

CITY OF BELLEMEADE, KY
ORDINANCE # 2021- 04

**AN ORDINANCE OF THE CITY OF BELLEMEADE, KENTUCKY ADOPTING A PEDDLER ORDINANCE;
PROVIDING FOR LICENSES FOR PEDDLING; CONTROLLING LOCATION AND REQUIREMENTS FOR
PEDDLERS; AND FOR PROVIDING FOR ENFORCEMENT AND PENALTIES**

WHEREAS, the City of Bellemeade and the Commission of the City of Bellemeade is authorized to adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, unlicensed peddling by unregistered peddlers exposes the citizens of Bellemeade to fraudulent peddlers, and harms legitimate businesses; and

WHEREAS, the City of Bellemeade deems it to be in the best interests of the citizens of Bellemeade that a Peddler Ordinance be enacted in accordance with law;

NOW THEREFORE, BE IT ORDAINED, and IT HEREBY IS ORDAINED, pursuant to Kentucky law and the powers vested in the City, that the Bellemeade Peddler Ordinance is adopted as follows:

The Bellemeade Code of Ordinances will contain a new section 60 Entitled "Bellemeade Peddler Ordinance" and it will read as follows:

§60.01 Purpose

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating peddling, itinerant traders, traveling salesmen, and other door-to-door salesmen, generally known as peddlers. Such persons typically market magazines, appliances, house wares, security systems, home improvement product, and other goods and services by going door to door in neighborhoods. The citizens of Bellemeade are subject to unregulated peddling by sometimes questionable organizations or individuals, with illegitimate products, or no intent to deliver. It is the purpose of this Ordinance to regulate peddling in the city, to protect the public health, safety and welfare. To achieve this end, this Ordinance requires peddlers seek licenses and peddle under certain limitations. However, it is not the intent of this Ordinance to require persons who have already made appointments with, or already have a legitimate business relationship with the property owner, to need licensing. Neither is it the intent of this Ordinance to infringe free speech rights or require licensing for persons going door-to-door for political campaigns, religious proselytizing, or other social cause reasons.

§60.02 Definitions

1. **Applicant** shall mean the person seeking a license.
2. **Goods** shall mean any sort of personal property, wares or merchandise that can be sold, including, but not limited to, brushes, cleaners, vacuums, magazines, newspapers, luggage, house wares, electronics, computers, security systems, home improvements, furniture, food, agricultural products, flowers, tools, clothing, decorative accessories, rugs, paintings, sculpture, dishes, and so forth.
3. **License** shall mean a permit to peddle.

4. **Official photo identification** shall mean a driver's license or identification card issued by Kentucky, another U.S. State, or the U.S. Military; or a U.S. Passport.
5. **Peddling or to Peddle** shall mean traveling from place to place or door to door on foot or in a vehicle and exhibiting, offering to sell, or selling goods or services, to households, businesses or passers-by. It shall also mean traveling from place to place or door to door taking orders for the sale of goods or services for delivery at another time or place. The solicitation of orders combined with a separate transaction to make delivery to the purchaser as a part of a scheme or design to evade the provisions of this Ordinance shall be deemed peddling. Visits by sales representatives pursuant to previously-arranged appointments with a specific business or person, or as a part of an on-going business relationship, shall not be deemed peddling.
6. **Peddler** means any person who engages in peddling.
7. **Person** shall mean any natural person, organization, corporate entity or other business entity.
8. **Services** means the provision of any sort of professional or trade service to another, including for example, general maintenance, construction, painting, lawn service, house cleaning, mending, sharpening, motor repair, appliance repair, and so forth.
9. **Bellemeade Code Enforcement** means any Bellemeade city commissioner or any person who has been assigned to perform the duties as an Bellemeade Code Enforcement Officer by the City of Bellemeade Commission.

§60.03 License Required.

It shall be unlawful for any person to engage in peddling in Bellemeade without first obtaining a license. Licenses shall be for a period of six months, and may be renewed. Each employee, agent, or contractor of a business or corporation engaging in peddling shall have a separate license.

