ORDINANCE NO. 1476

AN ORDINANCE OF THE CITY OF YUKON, OKLAHOMA, AMENDING CHAPTER 82, ARTICLES I, II, AND III, BY DELETING IN THEIR ENTIRETY SEC. 82-1 THROUGH 82-6; ADOPTING NEW SEC. 82-1 TO STATE A PURPOSE, SEC. 82-2 To DEFINE TERMS, SEC. 82-3 TO LIMIT TIMES FOR SOLICITATION, EXCLUDING SPECIFIC INVITATIONS OR APPOINTMENTS, SEC. 82-4 TO REQUIRE ORDERS BE IN DUPLICATE, SEC. 82-5 TO PROHIBIT SOLICITATION ON POSTED PREMISES IN THE ABSENCE OF A PRIOR INVITATION OR APPOINTMENT, SEC. 82-6 TO PROHIBIT SOLICITING IN ROADWAYS OR PUBLIC RIGHTS-OF-WAY, UNLESS SPECIALLY PERMITTED, SEC. 82-7 CREATING THE NO KNOCK LIST AND PROHIBITING SOLICITATION AT RESIDENCES ON THE NO KNOCK LIST; DELETING IN THEIR ENTIRETY SECS. 82-29 THROUGH 82-56; ADOPTING NEW SEC. 82-29 REQUIRING SOLICITOR PERMITS, STATING TIMES FOR APPLICATION, AND REQUIRING CARRYING OF PERMIT AND PHOTO IDENTIFICATION, NEW SEC. 82-30 CREATING APPLICATION REQUIREMENTS, REQUIRING REFERRAL AND BACKGROUND CHECK, ESTABLISHING MINIMUM AGE FOR SOLICITOR PERMIT AND PROVIDING FOR PERMIT RENEWAL, NEW SEC. 82-31 ESTABLISHING APPLICATION AND RENEWAL PERMIT FEES, NEW SEC. 82-32 PROVIDING ISSUANCE, DENIAL OR REVOCATION PROCEDURES AND REQUIREMENTS, NEW SEC. 82-33 PROVIDING CAUSES FOR REVOCATION OF PERMITS, AND SEC. 82-34 PROHIBITING TRANSFER OF PERMITS; AND, AMENDING SEC. 82-57 TO MODIFY EXEMPTIONS FROM ORDINANCE; PROVIDING FOR REPEALER, PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF YUKON, OKLAHOMA, that:

SECTION 1: ENACTMENT.

Chapter 82, Article I, Secs. 82-1 through 82-6 are hereby deleted in their entirety, and new Article I, Sections 82-1 through 82-7 are adopted to read as follows:

ARTICLE 1. IN GENERAL

Sec. 82-1. Purpose.

The City of YUKON is largely a residential community whose residents value the peace and quiet enjoyment of their private property. The City of YUKON has in interest in protecting residents' right to privacy in their own homes, in preserving the public peace and order, and in protecting the public safety and welfare. This Ordinance is intended to further the goal of protecting the health, safety and welfare of the citizens of the City of YUKON and the public at large by regulating door to door solicitation in residential zoning districts. The City has promulgated reasonable time, place and manner restrictions on solicitations occurring within residential zoning districts in order

to reduce crimes such as fraud, identity theft, larceny, burglary, and home invasion and to protect its citizens from intrusive or dangerous solicitations, citizens' right to privacy in their homes, and citizens' right to be free from annoyance, including intrusion upon hours of rest. These restrictions also assist law enforcement personnel in the performance of their duties and give citizens some assurance that the City can identify and pursue solicitors who do engage in fraudulent or unlawful conduct.

Sec. 82-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddle means to travel on foot or by any type of conveyance from place to place, house to house, street to street, or upon any street or public place, carrying, conveying or transporting goods, foodstuffs, products, wares, merchandise, or other thing of value for the purpose of offering and exposing the same for sale or making sales of such articles to purchasers.

Peddler means any person who peddles.

Solicit means and includes (a) to travel on foot or by any type of conveyance from place to place, house to house, street to street, or upon any street or public place, selling or offering for sale or taking or attempting to take orders for the sale of goods, foodstuffs, products, wares, merchandise, services, magazines, periodicals, insurance, or other thing of value for future delivery or for services to be performed or furnished in the future, (b) requesting, directly or indirectly, contributions of funds on the plea or representation that such contributions will be used for a charitable purpose, and (c) peddling, as defined in this section.

Solicitor means any person who solicits.

Sec. 82-3. Hours of permitted soliciting or peddling; hours for application.

No solicitor or peddler, whether registered under this chapter or not, shall take orders for or sell any goods, foodstuffs, products, wares, merchandise, services, magazines, periodicals, insurance, or other thing of value except during the hours from 9:00 a.m. to 9:00 p.m., provided, however, that solicitations may be made where the person solicited has a previously arranged appointment with the owner or occupant for a time other than the prescribed hours.

