

DATE: March 17, 2014
INTRODUCED BY: Law Director Crites
REFERRED TO: Safety on 3/17/2014
TEMPORARY NO: T 21-2014
Safety on 04/07/2014
Report accepted on 04/21/2014

1ST READING: May 5, 2014
2ND READING: May 19, 2014
3RD READING: June 2, 2014
ADOPTED: June 2, 2014

ORDINANCE NO. 5138-2014

**AN ORDINANCE AMENDING CHAPTER 854 *PEDDLERS,
CANVASSERS AND SOLICITORS.***

WHEREAS, City Council finds that the City’s legislation regulating door to door commercial and non-commercial activity requires revision so as to protect and ensure the safety and quite enjoyment of the members of the community, and to provide for reasonable free expression without undue restraint.

WHEREAS, Chapter 854, Peddlers, Canvassers and Solicitors currently reads as follows:

**Chapter 854
Peddlers, Canvassers and Solicitors**

854.01 PEDDLER, CANVASSER AND SOLICITOR DEFINED.

As used in this chapter, the terms “peddler”, “canvasser” and “solicitor” mean any person who sells or offers for sale within the City any goods or chattels of any kind or description by going from house to house or from place to place through the streets of the City, taking such goods or chattels with him or her, or any person who sells such goods or chattels by subscription or by taking orders for future delivery of the same. This definition shall not apply to any minor under the age of eighteen years.

**854.02 SOLICITATION ON PUBLIC STREETS OR SIDEWALKS
PROHIBITED.**

No person shall solicit the sale of any merchandise or wares, goods, foods, periodicals or other articles of value, for present or future delivery, on any public street or sidewalk, except for mobile frozen desserts sales as is provided for in these Codified Ordinances.

**854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE
PROPERTY DECLARED A NUISANCE.**

- (a) The practice of going in and upon private property and/or the private residence of City citizens by canvassers, solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services (solicitors), not having been invited to do so by the owners or occupants of

such private property or residences, and not having first obtained a permit pursuant to this section, for the purpose of advertising, promoting, selling and/or explaining any product or service, or for the purpose of soliciting orders for the sale of goods, wares, merchandise or services, is hereby declared to be a nuisance and is prohibited.

- (b) No canvasser, solicitor, peddler hawker, itinerant merchant or transient vendor or merchandise or services (solicitor) who intends to go in or upon private property or a private residence for any of the purposes described in division (a) of this section, shall go in or upon such private property or residence without first registering in the office of the Mayor and obtaining a solicitation permit. A copy of all permits issued shall be retained by the office of the Mayor.
- (c) (1) The registration required by division (b) of this section shall be made by filing a solicitor's registration form, at the office of the Mayor, on a form furnished for such purpose. The form shall be completed by the registrant and it shall then contain the following information:
 - A. The name, home address, and phone number of the registrant;
 - B. A brief description of the nature and purpose of the business, promotion, solicitation, and/or the goods or services offered;
 - C. The name and address of the employee or affiliated organization with credentials from the employer or organization showing the exact relationship and authority of the applicant; a copy of which shall be attached to the copy retained by the administration.
 - D. The length of time for which the privilege to canvass or solicit is desired, but in no case shall a permit be issued for more than one year at a time.
- (2) Each registrant who complies with this division shall be furnished a solicitation permit. The permit shall indicate that the applicant has registered as required by this chapter. However, no permittee shall go in or upon any premises containing a "no solicitation" sign.
- (d) Each person shall at all times, while exercising the privilege incident to such permit, carry upon his or her person his or her permit and the same shall be exhibited by such person whenever he or she is requested to do so by any police officer or by any person who is solicited. A copy of this section shall be attached to each permit.

- (e) A permit shall be valid for one year from the date issued, or for the length of time indicated on the registration form, whichever is less.
- (f) Permits may be denied or revoked by the Mayor or Safety Service Director for any one or more of the following reasons, or for substantially similar reasons:
 - (1) Incomplete information provided by the registrant in the solicitor's registration form;
 - (2) Fraud or misrepresentation contained in the solicitor's registration form;
 - (3) Any alteration of the required form;
 - (4) Fraud, misrepresentation or false statements made in the course of conducting the activity;
 - (5) Violation of any of the provisions of this chapter or of other Codified Ordinances or of any state or federal law;
 - (6) Conducting canvassing, soliciting or business in such a manner as to constitute a trespass upon private property;
 - (7) The permittee ceases to possess the qualifications required in this chapter for the original registration;
 - (8) Any violation of any subsection of this section.
- (g) A "no solicitation" sign posted in a visible and prominent location or locations at the residence, in legible lettering, shall be sufficient to notify any unwanted canvassers, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services that the permittee may not come upon the premises of the resident for the purposes of commercial transactions, or if upon the premises the solicitor shall leave immediately upon becoming aware of the sign or being made aware of the sign.
- (h) Any resident not posting a "no solicitation" sign is free to turn away or to refuse to respond to any type of solicitation. In such instances, the solicitor shall leave immediately without comment.
- (i) A "no solicitation" sign shall exclude from a resident's property all commercial transactions of for-profit organizations as indicated in division (a) of this section. It shall not exclude parcel deliveries, trick or treaters, newspaper carriers, emergency services, City personnel on valid City

