

**CITY OF ST. MATTHEWS  
ORDINANCE NO. 21-01  
AN ORDINANCE REVISING CHAPTER 116  
OF THE CODE OF ORDINANCES RELATING TO REGISTRATION AND  
REGULATION OF SOLICITORS**

**WHEREAS**, the City of Louisville recently repealed its ordinance relating to charitable solicitation in the roadway in favor of a content neutral pedestrian and traffic safety standard, which regulation the City of St. Matthews duplicated and enacted,

**WHEREAS**, it is now therefore proper to repeal the St. Matthews solicitation permit ordinance, since St. Matthews has passed its pedestrian and traffic safety standard in its codified ordinance Section 74.18,

**WHEREAS**, the City of St. Matthews further recognizes that the communicable nature of Covid-19 virus impacts the safety of allowing door to door sales,

**AND WHEREAS**, it is therefore also necessary for the City of St. Matthews to review and update its ordinance regulating door to door sales and adopt a more complete and more detailed licensure ordinance regulating door to door sales,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. MATTHEWS, KENTUCKY:**

**SECTION 1:** The City of St. Matthews does hereby repeal its codified ordinance sections 116.01 through 116.13. The City of St. Matthews does hereby adopt a new section 116.01 of its codified ordinances that shall read as follows:

**116.01 CERTIFICATE OF REGISTRATION REQUIRED FOR CHARITABLE OR CIVIC ORGANIZATIONS**

(A) Any person required to register as a professional solicitor or fundraising consultant by virtue of Kentucky Revised Statutes 367.650 to 367.670, must maintain a current valid registration statement and approval of the Kentucky Attorney General before acting as a professional solicitor or fundraising consultant within the City of St. Matthews.

(B) Any person required to register as a professional solicitor or fundraising consultant by virtue of Kentucky Revised Statutes 367.650 to 367.670, must maintain full compliance with Kentucky Revised Statutes 367.650 to 367.670, as well as compliance with City of St. Matthews regulations concerning pedestrians in the right of way contained in Chapter 74 of the City's ordinances, as a condition of acting as a professional solicitor or fundraising consultant within the City of St. Matthews.

**SECTION 2:** The City of St. Matthews does hereby amend the definition of "Soliciting" contained in its Section 116.25 to shall read as follows:

“Soliciting.” Means and includes any one or more of the following activities:

- (1) Seeking, either through in person solicitation, or by personally delivering printed solicitations to a premises, to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatsoever, for any kind of consideration whatsoever;

**SECTION 3:** The City of St. Matthews does hereby repeal its ordinance Section 116.27(A) and hereby adopts a new Section 116.27(A). The previous section 116.27(B) is also renumbered and amended. The new Section 116.27(A) to (E) shall read as follows:

116.27 APPLICATION FOR CERTIFICATE OF REGISTRATION

(A) Any person, firm, or corporation desiring to secure a license as a solicitor shall make a written application, under oath. Such application shall contain at least the following information:

1. The name and permanent home address and telephone number and full local address and telephone number of the applicant,
2. If not self-employed, the name, address and telephone number of the employer or parent organization the applicant is representing and copies of credentials or documents verifying that relationship,
3. The nature or character of the goods, wares, merchandise, or services to be offered by the applicant,
4. The place or places where the applicant proposes to engage in business,
5. A listing of all criminal convictions in the past five years of the applicant and all employees engaged in the act of soliciting and proof that all those who will be soliciting are aged 18 or over,
6. A statement if whether applicant has previously been denied a license under this chapter or if applicant has had a previous license suspended or revoked and, if so, the reasons or circumstances surrounding the denial, suspension, or revocation,
7. Applicant must provide proof of his or her tax identification number and that the Applicant has been issued a license to do business within the City of St. Matthews,
8. A copy of the applicant’s driving record from the Commonwealth of Kentucky or any other state where applicant has resided in the past five years, A listing of the vehicle license number, vehicle description, vehicle identification number, vehicle registration papers and proof of insurance of all vehicles from which the applicant proposes to conduct business, and
9. Proof that the applicant has written standards (which are being followed), for all its solicitors to wear masks and follow all guidelines for social distancing

and limiting the spread of the Covid-19 virus, or for any other communicable disease on which the Center for Disease Control has issued social distancing guidance.

10. Proof that applicant also has applied for and received approval from Metro Louisville for door to door sales. The Metro Louisville permit for door to door sales, along with the City of St. Matthews permit for door to door sales must be on the solicitor's person at all times while soliciting in the City.

(B) Metro Louisville's solicitation application and its required disclosures are recognized by the City of St. Matthews and any applicant can submit its Metro Louisville application and required disclosures to the City of St. Matthews. The failure to complete the form and provide all requested information may result in a denial of the license.