Sec. 82-4. Orders to be in duplicate.

All orders taken by solicitors wherein payment or deposit is made in advance of delivery shall be in writing in duplicate, stating the terms thereof, and the amount paid in advance. One copy shall be given to the purchaser at the time of the solicitation.

Sec. 82-5. Solicitors; invitation required to enter posted premises.

No solicitor shall enter any premises or attempt to solicit where the owner or occupant of such premises has indicated his/her desire not to be contacted for sales or solicitations by the placing of a "No Peddlers," "No Trespassers," or "No Trespassing" sign on those premises, and any such entrance or attempt to solicit shall constitute a trespass upon private property in the absence of a specific invitation or appointment from the owner or occupant of the residence.

Sec. 82-6. Soliciting or peddling in roadway and public right-of-way prohibited; exceptions.

Soliciting or peddling in roadways and public rights-of-way is prohibited; provided, however, the community development director may issue a special permit for soliciting in roadways and public rights-of-way upon written application; and, further provided that proper safety devices and measures be implemented as directed in the special permit. This prohibition applies only to areas where such activity would cause a material safety hazard, and permits for Soliciting or peddling in such areas may be granted with appropriate conditions.

Sec. 82-7. No knock list.

The community development director shall prepare and maintain a list of all residents within the city who desire to prevent soliciting at their residence which shall be known as the no knock list. Residents of the city who desire to have their addresses placed on the no knock list may do so by contacting the community development director's office.

Solicitors must obtain a copy of the no knock list from the community development director's office at the time they obtain a permit, and are expressly prohibited from soliciting at any residence listed on the no knock list. Soliciting or attempting to solicit residents in disregard of the no knock list may result in revocation of a solicitor's permit and/or assessment of a fine, and entering any premises to attempt to solicit shall constitute a trespass upon private property in the absence of a specific invitation or appointment from the owner or occupant of the residence.

secs. 82-8—82-28. Reserved.

SECTION 2: ENACTMENT.

Chapter 82, Article II, Secs. 82-29 through 82-56 are hereby deleted in their entirety, and new Article II, Sections 82-29 through 82-60 are adopted to read as follows:

ARTICLE 11. PERMIT

Sec. 82-29. Permit required; time for applications; carrying of permit.

It shall be unlawful for any person, firm or corporation, either as a principal, officer, agent, servant or employee, to solicit within the city without having first applied for and obtained a solicitor's permit for that purpose from the community development director or his designee.

Applications for a solicitor's permit or renewal of a prior permit shall be made only between 8:30 a.m. and 4:30 p.m., Monday through Thursday, and 8:30 a.m. and 11 :30 a.m. on Friday.

All persons issued a permit under this section shall at all times carry the permit on their person, shall carry at least one form of photo identification, one of which shall be a current, valid driver's license number or state issued photo identification card, and shall produce the permit and photo identification for inspection and review at any time upon request by any city official, law enforcement officer or person to whom the solicitor is attempting to solicit or peddle or on whose property the solicitor is present.

## Sec. 82-30. Application and renewal; background check.

(a) An applicant for a solicitor's permit under the terms of this chapter shall be required to:

(1) Complete and submit a verified application in a form provided by the community development director or his designees which shall include the following information:

a. The name of the person, firm or corporation in whose behalf the applicant proposes to solicit, and, if employed by another, the name and address of the applicant's employer, together with a document showing the relationship of the applicant to such person, firm or corporation and confirming their authority to solicit;

b. The current address of said person, firm or corporation, and their phone and email contact information;

c. The kind of products, merchandise or service to be solicited and/or sold;

d. The time period for which the applicant desires to do business;

e. The current, valid license number and description, including make, model, year and copy of current insurance verification, of any vehicle to be used (if applicable);

f. Detailed personal information and physical description of solicitor(s); and

g. A current, valid driver's license or state issued photo identification card of the solicitor(s).

(2) Agree to a background check to be performed by the police department.

(b) Upon receipt of such application, the application shall be referred to the Chief of Police or designee who shall cause such investigation of the applicant's background and business and moral character to be made as he deems necessary for the protection of the public good.

(1) If as a result of such investigation, the Chief of Police or designee finds that the applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, , any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, a misdemeanor involving moral turpitude or a felony within the past five years, or has such criminal charges pending, the Chief of Police or designee shall notify the Community Development Director or designee of the reason for denial. The Community Development Director or his designee shall give written notice to the applicant that his application is disapproved and the reasons therefor.

(2) If as a result of such investigation, the applicant's background is found to be meet the requirements of this article, the Chief of Police or designee shall approve the application and return it to the Community Development Director or designee for final processing.

