

ORDINANCE NO. 2026-O-

AN ORDINANCE AMENDING SECTION 112 OF THE INDEPENDENCE CODE OF ORDINANCES INCREASING THE FEE TO \$75 FOR A SOLICITOR'S LICENSE AND CLARIFYING THAT POLITICAL AND RELIGIOUS ACTIVITY IS EXEMPT FROM ANY REQUIREMENTS OF THIS SECTION FOR THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY

WHEREAS, the City of Independence has enacted several ordinances, all intended to regulate and control door to door marketing, and

WHEREAS, the City is incurring significant costs related to applications for licenses and needs to increase its license fee to be closer to its actual costs, and

WHEREAS, the City wishes to clarify that any lawful political or religious canvassing is exempt from Section 112 of the Independence Code of Ordinances, and;

NOW, THEREFORE, BE IT ORDAINED by the City of Independence, County of Kenton, Commonwealth of Kentucky, that:

SECTION I

Underlined portions are being added and removed sections are struckthrough.

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business 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.

HOUSE TO HOUSE SOLICITATION. House-to- house soliciting, selling, vending, peddling or canvassing.

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.

A person who is a peddler is not an itinerant merchant.

PERSON. Every natural person, co-partnership, fiduciary, association, corporation, or self-employed person, firm, corporation, or other business entity without employees.

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. A person who is a solicitor is not a peddler.

§ 112.02 LICENSE REQUIREMENT.

- (A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.
- (B) Non-profit organizations and political candidates are exempt from any license requirements and are never considered itinerant merchants, peddlers, or solicitors.
- (C) The fee for the license required by this chapter shall be as set from time to time by the legislative body. The fee but shall initially be ~~[\$50]~~ \$75 for the initial application and ~~[\$25]~~ for each agent of the initial applicant.
- (D) No license issued under this chapter shall be transferable.
- (E) All licenses issued under this chapter shall expire ninety (90) days after the date of issuance thereof.
- (F) All licenses shall be displayed in the form of an identification badge, created by the City, which shall be worn at all times in a conspicuous manner, and identifiable to each resident.

§ 112.03 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;

(7) Whether or not the applicant, or the individual identified in division (A) (2) (a) above, or the person identified 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) Proof of a Valid Driver's License.

(9) Proof of a Valid Kenton County Occupational License.

(B) Applicants for peddler or solicitor licenses may be needed to provide further information concerning the following items, in addition to that asked for 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 Vehicle Identification Number, if any.

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

(2) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business; and

(3) 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 (10) days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

§ 112.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, the City Clerk will run a background check and verify the legitimacy of the business.

(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 major misdemeanor or felony; 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

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 112.06. 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 ten (10) days prior to the date set for the hearing.

§ 112.06 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 major misdemeanor; 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.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, 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 appeal. The legislative body 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 § 112.05.

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

§ 112.08 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 shall issue a license and Identification Badge to each peddler or solicitor licensed under this chapter. The license and Identification Badge 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. The Identification Badge shall be conspicuously worn while the peddler or

solicitor is going door to door.

§ 112.09 HOUSE TO HOUSE SOLICITING.

(A) All person(s) engaging in house-to-house solicitations within the city shall first apply with the city prior to engaging in house to house solicitations within the city. A person or business may apply on an annual basis.

(B) No person shall engage in house-to-house solicitations in the city outside the hours of 9:00 a.m. to 9:00 p.m. or 30 minutes after sunset, whichever is earlier. Monday through Saturday.

(C) It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a Peddler or Solicitor to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has clearly posted a "No Trespassing or No Solicitation" sign and/or who is identified on the City's "Zero Knock List" and that List was made available to Applicant prior to their Application.

ZERO KNOCK LIST

§ 112.10 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.

§ 112.16 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 made available upon application approval. 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.

§ 112.17 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 subchapter shall be made in writing and verified by the claimant.

§ 112.18 RELIGIOUS AND POLITICAL ACTIVITY IS EXEMPT FROM ALL PROVISIONS OF THIS ORDINANCE

This Ordinance shall not apply to any legitimate political or religious activity.

§ 112.99 PENALTY.

(A) Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500). Each day's violation shall constitute a separate offense.

(B) Persons who fail to register and/or engage in house-to-house solicitations (§ 112.09) will be subject to a fine of \$100 per occurrence.

(C) 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 §§ 112.15 through 112.17 shall be guilty of a Class B misdemeanor and shall be fined not more than fifty dollars (\$50) for the first offense and shall be fined not more than one hundred dollars (\$100) 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 any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION III

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading January 5, 2026

Second Reading: _____

Ayes: _____

Nays: _____

PUBLICATION DATE: _____