

ORDINANCE #2012-01

WHEREAS, the Marshall County Fiscal Court is concerned with the possibility of residents being scammed by persons soliciting money on or about the roadways and/or rights-of-way of roadways;

WHEREAS, the Marshall County Fiscal Court is concerned with potential traffic and/or safety hazards caused by persons soliciting money on or about the roadways and/or rights-of-way of roadways;

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MARSHALL COUNTY AS FOLLOWS:

SECTION I

- A. Any individual, group of individuals, organization, or entity of any kind wishing to solicit money or donations of any kind, or sell items of any kind on or about the roadways and/or rights-of-way of roadways in Marshall County, Kentucky shall be required to apply for a permit from the Marshall County Judge-Executive's Office, and in so doing shall also supply, at a minimum, the following information:
1. The name and ages of the person or persons who will be soliciting money or donations of any kind, or selling items of any kind on or about the roadways and/or rights-of-way of roadways;
 2. The name of the organization on whose behalf solicitations are being made or sales are being made;
 3. The address and social security number of at least one person who will be soliciting money or donations of any kind, or selling items of any kind on or about the roadways and/or rights-of-way of roadways, and the address of the organization on whose behalf solicitations are being made or sales are being made;
 4. A copy of the applicant's valid driver's license or photo identification card issued by a state or national government.
 5. Whether or not the organization is a 501(C)(3) corporation for tax purposes;
 6. The purpose for which solicitations are being made or sales are being made;
 7. The proposed dates, times, and locations of the solicitations or sales;

- B. The application for permit shall be submitted to the Marshall County Judge-Executive's Office at least 48 hours prior to the time when solicitations or sales are planned.
- C. Permits shall not be unreasonably withheld and shall state specifically the dates, times, and locations in which solicitations or sales may be made.
- D. Permits may be denied if the applicant fails to provide the required minimum information on the application or, if upon checking the information provided, false, deceptive, or misleading information has been submitted.
- E. Permits may be denied, if, for reasons that shall be stated in writing, the Judge-Executive has reason to believe that the applicant has previously been engaged in, may currently be engaged in, or will be engaging in fraudulent activities of any kind.
- F. Permits may be denied if, for reasons that shall be stated in writing, the proposed dates, times, and/or locations of the solicitations or sales pose a traffic and/or safety hazard.
- G. Any person who solicits money or donations of any kind or sells items of any kind on or about the roadways and/or rights-of-way of roadways in Marshall County, Kentucky without a valid permit shall be guilty of a misdemeanor, punishable by up to thirty (30) days in the county jail and/or fines of up Five Hundred (\$500.00) Dollars.
- H. Any person who submits false, deceptive, or misleading information on the application for permit shall be guilty of a misdemeanor, punishable by up to thirty (30) days in the county jail and/or fines of up Five Hundred (\$500.00) Dollars.

SECTION II

- A. Notwithstanding the fact that a permit may have been issued, if, in the discretion and upon investigation of a certified peace officer, any activity related to or associated with the soliciting of money or donations of any kind, or the selling of items of any kind on or about the roadways and/or rights-of-way of roadways is creating a traffic and/or safety hazard, or has the potential to create a traffic and/or safety hazard, the solicitations or sales may be summarily terminated, either temporarily or permanently, at the direction of a certified peace officer.
- B. Any person disobeying a lawful command of a certified peace officer to terminate the solicitations or sales and disburse shall be guilty of a misdemeanor, punishable by up to thirty (30) days in the county jail and/or fines of up Five Hundred (\$500.00) Dollars.

SECTION III

Any ordinance duly passed by an incorporated municipality in Marshall County, Kentucky shall take precedence and shall govern over any conflicting provisions in this ordinance.

SECTION IV

Nothing in this ordinance shall be construed as limiting the authority of law enforcement to investigate persons engaged in soliciting or selling on or about the roadways and/or rights-of-way of roadways for suspected violations of law, including, but not limited to, suspected fraudulent activities.

SECTION V

Nothing in this ordinance shall be construed as limiting the authority of law enforcement and/or a prosecuting authority from initiating criminal charges for any other violations of law related to or associated with soliciting or selling on or about the roadways and/or rights-of-way of roadways, including, but not limited to, fraudulent activities.

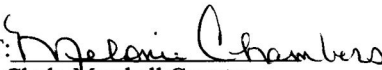
SECTION VI

Nothing in this ordinance shall be construed as creating or imposing liability upon Marshall County, Kentucky, or its agents, officials, or employees, in the event of an injury of any kind, whether it be personal or monetary, as a result of soliciting or selling on or about the roadways and/or rights-of-way of roadways.

Passed this the 24th day of January, 2012.



Mike Miller, Judge-Executive
Marshall County Fiscal Court

ATTEST: 
Clerk, Marshall County
Fiscal Court

First Reading: 1/10/2012

Publication: 1/17/2012

Second Reading: 1/24/2012