

**AN ORDINANCE OF THE CITY OF VILLA HILLS IN KENTON COUNTY, COMMONWEALTH OF KENTUCKY, AMENDING CHAPTER 94 OF THE VILLA HILLS CODE OF ORDINANCES BY UPDATING REGULATIONS FOR UNINVITED DOOR-TO-DOOR SOLICITATIONS SALES OF GOODS AND SERVICES, AND PLEDGES, SUBSCRIPTIONS, ORDERS AND OFFERS FOR THEM[, AND DECLARING AND EMERGENCY].**

**WHEREAS**, the City of Villa Hills, 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. Therefore, the City Council for the City of Villa Hills in furtherance of its legitimate, governmental interest desires to establish regulations for peddling, soliciting, and canvassing and to provide for a No-Soliciting/Peddling List in order to maintain and preserve the protection of privacy, peaceful enjoyment of home, insulation from annoyance and interruption during times traditionally reserved for family, and to prevent the proliferation of fraudulent schemes against residents by unscrupulous, and illegitimate solicitors, peddlers, or canvassers or those posing as such. ; and

**WHEREAS**, the City of Villa Hills, Kentucky also has a significant governmental interest in maintaining the orderly, unimpeded flow of traffic within its neighborhoods, and the safety of motor vehicle traffic in these neighborhoods and on the public streets. Therefore, the City Council for the City of Villa Hills, in furtherance of this legitimate, governmental interest desires to establish reasonable regulations limiting the extent to which solicitors, peddlers, and canvassers can impede traffic flow, and impede, or otherwise obstruct motor vehicle traffic or orderly flow of vehicles travelling in the City; [and

~~**WHEREAS**, the City of Villa Hills desires to immediately comply with court rulings regarding peddling, soliciting, and canvassing and that an emergency exists to place these regulations into force at their earliest possible moment;]~~

***NOW, THEREFORE ;BE IT ORDAINED BY THE CITY OF VILLA HILLS,***

**SECTION I** That Chapter 94 of the Villa Hills Code of Ordinances is amended as follows:

CHAPTER 94: ZERO KNOCK POLICY

**§ 94.001 DEFINITIONS**

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

Business: The business or activities 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.

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 within the city.

Peddler:

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

(2) Any person who, without traveling from place to place sells or offers goods for sale from any public place within the city.

Canvassing and Canvasser: Canvassing is the act of going upon property or approaching people to discuss or explain issues, which shall include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, or political petition drives, or any other such political, religious, protected speech.

A Canvasser is a person who engages in canvassing activities.

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, itinerant vendors and transient merchants.

Solicitor: 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, or who approaches people to ask for, request, or seek monetary contributions, donations, or support for a commercial, or for profit enterprise or business.

§ 94.01 ZERO KNOCK LIST; REGISTRATION; AVAILABILITY OF INFORMATION ON LIST.

(A) Any person may apply to the City Clerk in order to have his or her residential address listed on the zero knock list, which shall be maintained by the City Clerk.

(B) The City Clerk may update the information on the list, but shall not remove the information unless requested to do so in writing by the applicant, or upon receiving notice that the given residential address is no longer held in the name of the applicant.

(C) Persons whose residential address appears on the zero knock list shall not receive home solicitation except in accordance with the provisions herein.

(D) Information contained in a data base established for the purpose of administering a zero knock list shall be used only for the purpose of implementing the zero knock program in conformance herein.

(E) The zero knock list shall be available at no cost to any person, firm, corporation, or other entity that is required to consult the list.

(1) The person, firm, corporation, or other entity requesting the list shall maintain the confidentiality of the information on the list.

(2) The person, firm, corporation, or other entity shall use the list only for the purpose of preventing home solicitation sales to persons whose residential address appears on the list.

