

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2023-12**

**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY, REPEALING
ORDINANCE 2010-003 CODIFIED AS CHAPTER 111 AND CREATING
CHAPTER 111A OF THE UNION CODE OF ORDINANCES ESTABLISHING
REGULATIONS FOR UNINVITED SOLICITATIONS OF CONTRIBUTIONS,
SALES OF GOODS AND SERVICES, AND PLEDGES, SUBSCRIPTIONS,
ORDERS AND OFFERS FOR THEM, AND ESTABLISHING PENALTIES FOR
THE VIOLATION THEREOF**

WHEREAS, the City of Union, Kentucky has a significant and legitimate governmental interest in the protection of the security and privacy of the residents and residences thereof, including, without limitation, the peace and quiet enjoyment thereof; and

WHEREAS, there have been recent occurrences of uninvited residential solicitation in the City of Union, Kentucky that have been less than reasonable, and have caused some anxiety and concern to the recipients thereof; and

WHEREAS, the City of Union, Kentucky has a significant governmental interest in the safety of motor vehicle traffic therein; and

WHEREAS, there have been recent occurrences of the solicitation of operators and occupants of motor vehicles in the streets and highways of the City of Union, Kentucky, by solicitors standing and walking therein for dubious reasons and causes; and

WHEREAS, solicitors have certain freedoms which are protected by the federal and state constitutions from governmental impairment to any extent substantially greater than that necessary to protect the legitimate interest of the government;

NOW, THEREFORE, in order to protect the privacy, safety and security of the residents and residences of the City of Union, Kentucky, and the safety of motor vehicle traffic on the streets and highways thereof, without impairing the constitutional freedoms of solicitors anymore than necessary therefore;

BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY, AS FOLLOWS:

The Union City Commission adopts a new chapter of the City of Union, Kentucky Code of Ordinances, to read as follows:

Section 111A.01 Repeal – Repealing Ordinance 2010-003 as set forth in Union, Kentucky Code of Ordinances and codified as Chapter 111.

Section 111A.02– Definitions

As used herein, the following words and phrases have the meanings indicated therefore:

Anti-Solicitation Property

The words “anti-solicitation property” mean any property in the City, which has been either:

- a. Posted with signs with the words “No Solicitors”, or, “No Trespassing”, or other words of similar import thereon; or
- b. Registered by an owner or occupant thereof with the City Clerk as property to which uninvited solicitors are prohibited.

Anybody

The word “anybody” means any human being, or organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

Everybody

The word “everybody” means every human being, or organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

Motor Vehicle Solicitation

The words “motor vehicle solicitation” mean the solicitation of the operator or occupant of any motor vehicle on any street or highway in the City, while the solicitor is standing outside the motor vehicle in the travel portion of the street or highway.

Nobody

The word “nobody” means no human being, or any organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

Business

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

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.

Registered Solicitor

The words “registered solicitor” mean a solicitor who has registered with the City Clerk therefore, by completing a Solicitor Registration Form provided thereby, which shall provide the following information about the solicitor:

- a) Legal name
- b) Date of birth.
- c) Residence address and telephone number.
- d) Name, address and telephone number of employer.
- e) A copy of the solicitor’s driver's license, passport or military ID
- f) Social Security Number and/or Federal ID Number

Solicitation

The word “solicitation” means the solicitation of contributions, the sales of goods or services or pledges, orders or subscriptions therefore, including, without limitation, the activities of those historically known and identified as peddlers, hawkers, canvassers, itinerant vendors and transient merchants.

Solicitor

The word “solicitor” means 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.

Peddler

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

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

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

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 with the City.

Uninvited Residential Solicitation

The words “uninvited residential solicitation” mean a solicitation at a residence in the City, without a prior appointment or other invitation therefore by an owner or occupant of the residence.

Business

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

111A.03 - License Requirement

Any person who is an itinerant merchant, peddler, or solicitor shall obtain a Business license and solicitor's permit before engaging in such activity within the City.

The fee for the license required by this Chapter shall be as set from time to time by the City Commission.

All business licenses for the City of Union expire December 31 each year. All solicitor permits issued under this Chapter shall expire sixty (60) days after the date of issuance thereof.

Any permit issued to an itinerant merchant under this Chapter shall be posted conspicuously in or at the place named therein.

The City Clerk shall issue one business license. The City Clerk shall issue a permit to each peddler or solicitor licensed under this chapter. The permit shall contain the words “Solicitors Permit”, a copy of photo ID, and the issue date. The permit shall be kept with the licensee during such time as he is engaged in the business licensed.

The fee for the solicitors permit required by this Section shall be Five Dollars (\$5.00) per application, except from charitable applicants who shall be exempt from payment of the fee.

111A.04 - Prohibitions

Nobody shall cause, permit, promote, suffer, allow, aid, assist, encourage or engage in any of the following described solicitations:

- a) Motor vehicle solicitation; or

- b) Uninvited residential solicitation by anybody other than a registered solicitor; or
- c) Uninvited residential solicitation upon any anti-solicitation property.
- d) That any authorized solicitation shall take place only during the hours of 10:00 AM until 7:00 PM.

11A.05 - Revocation Procedure

Any license or permit granted under this Chapter may be revoked by the City Clerk after notice and hearing. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds for 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 (10) days prior to the date set for the hearing.

11A.06 - 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
- 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.

11A.07 - Appeal Procedure

Any person aggrieved by a decision under the previous sections shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within fourteen (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 the appeal. The City Commission 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 above.

111A.08 - Criminal Penalties

Each violation of this ordinance shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both.

111A.09 - Civil Penalties

Each separate violation of this ordinance is hereby classified as a civil offense, for which:

- a) The maximum civil fine required by K.R.S. 65.8808(2)(b) that may be imposed for each separate violation of this ordinance, is hereby established as \$500.00; and
- b) The specific civil fine required by K.R.S. 65.8808(2)(c) that will be imposed for each separate offense and violation of this ordinance if the person who has committed the violation and offense does not contest a citation therefor, is hereby established as \$100.00;
- c) An enforcement officer may, in lieu of immediately issuing a civil citation therefor, give notice that the violation of this ordinance shall be remedied within a specific period of time.

111A.10 - Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

111A.11 - Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

111A.12 - Effective Date

This ordinance shall be effective as soon as possible according to law.

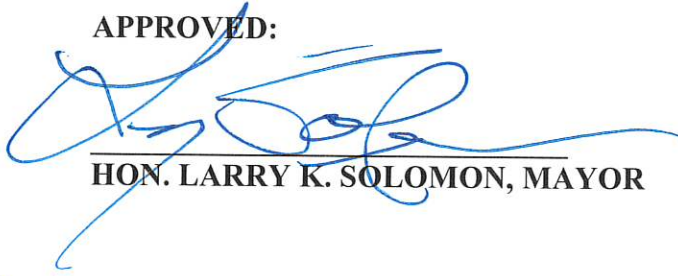
111A.13 - Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

FIRST READING: September 6, 2023

SECOND READING: September 18, 2023

APPROVED:



HON. LARRY K. SOLOMON, MAYOR

ATTEST:



TAMMY WILHOITE, CITY CLERK

Published: _____