

CHAPTER 709. - PEDDLERS AND SOLICITORS

Footnotes:

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Cross reference— *Trespass, § 541.06.*

State Law reference— *Power to regulate, Ohio R.C. 715.61 et seq.; charitable solicitations, Ohio R.C. Ch. 1716.*

709.01 - Definitions.

Whenever used in this chapter, the following words shall be as herein defined unless a different meaning clearly appears from the context:

- (a) "Canvassing" or "canvasser" or "solicitation" or "solicitor" or "door-to-door salesperson" or "peddler" includes any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:
 - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery; or
 - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
 - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
 - (4) Seeking to obtain contributions or to sell any goods, articles or services of any kind for the support or benefit of any charitable, religious or nonprofit association, organization, corporation or project; or
 - (5) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matter; or
 - (6) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or
 - (7) Taking of a poll or census by any person, firm or corporation other than a governmental body or agency thereof.
- (b) "Canvasser for charitable or religious purposes" means any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of soliciting or receiving contributions or pledges for charitable or religious purposes, or to offer or attempt to sell, or request a

donation for, any advertisement, advertising space, book, card, chance, coupon, device, magazine, merchandise, ticket, token, flag, souvenir, foodstuff, service or any other article or thing in connection with which any appeal is made for any charitable or religious purpose, or when or where in connection with any such sale, donation or contribution, any statement is made that the whole or any part of the proceeds of any such sale will go to or be donated to any charitable or religious purpose.

- (c) "Charitable" includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's, medical and social research, either actual or purported.
- (d) "Contribution" includes the words gift, food, clothing, money, property or donations of any kind, including those made under the guise of a loan of money or property.
- (e) "Door-to-door salesperson" means a person who travels from door-to-door calling on private residences or places of business in the village for the purpose of taking orders for future delivery of goods or services.
- (f) "Peddler" means any person who sells or offers for sale and immediate delivery goods or merchandise or services of any kind or description other than from a fixed and established place of business, including those who sell from vehicles on the public streets or from goods carried from door-to-door.
- (g) "Person" means any individual, firm, partnership, corporation, company, association, joint stock company, church, religious sect, religious denomination, society, organization or league, or any combination of them, and includes any trustee, member, receiver, assignee, agent or other representative thereof.
- (h) "Religious" and "religion" as used herein shall not include the word charitable, but shall be given their commonly accepted definitions.
- (i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit that gathers in common membership for regular worship and religious observances.
- (j) "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(Ord. No. 53-82, 6-28-82; Ord. No. 2016-39, 12-20-16)

709.02 - Notice prohibiting canvassing or solicitation.

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers or solicitors shall be given 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, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited", with letters at least one-third inch in height. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of section 1175.05 of the Planning and Zoning Code.

(Ord. No. 53-82, 6-28-82)

709.03 - Canvassing or solicitation in violation of notice.

It is unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell upon or near any door, or 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 occupant(s) thereof and engage in canvassing as defined in section 709.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of section 709.02.

(Ord. No. 53-82, 6-28-82)

709.04 - Time limit on canvassing or solicitation.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such premises, including any residence or place of business, for the purpose of securing an audience with the occupant(s) thereof to engage in canvassing or solicitation as defined in section 709.01, prior to 10:00 a.m. or after 5:00 p.m., Monday through Saturday. No canvassing or solicitation shall be conducted on Sunday or on the following specified holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

(Ord. No. 2016-39, 12-20-16)

709.05 - License application requirements.

- (a) Licenses for canvassers, solicitors, peddlers, and door-to-door salespersons shall be obtained from the village office. The applicant shall furnish a recent photograph, not more than one year old and approximately three inches by three inches square, and shall fill out the application giving his or her name, home address, name and address of the person by whom employed, all places of residence and all employment during the preceding year, the nature and character of the goods to be sold or services to be furnished by the applicant, names of other towns in which the applicant has recently conducted a business for which licenses are

herein required, and a personal description of the applicant.

- (b) The application shall be made at least ten days before the license is required in order to give the police chief an opportunity to investigate the moral character of the applicant. The ten day waiting period shall not be waived by the municipal administrator.
- (c) The application shall be accompanied by a fee of \$100.00 payable to the village to compensate the village for the costs incident to the issuance of the license.
- (d) The applicant must also appear in person in the office of the village finance officer and give all required information requested by that office so that all necessary tax forms will be promptly filed along with taxes due the village tax administrator CCA.

(Ord. No. 2016-39, 12-20-16)

709.06 - License issuance; expiration.

If the police chief determines after a reasonable investigation that the applicant is of good moral character and proposes to engage in a lawful commercial or professional enterprise, a license shall be issued which shall expire one year from the date issued.

(Ord. No. 2016-39, 12-20-16)

709.07 - Appeals of denial of license.

Any applicant who has applied for a license in accordance with this chapter, and to whom the police chief has, after investigation, denied a license, shall be entitled to appeal to council. Notice of the appeal shall be filed with the clerk of council within five days after the denial of the license by the police chief. Council, on appeal, may grant or reject the application for a license.

(Ord. No. 2016-39, 12-20-16)

709.08 - Exemption from certain license application requirements.

Canvassers and solicitors canvassing or soliciting for any religious or charitable organization as defined in section 709.01(a)(4), (a)(5) or (a)(6) of this code, that are recognized as a religious or charitable organization by Federal Internal Revenue Code, and persons canvassing on behalf of a candidate for public office, or seeking to influence a person's beliefs regarding any political, social or religious matter shall be exempt from the licensing requirements of this chapter. They however, shall file notice with the village police department of their intent to canvass or solicit in the village at least 24 hours before starting their canvassing or solicitation and they also shall comply with the requirements of section 709.04 of this Code.

(Ord. No. 2016-39, 12-20-16)

709.09 - Carrying or exhibiting license; identification badge.

The license shall be carried by any canvasser, solicitor, peddler, or door-to-door salesperson at all times when canvassing or soliciting, and shall be exhibited to any person solicited or any police officer on request. The identification badge issued pursuant to this chapter shall be worn at all times while engaging in the business of canvassing, soliciting or peddling in the village.

(Ord. No. 2016-39, 12-20-16)

709.10 - Revocation of license.

The chief of police shall have the authority to revoke the license of any person or entity that violates any provision of this chapter.

(Ord. No. 2016-39, 12-20-16)

709.99 - Penalty.

- (a) Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor.
- (b) Whoever violates section 709.05(a) through (d) is guilty of a misdemeanor of the fourth degree.

(Ord. No. 2016-39, 12-20-16)