

## CHAPTER 713

### Peddlers and Solicitors

- 713.01 Definitions.
- 713.02 License or registration required.
- 713.03 License application and requirements.
- 713.04 Registration for charitable purposes.
- 713.05 Appeals.
- 713.06 Carrying and exhibiting license or registration; non-transferability; written receipt required.
- 713.07 Business hours restricted.
- 713.08 Notice prohibiting peddlers or solicitors.
- 713.09 Fraud prohibited; revocation of license or registration certificate.
- 713.99 Penalty.

### CROSS REFERENCES

- 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

### 713.01 DEFINITIONS.

As used in this chapter:

- (a) "Charitable." Includes the words "patriotic", "philanthropic", "social service", "welfare", "eleemosynary", "benevolent", "educational", "civic", "fraternal", "veteran's medical" and "social research, either actual or purported". (eleemosynary - related to or supported by charity)
- (b) "Peddler." Any person who carries with him for purpose of sale at retail and immediate or future delivery, goods, wares, food, or merchandise, or any person who in person as principal or agent canvasses, sells, or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food, or merchandise, or services.
- (c) "Solicitor." Any person who obtains or seeks to obtain funds for any cause whatsoever by means of canvassing from place to place.  
(Ord. 07-998. Passed 5-7-07.)

### 713.02 LICENSE OR REGISTRATION REQUIRED.

(a) Subject to divisions (c) and (d) below, no person shall engage in the business or activity of peddler or solicitor as defined in Section 713.01 in the Village without first obtaining a license as provided in Section 713.03.

(b) Subject to division (c) and (d) below, all persons acting for or hired by another as a peddler or solicitor in the Village shall obtain a license as provided in Section 713.03 prior to acting as a peddler or solicitor.

(c) No license shall be required of any individual who, without compensation, acts as a peddler or solicitor on behalf of and for any recognized charitable not-for-profit organization. However, subject to division (d) below, no individual shall act as a solicitor or peddler on behalf of a charitable not-for-profit organization without first having registered with the Village pursuant to Section 713.04

(d) No license or registration certificate shall be required of any person for the following:

- (1) Peddling or soliciting only the purchase of or subscription for newspapers having their principal sale or distribution in this Municipality;

- (2) Peddling or soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments;
- (3) Peddling or soliciting at the invitation or request of the person contacted;
- (4) Peddling or soliciting conducted only among the members of the entity or organization conducting the peddling or soliciting;
- (5) Peddling or soliciting in the form of collections or contributions at the regular assemblies, meeting or services of any recognized charitable not-for-profit organization. (Ord. 07-998. Passed 5-7-07.)

**713.03 LICENSE APPLICATION AND REQUIREMENTS.**

(a) Applications for licenses for peddlers or solicitors shall be filed with the Mayor on a form to be furnished by the Village, which shall require, at least, the following information:

- (1) The name of the applicant;
- (2) If the applicant is an individual, a physical description of the applicant;
- (3) The applicant's social security number or federal identification number;
- (4) The name and address of the person by whom the applicant is employed, or for whom he is soliciting, if any, and the length of the applicant's service with such employer or person;
- (5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding year;
- (6) The nature and character of the goods to be sold or services to be furnished by the applicant, or the purpose for which funds are being peddled or solicited;
- (7) The names of other municipalities in which the applicant has recently conducted peddling or solicitation activities;
- (8) If the applicant is a recognized charitable not-for-profit organization, proof of tax exempt status.

(b) Applicants who are individuals shall furnish a recent photograph of himself or herself not more than one year old.

(c) Applications shall be made at least forty-eight hours before the license is issued.

(d) If the Mayor determines, after an investigation, that the information furnished under the requirements of division (a) above is correct; that the applicant proposes to engage in lawful commercial or professional enterprise, and that neither the applicant nor the enterprise upon which the applicant proposes to engage constitute a clear and present danger to the residents of the municipality, he shall issue a license to the applicant

(e) The license fee shall be as follows:

7 consecutive days	\$10.00
6 consecutive months	\$50.00
1 year	\$100.00

All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other licenses shall expire on the date specified in the license. (Ord. 07-998. Passed 5-7-07.)

