

ARTICLE IV. SOLICITATION PERMITS*

***Editor's note:** Ord. No. 2002-27, §§ 1--15, adopted Nov. 14, 2002, was not specifically amendatory of the Code and has been included as art. IV, §§ 14-131--14-145 at the editor's discretion.

Sec. 14-131. Purpose and intent.

(a) It is the purpose and intent of this article to:

- (1) Preserve public safety, human life and convenience;
- (2) Secure the comfort, health, welfare and prosperity of all county inhabitants;
- (3) Ensure that the use of streets and sidewalks in the county does not become dangerous and that the free flow of traffic thereon is not impeded;
- (4) Preserve privacy and quiet to those in the home;
- (5) Protect county inhabitants against crime and undue annoyance; and
- (6) Protect those on the streets and at home against abusive solicitation and canvassing practices.

(b) This article shall be construed so as to accomplish the purpose and intent of subsection (a) of this section.

(Ord. No. 2002-27, § 1, 11-14-02)

Sec. 14-132. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvass, canvassing mean the practices of a canvasser.

Canvasser means any person, including an employee or agent of another, traveling either by foot, motor vehicle or any other means of conveyance, who engages in the practice of going from door-to-door, from house-to-house or otherwise along any of the streets within the county for the purpose of distributing handbills, leaflets or fliers directly to the occupants of private residences or dwellings for commercial purposes.

Solicit soliciting, solicitation mean the practices of a solicitor.

Solicitor means any person, including an employee or agent of another, traveling either by foot, motor vehicle or any other means of conveyance from door to door, from house to house or otherwise along any of the streets within the county for purposes of:

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise, wares, services or other items of value at that time or for future delivery or services to be performed in the future, for commercial purposes, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or attempted sale; or
- (2) Requesting contribution of funds, property or anything of value or the pledge of any

type of future donation or selling or offering for sale any type of property.

The term "solicitor" is an all-inclusive term which includes, but is not limited to, persons commonly referred to as peddlers.

(Ord. No. 2002-27, § 2, 11-14-02)

Sec. 14-133. Permits; required; transfer; permits for nonnatural persons and additional representatives.

(a) It shall be unlawful for any person to engage in solicitation or canvassing activities in, of or upon any private structures, property, residences, establishments or premises within the unincorporated area of the county without first obtaining a permit from the county. No permit issued by the county pursuant to this division is transferable. A permit issued pursuant to this division may be effective for a period up to but not exceeding 90 days.

(b) Only one permit shall be required of any applicant, other than a natural person, who desires or intends to engage in solicitation or canvassing activities in the county, notwithstanding that the applicant may be represented in such activities by more than one person; provided, however, the applicant fully identifies such representatives as required by section 14-145(a), pays the fees required for additional representatives as required by section 14-145(b) and each such additional representative maintains upon his person a copy of the actual permit as required by section 14-144(b).

(Ord. No. 2002-27, § 3, 11-14-02)

Sec. 14-134. Exemptions.

The following classes of persons shall be exempt from this article:

- (1) All persons specifically requested or invited by the owner or occupant to come to a private residence to engage in soliciting or canvassing;
- (2) Persons who are either running for elected public office or who are supporting the campaigns of others who are running for elective public office;
- (3) Representatives of newspapers making regular house-to-house deliveries;
- (4) Representatives of food delivery services; and
- (5) Canvassing or soliciting for political, charitable, religious or other noncommercial purpose.

(Ord. No. 2002-27, § 4, 11-14-02)

Sec. 14-135. Application; fees.

(a) Any person desiring a permit to conduct solicitation or canvassing activities in the county must make application therefore. The application for a solicitor's or canvasser's permit shall be in a form prescribed by the county administrator and shall contain the following information:

- (1) Date of the application.
- (2) Name and address of the applicant.
- (3) Name and address of the person by whom the applicant is employed or whom such applicant represents, if any.

