

CHAPTER 856
Peddlers, Solicitors and Canvassers

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CROSS REFERENCES

Solicitations; collections - see CHTR. 9.06
 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 Ohio R.C. 3767.20; GEN. OFF. 660.03
 Sales of goods and services within right-of-way of interstate and other State highways - see Ohio R.C. 5515.07
 Trespass - see GEN. OFF. 642.12
 Unreasonable noise; obstructing public ways - see GEN. OFF. 648.04(a)(2),(4)

856.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

- (a) "Canvasser." Any person who seeks to disseminate any lawful message by means of traveling from place to place and who does not request funds for any commercial purpose or offer goods, wares, food or merchandise for sale;
- (b) "Canvassing." Disseminating any lawful message by means of traveling from place to place without requesting funds for a commercial purpose or offering goods, wares, food, or other merchandise for sale.
- (c) "Charitable." Includes the words patriotic, philanthropic, social service, welfare, religious, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported;
- (d) "Peddler." Any person, as principal or agent, who enters upon private property for the purpose of offering for sale any goods, wares, food, services, or

merchandise, or otherwise obtains orders or commitments for the sale of any goods, wares, food, services, or merchandise;

- (e) "Peddling." The unsolicited selling, obtaining of orders or commitments, or the unsolicited presentation of goods, wares, food or merchandise for sale;
- (f) "Recognized not-for-profit organization." Any organization that has been issued a ruling or determination letter by the Internal Revenue Service, which has not been revoked, exempting the organization from Federal income taxation under Section 501(c)(3) of the Federal Internal Revenue Code, as amended;
- (g) "Solicitor." Any person who obtains or seeks to obtain funds for any commercial purpose by going onto private property without invitation;
- (h) "Soliciting." Obtaining or seeking funds for any commercial purpose by means of going onto private property without invitation.
(Ord. 2013-8. Passed 7-22-13.)

856.02 LICENSE AND EXEMPTIONS.

(a) Subject to division (c) of this section, no person shall engage in the business or activity of peddling or soliciting as defined in Section 856.01 in this municipality without first obtaining a license as provided in Section 856.03.

(b) Subject to division (c) of this section, all persons acting for or hired by another as a peddler or solicitor in the municipality shall obtain a license as provided in Section 856.03 prior to acting as a peddler or solicitor.

- (c) No license shall be required for the following:
 - (1) Peddling newspapers having their principal sale or distribution in the municipality;
 - (2) Peddling solely for wholesale delivery to merchants, manufacturers or other business in the municipality;
 - (3) Peddling or soliciting at the invitation or request of the person contacted;
 - (4) Peddling or soliciting solely among the members of the entity or organization conducting the peddling or soliciting;
 - (5) Soliciting contributions at the regular assemblies, meeting or services of any recognized not-for-profit organization;
 - (6) Acting as a canvasser, as defined in Section 856.01;
 - (7) Charitable organizations, as defined in Section 856.01;
 - (8) Recognized not-for-profit organizations, as defined in Section 856.01, which, upon request, can provide a copy of the ruling or determination letter from the Internal Revenue Service exempting the organization from Federal income taxation under Section 501(c)(3) of the Federal Internal Revenue Code.
(Ord. 2013-8. Passed 7-22-13.)

856.03 LICENSE APPLICATION AND REQUIREMENTS.

(a) Applications for a license to peddle or solicit within the Municipality shall be filed with the City Manager or the Manager's designee on a form to be furnished by the Manager or the Manager's designee. An application shall require, at a minimum, the information set forth below. An application filed on behalf of any entity or organization shall provide the following information for each and every individual desiring to peddle or solicit on behalf of such entity or organization:

- (1) The name of the applicant;
- (2) A physical description of the applicant;
- (3) The applicant's social security number;
- (4) The applicant's driver's license number with state of issue;
- (5) The name and address of the person or entity, if any, on whose behalf the applicant will be peddling or soliciting and the length of the applicant's service with such person or entity;
- (6) All places of residence of the applicant and all employment during the preceding year;
- (7) A description of the goods to be sold or services to be furnished by the applicant or the purpose for which funds are being solicited; and
- (8) The names of other municipalities in which the applicant has conducted peddling or soliciting activities within the past calendar year.

(b) Applicant shall furnish a photograph of himself or herself taken within one year of the date of the application.

(c) At the time of the submission of a completed application, the applicant shall pay an application fee of twenty dollars (\$20.00) per day or fifty dollars (\$50.00) per six months. If the applicant is an entity or organization, said fee shall be a payment on behalf of all individuals identified in the application who seek to peddle or solicit on behalf of such entity or organization.

(d) Any license issued shall be valid for its respective term from the date of its issuance.

(e) If the City Manager or the Manager's designee determines that all information and items required under divisions (a) and (b) of this section have been submitted and is correct and that the applicant proposes to engage in activity permitted by this chapter, he or she shall issue a license to the applicant within five business days of the submission of the application and required fee. This time period shall not commence to run until the required application fee is paid and the application and all required information have been submitted.

(f) Upon receipt of a completed application, the City Police Department will conduct a background check for each individual set forth in the application. Any applicant may be

denied a license pursuant to the City's License Disqualification Standards, which are available for review upon request to the City Manager.

(Ord. 2013-8. Passed 7-22-13.)

856.04 APPEALS.

Any person who has applied for a license in accordance with this chapter and whose application is denied, may appeal to Council. Notice of such appeal shall be filed with the Municipal Clerk within five business days after the denial by the City Manager or the Manager's designee. Such appeal shall be heard by Council at the next regular meeting, and its decision shall be final.

(Ord. 2013-8. Passed 7-22-13.)

856.05 CARRYING AND EXHIBITING LICENSE; NONTRANSFERABILITY; WHEN WRITTEN RECEIPT, PROOF OF EXEMPT STATUS REQUIRED.

(a) The license 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) No license issued to an applicant can be transferred, assigned to another person or displayed by another person representing himself or herself as the person to whom the license was issued.

(c) Upon request of the person solicited or the person who made a purchase from a peddler, the 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.

(d) Upon request, all persons acting on behalf of any recognized not-for-profit organization shall provide a statement attesting to the organization's exempt status under Section 501(c) of the Federal Internal Revenue Code.

(Ord. 2013-8. Passed 7-22-13.)

856.06 NOTICE PROHIBITING PEDDLERS, SOLICITORS OR CANVASSERS.

(a) The owners or occupants of any residence or place of business may evidence a determination to refuse to receive any uninvited peddlers, solicitors or canvassers by displaying a weatherproof 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, Solicitors, or Canvassers Invited," or other similar language conveying the same message, printed in letters at least one-third inch in height. Any such weatherproof card, decal or sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of the Zoning Ordinance.

(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 to engage in canvassing, peddling or soliciting when a notice displaying the statement "No Peddlers, Solicitors, or Canvassers Invited," or other similar language conveying the same message, is displayed.

(Ord. 2013-8. Passed 7-22-13.)

856.07 FRAUD PROHIBITED; REVOCATION OF LICENSE.

(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 municipality or in any application or report filed under this chapter.

(b) The City Manager or the Manager's designee may revoke at any time any license issued under the provisions of this chapter for violation of any provision of this chapter.

(Ord. 2013-8. Passed 7-22-13.)

856.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day on which such activities are conducted in violation of this chapter shall constitute a separate offense.

(Ord. 2013-8. Passed 7-22-13.)