ORDINANCE NO. G-1141

AN ORDINANCE ADDING A NEW SECTION 220.743, ENTITLED "SOLICITATION, PEDDLING AND CANVASSING", TO CHAPTER 220, ENTITLED "OFFENSES", OF ARTICLE VIII, ENTITLED "OFFENSES AGAINST THE PUBLIC PEACE", OF TITLE II, ENTITLED "PUBLIC HEALTH, SAFETY, AND WELFARE", OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, Junction City has never previously adopted a No Solicitation Ordinance.

WHEREAS, Junction City recognizes the importance in protecting the individuals' rights to the private and peaceful enjoyment of their premises.

WHEREAS, Junction City will be able to enforce and hold those persons accountable for violating private citizens' privacy rights.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. A new Section 220.743 is hereby added to Chapter 220, Article VIII, Title II of the Code of the City of Junction City, Kansas, to read as follows:

SECTION 220.743: SOLICITATION, PEDDLING AND CANVASSING

A. **Purposes.** The purposes of this Section are to protect the public against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disruptions of privacy, and to preserve the public health, safety and welfare by regulating and controlling solicitors, peddlers and canvassers.

B. **Definitions.** For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.
   1. **Canvass** as used in this chapter means opinion sampling, poll taking, proselytizing, or other similar activity from house to house, door to door, street to street, or from place to place.
   2. **Canvasser** as used in this chapter means any person who engages in canvassing in person for himself or any other person.
   3. **Charitable** as used in this chapter means any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include without limitation patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, eleemosynary, scientific, historical, athletic, medical, or religious activities, either actual or implied.
   4. **City** as used in this chapter means the City of Junction City, Kansas.
   5. **Peddle** as used in this chapter means to operate from a temporary stand, display or similar facility or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods,

wares, or merchandise for the purpose of offering and exposing the same for sale.

6. **Peddler** as used in this chapter means a person who peddles for himself or any other person.
7. **Person** as used in this chapter means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.
8. **Solicit** and **Solicitation** as used in this chapter mean and include any one or more of the following:
    a. Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description;
    b. Requesting directly or indirectly contributions of funds on the plea or representation that such contributions will be used for a charitable purpose;
    c. Canvassing or peddling as defined in this section.
    d. Advertising or offering of (to include, but not limited to) any item, service or benefit by the hanging of any flyer or handbill to any door, residence or business, regardless of whether a doorbell is rung or any physical or verbal contact is made.

   Solicitation as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale.
9. **Solicitor** as used in this chapter means a person who solicits for himself or any other person.

C. Prohibited Acts.

It shall be unlawful for any solicitor to:

1. Ring the bell or knock on the door or otherwise attempt to gain admittance for the purpose of soliciting at a residence, dwelling or apartment at which a sign bearing the words: *No Solicitors, No Trespassers* or words of similar import indicating that such persons are not wanted on the premises, is painted, affixed or otherwise exposed to public view; provided, that this subsection shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof.
2. Engage in soliciting upon any premises (including parking lots), business or dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave the premises, business or residence.
3. Fail, at the outset, to disclose to the prospective buyer, prospective donor or canvassee his name and the name of the company, product or organization he represents.
4. Make any assertion, representation or statement which misrepresents the purpose of the call or use any plan, scheme or ruse which misrepresents such purpose.
5. Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, increase traffic congestion

or delay or constitute a hazard to traffic, life or property, or an obstruction of adequate access to fire, police or sanitation vehicles.

6. Advertise or offer (to include but not limited to) any item, service or benefit by the hanging of any flyer or handbill to any door, residence or business, if asked to discontinue by the owner/occupant, or if a "No Solicitors" sign is posted on the property, regardless of whether a doorbell is rung or any physical or verbal contact is made.
7. To cut across or walk upon any lawn, front yard or courtyard, except upon sidewalks or walkways if such walkways are provided or upon a regularly established path where no sidewalk or walkway has been provided to the house or other building.
8. Solicit or attempt to solicit at a place of residence at any entrance other than the main entrance of the residence.

D. **Duty of Police to Enforce.** It shall be the duty of any police officer of the city to enforce the provisions of this chapter against any person found to be violating the same.

E. **Penalty.** Any person violating any of the provisions of this chapter shall, upon conviction thereof, be adjudicated guilty of an unclassified misdemeanor and be subject to a fine of not more than Five Hundred Dollars ($500.00) for each offense or shall be imprisoned for a period not to exceed ninety (90) days, or shall be both so fined and imprisoned.

F. **Separability.** It is the intention of the city that each separate provision of this Section shall be independent of all other provisions herein, and it is further the intention of the city that if any provision of this chapter is declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 2. This ordinance shall become effective upon publication in the Junction City Daily Union as required by law.

PASSED AND ADOPTED THIS 21 DAY OF JANUARY, 2014.

CECIL ASKA
Mayor

ATTEST:

Tyler Ficken
City Clerk