§60.04 License Requirements

1. **License Application.** All requests for a license must be provided to the Bellemeade City Commissioner for Public Safety via email at publicsafety@belleade-ky.gov. Within 2 business days of receipt of the application, the Commissioner for Public Safety will email the applicant to confirm receipt of the application and supply the applicant with the address where the applicable fees may be sent. The Bellemeade City Commissioner for Public Safety shall issue a decision within ten (10) business days of the application being filed.
2. **Individual Licenses Required.** Each individual person seeking to peddle must obtain a license. If the applicant is working for another individual or corporation or other business entity, that information must be disclosed on the application and the license, if granted.
3. **Required Information.** All applications for licenses must include at a minimum the following information, and shall be signed by the applicant:
 - a) Name and address of the applicant, including a local address where the applicant will be staying while peddling;
 - b) Applicant's height, weight, age, sex, race, and social security number for background check purposes;
 - c) Photocopy of driver's license or other official photo identification of the applicant;
 - d) Proposed peddling activity including identification of the type of business, and the goods or services to be sold;
 - e) If a vehicle is to be used, a description of the vehicle together with the license plate;

- f) The desired duration of the license (maximum six months);
 - g) The application shall contain a statement that the submission of the application shall be considered to be consent that a background check may be run by the Bellemeade City Commissioner for Public Safety or his/her designee on the applicant, and a statement that all information contained therein is true and correct.
4. **License and Identification Carried.** The signed license is to be kept on-site in the possession of a peddler at all times that peddling is underway. Licenses shall be displayed at the request of any citizen, commissioner, or law enforcement personnel. Official photo identification shall also be kept on the person of a peddler at all times he or she is peddling, and shall be presented upon request of any citizen, commissioner, or law enforcement personnel. It shall be a violation of this Ordinance to fail or refuse to display a license or official photo identification when requested.
5. **Duration, Renewal.** A peddler license shall be valid for the period specified thereon, up to a maximum of six months. A peddler license may be renewed upon submission of an application for renewal, accompanied by a \$25 investigation fee and a \$25 license fee. Upon application for renewal the Bellemeade City Commissioner for Public Safety shall check to insure no complaints or criminal charges have been made against the peddler, and shall apply the same criteria as applies to the grant of a license to renew the license.
6. **Fees.** An application shall be followed by an investigation fee of \$50 to cover the cost of investigation and an additional \$50 license fee (\$100 total). If the license application is denied, the \$50 license fee shall be refunded, but the investigation fee shall not be refunded. These fees may be raised from time to time by the City of Bellemeade Commission.

§60.05 Investigation and Issuance

1. **Investigation.** The Bellemeade City Commissioner for Public Safety shall review the application for completeness and compliance with the terms of this Ordinance. The Bellemeade City Commissioner for Public Safety shall determine whether there are any records of complaints against the applicant, by requesting that the city clerk determine in the clerk's records whether any complaints have been received. The Bellemeade City Commissioner for Public Safety, at their discretion may conduct a background check or make additional inquiries they deem necessary for the investigation of the applicant.
2. **Decision.** The Bellemeade City Commissioner for Public Safety may grant or deny a license. The Bellemeade City Commissioner for Public Safety shall issue a license as provided in this Ordinance from a consideration of the application which must comply with the following areas of inquiry and procedures:
 - a) Did the applicant or the employer provide the name of the company he/she is working for;
 - b) Did the applicant or the employer provide what vehicles are to be used;
 - c) Has the applicant or employer provided proper identification;
 - d) Does the applicant or employer have a history of criminal convictions;
 - e) Has the applicant or employer paid required fees; or
 - f) Is the application for license complete and in full compliance with the requirements of this Ordinance?

The Bellemeade City Commissioner for Public Safety shall indicate on the application review form all reasons for rejection of the application. The approved or rejected application and a copy of the license (if issued) shall be emailed to the applicant and to city clerk at clerk@bellemeade-ky.gov. The clerk shall keep a copy of all such records for period of 3 years along with any citizens complaints concerning alleged peddling.

