

ORDINANCE NO. 646

AN ORDINANCE OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO
AMENDING SECTION 10-6-200 OF THE MUNICIPAL CODE OF THE TOWN OF
MILLIKEN THEREWITH:

WHEREAS, at a regular meeting of the Board of Trustees of the Town of Milliken, notice of which was duly published, the Board duly considered the comments of the Town's staff and citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO:

Section 1. Adoption.

The following section is hereby enacted as an amendment to the Municipal Code of the Town of Milliken and all ordinances or portions thereof in conflict herewith are repealed.

ARTICLE VI Public Peace, Order and Decency

Sec. 10-6-200.

(a) Residential door-to-door solicitation prohibited; exceptions.

It is unlawful for any person to engage in residential door-to-door solicitation in the Town, without obtaining a permit and identification badge issued by the Town of Milliken, 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 so long as it is requested within seven (7) days of the date of denial. The provisions of this section shall not apply to charitable, religious or political solicitations, provided the organization presents to a representative of the Town current Internal Revenue Code § 501 certification. A "No Solicitation", "No Trespassing", or similar sign, posted at or near the entrance of any residence precludes any form of door-to-door solicitation.

(b) All solicitation, including 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 solicitation in the Town, not having been previously requested or invited by the occupant(s) of the residence, when the premises are

posted to prohibit solicitation. This provision shall apply to all solicitations, including, without limitation, those that are philanthropic, charitable, religious, educational or political in nature. Solicitation for the purpose of this sub-Section shall include the act of placing door hangers or depositing sales or promotional materials on private residential property.

(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 9am and after the earlier of 7:30pm or one-half hour after sunset Monday thru Saturday. Sunday's solicitation hours are from noon until 5:00pm.

(e) Exempt solicitors required to name adult resident as agent for service of process.

It is unlawful for any person to engage in exempt residential door-to-door solicitation, typically of a philanthropic, charitable, religious, educational or political nature, in the Town without having first irrevocably appointed an adult resident of the Town of Milliken as agent for service of process. Within two weeks of receipt by the Town of an application including the name and address of the agent, the Town shall confirm the residential status of the designated agent and his or her acceptance.

(f) Residential door-to-door solicitation defined.

Residential door-to-door solicitation shall mean the act of going in and upon private residences for the purpose of contacting the owner(s) or occupant(s), without their 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.

Section 2: Penalty Clause

The failure of any person to comply with the mandates and prohibitions set forth in this ordinance shall be unlawful and each day or portion thereof during which the unlawful acts or omissions occur shall constitute a separate offense which shall be punishable by a fine not exceeding \$300.00 or by imprisonment not exceeding 90 days or by both such fine and imprisonment.

Section 3: Effective Date – Emergency Clause

The Board of Trustees of the Town of Milliken hereby determines that an emergency exists which jeopardizes the health, safety and welfare of Town residents justifying the adoption of this Ordinance to take effect immediately upon passage this 11th day of May 2011.

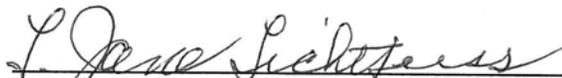
PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO AFTER A PUBLIC HEARING AND PUBLICATION OF NOTICE AS REQUIRED FOR THE ADOPTION OF CODES.

SIGNED THIS 11th DAY OF MAY, 2011.

ATTEST:

TOWN OF MILLIKEN:


Cheryl L. Powell Town Co-Clerk


L. Jane Lichtfuss, Mayor

Published: 5-26-11