

ORDINANCE # 2017- 03

AN ORDINANCE AMENDING THE CODE OF  
THE CITY OF REDFIELD, ARKANSAS

**WHEREAS**, the City Council of Redfield, Arkansas desires to update its regulations as it pertains to Canvassing, Solicitation, and Peddling within the City limits;

**WHEREAS**, it has been expressly stated by the City Council of the City of Redfield, that the General Regulations of the City of Redfield should be amended;

**WHEREAS**, there is a need to update the regulations in order to ensure that the public's speech is not diminished, while providing for appropriate regulation to ensure the public's safety; and

**WHEREAS**, the City is concerned with fraud, theft, and the general well being of its citizens, and believes that regulation of solicitors and peddlers is necessary to ensure their safety.

**Chapter 1.**

Ordinance #2016-02 is amended and restated in its entirety as follows:

**Section 00 - LEGISLATIVE FINDINGS.**

An Ordinance to protect against the criminal activity necessarily associated with individuals requesting funds from the citizens of the City of Redfield. And, to ensure the First Amendment rights all individuals engaging in any protected speech.

**Section 01 - DEFINITIONS.**

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

- A. **Canvasser** means any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of furthering any non-commercial cause, including but not limited to: a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.
- B. **City Hall** means Redfield City Hall
- C. **Mayor** means the current mayor of Redfield, Arkansas.

- D. Recorder/Treasurer means the current Recorder/Treasurer of the City of Redfield
- E. **Peddler** means any person who, without invitation, goes from house to house or from place to place in the City selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether he is collecting advance payments on such sales or not.
- F. **Solicitor** means any person who without invitation, goes upon private property, to request contribution of funds of anything of value, or sell goods or services for any commercial purposes.

#### **Section 02 - APPLICATION FOR PERMIT**

- A. Peddlers are required to apply for a permit under this Section.
- B. Applicants for permit under this chapter shall complete the permit applications and pay a forty dollar (\$40) fee for the principal applicant and five dollars (\$5) for each additional peddler or solicitor for the principal applicant. The application and fees shall be paid to the Recorder/Treasurer at City Hall. Once completed and returned, the Mayor, or in his absence a designated representative, will either approve or deny the application based on whether the applicant has provided all information required under Section 03, and not in violation of any provisions in Section 04.
- C. All applications must be approved or denied within three (3) business days of receipt of the completed application. Notice of the decision must be in writing and mailed to the applicant at the address provided on the application. If a denial is made, then the Mayor will provide each reason why the application was denied.
- D. Canvassers are exempt from all requirements set out in this chapter.
- E. Non-commercial Solicitors are exempt from all requirements set out in this chapter.

### **Section 03    CONTENTS OF APPLICATION.**

The application shall contain the following information:

- A. The name, address, and phone number of each Peddler or Solicitor;
- B. A copy of a photo identification card of the Peddler or Solicitor;
- C. The name and address of the person, firm or corporation for whom the Peddler or Solicitor is acting on behalf;
- D. The length of service of each Peddler or Solicitor with such entity;
- E. The nature or character of the goods, wares merchandise or services to be offered by the Peddler;
- F. A statewide criminal background check and a nationwide index/background check, including sex offender registry for each individual solicitor.
- G. Payment in full for applicable fees.

### **Section 04 - DENIAL OF APPLICATION.**

- A. The Mayor may deny an application under this chapter or revoke a permit issued under this chapter ONLY for the following causes:
  1. False statement(s) contained in the application for license;
  2. False statement(s) made in the course of carrying on his/her business as Peddler;
  3. Failure to complete the application;
  4. Any violation of this chapter;
  5. Conviction of a felony or any misdemeanor involving theft, sexual offense or violence and/or have been incarcerated in prison within the previous five (5) years of the application for license; during the pendency of the application for license; or during the duration of the issued license.
- B. In the case of a revocation of a license, within seven days from receipt of the application, the Mayor shall give notice of the revocation and state the reasons for the revocation by mailing such notice to the applicant at the address provided on the application.

## **Section 05 - APPEAL.**

- A. In the event that any applicant desires to appeal from any denial or revocation made under the provisions of this chapter, such applicant or any other person aggrieved shall file written notice of appeal to the City council with the mayor. The appeal shall be heard at the next regular meeting of the City council. The decision of the City council will give no deference to the decision made by the Mayor, and will be made in writing within three (3) days of the hearing.
- B. The Mayor shall notify, in writing, each applicant who appeals of the time and place of the next scheduled City council meeting. At each appeal the applicant may provide evidence on their behalf.

## **Section 06 – SOLICITATION CRITERIA**

- A. Where a “no soliciting/no peddling” sticker, sign, or decal is posted upon a private residence or business, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited.
- B. All solicitation permits expire one year from date of issue
- C. It is unlawful to solicit or peddle within city limits without having a copy of the ordinance and a copy of the permit issued by City Hall on their person.
- D. No soliciting or peddling shall occur after sundown nor before sun up.
- E. Peddlers/solicitors are required to leave a private residence immediately when requested to do so by a resident, and must otherwise not conduct business in a manner which a reasonable person would find obscene, threatening, intimidating, or abusive.
- F. It is unlawful to make false or misleading statements about the product or services being sold, including untrue statements of endorsement, or claim to have the endorsement of the city based on the city having issued a permit to that person.
- G. A peddler/Solicitor must disclose his or her name and the name of the principal whom he represents at the outset of the initial conversation.

\*Any violation of this Section, could result in the revocation of solicitors permit

## Chapter 2.

All Ordinances, Resolutions, Regulations, or parts thereof, in conflict with this Ordinance, are hereby repealed to the extent of the conflict.

The provisions of this Ordinance are declared severable, and if the provisions shall for any reason be illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

## Chapter 3.

There is an immediate need to adopt this Ordinance. This Ordinance is necessary to ensure that the public's speech is not diminished, while providing for appropriate regulation to ensure the public's safety. Therefore, an emergency exists, and this Ordinance is necessary for the preservation of the public peace, health, and safety. Accordingly, it shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 4<sup>th</sup> day of April, 2017.

Approved: Mayor Harman Carter

Attest: Recorder/Treasurer Debra Fultz

# REDFIELD

212 North Brodie PO Box 81  
Redfield, Arkansas 72132  
501-397-2585 fax 501-397-6189  
[redfieldcity@yahoo.com](mailto:redfieldcity@yahoo.com)

## Solicitation Permit Application

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be considered complete for review until all necessary information is furnished.

### Application:

Principal Applicant (person or entity making request):

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell#: \_\_\_\_\_

Description of products or services involved: \_\_\_\_\_

Proposed method of operation in the city: \_\_\_\_\_

List hours of operation for solicitation: \_\_\_\_\_

Arkansas Sales & Uses Tax ID Number: \_\_\_\_\_

List all persons who will peddle or solicit in the city in behalf of the principal applicant:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Each individual solicitor must obtain a separate permit in order to conduct business within the City

APPLICANT: I certify, under penalty of perjury, that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

NAME PRINTED: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Office use only	Fee:	Principal Permit: \$40 Individual Solicitor: \$5 each
Approval of this application shall confirm that the information submitted complies with <u>City of Redfield Ordinance #2017-03</u> . The application for a Solicitation Permit is hereby approved based on the information provided.		
_____ Mayor of Redfield		_____ Date