

## ORDINANCE NO. 2212

### AN ORDINANCE REGULATING CANVASSING, SOLICITATION AND PEDDLING WITHIN THE CITY LIMITS OF SHERWOOD, ARKANSAS; PROTECTING FREEDOM OF SPEECH; REPEALING ORDINANCE 1669, 2075 AND 2104; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

**WHEREAS**, the City Council of Sherwood, 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 Sherwood that the General Regulations of the City of Sherwood should be amended to provide for a new Ordinance;

**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.

#### **Section 00 - LEGISLATIVE FINDINGS.**

An Ordinance is necessary to protect against potential criminal activity associated with individuals requesting funds from the citizens of the City of Sherwood as well as to ensure the First Amendment rights of 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. **Department** means the Sherwood City Clerk
- C. **Mayor** means the current mayor of Sherwood, Arkansas.
- C. **Clerk** means the current City Clerk.
- D. **Peddler** means any person who, without invitation, goes from house to house or from place to place in the City/Town 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.
- E. **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 non-commercial purposes.

#### **Section 02 - APPLICATION FOR LICENSE.**

- A. Peddlers are required to apply for a license under this Chapter.
- B. Applicants for license under this chapter shall complete the application provided by the City Clerk and then return the completed application to the City Clerk. Once completed and returned, the City Clerk, or in her 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 City Clerk will provide each reason why the application was denied.

D. Canvassers are exempt from all requirements set out in this ordinance.

E. Non-commercial Solicitors are exempt from all requirements set out in this ordinance.

F. It shall not be deemed a violation of this Ordinance for individuals to place leaflets or brochures of invitation for solicitation if they do not attempt contact with the resident. Further, this Ordinance shall not apply to individuals who have been invited upon the premises of a resident for purposes of solicitation for the sale of goods or services.

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

The application shall contain the following information:

- A. The name, address, and phone number of the 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 statement as to any convictions of any felonies, or crimes of dishonesty, the date(s) of conviction, the nature of the offense, and the penalty assessed therefor.

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

- A. The Clerk may deny an application under this chapter or revoke a license 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 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 said revocation, the City Clerk 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 such appeal with the Mayor.

- B. The Mayor shall hold a hearing within three (3) days of notice of the appeal, at which time the Mayor shall hear and receive evidence, written and oral, upon all matters involved. The Mayor will provide written notice of the decision, either affirming or reversing the decision of the City Clerk, within three (3) days of the hearing.
- C. If an applicant is still unsatisfied with the result, they can 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 City Clerk or Mayor, and will be made in writing within three (3) days of the hearing.
- D. 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 - HOURS OF SOLICITATION.**

No Peddling or Soliciting shall occur before daybreak or after 30 minutes prior to sundown.

## **Section 07 - “NO PEDDLERS/SOLICITORS” SIGNS.**

It is unlawful for any Peddler or Solicitor to perform or attempt to perform the acts described in this Chapter at any residence and/or business whereon a sign bearing the words “No Peddlers”, “No Solicitors” or words of similar import is painted or affixed so as to be exposed to public view. Every applicant that is the recipient of a permit for door-to-door solicitation shall receive a list of residences within the confines of the City of Sherwood who have requested to prohibit door-to-door solicitation. All recipients of a permit for solicitations door-to-door being itinerant vendors or any city business may not solicit business from those addresses. Any individual, business or entity that attempts a solicitation at those addresses shall be subject to a fine of fifty dollars (\$50.00) per address and may be guilty of a misdemeanor resulting in the incarceration of at least one day but not in excess of one year and may potentially be subject to a fine up to and including one thousand dollars (\$1,000.00).

## **Section 08 – SOLICITORS LICENSE FEES**

Upon presentation of application the requesting party shall pay the sum of fifty dollars (\$50.00) for each solicitor/peddler pursuant to Sherwood Ordinance No. 1598 schedule of license fees

## **Section 09 – EXPIRATION OF LICENSE.**

A license granted under this chapter will expire on December 31<sup>st</sup> in the year of issue.

**Section 10 Repeal** Ordinances 1669, 2075 and 2104 are hereby repealed. Any other ordinance found to be in conflict with this ordinance is repealed to the extent of the conflict.

**Section 11 Emergency** The protection of citizens from unwanted intrusions is deemed in the best interest of all persons, an emergency is hereby declared. This Ordinance shall be in effect immediately after passage.

**ADOPTED** on this 27<sup>th</sup> day of August 2018.



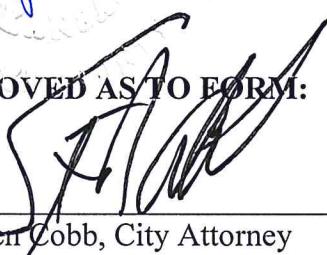
Virginia R. Young, Mayor

ATTEST:

  
Angela Nicholson

Angela Nicholson, City Clerk

APPROVED AS TO FORM:



Stephen Cobb, City Attorney