

CHAPTER 76: SOLICITATION ON THE CROSSWALKS, HIGHWAYS, INTERSECTION OR ROADWAYS

Section

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§ 76.01 PURPOSE AND FINDINGS

Whereas, it is within the City of Elizabethtown's power and other general and specific grants of power to regulate solicitation on its crosswalks, highways, intersections and roadways, and

Whereas, Kentucky Revised Statutes 189.570 (21) provides that "No person shall stand on a highway for the purpose of soliciting contributions unless such soliciting is designated by the presence of traffic control device or warning signal or an emergency vehicle or public safety vehicle as defined in KRS 189.910 making use of the flashing rotating or oscillating red, blue or yellow lights on such devices or vehicles," and

Whereas, it is the intent of the Elizabethtown City Council to provide for roadblock solicitation under very orderly and controlled circumstances by extending the restrictions of the Kentucky Revised Statutes to assure vehicular and pedestrian safety within the City's corporate limits.

It shall be unlawful for any person to solicit on the crosswalks, highways, intersections or roadways within the City of Elizabethtown unless such solicitation is in accordance with the Kentucky Revised Statutes and the administrative regulations of the City.

(Ord. 7, passed 05/01/2000)

§ 76.02 DEFINITIONS

Person means any individual, partnership, trustee or corporation. A person does not have to reside in the City limits of Elizabethtown for the purpose of this ordinance.

Solicitation is the act of a person standing at or travelling on or near a crosswalk, highway, intersection or roadway and taking, or attempting to take, money contributions, or making a sale of, or taking orders for the sale of, any personal property for future delivery or for services. This definition also includes a person standing in the median, crosswalk, highway, intersection or roadway for the purpose of advertising a sale or services.

Crosswalk means (a) that part of roadway at an intersection within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Highway means any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them.

Intersection means (a) the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways, which join one another, but not necessarily continue, at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or (b) where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term roadway” as used herein shall refer to any roadway separately but to all such roadways collectively.

Permit means a form that upon completion provides the requested date, time and place of solicitation and documents compliance with those other requirements set forth in Section 76.03 of this Ordinance. A permit is not valid until it is marked “APPROVED” and is signed by the Chief of Police or his/her designatee. Solicitation may not legally occur in the City without an approved permit. The permit shall be in the possession of the organization at the site of the solicitation on the specified date. Solicitation may only occur on the dates, hours and locations approved by the City.

(Ord. 7, passed – 05/01/2000)

§ 76.03 CRITERIA FOR PERMIT APPLICATION AND APPROVAL

Permits shall be issued only to charitable organizations with an association to Hardin County.

All Persons, organizations, partnerships, etc., desiring to solicit on roadways within the corporate limits of Elizabethtown shall complete a permit application form in the office of the Chief of Police.

The permit application shall provide the following information:

- (a) Name and address of responsible person who will meet all requirements and be responsible for persons soliciting and money collected;
- (b) Organization represented and acknowledgement by applicant that it is a bona fide charitable organization and that the funds collected will be used only for the purpose stated;
- (c) The objective for the funds;
- (d) Names of all participants;
- (e) Identification that will be provided on site of solicitation;
- (f) Assurance that all participants in the roadblock will be provided with orange or other approved traffic safety vests. At anytime a participant in the road block solicitation fails to properly wear a safety vest, the City Police shall order the activity stopped immediately. All participants must sign a waiver that if injured on City property that the City will not in any way be responsible for their injuries, that all risk of injury is on the participant.
- (g) Location, dates and hours of the solicitation event;
- (h) Application must be approved fourteen (14) days prior to the activity;
- (i) The City Clerk of the City of Elizabethtown shall maintain a calendar that schedules solicitation activities in the City of Elizabethtown. Said calendar shall be maintained to allow no more than one (1) solicitation activity per organization per calendar month. Solicitation events may be scheduled for any month in a calendar year. Said calendar is to run January 1 to December 31 of each year. Dates for solicitation shall be granted on a first request basis;
- (j) It shall be the obligation of all organizations soliciting on a public roadway within the City limits of Elizabethtown to place a sign on site to identify the organization and to have available a receipt to all individuals making a contribution.

(Ord. 7, passed – 05/01/2000)

§ 76.04 UNAUTHORIZED ACTIVITIES

- (a) Solicitors are prohibited from crossing lanes of traffic or darting between vehicles at all times.
- (b) All solicitors must be at least 18 years of age.
- (c) All children under the age of 18 are prohibited from accompanying solicitors.
- (d) Solicitors shall not make physical contact with the motor vehicles.
- (e) Solicitors shall not verbally solicit from vehicle occupants.

(Ord. 7, passed – 05/01/2000)

§ 76.05 PENALTIES, REMEDIES, APPEALS

Violation of this ordinance shall be a violation for which the penalty is a minimum fine of \$50.00 up to a maximum fine of \$250.00. Noncompliance with any section of this Ordinance shall be cause for the City Police to revoke the permit and the permittee has an immediate appeal to the City Council regarding the revocation. Any application for a permit denied by the Chief of Police may be immediately appealed to the City Council. The City has the right to seek immediate judicial remedies for continued violations of this ordinance.

(Ord. 7, passed 05-01-2000)