

CHAPTER 111: SOLICITORS AND TRANSIENT VENDORS

Section

111.01 Prohibited activities

111.99 Penalty

§ 111.01 PROHIBITED ACTIVITIES.

(A) It is hereby declared to be in the public interest and for the public welfare, in order to protect the public from fraud and imposition and prevent loss from fraudulent or unscrupulous high pressure sales tactics.

(B) (1) The unrequested visitation by solicitors, hawkers, peddlers, itinerant merchants and transient vendors of merchandise at private residences for the purpose of soliciting orders or selling merchandise without the prior specific request and authorization from the owner or occupant thereof is prohibited. The violation thereof shall be punishable as a public nuisance.

(2) The penalty for violation shall be an order of abatement and a fine of not more than \$100 and costs of prosecution.

(C) This prohibition is not intended to embrace the gratuitous dissemination of circulars or handbills with respect to noncommercial matters, such as a political rally, a church supper or a town meeting, unless the same occurs in the nighttime, which nighttime solicitation is declared to be unlawful and a violation of this section. Nighttime solicitation is solicitation anytime after sundown and before sunrise; provided that for a first offense, the police shall only issue a warning, but for the next and all subsequent offenses, the same is declared to be a nuisance and shall be punishable as a violation of this section.

(D) A *NUISANCE* as used in this section is defined as the practice of solicitors, peddlers, hawkers and itinerant merchants of calling on private residences uninvited for the purpose of soliciting orders and selling merchandise which work as a hurt, inconvenience or damage and disturbs the owner or possessor of the property in his or her peaceful enjoyment of his or her property.
(1999 Code, § 10-201) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in § 111.01, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.
(1999 Code, § 10-501) (Ord. 00-20, passed 6-6-2000)