

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 08-2003

AN ORDINANCE AMENDING ORDINANCE #323 THE ORDINANCE REGULATING THE SOLICITATION OF SALES OF PRODUCTS OR SERVICES AT RESIDENCES IN THE CITY OF HIGHLAND HEIGHTS, KENTUCKY; REQUIRING APPLICATION TO BE MADE TO THE CHIEF OF POLICE BY PERSONS DESIRING TO ENGAGE IN SUCH SOLICITATION; PROVIDING FOR CHARACTER AND BACKGROUND INVESTIGATION; REQUIRING ISSUANCE OF A SOLICITOR'S PERMIT; PROVIDING FOR VOIDABILITY OF SALES MADE IN VIOLATION HEREOF; AND PROVIDING A PENALTY FOR VIOLATION HEREOF.

WHEREAS, it appears beneficial to the health, safety and general welfare of the citizens of the City of Highland Heights, Kentucky, that regulations be imposed on the soliciting of sales of goods or services at residences in said City, and in order that the character and identity of persons and firms engaging in said occupation can be ascertained; and in order that the residents of the City may be adequately informed of the purposes of the visits of such solicitors at the commencement thereof; and the true terms of sales contracts entered into as a result thereof;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HIGHLAND HEIGHTS, KENTUCKY, DOES ORDAIN AS FOLLOWS:

Section I

Any person, firm, or corporation desiring to engage in soliciting the sale of goods or services of any description at any residence in the City of Highland Heights, Kentucky, shall first make an application in writing, setting out the names and addresses of the applicant, and of the proprietors and owners of an applicant other than a natural person and shall, also file with the Chief of Police of said city, the signature, address and finger prints of each and every person proposing to engage in such solicitation.

Section II

Upon favorable investigation of said applicant and of the persons desiring to engage in such solicitation, and upon payment of a fee of \$25.00 ~~for each permit per person per week~~ for each permit, the Chief of Police shall issue a solicitor's permit to said applicant, for each such person, upon which permit there shall appear in addition to any other language prescribed in the discretion of said Chief of Police, the following language: "(Name of Salesman) has been granted permission to solicit the sale of (brief description of product or service) to residences in the City of Highland Heights,

Kentucky, on behalf of _____, his employer or principal, for a period of one ~~year~~ week from the date of this permit. ISSUANCE OF THIS PERMIT DOES NOT CONSTITUTE AN ENDORSEMENT BY THE CITY OF HIGHLAND HEIGHTS OF THE PRODUCT OR SERVICE FOR WHICH SALES ARE SOLICITED.”

Section III

Immediately upon entering into conversation for the purpose of soliciting the sale of goods or services with any person at any residence in the City of Highland Heights, the solicitor shall, before making any other statement or declaration of any kind, display the permit provided for in Section II hereof to such person, and shall in addition, inform said person orally of his (the solicitor's) name, the person or firm he represents, and the general nature of the product or service he is selling.

Section IV

If such solicitor enters into a contract for the sale of any product or service at any residence in said City; he shall inform the purchaser in writing at the time said contract is executed; a) that said contract or any obligation signed in connection therewith will be negotiated or discounted to some person other than the contracting parties, if such is the fact; and b) if such contract provides for installment payments of the purchase price, of the true interest rate charged on the unpaid balance thereof and the true amount of all service or carrying charges to be paid in connection with such contract.

Section V

No such solicitor shall make any false or misleading statement in connection with any solicitation of sale of any product or service at a residence in the City of Highland Heights, Kentucky.

Section VI

All sales or contracts of sale made in violation of this ordinance shall be voidable at the option of the purchaser.

Section VII

Any person, firm or corporation, violating this ordinance shall be guilty of a Class B misdemeanor and upon conviction thereof shall be fined in an amount not less than \$25.00, nor more than \$100.00, or imprisoned for not more than ~~thirty~~ Ninety days, or both. Each residence at which solicitations or sales are made in violation of this ordinance shall be the basis of a separate offense. If this ordinance is violated by an agent or employee acting in the course and scope of his agency or employment, then both the agent or employee and the principal or employer shall be deemed to have committed a separate offense.

Section VIII

This ordinance shall not be construed to apply to persons soliciting the sale of products or services exclusively to businesses.

Section IX

If any applicant for the permit provided for in Section II hereof, has already paid to the City a fee for a license permitting him to engage in business in the City, and the solicitation with respect to which the application for a permit is made is to be conducted in connection with such business; then, the fee provided for in Section II hereof, shall not be required, although the application for an issuance of the permit therein provided for shall nonetheless be required.

Section X

If any portion of this Ordinance shall be declared void or unconstitutional the remainder thereof shall remain in full force and effect.

This Ordinance shall become effective and shall be in full force from and after its adoption and publication as required by law.

Section XI

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer recorded and published. Same shall be in effect at the earliest time provided by law.

First reading this 1st day of April, 2003.

Second reading this 15 day of April, 2003.


MAYOR CHARLES ROETTGER, III

ATTEST:


JEAN RAUF
CITY CLERK/TREASURER

Ord03.08