#### **§ 94.015 License Requirement**

- A. **It shall be unlawful for any person to enter upon residential property within the City of Villa Hills without being invited to do so by the owners or occupants of the subject property in order to peddle and/or solicit City residents by knocking upon residential doors, or by ringing doorbells, or to otherwise, so as to cause or attempt to cause residents to open their doors, UNLESS, the person doing the peddling and/or soliciting activity has first registered with the City Clerk, and received a license to solicit or peddle from the City Clerk.**
- B. **Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the City.**
- C. **The fee for the license required by this Chapter shall be twenty dollars (\$20.00) per application, except from charitable applicants who shall be exempt from payment of the fee.**
- D. **No license issued under this chapter shall be transferable or assignable.**
- E. **All licenses issued under this chapter shall extend to the end of the calendar year in which it is issued.**
- F. **This Ordinance prohibits any person who is an itinerant merchant, peddler, or solicitor, from distributing any handbills, advertisements, or commercially-related solicitation documents without first having obtained a license from the City Clerk, through application during normal business hours, Monday through Friday**

(holidays excluded). This Ordinance is not intended to prevent the lawful distribution of written materials other than commercial solicitation and business advertising.

G. EXEMPTIONS: Individuals who are not engaged in for-profit, commercial enterprises shall be exempt from the licensing requirements set forth in Section 63.1 above. These include:

1. Children under eighteen years of age soliciting or peddling on behalf of a non-profit school, governmental organization, or youth club or ministry, such as Boy Scouts or Girl Scouts;
2. Persons soliciting on behalf of a non-profit or neighborhood organization for either donations to or membership in such organization;
3. Persons peddling donated merchandise on behalf of a non-profit organization where the proceeds of the sale are used for charitable purposes;
4. Persons peddling on behalf of a religious organization where the proceeds of the sale are used to support such organization or for a charitable purpose;
5. Persons engaged in canvassing for religious or political purposes

H. Individuals who meet the exemptions listed above are not required to register with the City and are not required to obtain any license prior to engaging in solicitations, peddling, or canvassing.

I. Individuals who meet the exemptions listed above may engage in solicitation, peddling, or canvassing any day of the week from 10:00 a.m. until 7:30 p.m., local time.

§ 94.02 PROHIBITED HOME SOLICITATION ACTS AND PRACTICES.

(A) Any person, company, firm, corporation, or other entity is prohibited from making or causing to be made any unsolicited visit or call upon any residence in the city to peddle, sell, vend, solicit, promote, dispense, distribute, or otherwise convey any items or merchandise or offer to do any of the above acts at any residential address which appears in the current publication of the zero knock list maintained by the City Clerk. Any occupier of a residence in the city may notify the city and be placed on its zero knock list, indicating the wish to not receive unsolicited home visits or calls by notification to the City Clerk.

(B) The zero knock list shall be updated, published, and made available on a monthly basis. After each publication of the list, every person, company, firm, corporation, or other entity who wishes to visit

or call upon any residence in the city to peddle, sell, vend, solicit, promote, dispense, distribute, or otherwise convey any items or merchandise or offer to do any of the above acts at any residential address within the city shall be deemed to be on notice not to solicit any person whose address appears on the list, nor to make any unsolicited visit or call upon any listed residence.

(C) Any person, corporation, firm, corporation, or other entity is prohibited from making or causing to be made any unsolicited visit or call upon any residence in the city to peddle, sell, vend, solicit, promote, dispense, distribute, or otherwise convey any items or merchandise or offer to do any of the above acts at any residential address between the hours of 7:30 p.m. and 10:00 a.m.

#### **§ 94.021 Application Procedure**

**A. All applicants for licenses required by this chapter shall file a written, sworn application with the Clerk during normal business hours, Monday through Friday and excluding holidays. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president of a corporation. Applications should be made on forms available in the office of the Clerk. The application shall state:**

**(1)The name and address of the applicant;**

**(2) Purpose for the solicitation, including:**

**(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) 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.**

**(6) If requested by the Clerk, copies of all printed advertising proposed to be used in connection with the applicant's business;**

(7) Applicants for licenses shall provide photographs of each person who will be peddling or soliciting in the City.

