

TOWN OF ERIE
ORDINANCE NO. 07 -2019

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE REPEALING AND REENACTING CHAPTER 1 OF TITLE 4 OF THE ERIE MUNICIPAL CODE, RELATING TO SOLICITATION PERMITS

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Chapter 1 of Title 4 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

CHAPTER 1
SOLICITATION PERMITS

4-1-1: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

CRIMES or ACTS OF VIOLENCE AGAINST THE PERSON OF ANOTHER: Homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery, and other similar felonies involving moral turpitude by whatever name.

CRIME or ACTS AGAINST THE PROPERTY OF ANOTHER: Theft, burglary, breaking and entering, larceny, and other similar felonies involving moral turpitude.

SOLICITATION: To enter or remain upon any private property in the Town, not having been requested or invited by the occupants thereof, for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services or any other thing of value, or to solicit a gift or donation of any kind; provided, however, that solicitation does not include political canvassing, political advocacy, or religious proselytizing.

4-1-2: PERMIT REQUIRED:

No person shall engage in solicitation in the Town without first obtaining a solicitation permit as provided in this Chapter.

4-1-3: APPLICATION AND ISSUANCE:

A. Application. Each applicant for a solicitation permit shall file with the Town Clerk an application including the following information, in addition to the application fee established by resolution of the Board of Trustees:

1. The full name, residence address, mailing address, and telephone number of the applicant;

2. A description of the applicant, including height, weight, eye color, and hair color;

3. The number and state of issuance of any state-issued identification card issued to applicant, including a state motor vehicle operator's license or chauffeur's license;

4. A brief explanation of the nature of the merchandise to be sold or other activity requiring a solicitation permit under this Article; and

5. An authorization for the Town Clerk to conduct a background check of the applicant.

B. Grounds for denial. Unless the Town Clerk finds grounds for denial, the Town Clerk shall issue the solicitation permit within seven (7) days of receipt of a complete application. The Town Clerk may deny the application for the following reasons:

1. Failure to comply with any provision of this Code;

2. Felony convictions for crimes against the person or property of another, or institutionalizations for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalizations occurred within five (5) years preceding the date of application; or

3. Convictions of any crime committed while engaged in solicitation in the Town.

C. Notice and appeal. If the Town Clerk denies the application, the Town Clerk shall notify the applicant in writing, stating the reasons for the denial, and shall mail such notice by regular United States mail to the address provided on the application. Within seven (7) days of the date of mailing such notice, the applicant may file a written request for an appeal to the Board of Trustees. The Board of Trustees shall hear and decide such appeal within thirty (30) days of receipt of the appeal request. At the appeal, the applicant shall be entitled to be heard and present evidence.

D. Permits nontransferable. Permits may not be transferred from person to person.

E. Expiration. Each permit shall expire one (1) year from the date of issuance.

F Revocation. If, after issuance of a permit, the Town Clerk finds that any of the grounds stated in subsection B hereof exist, the Town Clerk shall revoke the permit and provide written notice to the permittee of such action. The permittee may appeal the Town Clerk's decision in the manner set forth in subsection C hereof.

4-1-4: DOOR HANGERS:

No person, other than the Town or its designees, shall fasten or deposit in any manner any notice, poster, or other advertising or promotional material upon private property, including personal property, without having permission to do so from the owners or occupants of such property. Permission to so fasten or deposit such materials shall be implied from the presence of an improved walkway, including a driveway, connecting such property directly to a public right-of-way, unless:

1. Access to such walkway is physically restricted by a fence, gate, or other permanent structure; or
2. A "No Trespassing" or "No Solicitors" sign or a sign conveying a similar message is posted on the property at a visible location.

4-1-5: PERMISSIBLE TIMES:

Solicitation is prohibited before 8:00 a.m. or after the later of 8:00 p.m. or sunset, as announced and published by the National Weather Service daily.

4-1-6: "DO NOT SOLICIT" LIST:

A. Any owner or occupant of private property in the Town may prohibit solicitation at such property by registering the property on the Town's "Do Not Solicit" list pursuant to this Section.

B. The registration shall contain the following information:

1. The full name of the person filing the form, and whether such person is an owner, occupant, or both;
2. The property address; and
3. A list of individuals or groups who are not subject to the solicitation prohibition.

C. If the owner or occupant filing the form ceases to be the owner or occupant of the property, the registration shall expire; otherwise, it shall remain in effect until modified by the owner or occupant.

D. Properties on the "Do Not Solicit" list shall be listed only by address, and the name of the person filing the form shall not be included.

4-1-7: NO SOLICITATION SIGNS:

A. In addition to or in lieu of registration on the Town's "Do Not Solicit" list, any person may post a sign on his or her property indicating that the owners or occupants do not wish to be disturbed by door-to-door solicitation. Such sign shall state, "No Trespassing," "No Solicitors," or other similar message indicating that door-to-door sales are not authorized.

B. Such sign shall not exceed two and one half (2½) square feet in area.

C. Such sign shall be allowed in addition to the number and types of signs permitted by the Unified Development Code.

D. Solicitation at any property at which such a sign is posted is a violation of this Chapter.

4-1-8: CARRYING OF PERMIT AND IDENTIFICATION:

Each permittee shall carry on his or her person the solicitation permit and personal identification at all times while engaging in solicitation, and shall present such identification and permit upon request of any person.

4-1-9: VIOLATION AND PENALTY:

It is unlawful to violate any provision of this Chapter. Any violation of this Chapter is deemed to be a criminal violation, and upon conviction, the penalties set forth at Section 1-4-4.B. of this Code shall apply.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

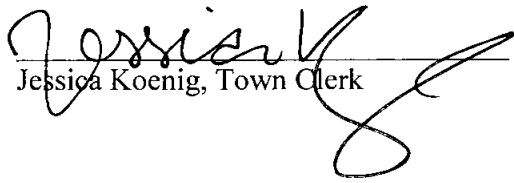
INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 26th day of March, 2019.



Jenife Carrol

Jennifer Carrol, Mayor

ATTEST:


Jessica Koenig, Town Clerk