- (4) Name, address and relationship to the applicant of all persons who may engage in solicitation or canvassing activities for or on behalf of the applicant.
 - (5) The place of residence and nature of employment of the applicant during the preceding year.
 - (6) A brief description of the nature, character, quality and price of the goods, wares, merchandise or subscriptions that are to be offered by the applicant.
 - (7) A description of the planned soliciting or canvassing activities.
 - (8) A personal description of the applicant and of each person who may engage in solicitation or canvassing activities for or on behalf of the applicant.
 - (9) If employed, credentials establishing the exact relationship of the applicant with the employer.
 - (10) A photograph of the applicant and all persons identified pursuant to subsection (a) (4) of this section taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (11) The fingerprints of the applicant and all persons identified pursuant to subsection (a)(4) of this section.
 - (12) A statement as to whether or not the applicant and all persons identified pursuant to subsection (a)(4) of this section have been convicted of or plead nolo contendere to any crime, including a misdemeanor, or the violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
 - (13) A statement by the applicant and all persons identified pursuant to subsection (a) (4) of this section consenting to and expressly authorizing the county, through its sheriff's department, staff or any third party retained by the county, to perform criminal background searches, criminal history investigations and personal character investigations of the applicant.
 - (14) The names of municipalities, counties or other governmental entities in whose jurisdictions and from whom the applicant and all persons identified pursuant to subsection (a)(4) of this section have received license, permission, authority or the like to solicit or canvass in the two years next proceeding the date of the application.
- (b) The fee which shall be charged by the county for any permit issued under this division shall be as follows:
- (1) For a permit effective five days or less, \$15.00;
 - (2) For a permit effective up to 30 days, \$30.00; and
 - (3) For a permit effective up to 90 days, \$90.00.

The fee shall be paid at the time the application for the permit is submitted. The fee shall entitle one natural person, as designated by the applicant upon the application, to engage in solicitation or canvassing activities in the county. There shall be a fee of \$10.00 for each additional natural person who may engage in solicitation or canvassing activities for or on behalf of the applicant.

(Ord. No. 2002-27, § 5, 11-14-02)

Sec. 14-136. Investigation of applicant.

Upon receipt of an application for a permit required by this article, the county administrator or

his designee may cause an investigation of the applicant's criminal background, criminal history and personal character to be made. If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the application may be disapproved, and if a permit has been issued it may be revoked and rescinded, in which event the unused permit fee shall be refunded, less an administrative and processing charge of \$25.00 or one-half of the permit fee, whichever is less. If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the county administrator or his designee shall execute a permit in the name of the applicant. There shall be no obligation on the part of the county to perform or cause to be performed any investigation allowed by this section, and such investigations may be performed at the discretion of the county.

(Ord. No. 2002-27, § 6, 11-14-02)

Sec. 14-137. Revocation.

(a) Permits issued under this article may be revoked by the county administrator or his designee upon written notice for any of the following causes:

- (1) Fraud, misrepresentation or false statement made in connection with or contained in the application for permit;
- (2) Fraud, misrepresentation or false statement made in the course of soliciting or canvassing;
- (3) Any violation of this article;
- (4) Conviction of any crime constituting a felony or involving moral turpitude; or
- (5) Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of revocation shall be given in writing and set forth with particularity the grounds for such revocation. Further, such notice shall be mailed, postage prepaid, to the person to whom the permit was issued at the address set forth in the application or at such updated address that the permitted makes known in writing to the county administrator or his designee.

(Ord. No. 2002-27, § 7, 11-14-02)

Sec. 14-138. Appeal of revocation.

(a) If the county administrator or his designee fails to issue a permit required under this article upon application or if the county administrator or his designee makes a good faith determination that there is cause for revocation of a permit issued under this article, the applicant or permitted, as the case may be, shall be so notified in writing. The revocation shall be effective 24 hours after the issuance of the notice. The notice shall state with reasonable particularity the grounds for such determination.

