

CHAPTER 111: PEDDLERS AND SOLICITORS

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§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ITINERANT VENDOR or **TRANSIENT DEALERS FOR PROFIT.** The activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for the purpose of conducting his or her business.

PEDDLING FOR PROFIT. The activity of any person who transports with him or her, for immediate sale and delivery, goods, wares or merchandise, or who offers the immediate performance of services.

PUBLIC PROPERTY. All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

REGISTERED SOLICITOR. Any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and prominently displayed on his or her person while engaging in soliciting.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING FOR PROFIT. Any one or more of the following activities:

- (1) Seeking to obtain orders from the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future.
- (2) Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.

SOLICITING NOT FOR PROFIT. Includes seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable political, medical, religious, civic or other nonprofit association, organization, corporation or project.

('97 Code, § 111.01) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)

§ 111.02 APPLICABILITY.

This chapter shall not apply to the following.

(A) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business that is in good standing with the State of Ohio and the city.

(B) Persons soliciting and peddling at non-residences.

(C) Wholesalers.

('97 Code, § 111.02) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)

§ 111.03 APPLICATION FOR SOLICITOR'S CERTIFICATE.

(A) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit or being an itinerant vendor or transient dealer for profit within the city without first applying for, receiving and prominently displaying a solicitor's certificate, as provided in this chapter. The certificate shall be carried by the solicitor at all times. Solicitations not for profit by city residents or local organizations located in the city shall not require a solicitor's certificate.

(B) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply to the Police Department for a certificate of registration upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

(1) Name and address of present place of residence and length of residence at that address, also business address if other than present address.

(2) Address and place of residence during the past three years if other than present address.

(3) Age of applicant.

(4) Physical description of the applicant.

(5) Name and address of the person, firm or corporation or association whom the applicant is employed or represents and the length of time of employment or representation.

(6) Name and address of employer during the past three years if other than the present employer.

(7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(8) Period of time for which the certificate is applied.

(9) The date, or approximate date, of the latest previous application for certificate under this chapter, if any.

(10) Has a certificate of registration issued to the applicant under this chapter ever been revoked.

(11) Has the applicant ever been convicted of any violation of a felony under the laws of the state or any other state or federal law of the United States.

(12) Names of the three most recent communities where the applicant has solicited house-to-house.

(13) Proposed method of operation.

(14) Signature of applicant.

(15) Social security number of applicant.

(C) All statements made by the applicant on the application or in connection therewith shall be under oath.

(D) The applicant shall submit to fingerprinting and photographing if requested by the Police Department of the municipality in connection with the application for the certificate.

(E) The Chief of Police shall cause to be kept in his or her department an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application on which it was issued.

(F) No certificate of registration shall be issued to any person who has been convicted of a felony theft offense, fraud offense, sex offense, drug offense, or offense of violence under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(G) Applications for solicitor's certificates shall be filed with the Police Department and all certificates shall be issued therefrom.

(H) Persons engaged in soliciting not for profit that are not residents of the city, or whose organization is not located within the city, shall complete an application for a nonprofit solicitor's certificate upon a form provided by the city. The applicant shall truthfully state in full the following information requested on the application.

- (1) Applicant's name and address.
- (2) Name, address and purpose of nonprofit cause or organization.
- (3) Name and address of applicant's supervisor or group leader, if any.
- (4) Period of time for which the certificate is applied.
- (5) Proposed method of operation.
- (6) Signature of applicant.

(I) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address as set forth in the application. Immediately on the giving of the notice, the certificate of registration shall become null and void.

(J) The certificate of registration shall state the expiration date thereof.

(K) The Chief of Police should be notified of solicitations not for profit by residents of the city or whose organization is located within the city.

('97 Code, § 111.03) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.04 (RESERVED).

§ 111.05 FEES.

For certificates to be issued to solicitors under the provisions of this chapter, each applicant shall pay to the city the sum of \$15. All certificates shall expire on the date specified in the certificate, which shall not exceed 12 months.

('97 Code, § 111.04) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)

§ 111.06 DISPLAY OF CERTIFICATE.