§ 60.06 – Appeals

1. **Appeals.** Any person aggrieved by the denial or restriction of a license shall have the right to appeal the denial or restriction to the City of Bellemeade Mayor or his Designee and should file a written appeal with the Mayor of Bellemeade via email at mayor@bellemeade-ky.gov.
2. **Procedure.** The Bellemeade City Commissioner for Public Safety shall appear and present his case and evidence as to why the application was denied. The applicant shall have the opportunity to present his case and evidence in support of the application.
3. **Standard of Review.** The City of Bellemeade Mayor or his designee, shall serve as a Hearing Officer. The Hearing Officer shall enter an order providing guidance as to the location, time, persons, and other criteria of this Ordinance.

§ 60.07 – Peddling Regulations; Prohibited Locations & Times

1. **Prohibited Times.** No peddling shall be allowed during the following times:
 - a) At any time after sunset or before sunrise.
 - b) On any Sunday.
 - c) Before 9:30 a.m. or after 6:00 p.m. Monday through Friday;
 - d) Before 11:00 a.m. or after 5:00 p.m. on Saturday;
 - e) On any state, local, or national holiday;
 - f) Derby Day, Oaks Day, Thunder Over Louisville Day; and
 - g) During any declared state of emergency or pandemic;
2. **Prohibited Locations.** It shall be unlawful for any peddler to enter upon any private premises when the same are posted with a sign stating "No Peddlers Allowed" or "Keep Out" or "No Solicitations Allowed" or other words to such effect.
3. **Peddlers Under 18.** Applications for peddlers under age 18 must be signed by a parent or other legal guardian, and the adult must provide their address and relationship to the applicant.
4. **Exceptions.** Stationary stands located on private property with the express permission of the private property owner shall not require a license or be subject to any of the restrictions in this ordinance. This exception includes, but not limited to, lemonade stands, girl scout cookie stands, car wash fundraisers, and yard sales.

§ 60.08 – ~~Volitions~~, Enforcement

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VIOLATION

1. Persons peddling without a license or in violation of the license shall be cited with a citation for prosecution in the Jefferson County District Court, in accordance with the requirements of law for such citations. Any law enforcement officer or deputy shall be authorized to issue such citations.
2. Any person, organization, business or entity ruled to be in violation of the provisions of this Ordinance are subject to an offense, fine of not less than twenty-five (\$25) nor more than fifty dollars (\$50) per day per individual participant.
3. Any violation of this Ordinance shall immediately revoke the license. The Bellemeade City Commissioner for Public Safety shall also have the discretion to suspend and confiscate a the license upon charge of violation being made, or upon awareness of illegal or unauthorized activity until a determination is made by a court as whether a violation has taken place.
4. Any person, organization, business or entity found guilty of violating this Ordinance is not eligible for a license for a three-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Ordinance shall be banned from further peddling in the City of Bellemeade.
5. The City Attorney shall be authorized to seek injunctive relief and other relief in a Court of proper jurisdiction if necessary to effectuate the intent of this Ordinance.
6. The City shall be entitled to seek fines in the amounts specified above, and shall be entitled to its attorney's fees for any successful action.

§ 60.09 – Severability

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the City of Bellemeade to provide for separable and devisable parts and it does hereby readopt any and all parts hereof as may not be held invalid for any reason.

§ 60.10 – Disposition of Fees and Fines


Fees and fines collected by the Bellemeade City Commissioner for Public Safety pursuant to this Ordinance shall be deposited by the City in its general fund to be budgeted as part of the City general fund.

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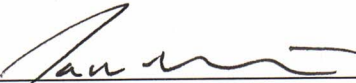
First Reading the 10th day of May, 2021.

Second Reading passed and approved this 9th day of August, 2021.

All those voting in favor:



Patricia Scott, City Clerk



James N. Martin, Mayor

APPROVED UNANIMOUSLY BY
JAMES MARTIN
SANDY WALKER
BEN ZICKEL
ROBIN MOUNTAIN
HALLE BRIMLEVE