

CITY OF CROSSGATE
Ordinance 4, Series 2010

AN ORDINANCE CREATING REGULATIONS FOR DOOR TO DOOR
SALES AND PEDDLERS

WHEREAS, the City of Crossgate has the authority under Kentucky Revised Statutes to regulate and control the solicitation of its residents at their home by salespersons,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CROSSGATE:

1) LICENSE REQUIREMENT

- (A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license from the City of Crossgate and from Louisville Metro before engaging in such activity within the city.
- (B) The fee for the license required by the City of Crossgate shall be as set from time to time by the City Commission.
- (C) No license issued under this chapter shall be transferable.
- (D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

2) APPLICATION PROCEDURE

- (A) All applicants for licenses required by this chapter shall file an application with the City 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. The applicant may be requested to provide information concerning the following items:
 - (1) The name and address of the applicant;
 - (2)
 - (a) The name of the individual having management authority or supervision of the applicant's business during the time that it 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 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 time period or periods during which it is proposed to carry on applicant's business;
- (5) (a) The nature, character and quality of the goods or services to be offered for sale or delivered;
- (b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;
- (c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;
- (6) The nature of the advertising proposed to be done for the business; and
- (7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.
- (8) A copy of the approved license from Metro Louisville and copy of the photo ID of each and every person licensed by Metro Louisville for door to door sales who will be working in the City.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

- (1) A description of the applicant;
- (2) A description of any vehicle proposed to be used in the business; including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

- (1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;
- (2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

3) STANDARDS FOR ISSUANCE

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

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant:

- (1) Has been convicted of a crime of moral turpitude; or
- (2) Has made willful misstatements in the application; or
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

4) REVOCATION PROCEDURE

Any license or permit granted under this chapter may be revoked by the Mayor after notice and hearing, pursuant to the standards herein. Notice of hearing for revocation shall be given in writing, setting forth specifically the

grounds of 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 10 days prior to the date set for the hearing.

5) 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 more 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; or
- (F) Denial, revocation, non-renewal of the Louisville Metro permit.

6) APPEAL PROCEDURE

(A) Any person aggrieved by a decision under the foregoing sections (3) through (5) shall have the right to appeal to the City Commission. The appeal shall be taken by filing with the City Commission, within 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 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 in section (4).

(B) The order of the City Commission after the hearing shall be final.

7) EXHIBITION OF IDENTIFICATION

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk/Treasurer shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor", the expiration date of the license and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

8) SELLING MERCHANDISE FROM MOTORIZED VEHICLES PROHIBITED

(A) No person, business entity, corporation, partnership or other individual shall operate a motorized vehicle within the city for the purpose of selling and product, service, merchandise, or material from such vehicle while it is located in the streets of the city, since such activity is hereby deemed to constitute a health and safety hazard.

(B) The Commissioner of Safety shall give notice of this section to any and all vendors whom he may find in violation hereof.

9) UNSOLICITED DOOR-TO-DOOR SALES PROHIBITED

(A) The City Commission hereby makes a finding that unsolicited door-to-door sales and distribution of materials can be dangerous and is not in the best interest of the city.

(B) Unsolicited door-to-door sales and distribution of materials are prohibited by the city.

(C) It shall be a defense to the violation described herein if the seller or distributor can show that the person or persons to whom he is selling or distributing solicited or invited the seller or distributor to come within the city to sell or distribute.

10) PENALTY

Whoever violates any provision of this chapter for which no other penalty is set forth shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

11) EFFECTIVE DATE. This ordinance shall take effect upon its reading, passage and publication.

First Reading

July 12, 2010

Second Reading:

August 9, 2010

Passed and Approved:

Aug. 9, 2010

Gisabeth L

Mayor

ATTEST:

Susan Peters

Clerk

Those in Favor 4

Those Opposed 0