(C) It shall be unlawful for any individual to intentionally provide false information or to intentionally omit requested information on an application for any license or permit governed by this chapter.

(D) Unless otherwise exempted, all applications shall be accompanied with the required fee(s) as specified in the schedule of fees established by the City.

(B)(E) The St. Matthews Police Department shall cause to be kept in its office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this subchapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

**SECTION 4:** The City of St. Matthews does hereby repeal 116.28 and a new Section 116.28 is hereby adopted to read as follows:

#### **116.28 REVOCATION OF CERTIFICATE**

A license issued pursuant to this chapter may be suspended or revoked by the City of St. Matthews. A license may be suspended or revoked for the following reasons:

1. Revocation of its license by Metro Louisville,
2. Fraud, misrepresentation, or false statement contained in the application for a license,
3. Fraud, misrepresentation, or false statement made in connection with the selling of goods or offer of services,
4. Any facts or conditions which would justify the denial of the original application,
5. Evidence that any person granted a permit has a criminal conviction demonstrating a proclivity toward crimes of a pecuniary, sexual, or violent nature,

6. Attempting to solicit at any home which has posted a clearly visible non-solicitation sign.
7. Failure to conduct himself or herself at all times in an orderly and lawful manner.
8. Unwanted distribution of flyers or written materials:
  - (a) It shall be unlawful for any solicitor, peddler or canvasser to leave a handbill, flyer or other material upon any private premises where the owner or occupants have posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Trespassers," "No Peddlers" or "No Solicitors," or words of similar import.
  - (b) It shall be unlawful for any solicitor, peddler or canvasser to leave a handbill, flyer or other material upon any private premises which is not securely attached thereto. Provided, however, it shall be unlawful to damage any property to securely attach any handbill, flyer, or other material to a premise.
  - (c) It shall be unlawful for any solicitor, peddler or canvasser to leave a handbill, flyer or other material upon any private premises without the owner's express permission which is temporarily or continuously uninhabited or vacant in any of the following circumstances: (i) it is apparent that such property is unoccupied or vacant; or (ii) a distribution from any date prior has not been removed.
  - (d) It shall be unlawful for any solicitor, peddler or canvasser to leave a handbill, flier, or other material upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way or public place, or any lamppost, electric light, sign, hydrant, mailbox, tree, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building and
  - (e) It shall be unlawful for any solicitor, peddler or canvasser to leave a handbill, flier or other material upon any automobile or other vehicle that is parked upon any street, public parking lot, or commercial parking lot, without the express consent of the owner of the vehicle, and when acting with the consent of the owner, upon any automobile in a manner that is not securely attached thereto.
9. The discovery of any legitimate reason that the applicant presents a risk to citizens if permitted to engage in activities as a solicitor.
10. Any non-payment of any civil penalties for previous violations of this chapter.
11. Conducting the business of vending or peddling under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public,
12. This section shall be self-executing, and the suspension or revocation shall be effective immediately, and
13. It is unlawful for any person whose license has been suspended or revoked to continue in the business of vending or peddling or keep the license issued to

him/her in his/her possession and control, and the same shall immediately be surrendered to the City of St. Matthews.

**SECTION 5:** The City of St. Matthews does hereby repeal 116.33 and enact a new section 116.33 to read as follows:

116.33: EXEMPTIONS

This subchapter shall not apply to any member or members of a religious, charitable, health, welfare, educational, political or youth service organization, who is acting as a peddler by selling or offering to sell goods or services to raise funds for the work of such organization and for no other purpose. The City Ordinance Enforcement Officer may require any organization or individual claiming exemption to appear and present evidence in support of said membership and purpose.

**SECTION 6:** The City of St. Matthews does hereby enact a new Section 116.35 which shall read as follows:

116.35 APPEALS

(A) Any person, entity, or business aggrieved by the denial, suspension, or revocation of a license or permit under Chapter 116 shall have the right to appeal to the Mayor of the City of St. Matthews within seven business days of receipt of said notice of denial, suspension, or revocation. The notice of appeal must be written with basis for said appeal.

(B) Upon receipt of an appeal, the Mayor shall schedule a time and date within 30 calendar days for the appeal to be heard.

**SECTION 7:**

This ordinance shall take effect upon enactment and publication according to law.

First Reading: Dec 8, 2020  
Second Reading: Jan 12, 2021  
Passed and Approved: Jan 12, 2021  
Richard J. Tonini  
Mayor Richard J. Tonini

ATTEST:

Susan Clark  
City Clerk Susan Clark

In Favor: 7  
Opposed: 0