(b) If the applicant or permitted wishes to contest such action, he must, within ten days after the issuance of the notice, deliver to the county administrator a written request for a hearing.

(c) If a written request for a hearing to contest the validity of such action is delivered to the county administrator within the time limitations imposed in subsection (b) of this section, the matter shall be considered at the next regular meeting following the next regular meeting of the county commission. The applicant or permitted or his representative shall be notified of the time and place of such hearing. No appeal fees or other notices shall be required.

(Ord. No. 2002-27, § 8, 11-14-02)

Sec. 14-139. Renewal.

Permits under this article may be renewed, provided an application for renewal is received by the county administrator or his designee no later than the expiration date of the current permit. Applications received after that date shall be processed as new applications. The county administrator or his designee shall review each application for renewal to determine that the applicant is in full compliance with this article. If the county administrator or his designee finds that the application for renewal meets such requirements, he shall issue a new permit, provided the appropriate fee for the duration of the permit and for additional representatives, if any, as set forth in subsection 14-135(b) has been paid.

(Ord. No. 2002-27, § 9, 11-14-02)

Sec. 14-140. Restricted hours.

It shall be unlawful for any person to solicit or canvass in the county between the hours of 7:00 p.m. and the following 9:00 a.m., unless having been specifically requested or invited to do so by the owners or occupants of the private residence sought to be solicited or canvassed.

(Ord. No. 2002-27, § 10, 11-14-02)

Sec. 14-141. Unwanted solicitation or canvassing.

Persons engaged in the activity of soliciting or canvassing are prohibited from entering upon a dwelling or disturbing the occupants of any residence whenever a no soliciting or no canvassing sign has been posted on or adjacent to the entrance to the dwelling or is in prominent view at the entrance of the dwelling.

(Ord. No. 2002-27, § 11, 11-14-02)

Sec. 14-142. Request to leave premises.

Any person issued a permit to solicit or canvass in accordance with this article shall upon request of any owner or occupant immediately leave the residence or place of business of such owner or occupant.

(Ord. No. 2002-27, § 12, 11-14-02)

Sec. 14-143. Soliciting or canvassing in roadways.

It shall be unlawful for any person to solicit or canvass from, in or on any public roads, streets, rights-of-way, medians or safety zones, including sidewalks, in the county.

(Ord. No. 2002-27, § 12, 11-14-02)

Sec. 14-144. Disclosure; permit carried upon person and produced upon demand.

(a) Any person engaging in solicitation or canvassing must clearly and affirmatively state to the person being solicited or canvassed at the initial contact and at all subsequent contacts and

before making any other statement or asking any questions, all of the following:

- (1) The identity of the solicitor or canvasser;
- (2) The legal name of the person represented by the solicitor or canvasser;
- (3) The purpose of the solicitation or canvassing;
- (4) The type of goods or services, if applicable, being offered for sale and the method of distribution; and
- (5) The intended uses of the proceeds or contributions.

(b) Any person engaging in solicitation or canvassing in the county must at all times maintain upon his person a copy of the actual permit issued by the county. The permit must be produced for review and inspection upon demand of any person.

(Ord. No. 2002-27, § 14, 11-14-02)

Sec. 14-145. Receipts.

(a) Every solicitor shall, upon request, provide written receipts to persons to whom the solicitor has:

- (1) Sold or taken orders for the purchase of goods, merchandise, wares, services, other items of value or for services to be performed in the future; and/or
- (2) Obtained a contribution or donation of funds, property or anything of value or obtained a pledge for any type of future contribution or donation.

(b) The receipt shall reflect:

- (1) The name and business address of the solicitor;
- (2) If different from the solicitor, the name and address of the person for whom the solicitation was made;
- (3) The name and address of the person solicited;
- (4) The nature of the items sold or ordered and the amount thereof; and
- (5) The amount of the contribution or donation or pledge for future contribution or donation and the intended uses thereof.

(Ord. No. 2002-27, § 1, 11-14-02)

Secs. 14-146--14-160. Reserved.