

Article 2. Solicitors

5-201. Legislative findings.

It is hereby found and determined by the Governing Body that crimes may have been committed by persons posing as solicitors and that a great variety of frauds and misleading devices are employed in such solicitation. It is further found that some solicitors present a continuing danger of fraud, robbery, and other crimes to the residents of the city. In addition, it is found that residents of the city are being annoyed by solicitors. In response to these findings, it is hereby determined by the Governing Body that it is necessary, in the interest of the public safety and welfare, for the Governing Body, to regulate the time, place, and manner of solicitation in the city of De Soto, Kansas.

(Ord. 2068, Sec. 1)

5-202. Definitions.

For the purpose of this article the words and phrases defined hereinafter shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context:

- (a) Canvass as used in this article 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.
- (b) Canvasser as used in this article means any Person who engages in canvassing in Person for himself or any other Person.
- (c) Charitable as used in this article 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, scientific, historical, athletic, medical, or religious activities, either actual or implied.
- (d) City as used in this article means the City of De Soto, Kansas.
- (e) Individual Dwelling Unit as used in this article means that portion of a building containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- (f) Multi-Family Dwelling Complex as used in this article means a grouping of individual buildings which are arranged, intended or designed for occupancy by 3 or more families, commonly referred to as apartments, town homes, or condominiums.
- (g) Peddle as used in this article means 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, but the term shall not mean to include Street Vendors licensed by Article 3 of this Chapter, or Mobile Food Vendors licensed by Article 4 of this Chapter
- (h) Peddler as used in this article means a Person who Peddles for himself or any other Person.
- (i) Person as used in this article 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.
- (j) Solicit and Solicitation as used in this article mean and include any one or more of the following [but the terms shall not mean to include Street Vendors licensed by Article 3 of this Chapter, or Mobile Food Vendors licensed by Article 4 of this Chapter]:
 - (1) 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;
 - (2) Requesting directly or indirectly contributions of funds on the plea or representation that such contributions will be used for a Charitable purpose;
 - (3) Canvassing or peddling as defined in this section.
- (k) 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.
- (l) Solicitor as used in this article means a Person who Solicits for himself or any other Person.

(Ord. 2068, Sec. 1; Ord. 2312, Sec. 3)

5-203. Prohibited acts.

- (a) It shall be unlawful for any Solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence, dwelling or Individual Dwelling Unit in a Multi-Family Dwelling Complex 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 paragraph shall not apply to any Solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof.
- (b) It shall be unlawful for any Solicitor to Solicit or attempt to Solicit at an Individual Dwelling Unit in a Multi-Family Complex when all street entrances to the Multi-Family Complex have been clearly posted with signs marked "No Solicitors." This paragraph shall not apply to Solicitation in an Individual Dwelling Unit when the Solicitor has been invited onto the property to Solicit there by the occupant of that dwelling unit.
- (c) It shall be unlawful for any Solicitor to Solicit prior to 10:00 a.m. or after 6:00 p.m. local time, of any day.
- (d) It shall be unlawful for any Solicitor to engage in soliciting upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave the premises or residence.
- (e) It shall be unlawful for any Solicitor to fail to provide, at the request of the purchaser, a written receipt, for purchases exceeding Twenty-Five Dollars (\$25.00) in cash or tangible property which receipt shall be signed by the Person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment; or for any Charitable Solicitor or organization accepting any contribution exceeding Twenty-Five Dollars (\$25.00) in cash or tangible property to fail to provide at the request of the donor a written receipt acknowledging such contribution and personally signed by the Person accepting such contribution.
- (f) It shall be unlawful for any Solicitor to fail at the outset to truthfully disclose to the prospective buyer, prospective donor, or canvasee his/her name and the name of the company, product or organization he/she represents.
- (g) It shall be unlawful for any Solicitor to make any assertion, representation or statement which misrepresents the purpose of his/her call, or use any plan, scheme, or ruse which misrepresents such purpose.
- (h) It shall be unlawful for any Solicitor to conduct his/her 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 to adequate access to fire, police or sanitation vehicles.
- (i) It shall be unlawful for any Person to Solicit who has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, moral turpitude, deceit, fraud, or the violation of any law regulating the act of soliciting as defined in this article within the past five (5) years in this state or any other state or subdivision thereof or of the United States.
- (j) It shall be unlawful for any Person to Solicit or attempt to Solicit at a place of residence at any entrance other than the main entrance of the residence.
- (k) It shall be unlawful 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.

(l) It shall be unlawful for a Solicitor to not carry upon the Solicitor's person a government issued photo identification card, such as a driver's license, if the Solicitor is 16 years of age or older and is engaged in commercial Solicitation or the Solicitation of funds. Said photo identification card shall be produced upon request by any solicitee or by any city law enforcement officer.

(Ord. 2068, Sec. 1)

5-204. Registration procedure.

Solicitors or peddlers, or companies employing solicitors or peddlers, must register and obtain a permit from the city prior to soliciting or peddling within the city, unless such soliciting or peddling is for a "Charitable" purpose as defined in subsection (c) of Section 5-202 of this Article. The application for a permit shall set forth the times and dates during which soliciting or peddling will be undertaken and shall require the names and addresses of all the individuals who will be soliciting or peddling, either on their own behalf or on behalf of the company or organization employing them. The application shall also set forth the address, name, and telephone number of a contact person or supervisor who can be reached while the applicant's solicitors or peddlers are soliciting or peddling within the city. The applicant shall certify on the application that each solicitor or peddler is in compliance with the requirements of section 5-203(i) of this Article. There shall be a permit fee per each individual solicitor or peddler, in an amount fixed in the city's Fee Resolution. Applications shall be made on forms prepared and maintained by the city clerk. Permits shall be issued for periods not to exceed 14 days from the date of issuance. Each solicitor or peddler must, while soliciting or peddling in the city, have displayed on his or her person a permit issued hereunder. Such permit shall identify the name of the solicitor or peddler, the name of the company or organization for whom the solicitor or peddler is working, and the date the permit expires. Each solicitor or peddler must, while soliciting or peddling in the city, have in his or her possession a form of picture identification such as a driver's license or its equivalent.

(Ord. 2266, Sec. 1)

5-205. Violations and penalties.

Any person violating any of the provisions of this article is guilty of a public offense and upon conviction thereof shall be fined in an amount not to exceed \$500 or be imprisoned not to exceed 180 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(Ord. 2068, Sec. 1; Ord. 2266, Sec. 2)