

Chapter 5.64 SOLICITORS¹

Sections:

- 5.64.000 Legislative Findings.
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- 5.64.030 Violations - Penalties.

5.64.000 Legislative Findings.

It is hereby found and determined by the Governing Body that crimes 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 Overland Park, Kansas.

(History: Ord. SOL-1215 §1, 84)

5.64.010 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.

- A. "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.
- B. "Canvasser" as used in this chapter means any Person who engages in canvassing in Person for himself or any other Person.
- C. "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.
- D. "City" as used in this chapter means the City of Overland Park, Kansas.
- E. "Individual Dwelling Unit" as used in this chapter means 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.

¹ For the statutory provision regarding licensing and regulation of itinerant merchants (as defined herein), see K.S.A. Chapter 8 Article 8.

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- F. "Multi-Family Dwelling Complex" as used in this chapter 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 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.
- H. "Peddler" as used in this chapter means a Person who Peddles for himself or any other Person.
- I. "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.
- J. "Solicit" and "Solicitation" as used in this chapter mean and include any one or more of the following:
 - 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.A "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.
- K. "Solicitor" as used in this chapter means a Person who Solicits for himself or any other Person.

(History: Ord. SOL-2406 §1, 2002; SOL-1460 §1, 87; SOL-1215 §2, 84; REP-1196; SOL-109)

5.64.020 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. For purposes of this section, the No Solicitors decal issued by the City Clerk prominently displayed on the door shall constitute sufficient notice to all Solicitors. However, other similar signs, as defined above, are also sufficient.
- 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 9:00 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 make more than one Solicitation call at the same residential premises for identical or substantially similar goods, services, or contributions within any consecutive fourteen (14) day period, without receiving a prior invitation therefor from the occupants of the premises. This provision shall be construed to include Solicitation upon the same premises by employees, agents, or other Persons acting on behalf of the same Person more than once during the aforesaid period without a prior invitation as herein provided.
- F. It shall be unlawful for any Solicitor to fail to provide, at the request of the purchaser, a written receipt, for purchases exceeding Five Dollars 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 five dollars 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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 chapter within the past five (5) years in this state or any other state or subdivision thereof or of the United States.
- K. 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.

(History: Ord. SOL-2406 §2, 2002; SOL-1460 §2, 87; SOL-1215 §3, 84; REP-1196; SOL-109)

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5.64.030 Violations-penalties.

Any person violating any of the provisions of this chapter is guilty of a public offense and upon conviction thereof shall be punished as provided in Section 1.12.010.

(History: Ord. SOL-1215 §4, 84; REP-1196; SOL-109)

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