

CHAPTER 729
Peddlers and Solicitors

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CROSS REFERENCES

Power to inspect food products - see Ohio R.C. 715.46
 Power to regulate - see Ohio R.C. 715.61 et seq.
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Frozen desserts - see Ohio R.C. 3717.51 et seq.
 Littering - see GEN. OFF. 521.08
 Trespassing - see GEN. OFF. 541.05

729.01 DEFINITIONS.

As used in this chapter:

- (a) "Canvassing," "soliciting" or "peddling," unless expressly provided for otherwise, means traveling from residence to residence within the City, without having a previous appointment to visit the residence or residences visited for the purpose of exposing or offering for inspection or sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs, or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future whether directly for the resident or on an indirect or "group" basis. "Canvassing," "soliciting" or "peddling" also means the soliciting of funds or other property for charitable or other purposes anywhere within the City except at business establishments. The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers or will regularly deliver shall not be included in this definition.
- (b) "Canvasser," "solicitor" or "peddler" means any person who engages in canvassing, soliciting or peddling.
 (Ord. 197-1996. Passed 10-28-96.)

729.02 REGISTRATION REQUIRED.

No person shall canvass or solicit within the Municipality without first registering at the office of the City Administrator or his authorized representative. A separate registration must be made for every solicitor, agent or employee soliciting within the Municipality, except that with respect to a charitable organization only one registration for the organization is required. (Ord. 197-1996. Passed 10-28-96.)

729.03 APPLICATION FOR CERTIFICATE; EXEMPTIONS.

(a) Each applicant for a certificate of registration shall, within seventy-two hours prior to the commencement of solicitation, furnish the City Administrator or his authorized representative with the following information on forms provided by the Municipality.

- (1) Name, age and physical description of applicant.
- (2) Complete permanent and local address of applicant along with his social security number or tax I.D. number of his employer, driver's license number, and license plate of vehicle.
- (3) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation or association for whom the applicant has solicited during the past three years.
- (4) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the soliciting in which the applicant will engage.
- (5) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude, force or violence including the time and place of such conviction.
- (6) The proposed dates and times of the solicitations and the routes to be followed in conducting same.
- (7) Two photographs taken within three years of the applicant of appropriate size (approximately two inches by two inches), one of which shall be attached at all times to the certificate of registration and the other for the records of the Police Department.
- (8) The applicant must give all required information and fill out all appropriate tax forms requested by the City Director of Budget, prior to the City Administrator or his authorized representative issuing the certificate of registration. A copy of verification shall be forwarded by the Director of Budget to the City Administrator's office to verify the above.

(b) Each applicant shall, prior to receiving a registration certificate, pay a yearly registration fee of twenty-five dollars (\$25.00) for each solicitor based upon the duration of the solicitation period and such registration shall automatically terminate upon the expiration of such time period. (Ord. 197-1996. Passed 10-28-96.)

729.04 ISSUANCE OF CERTIFICATE.

(a) Issuance of Certificate. Not more than three days after completion of the application form provided in Section 729.03, the City Administrator or his authorized representative shall, except as otherwise provided herein, issue a Certificate of Registration to each applicant unless it is determined by the City Administrator or his authorized representative:

- (1) That the applicant has misrepresented his identity or intention, or made a false, misleading or deceptive statement in providing the information required under Section 729.03.
- (2) That the applicant has been convicted, during five years preceding the date of application, of a felony or misdemeanor involving moral turpitude, force or violence.
- (3) That the applicant has not supplied all requested information.
- (4) That the applicant has previously violated any provision of this chapter.

(b) Transfer. The certificate of registration issued hereunder shall not be transferred or assigned or used by any person other than the one to whom issued.
(Ord. 197-1996. Passed 10-28-96.)

729.05 DISPLAY OF REGISTRATION CERTIFICATE; RETURN.

Each registrant shall carry the registration certificate at all times when in the Municipality and shall exhibit it to any resident or Municipal official upon request. At the conclusion of the period for which the registration certificate was issued, the registration certificate shall be returned to the City Administrator.
(Ord. 197-1996. Passed 10-28-96.)

729.06 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

- (a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.
- (b) No person subject to the provisions of this chapter shall canvass or solicit, except on weekdays between the hours of 9:00 a.m. and 5:00 p.m. Eastern Standard Time, and 6:00 p.m. Eastern Daylight Savings Time. No person may canvass on national holidays or Sundays.
- (c) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.
- (d) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the Municipality.
- (e) No person subject to this chapter shall make any solicitation where municipal residents have registered with the City Administrator or his authorized representative stating that such residents do not want any solicitor or canvasser to solicit at their residence.
(Ord. 197-1996. Passed 10-28-96.)

729.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No person, while engaged in any profit or nonprofit solicitation, shall leave any written or printed material or knock at the door or ring a bell of any home, apartment, apartment building or other dwelling unit in the Municipality upon which is displayed at the entrance a notice which reads, "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, including residents registering with the City Administration pursuant to Section 729.06(e), unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof.
(Ord. 197-1996. Passed 10-28-96.)

729.08 REVOCATION OF CERTIFICATE.

A certificate of registration issued under this chapter shall be revoked by the City Administrator or his authorized representative for any of the following causes:

- (a) It is subsequently determined that the registrant provided false, misleading or deceptive information in completing the application form set forth in Section 729.03.
- (b) The registrant is convicted of a felony violation or misdemeanor violation involving moral turpitude, force or violence.
- (c) The registrant violates any provision of this chapter.

Written notice shall be given to the registrant in person or by certified mail immediately upon such revocation.

(Ord. 197-1996. Passed 10-28-96.)

729.09 EXCEPTIONS.

The following peddlers or solicitors shall be exempt from the provisions of this chapter:

- (a) A person making sales of the following items for daily household consumption:
 - (1) Baked goods;
 - (2) Fruits, vegetables, eggs and similar agricultural products; and
 - (3) Dairy products.
- (b) A minor under fourteen.
- (c) A member working without consideration or individual profit for or on behalf of a charitable organization. The term "charitable organization" includes any educational, patriotic, philanthropic, social service, benevolent, civil or fraternal organization, civic and religious organization. A member of a charitable organization organized pursuant to Ohio R.C. Chapter 1716 need only register with the City Administrator once and need not obtain a certificate of registration.

(Ord. 197-1996. Passed 10-28-96.)

729.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the second degree.

(Ord. 197-1996. Passed 10-28-96.)