94.022 - STANDARDS FOR ISSUANCE.

- A. Upon receipt of an application which complies with all requirements of this Ordinance, the Clerk shall issue identification cards, identifying each solicitor, or peddler, by name, address, and/or photograph. Peddlers and solicitors shall carry their identification card at all times while peddling or soliciting within the City, and shall show their identification card to residents prior to or simultaneous with any peddling and/or soliciting activities.
- B. The City Clerk may revoke any registration and/or identification card, or demand its return from any solicitor or peddler who violates the terms of this Ordinance, or makes a misrepresentation, or provides false or misleading information, on the application.
- C. The City Clerk may deny or revoke any registration in the event that any peddler and/or solicitor is found to have been convicted of any felony, or misdemeanor involving moral turpitude or fraud.

94.023 – 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.

94.024 – STANDARDS FOR REVOCATION

A license granted under this chapter may be revoked for any of the following reasons:

- (1) Any fraud or misrepresentation contained in the license application; or
- (2) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license; or
- (3) Any violation of this Chapter; or

(4) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(5) 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.

#### 94.025 – APPEAL PROCEDURE

Any person aggrieved by a decision under the previous sections shall have the right to appeal to the City Administrator. The appeal shall be taken by filing with the City Administrator, 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 Administrator 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.

The order of the City Administrator after the hearing shall be final.

#### § 94.03 CLAIMS ALLEGING UNSOLICITED HOME VISITS OR CALLS MADE TO PERSONS ON ZERO KNOCK LIST; DEFENSES.

(A) Any claim or action alleging the making of an unsolicited home visit or call upon a person on the zero knock list in violation of this chapter shall be made in writing and verified by the claimant.

(B) In any action or claim alleging the making of an unsolicited home visit or call upon a person on the zero knock list, it shall be a defense if the defendant obtains the current zero knock list in a timely manner and makes reasonable efforts to avoid calling on persons whose residential address appears on the list.

(C) It shall be a defense in any action or proceeding brought under this chapter that the defendant has established and implemented, with due care, reasonable practices and procedures to prevent home solicitation sales in violation of this chapter.

#### § 94.99 PENALTY.

Any person, company, firm, corporation, or other entity, including, but not limited to, a merchant, a salesperson, agent or representative of the merchant or salesperson, or any independent contractor, who violates this chapter shall be guilty of a class B misdemeanor and shall be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than ninety (90) days, or both, for the first offense, and shall be guilty of a class A misdemeanor and shall be fined not more than five hundred dollars (\$500) or imprisoned not more than twelve (12) months, or both, for any subsequent offense. Each unsolicited visit or call upon a listed residence shall constitute a separate offense. Each day upon which an unsolicited visit or call is made shall constitute a separate offense.

SECTION II ~~[That an emergency is declared to exist in that these regulations must be put into force immediately to comply with court rulings regarding peddling, soliciting, and canvassing.~~

**SECTION III**

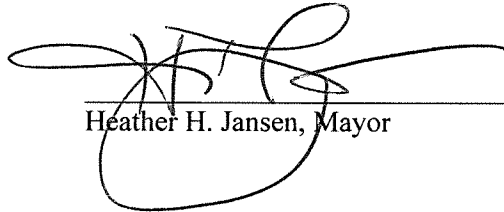
Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION IVII**

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 19th day of August 2020

City of Villa Hills, Kentucky  
A Municipal Corporation of the Home Rule Class



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Heather H. Jansen, Mayor

Attest: Jennifer L Lipson  
Jennifer Lipson, City Clerk

Sponsor: Baehner

First Reading: July 15, 2020

Second Reading: August 19, 2020

Ayes: Baehner, Cahill, Ringo, Stover, Thompson, Wadsworth

Nays: None

Abstain: None

Absent: None

Published: 09-11-2020