

CHAPTER 735
Canvassers and Solicitors

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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
 Revocation of peddler's or itinerant vendor's license - see Ohio R.C. 2961.03
 Frozen desserts - see Ohio R.C. 3717.51 et seq.
 Door-to-door solicitation of minors restricted - see Ohio R.C. 4109.21
 Trespassing - see GEN. OFF. 541.05

735.01 DEFINITIONS.

(a) "Peddler" means any person who travels door to door either by foot, automobile, truck, or other type of conveyance and calls upon private residences, including any house, apartment or other dwelling within the City, taking or attempting to take orders for profit for the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future.

(b) "Solicitor" means any person who seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance and calling upon private residences including any house, apartment or other dwelling within the City.

(c) "Canvasser" means any person who obtains or influences the opinions of the residents of the City by traveling door to door either by foot, automobile, truck or other type of conveyance and calling upon private residences including any house, apartment, or other dwelling in the City, but does not seek to obtain funds for any cause whatsoever. (Ord. 104-2002. Passed 11-4-02.)

735.02 SALES ON PUBLIC PROPERTY PROHIBITED.

No person shall on any public street, alley, drive, lane, thoroughfare, right-of-way, court, highway, boulevard or on the sidewalks thereof, solicit the sale of any merchandise, wares, goods, foods, periodicals or other articles of value for present or future delivery. (Ord. 104-2002. Passed 11-4-02.)

735.03 SALES ON PRIVATE PROPERTY; LICENSE; REGISTRATION.

(a) License or Registration Required. No peddler or solicitor shall peddle or solicit within the City, unless he or she is the holder of a valid license issued pursuant to this chapter.

(b) Application; Fee; License; Registration.

- (1) Any person seeking a license in conformity with this chapter shall obtain an application for same from the Chief of Police and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Chief which shall contain the following information:
 - A. Full name of the applicant;
 - B. Date of birth of the applicant;
 - C. Local address, if any;
 - D. Permanent home address;
 - E. A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex;
 - F. Social security number;
 - G. A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;
 - H. Telephone number of the applicant;
 - I. Name and address of organization the peddler or solicitor represents;
 - J. Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any;
 - K. Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.
- (2) All license applications shall be referred to the Chief who shall, within five (5) days after receipt of the completed application, issue a license unless he finds that:
 - A. The applicant has provided false, misleading or deceptive information in his application; and/or
 - B. The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving weapons, theft, moral turpitude or violence within the past five (5) years.

All licenses issued under this chapter shall be valid for not more than one hundred eighty (180) days. A separate license shall be required for each individual solicitor or peddler even though there may be a single employer.

- (3) Each applicant shall pay a nonrefundable license application fee of fifteen dollars (\$15.00), which fee shall be paid at the time the application is submitted.
- (4) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:
 - A. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application;
 - B. The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude; or
 - C. The licensee violates any provision of this chapter or peddles or solicits in an unlawful manner.
 - D. Upon written complaint being filed within the Police Department, that the licensee has made himself obnoxious to the public by the use of indecent, profane or insulting language or has made or perpetrated any misstatement, deception or fraud in connection with the solicitation or sale, and if said complaint is found to be true, the license of such solicitor or peddler shall be revoked.
- (5) This section shall not apply if the Chief of Police should determine that a license is unnecessary.
- (c) Individuals or corporations soliciting or peddling on behalf of an educational, religious, civic or charitable organization shall not be required to pay license fees.
- (d) Restrictions; Hours; Conduct. Every person to whom a license to peddle or solicit is issued and every canvasser shall be governed by the following rules and regulations:
 - (1) No person subject to the provisions of this chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 8:00 p.m. or one-half hour after sunset whichever is later.
 - (2) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the City without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.
 - (3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.
 - (4) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the City without the consent of any adult occupant of the residence, house, apartment or other dwelling in the City.

- (e) **Resident Prohibition by Notice.** Notwithstanding any other provision of this chapter, no peddler, solicitor or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the City upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.
(Ord. 104-2002. Passed 11-4-02.)

735.04 ORGANIZATIONAL LIABILITY.

The organization sponsoring or employing individuals violating any of the provisions of Chapter 735 may be prosecuted and held liable for the criminal penalties contained herein.
(Ord. 104-2002. Passed 11-4-02.)

735.05 DISPLAY OF LICENSE CARD.

Any peddler or solicitor shall, at all times while soliciting or peddling, display said license or registration card on the outside of their person in such a manner so as to be clearly visible to residents. Upon request by any resident, police officer or City official, a solicitor or peddler shall present said license or registration card for further inspection.
(Ord. 104-2002. Passed 11-4-02.)

735.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and, in addition, may have his license revoked by the Mayor or the Chief of Police.
(Ord. 104-2002. Passed 11-4-02.)