

CITY OF WOODLAWN PARK, KENTUCKY

ORDINANCE NO. 3, SERIES 2011-2012

AN ORDINANCE ESTABLISHING REGULATIONS FOR UNINVITED SOLICITATIONS OF CONTRUBUTIONS, SALES OF GOODS AND SERVICES, PLEDGES, SUBSCRIPTIONS, ORDERS AND OFFERS THEREFOR, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City of Woodlawn Park 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 engagement thereof; and

WHEREAS, there have been recent occurrences of uninvited residential solicitation in the City that have been unreasonable and at unusual hours of the day and night, and causing anxiety, disruption and concern among the residents thereof; and

WHEREAS, the City has a significant governmental interest in the safety of residents and safety of motor vehicle traffic on the City's streets therein,

NOW, THEREFORE, in order to protect the privacy, safety and security of the residents and residences of the City, and the safety of motor vehicle traffic on the streets and highways thereof;

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

Section 1.0 – Definitions

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

1.1 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.

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

1.3 Registered Solicitor: The words “registered solicitor” shall mean a solicitor who has registered with the City by completing a Solicitor Registration Form which is available online at www.woodlawnpark.com and/or City Hall, 4327 Wingate Road, Louisville, Kentucky 40207, and who has been issued a Solicitation Permit. The Solicitor Registration Form shall provide the following

information about the solicitor:

- a. Legal name and all aliases;
- b. Date of birth;
- c. Residence address and telephone number;
- d. Name, address and telephone number of the principal for whom the solicitation is sought;
- e. A copy of the solicitor's license to operate a motor vehicle or other acceptable photographic identification, and
- f. A description of the proposed soliciting activity, including the goods or services to be sold, or contributions to be solicited.

1.4 Solicitation: The word "solicitation" shall mean the solicitation of contributions, the attempted sale of goods or services, or pledges, orders or subscriptions therefor, including, without limitation, the activities of those historically known and identified as peddlers, hawkers, canvassers, itinerant vendors and transient merchants. Visits by sales representatives pursuant to invitation, or as part of a continuing business relationship, shall not be deemed solicitation.

1.5 Solicitor: The word "solicitor" means any person who engages in solicitation.

1.6 Uninvited Residential Solicitation: The words "uninvited residential solicitation" shall mean a solicitation at a residence in the City, without a prior appointment or other invitation therefor by an owner or occupant of the residence.

SECTION 2.0 - Prohibitions

2.1 It shall be unlawful for any person to engage in solicitation in the City of Woodlawn Park without first obtaining a Solicitation Permit. Permits shall be issued by the Mayor, upon satisfactory completion of a Solicitation Registration Form. Permits shall be issued for one (1) day only, and may be renewed upon application and payment of the applicable permit fee.

2.2 No person shall cause, permit, promote, allow, aid, assist, encourage or engage in any of the following described solicitations:

- a. Uninvited Residential Solicitation by any person other than a registered solicitor;
- or
- b. Uninvited Residential Solicitation upon any anti-solicitation property; or
 - c. Uninvited Residential Solicitation between the hours of 10:00 a.m. and 4:00 p.m. EST Monday through Friday, between the hours of 1:00 p.m. and 4:00 p.m. EST

Saturdays and between the hours of 2:00 p.m. and 4:00 p.m. EST Sundays.

Section 3.0 - Exemption

The provisions of this ordinance which require a Solicitation Permit shall not apply to any person or entity engaged in religious proselytizing, political speech, or distribution of handbills, leaflets, or other printed advertisements when such delivery of handbills, leaflets or advertisements is accomplished without making contact with the owner or occupant of any residence within the City, and all such persons or entities shall be exempt from the requirements and penalties contained herein.

Section 4.0 - Fees

Solicitation permits for weekday solicitation shall cost Twenty Five Dollars (\$25.00) per day. Saturday solicitation permits shall cost Fifty Dollars (\$50.00) per day. Sunday solicitation permits shall cost One Hundred Dollars (\$100.00) per day.

Section 5.0 – Exemption from Fees

There shall be no fee for solicitation permits issued to persons making solicitations for charitable or *bona fide* non-profit organizations.

Section 6.0 – Criminal Penalties

Each violation of this ordinance shall be a class “B” misdemeanor for which any person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the amount of \$250.00.

Section 7.0 – Civil Penalties

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

7.1 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 \$100.00;

7.2 The specific civil fine required by K.R.S. 68.8808(2)(c) that shall be imposed for each separate offense and violation of this ordinance if the person who has committed the violation and offense does not contest the citation, is hereby established as \$50.00;

7.3 Any law enforcement officer may, in lieu of immediately issuing a civil citation, give notice that the violation of this ordinance shall be remedied within a specific period of time.

Section 8.0 – Provisions Severable

The provisions of this ordinance are severable. 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.

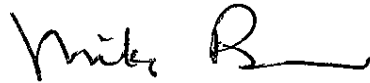
Section 9.0 – Conflicting Ordinances Repealed

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

Section 10.0 – Effective Date

This ordinance shall be effective as soon as possible pursuant to the laws of the Commonwealth of Kentucky.

This ordinance was given first reading on the 19th day of March, 2012, and passed and approved following the second reading given on the 16th day of April, 2012.



MIKE BROWN, MAYOR

Date: April 16, 2012

ATTEST:



CHANA ELSWICK, CLERK