The certificate issued under the provisions of this chapter shall be exhibited in the place of business by itinerant vendor or transient dealer and shall be prominently displayed by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

('97 Code, § 111.06) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.07 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 peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the city without an express invitation from the occupant of the house, apartment or dwelling.

(C) 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.

(D) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that peddling or soliciting is prohibited.

(E) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application.

('97 Code, § 111.07) (Ord. 60-79, passed 10-1-79; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.08 PROHIBITED ACTS.

(A) No person, while engaged in any profit or non-profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the city 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, unless the peddler or solicitor is or has been invited on the premises by the owner, lessee or occupant thereof.

('97 Code, § 111.08)

(B) No peddler, solicitor, itinerant vendor or transient dealer, or any person on his or her behalf, shall blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of the city or any private premises in the city, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.

(C) No person shall knowingly make a false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following, whether verbal or in writing:

(1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;

(2) Stating that the donation is needed to meet a need which does not exist;

(3) Stating that the solicitor is from out of town and stranded, when that is not true;

(4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;

(5) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;

(6) Using any makeup or device to simulate any deformity;

(7) Stating that the solicitor has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person soliciting does not support that minor child or other family member;

(8) Stating that the person soliciting is unemployed when the person soliciting is not unemployed;

(9) Interfering or disrupting any activity or event occurring on public property as defined in this section.

('97 Code, § 111.09) (Ord. 60-79, passed 10-1-79; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.09 TRANSFERABILITY.

No certificate shall be assigned or transferred. No registrant shall authorize any person, firm or corporation other than the one named to do business. No registrant shall conduct any other business than is listed in his or her application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.

('97 Code, § 111.10) (Ord. 60-79, passed 10-1-79; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.10 REVOCATION.

Any certificate issued under the provisions of this chapter may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, or unlawful act in connection with his or her business, or is found to be a person not fit to be engaged in such business, or violate any of the provisions of this chapter.

('97 Code, § 111.11) (Ord. 60-79, passed 10-1-79; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)

§ 111.11 TIME OF SOLICITING.

No person shall solicit or conduct any other activity subject to this chapter after sunset or before sunrise. The times of sunset and of sunrise shall be as published by the United States Naval Observatory.

(Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.12 PLACE OF SOLICITING..

No person shall solicit when the person being solicited is located at any of the following locations:

(A) At any bus stop;

(B) In any public transportation vehicle or facility;

(C) In any vehicle within the public right-of-way;

(D) Within 20 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 20 feet of any automated teller machine during the time it is available for customers' use;

(E) On private property, unless the solicitor has permission from the owner or occupant;

- (F) From any person exiting or entering a motor vehicle;
- (G) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event;
- (H) Within 20 feet of any pedestrians waiting in line to obtain access to a building;
- (I) Within 20 feet of the area of the sidewalk;
- (J) Within 20 feet of the entrance or exit of any public facility;
- (K) On public property within 20 feet of an entrance to a building; or
- (L) On public property within 20 feet of an entrance to a parking lot.

(Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18) Penalty, see § 111.99

§ 111.13 (RESERVED).

§ 111.14 (RESERVED).

§ 111.15 APPEALS.

Any applicant who has applied for a certificate in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a certificate or revoked a certificate, may appeal to the City Manager. Notice of an appeal shall be filed with the City Manager within five days after the denial or revocation by the Chief of Police. The City Manager on appeal may affirm or reverse the action of the Chief of Police. The City Manager shall direct the Chief of Police to issue the certificate if the applicant has met the criteria set forth in § 111.03 for issuance of a certificate.

('97 Code, § 111.05) (Am. Ord. 48-93, passed 12-6-93; Am. Ord. 10-10, passed 5-4-10; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$100. Each day's violation shall constitute a separate offense. Whoever violated any provision of this chapter after a previous conviction thereof shall be deemed guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.

('97 Code, § 111.99) (Ord. 60-79, passed 10-1-79; Am. Ord. 48-93, passed 12-6-93; Am. Ord. 5-13, passed 4-2-13; Am. Ord. 14-18, passed 10-16-18)