

ORDINANCE NO. 785

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 10 OF THE MILLIKEN MUNICIPAL CODE RELATED TO SOLICITATION

WHEREAS, the Board desires to update and clarify its regulations pertaining to solicitation;

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

Section 1. Chapter 10, Article VI, Section 10-06-200 of the Milliken Municipal Code is hereby revised to read in its entirety as follows:

Sec. 10-6-200. - Residential door-to-door solicitation prohibited; exceptions.

- (a) **Regulation of commercial door-to-door solicitation.** It is unlawful for any person to engage in commercial door-to-door solicitation in the Town without obtaining a permit and identification badge issued by the Town upon application by the solicitor. Permits shall expire on December 31 of each year. Solicitors are required to display the identification badge, and would be strongly encouraged to wear a uniform or apparel clearly marked with the solicitor's corporate or commercial identity. The Town shall examine the qualifications of any applicant for a permit or renewal thereof and shall have the authority to deny the issuance or renewal due to the failure by the applicant, business owner or business management to comply with the general laws and statutes of the state or ordinances of the Town, or due to concerns about the character of the applicant, business owner or management. The refusal by the Town to grant the solicitor permit entitles the applicant to a public hearing before the Board of Trustees at the next scheduled meeting of the Board of Trustees so long as it is requested within seven (7) days of the date of denial. The provisions of this Section shall not apply to non-commercial door-to-door solicitation.
- (b) **All residential door-to-door solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign.** It is unlawful for any person to engage in any residential door-to-door solicitation in the Town, not having been previously requested or invited by the occupant of the residence, when a "No Solicitation" or "No Trespassing" sign is posted at the premises.
- (c) **Attempt to obtain invitation through false or deceptive representation or statement prohibited.** It is unlawful for any person to attempt to obtain, by telephone or otherwise, an invitation to visit any residence for the purpose of engaging in residential door-to-door solicitation by knowingly making a false or deceptive representation or statement.

(d) **All residential door-to-door solicitation prohibited between certain hours.**

It is unlawful for any person to engage in residential door-to-door solicitation before the hours of 9:00 a.m. and after the later of 7:30 p.m. or one half-hour after sunset Monday through Saturday. Sunday's solicitation hours are from noon until 5:00 p.m.

(f) **Definitions:**

- i. *Commercial door-to-door solicitation* shall mean the act of going in and upon private residences for the purpose of contacting the owner or occupant, without his or her prior consent, in order to advertise, offer, promote, sell, explain or to solicit the sale, rental, lease or other form of conveyance or transfer of any product, goods, wares, merchandise, property, services or any other thing of value. "Commercial door-to-door solicitation" does not include any conduct that is within the definition of "non-commercial door-to-door solicitation."
- ii. *Non-commercial door-to-door solicitation* shall mean attempting to make personal contact with a resident at his or her residence, without prior specific invitation by or appointment with the resident, for the primary purpose of: (1) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3); (2) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3); (3) Personally delivering to the resident a handbill or flyer advertising a future, not-for-profit event, activity, good or service; (4) Proselytizing on behalf of a religious organization or religious or philosophical ideas; or (5) Soliciting support for a political candidate or organization, or ballot measure or ideology.
- iii. *Residential door-to-door solicitation* means both commercial door-to-door solicitation and non-commercial door-to-door solicitation and includes the act of placing door hangers or depositing sales or promotional materials on private residential property.
- iv. *Person* as used in this section means a natural person.

PASSED, ADOPTED, SIGNED AND APPROVED this the _____ day of _____, 20____.

TOWN OF MILLIKEN

By: _____
Elizabeth Austin, Mayor

ATTEST:

By: _____
Cheryl Powell, Town Clerk