

SOLICITORS AND SALESMEN

SECTION 1 - Registration Required

(a) Because of the distinction between such solicitors and salesmen who take or attempt to take orders for future delivery, and other persons who sell and deliver goods in one transaction to the purchaser, and because of the need for regulations of the same, no solicitor or salesman shall be allowed to engage in such work in the county until he has registered in the Office of the County Clerk. He shall disclose to the Clerk on a form prepared for this purpose, the following information:

- (1) Name
- (2) Address
- (3) Name and address of employer, if any.
- (4) Names of his associates or fellow solicitors or salesmen, if any.
- (5) The nature and objects of his solicitation and/or sales.
- (6) The time estimated for the completion of his solicitation and/or sales.
- (7) His age, height, weight, race, sex, color hair, color eyes, and any other distinguishing characteristics.

(b) The applicant shall sign the form and shall do so on oath administered by the county clerk, that the same is true.

(c) For his services in enforcing this ordinance which is a police regulation, the county clerk shall receive a fee of One (\$1.00) Dollar, which shall be applied for his work in enforcement and making the necessary investigation of such applicants.

SECTION 2. Permit

(a) The county clerk shall thereupon issue to the registrant a permit which shall state that he has satisfied the provisions of this ordinance. Such permit shall contain the statement, however, that the county in no way lends its credit to, or is responsible for, the registrant, or any acts committed by him.

(b) If the information given to the county clerk of any facts appearing to the clerk indicate that the solicitor or salesman represents an illegal business, or a person or firm not in existence or of a fraudulent nature, or that the solicitor, or salesman, is a violator of the law or a disreputable person or a person of bad character, the county clerk shall make future investigation, and if the solicitor, or salesman, does not offer proof to refute such facts, the permit shall be denied.

SECTION 3 - License

(a) Each solicitor or salesman shall pay a minimum license tax in the sum of Twenty Five (\$25.00) Dollars, upon issuance of the permit and license, to the county clerk; said permit and license being valid for a period of one (1) year being the Fiscal Year of the county beginning 1 July of each year.

(b) This is not intended to discriminate against interstate commerce or to place an undue burden thereon, but it is intended merely as a regulatory ordinance which shall only require interstate commerce to bear its fair share of the burden and to compensate the county for its expense in regulating business activities and the public ways of Scott County, Kentucky.

(c) In the case of solicitors or salesmen who come under the category of persons engaged in interstate commerce, the solicitor, or salesman, shall not be required to pay the flat fee upon registration unless he so desires, but he shall keep a careful record of his gross receipts, and upon the termination of his business here, or at the end of the calendar year, whichever event comes first, he shall file a return in the county clerk's office, showing such gross receipts for the period. He or his employer shall then be required to pay a license fee at the rate of one-tenth of one percent of gross receipts, said rate being the rate charged for other businesses in the county. However, if the solicitor or salesman believes that such license fee is unfair or discriminatory, the county attorney and the county clerk shall conduct an investigation and hear evidence on the applicant's case during the course of which the applicant shall produce any records of evidence which the county attorney and the county clerk may wish to have concerning his gross receipts and the nature of his business, and the county attorney and the county clerk shall conduct an investigation comparing applicants business with other businesses of like nature and shall make findings of fact therefrom. The license shall then be fixed in an amount which is fair and reasonable.

SECTION 4 - Exhibition of permit and license

Every solicitor or salesman shall be required to exhibit his permit, and also his license, if required to have a license, at the time, upon the request of any peace officer or citizen.

SECTION 5 - Police Enforcement

All peace officers of the county shall be required to aid in the enforcement of this ordinance by requiring solicitors or salesmen to produce their permit or by requiring them to obtain permits.

SECTION 6 - REVOCATION OF PERMIT OR LICENSE

(a) Any permit or license granted hereunder may be revoked by the county attorney or county clerk for the following causes:

(1) Fraud, misrepresentation, or false statement contained in application for permit or license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or salesman.

(3) Conviction of any crime or misdemeanor involving moral turpitude.

(4) Conducting the business of soliciting or selling, or of canvassing, 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.

- (b) Notice of the hearing of such revocation proceedings shall be given in writing by mailing a letter to licensee or permit holder at his last known address or at the address given in the application at least three (3) days prior to such hearing.

SECTION 7 - GRIEVANCE

Any person aggrieved by the action of the county attorney and the county clerk in denying a permit may appeal the action to the Scott County Fiscal Court; any person aggrieved by the action of the county in fixing the fee for the license may also do the same. Such appeal shall be taken by filing with the Fiscal Court a notice of appeal within ten (10) days following the action taken which caused the complaint, which notice shall be in writing and shall state the grounds therefor. The Fiscal Court shall set a time and place for said hearing and shall notify the licensee or permit-holder as set forth in Section 100.3 (c) of this ordinance. The decision of the county attorney and the county clerk shall be final and conclusive on said appeal.

SECTION 9 - Penalty

Any person who violates any of the provisions of this Ordinance, including failure to obtain a permit, making a false statement, soliciting and/or selling or attempting to solicit and/or sell without a permit, or failure to obtain a license when required, or any other act violative of this ordinance, shall be fined not less than \$10.00 nor more than \$100.00 for each offense. Each separate sale or order or attempt to solicit or sell without having first procured the license or permit herein required shall be deemed a separate offense, and each day that soliciting or selling is carried on in violation of this ordinance shall also be a separate offense. In addition to these remedies the county shall also have the right to enforce the payment of any license which is due hereunder by a civil action by services of process or by warning order, as provided by the Rules of Civil Procedure.

Submitted by:

/s/ Virgil F. Pryor
Scott County Attorney

SCOTT COUNTY FISCAL COURT

BY: /s/ C. M. Brooking, Judge

A True Copy Attest
/s/ J. A. Cottrell, Clerk
May 18, 1973