

**ORDINANCE NO. 2008 – 11-02**

**AN ORDINANCE OF THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, ESTABLISHING REGULATIONS FOR UNINVITED SOLICITATIONS OF CONTRIBUTIONS, SALES OF GOODS AND SERVICES, AND PLEDGES, SUBSCRIPTIONS, ORDERS AND OFFERS THEREFORE; AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the City of Bellevue 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 that have been unreasonable and at unusual hours of the day and night, and causing anxiety, disruption and concern among the recipients thereof; and

**WHEREAS**, the City has a significant governmental interest in the safety of residents, efficiency of the occupational licensing system and safety of motor vehicle traffic on the City's streets therein; 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 and the public;

**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, without impairing the constitutional freedoms of solicitors more than necessary therefore;

**BE IT ORDAINED BY THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:**

**Section 1.0 – Definitions**

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

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.

2. **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.

3. **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.

4. **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.

5. **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.

6. **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 and all aliases;
- 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 license to operate a motor vehicle.

7. **Solicitation:** The word “solicitation” means the solicitation of contributions, the sale 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.

8. **Solicitor:** The word “solicitor” means anybody who engages in solicitation.

9. **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.

## **Section 2.0 – Prohibitions**

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

- 2.1. Motor vehicle solicitation; or
- 2.2. Uninvited Residential Solicitation by anybody other than a registered solicitor; or
- 2.3. Uninvited Residential Solicitation upon any anti-solicitation property; or
- 2.4. Uninvited Residential Solicitation before the hour of 8:00 a.m. Eastern Standard Time or after the hour of 8:00 p.m. Eastern Standard Time.

### **Section 3.0 – Exemption**

The provisions of this ordinance shall not apply to any person or entity engaged in door-to-door advocating, religious proselytizing, political speech or distribution of handbills and all such person or entities shall be exempt from the requirements and penalties contained herein.

### **Section 4.0 – 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 ninety (90) days as set forth in K.R.S. 532.090 (2), or both.

### **Section 5.0 – Civil Penalties**

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

- 4.1. 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 \$200.00; and
- 4.2. 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 the citation, the fine is hereby established as \$100.00;
- 4.3. An 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 6.0 – 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.

**Section 7.0 – 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 8.0 – Effective Date**

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

**Section 9.0 - Publication**

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

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**JOHN D. MEYER, MAYOR**

ATTEST:

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**Mary Scott, its Clerk**

**1st Reading:** \_\_\_\_\_

**2nd Reading:** \_\_\_\_\_

**Publication:** \_\_\_\_\_