**713.04 REGISTRATION FOR CHARITABLE PURPOSES.**

(a) Applications for registration certificates shall be filed with the Mayor on a form to be furnished by the Village Zoning Officer

- (1) The name, address and the telephone number of the person completing the application;
- (2) The name of an officer or official of the organization;
- (3) The nature of the charitable purpose to which the contributions, donations or sale proceeds will be applied; and
- (4) Such other information as the Mayor may require.

(b) An organization which desires to place a number of peddlers or solicitors in the Village simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each or, in lieu of separate registration certificates, separate information cards shall be issued to each peddler or solicitor by the organization. Such information card shall include, at a minimum;

- (1) The name of the organization;
- (2) A description of the purpose of the peddling or solicitation;
- (3) The period for which the registration certificate was issued;
- (4) The name of the peddler or solicitor;
- (5) The signatures of the peddler or solicitor and an officer or official of the organization.

(c) A registration certificate shall be valid for no more than a one-year period. The registration certificate shall state the expiration date.

(d) No fee shall be required for a registration certificate.

(Ord. 07-998. Passed 5-7-07.)

#### **713.05 APPEALS.**

Any person who has applied for a license or registration certificate in accordance with this chapter, and to whom the Mayor has, after an investigation, denied a license or registration certificate, may appeal to the Zoning Board of Appeals. Notice of such appeal shall be filed with the Clerk within fifteen days after the denial by the Mayor. Such appeal shall be heard by the Zoning Board of Appeals at the next regular meeting and applicable appeals fees apply.

(Ord. 07-998. Passed 5-7-07.)

#### **713.06 CARRYING AND EXHIBITING LICENSE OR REGISTRATION; NON-TRANSFERABILITY; WRITTEN RECEIPT REQUIRED .**

(a) The license or registration certificate issued under the provisions of this chapter shall at all times be conspicuously attached and exhibited on the outer clothing of the peddler or solicitor.

(b) Licenses or registration certificates issued under the provisions of this chapter are non-transferable and shall not be used by any person other than the person identified on the license or registration certificate.

(c) Upon request, all solicitors or peddlers shall provide a written receipt showing the name of the solicitor or peddler, the amount of the contribution or purchase and the date. Upon request, all persons acting as peddlers or solicitors on behalf of any charitable not-for-profit organization shall provide a statement attesting to the organization's exempt status under section 501 of the Federal Internal Revenue Code.

(Ord. 07-998. Passed 5-7-07.)

#### **713.07 BUSINESS HOURS RESTRICTED.**

(a) No person shall peddle, solicit or conduct market research, door-to-door, at dwelling houses or businesses at random, on sidewalks or streets, at public places, at private meeting places or in any other manner or place in the municipality between 8:00 p.m. and 9:00 a.m.

(b) This section does not apply to invitees or national charitable corporations licensed to do business in Ohio with recognized periods for campaigns, provided the organizations have been licensed to solicit by the Mayor.

(Ord. 07-998. Passed 5-7-07.)

#### **713.08 NOTICE PROHIBITING PEDDLERS OR SOLICITORS.**

(a) The owners or occupants of any residence or place of business may evidence a determination to refuse to receive any uninvited peddlers or solicitors by displaying a card, decal or sign not less than three inches by four inches in size, nor more than one square foot in total surface area upon or near the main entrance door to the residence or place of business, containing the words "No Peddlers or Solicitors" with letters at least one-third inch in height.

(b) No person shall go upon any premises and ring the door bell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupants thereof and engage in peddling or solicitation in defiance of a notice displayed pursuant to division (a) above. (Ord. 07-998. Passed 5-7-07.)

**713.09 FRAUD PROHIBITED; REVOCATION OF LICENSE OR REGISTRATION CERTIFICATE.**

(a) No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the Village or in any application or report filed under this chapter.

(b) No person, having entered into an agreement to conduct any peddling or solicitation on behalf of any person or organization, shall fail to remit or pay to the party entitled thereto the proceeds of such peddling or solicitation in accordance with the terms of the agreement.

(c) The Mayor may revoke at any time any license or registration certificate issued under the provisions of this chapter of violation of any provision of this chapter (Ord. 07-998. Passed 5-7-07.)

**713.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day on which such activities are conducted in violation of this chapter shall constitute a separate offense. (Ord. 07-998. Passed 5-7-07.)

---