following activities:
 - (a) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or
 - (b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
 - (c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
 - (d) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.
2. "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

3. "Registered solicitor" shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, which certificate shall be in the possession of the solicitor on his/her person while engaged in soliciting.

SECTION TWO: CERTIFICATE OF REGISTRATION.

Every person desiring to engage in soliciting as herein defined from persons in residences within the City of Hebron Estates, shall be required to make written application for a certificate of registration as hereinafter provided. Such certificate shall be carried on the person of the solicitor.

SECTION THREE: APPLICATION FOR CERTIFICATE OF REGISTRATION.

Application for a certificate of registration shall be made upon a form provided by the City of Hebron Estates. The applicant shall truthfully state in full the information requested on the application, to wit:

- (a) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- (b) Address of place of residence during the past three (3) years if other than present address;
- (c) Age of applicant;
- (d) Physical description of the applicant;
- (e) Name and address of the person, firm, corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (f) Name and address of employer or organization represented during the past three (3) years, if other than the present employer or organization represented;
- (g) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (h) Period of time for which the certificate is applied;
- (i) The date, or approximate date, of the latest previous application for certificate under this ordinance, if any;
- (j) Whether a certificate of registration issued to the applicant under this ordinance has ever been revoked;

(k) If the applicant has been convicted of a felony under the laws of Kentucky or any other state or federal law of the United States;

All statements made by the applicant upon the application, or in connection therewith, shall be under oath.

The City Clerk shall cause to be kept in the City Clerk's office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this ordinance, and of the denial of any application. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No certificate of registration shall be issued to any person who has been convicted of a felony under the laws of Kentucky or any other state or federal law of the United States, within five (5) years of the date of the application; nor, to any person who has been convicted of a violation of any of the provisions of this ordinance; nor, to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

The annual fee to obtain a Certificate of Registration shall be Fifteen Dollars (\$15.00). No proration of the fee shall be made. The certificate of Registration shall be valid for one (1) year from date of issue, unless revoked as hereinafter provided.

SECTION FOUR: REVOCATION OF CERTIFICATE.

Any certificate of registration issued hereunder shall be revoked by the Mayor if the holder of the certificate is convicted of a violation of any of the provisions of this ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this ordinance. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the certificate of registration shall become null and void.

A certificate of registration shall state the expiration date thereof.

SECTION FIVE: NOTICE REGULATING SOLICITING.

Every person desiring to secure the protection provided by the regulations pertaining to soliciting contained in this ordinance, shall comply with the following directions, to wit:

Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITATIONS PERMITTED"

If this card is displayed, no solicitation shall be permitted at that residence.

The letters shall be at least one-third inch in height. For the purpose of uniformity the cards shall be provided by the City Clerk to persons requesting, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

SECTION SIX: DUTY OF SOLICITORS.

It shall be the duty of every solicitor upon going onto any premises in the City of Hebron Estates upon which a residence as herein defined is located, to first examine for the notice provided for in this ordinance, if any is attached, and be governed by the statement contained on any notice. If the notice states "No Solicitation Permitted," then the solicitor shall immediately and peacefully depart from the premises, and if no notice is visible then a registered solicitor, may conduct business solicitations.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION SEVEN: UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of section six of this ordinance.

SECTION EIGHT: TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this ordinance or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 10:00 a.m. or after one half (1/2) hour before sunset of any week day, or at any time on a Sunday or on a state or national holiday.

SECTION NINE: EXCEPTIONS.

The provisions of this ordinance shall not apply to officers or employees of the city, county, state or federal government, members of the local fire departments, official school fund raising groups, or any charitable organization that produces its 501(c)(3) tax exempt charitable organization certificate to the City Clerk.

SECTION TEN:

Appropriate signs and markings shall be erected and posted at the intersection of Ky. Hwy. 61 and Burkland Blvd.; Ky. Hwy. 61 and Willow Way; Ky. Hwy. 61 and East Hebron Lane; Paula Drive; and Faro Court notifying the general public that solicitation shall not be permitted within the municipal boundaries of the City of Hebron Estates without a Certificate of Registration.

SECTION ELEVEN: PENALTY.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than Five Hundred Dollars (\$500) for each offense.

SECTION TWELVE: This Ordinance shall take effect upon publication and the posting of signage described in Section Ten hereinbefore.

SECTION THIRTEEN: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION FOURTEEN: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

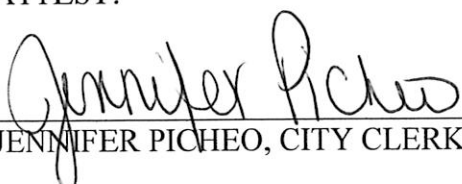
Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 1st day of December, 2009. Given second reading, voted upon, and passed at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 2nd day of February, 2010.

Votes for 4; Votes against 0; Not Voting 0.



JERRY CLARK, MAYOR

ATTEST:



JENNIFER PICHEO, CITY CLERK