(3) The Chief of Police or designee shall complete his investigation within Three (3) working days from the date of the application.

(c) An applicant may renew a prior non-revoked permit for the same period if presented within sixty (60) days of the original application date without requiring an additional background check.

sec. 82-31. Fee.

A registration fee is hereby levied for the purpose of defraying the cost of registration on each person applying for registration as a solicitor or peddler. Such fee shall be as follows:

(a) Application.

(1) $35.00 per day, plus $5.00 for each additional day.
(2) $60.00 per week.
(3) $100 per two weeks.
(4) $175.00 per month.

(b) Renewal of prior permit.

(1) $20.00 per day, plus $5.00 for each additional day.
(2) $45.00 per week.
(3) $85.00 per two weeks.
(4) $160.00 per month.

Sec. 82-32. Issuance, denial or revocation.

(a) The community development director or designee is hereby authorized to issue or renew a solicitor's permit when the applicant has complied with this article. Registration or renewal may be denied any applicant for a solicitor's permit who fails the background check, fails to meet the requirements of this article, has been convicted of two or more violations of the provisions of this article within the preceding 12 months, has had a previous permit revoked within the previous 12 months, or if the proposed solicitation shall include some element of trickery, fraud or deceit, in which case, in the interest of the public health, safety and welfare, the applicant shall not be registered.

(b) The community development director or designee shall give notice either in person, by telephone, mail or email to the applicant or permittee of the denial or revocation of their permit. If mailed, the notice shall be sent to the address listed on the application or permit. The permit shall stand revoked or denied from the time notice is made to the applicant or permittee either in person or by telephone or is received by mail by the applicant or permittee.

(c) Any applicant or permittee may appeal a denial or revocation to the city manager within ten days after delivery or receipt of the notice by filing a written request with the community development director for a hearing. The hearing shall be held by the city manager or his or her designee. The appealing applicant or permittee may be represented by counsel. The hearing shall be conducted in an informal manner, but no permit shall stand revoked or denied except upon a preponderance of the evidence. The city manager or his or her designee may affirm, modify or vacate the order of revocation or denial and such decision shall constitute the final decision on behalf of the city. Any appeal from a city manager's decision shall be in a manner provided by this Code and by law.

Sec. 82-33. Revocation.

Upon good cause any permit issued pursuant to this chapter may be revoked. Revocation may be based upon the following, among other causes:

(1) Fraud, misrepresentation or any false statement contained in the application for a permit;

(2) Violation of any federal, state or municipal law, rule or regulation;

(3) Fraud, misrepresentation or false statement made in the course of carrying on the business as a solicitor or peddler, or conducting such business in an unlawful manner, in such manner at to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public;

(4) Any violation of this chapter; or

(5) Conviction or filing or any charges for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony or misdemeanor involving moral turpitude.

Immediately upon such revocation, written notice thereof shall be given by the Community Development Director or designee to the licensee in person or by certified United States mail addressed to his or her residence address set forth in the application.

Sec. 82-34. Transfer of permits prohibited.

Permits issued under this article may not be transferred to or used by any person other than the person to whom it was issued.

secs. 82-35— 82-56. Reserved.

SECTION 3: ENACTMENT.

Chapter 82, Article III, Secs. 82-57 through 82-60 are hereby deleted in their entirety, and new Article III, Section 82-57 is adopted to read as follows:

Sec. 82-57. Exemptions.

The following are exempt from the provisions of this Chapter:

(a) Minors who are performing fundraising for recognized youth sports organizations, scouts, scholastic, and religious institutions, which are headquartered or have established branches within the YUKON city limits;

(b) The mere delivery of goods to the buyer after the placement of an order at the merchant's permanent place of business; and

(c) Any 501 (c)(3) community oriented charitable service organization which conducts sales as part of an annual fundraiser.

(d) Peddlers or solicitors specifically invited or having an appointment from the owner or occupant of the residence.

SECTION 4: REPEALER.

All former ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 5: SEVERABILITY.

If any part of this Ordinance is held by a court to be unreasonable, arbitrary, ambiguous, or otherwise unenforceable, that portion or part determined to be unenforceable shall be considered to be divisible and severable, and the remainder of any Ordinance shall remain effective, binding, and enforceable in all respects. Ordinances or portions thereof that are not specifically amended herein are not intended to be changed, and shall not be changed, by this enactment.

SECTION 6: EMERGENCY.

An emergency is declared to exist and it is necessary for the public welfare, health and safety that this ordinance take effect immediately upon passage, approval and publication according to law.

PASSED AND APPROVED this 26th day of June, 2025 with the Emergency Clause passed separately.

Brian Pillmore, Mayor
Ashley Furry, City Clerk (SEAL)
Roger Rinehart, City Attorney