

ORDINANCE NO. 18- 32

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 38 OF THE CODE OF ORDINANCES, CITY OF ROGERS, ARKANSAS CONCERNING THE CITY OF ROGERS NO-KNOCK LIST AND PEDDLER'S LICENSES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the evolving court interpretations following the United States Supreme Court's decision in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218, require a revision and update of certain provisions of the Code of Ordinances, City of Rogers, Arkansas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Chapter 38 of the Code of Ordinances, City of Rogers, Arkansas, "Peddlers, Solicitors and Restricted Business Sales" is retitled "Chapter 38 – Restricted Business Sales";

Section 2: Chapter 38, Article II of the Code of Ordinances, City of Rogers, Arkansas, "Peddlers and Solicitors" is retitled "ARTICLE II - Peddlers";

Section 3: § 38-19 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit "A";

Section 4: § 38-20 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit "B";

Section 5: § 38-21 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit "C";

Section 6: §§ 38-22 and 38-23 of the Code of Ordinances, City of Rogers, Arkansas are repealed and reserved;

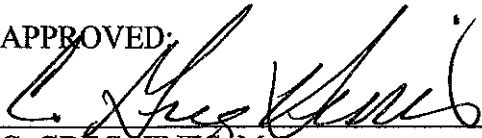
Section 7: Appendix B to the Code of Ordinances, City of Rogers, Arkansas is amended to read as shown in the attached Exhibit "D";

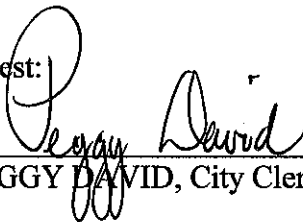
Section 8 – Emergency Clause: The need to amend the City Code to comply with changes in state law and United States Supreme Court interpretation is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;


Section 9 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 10 – Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 24th day of June, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest: 
PEGGY DAVID, City Clerk



Requested by: Jennifer A. Waymack, Senior Staff Attorney
Prepared by: Jennifer A. Waymack, Senior Staff Attorney
For Consideration by the Resources and Policy Committee

Exhibit "A"**38-19. Peddler's License.**

(a) Except as provided in subsection (b) of this section, before engaging in his or her business, a peddler shall:

(1) Pay a license fee as currently established and found in appendix B to this Code; and

(2) Provide valid government photo identification to the Clerk-Treasurer upon request for a peddler's license.

(b) The following persons are exempt from the requirements of subsection (a) of this section:

(1) A peddler who holds a current and valid City of Rogers business license with a permanent address in the City of Rogers; and

(2) Any entity designated exempt by state law.

(c) A peddler shall maintain a copy of the peddler's license on his or her person while engaged in his or her business.

(d) As used in this section, "peddler" means a person who engages in the business of selling goods, wares, or merchandise of any description other than articles grown, produced, or manufactured by the seller himself or herself or by those in his or her employ, and sold by going from house to house or place to place, either by land or water, to sell them.

Exhibit "B"**38-20. No-Knock List.**

- (a) *Purpose and Intent.* The restrictions contained within this section are necessary to:
- (1) Protect public safety and enjoyment of privacy in the City;
 - (2) Curtail criminal activity in people's homes by reducing, identifying, and evidencing uninvited and unwanted contact on private property;
 - (3) Protect the privacy interests of those residing in this City; and
 - (4) Protect those residing in this City from fraud.
- (b) The City Clerk-Treasurer shall maintain a No-Knock list.
- (c) (1) A resident may be placed on the No-Knock list for two (2) years if he or she provides written proof to the City Clerk-Treasurer that he or she resides at the residence requested to be placed on the No-Knock list.
- (2) After two (2) years, the City Clerk-Treasurer shall remove the resident from the No-Knock list unless the resident:
- (A) Requests to remain on the No-Knock list for an additional two (2) years; and
 - (B) Provides written proof that he or she continues to reside at the residence requested to be renewed on the No-Knock list.
- (3) Written proof under subdivisions (c)(1) and (c)(2) of this section shall be in the form of:
- (A) A copy of a state issued identification card;
 - (B) A current utility bill; or
 - (C) A current mortgage statement or lease agreement.
- (4) Written proof under subdivisions (c)(1) and (c)(2) of this section may be provided to the City Clerk-Treasurer or his or her designee:
- (A) In person;
 - (B) By mail; or
 - (C) By an electronic means approved by the City Clerk-Treasurer.
- (5)(A) A resident on the No-Knock list promptly shall notify the City Clerk-Treasurer if he or she no longer resides at the residence.
- (B) Upon notification that the resident no longer resides at the address on the No-Knock list, the City Clerk-Treasurer shall remove him or her from the No-Knock list.
- (6) An address shall not be placed on the No-Knock list by:
- (A) A property owner's association;
 - (B) A homeowners association; or
 - (C) Any other organization representing a group of homes, homeowners, or tenants.
- (d) Before a peddler goes from door-to-door to make contact with the occupants of more than one (1) residence, he or she shall:

(1) Obtain a copy of the No-Knock list from the City Clerk-Treasurer; and

(2) Notify the Rogers Police Department of the dates, times, and locations of the intended areas of contact.

(e) "Peddler" is defined under §38-19(d).

Exhibit "C"

38-21. Knocking prohibited under certain circumstances.

(a) Unless the peddler is invited by or has the permission of a resident of the residence, a peddler shall not knock on the door of or ring the doorbell of any residence that:

(1) Is on the No-Knock list; or

(2) Posts a legible and reasonably visible sign stating "No Solicitation" on the property.

(b) A peddler shall not knock on the door of or ring the doorbell of any residence after sunset and before sunrise, unless the peddler is invited by or has the permission of a resident of the residence.

(c) "Peddler" is defined under §38-19(d).

Exhibit "D"

Sec. 38-19, Peddlers license fee.

Per day: \$10.00

Per week: \$30.00

Per month: \$75.00