business, scout, school, or other similar not-for-profit or official organizations or activities.

- (j) This section does not prohibit constitutionally protected speech and pamphleteering such as religious speech or political speech, and does not require a permit for such activity where the activity is limited to speech or pamphleteering.
- (k) All door-to-door activity, of any nature, shall be restricted to the hours of 10:00 a.m. to 8:00 p.m.
- (l) A violation by the registrant or any agent thereof of any requirement of this section is punishable by a fine of up to two hundred and fifty dollars (\$250.00) per violation. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued the registrant and/or the organization or business represented by the registrant.

854.04 PERMIT APPLICATION FEE.

Each registrant shall pay a non-refundable permit application fee of fifty dollars (\$50.00), payable at the time the solicitor’s registration form is submitted to the City. The application fee shall be payable by cash or money order. Personal checks will not be accepted.

854.99 PENALTY.

(EDITOR’S NOTE: See Section 802.99 for general Business Regulation Code penalty if no specific penalty is provided.)

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Chapter 854 *Peddlers, Canvassers and Solicitors* shall be amended as follows:

Chapter 854
Peddlers, Canvassers and Solicitors

854.01 PEDDLER, CANVASSER AND SOLICITOR DEFINED.

- (a) As used in this chapter, the terms “peddler” and “solicitor” mean any person who sells or offers for sale within the City any goods or chattels of any kind or description by going from house to house or from place to place through the streets of the City, taking such goods or chattels with him or her, or any

person who sells such goods or chattels by subscription or by taking orders for future delivery of the same. This definition shall not apply to any minor under the age of eighteen years.

- (b) The term “canvasser” means any person physically present within the City who seeks to obtain or provide information or to influence the opinions of residents of the City, who may or may not seek to obtain financial contributions relative to any cause whatsoever.

854.02 SOLICITATION ON PUBLIC STREETS OR SIDEWALKS PROHIBITED.

No person shall solicit the sale of any merchandise or wares, goods, foods, periodicals or other articles of value, for present or future delivery, on any public street or sidewalk, except for mobile frozen desserts sales as is provided for in these Codified Ordinances.

854.03 SOLICITATION WITHOUT INVITATION ON PRIVATE PROPERTY DECLARED A NUISANCE.

- (a) DELETED.

- (b) No solicitor, peddler hawker, itinerant merchant or transient vendor or merchandise or services (solicitor) who intends to go in or upon private property or a private residence for any commercial purpose shall go in or upon such private property or residence without first registering in the office of the Mayor and obtaining a solicitation permit. A copy of all permits issued shall be retained by the office of the Mayor.

- (c) (1) The registration required by division (b) of this section shall be made by filing a solicitor’s registration form, at the office of the Mayor, on a form furnished for such purpose. The form shall be completed by the registrant and it shall then contain the following information:
- A. The name, home address, and phone number of the registrant;
 - B. A brief description of the nature and purpose of the business, promotion, solicitation, and/or the goods or services offered;
 - C. The name and address of the employee or affiliated organization with credentials from the employer or organization showing the exact relationship and authority of the applicant; a copy of which shall be attached to the copy retained by the administration.

- D. The length of time for which the privilege to solicit is desired, but in no case shall a permit be issued for more than one year at a time.
- (2) Each registrant who complies with this division shall be furnished a solicitation permit. The permit shall indicate that the applicant has registered as required by this chapter. However, no permittee shall go in or upon any premises containing a “no solicitation” sign.
- (d) Each person shall at all times, while exercising the privilege incident to such permit, carry upon his or her person his or her permit and the same shall be exhibited by such person whenever he or she is requested to do so by any police officer or by any person who is solicited. A copy of this section shall be attached to each permit.
- (e) A permit shall be valid for one year from the date issued, or for the length of time indicated on the registration form, whichever is less.
- (f) Permits may be denied or revoked by the Mayor or Safety Service Director for any one or more of the following reasons, or for substantially similar reasons:
- (1) Incomplete information provided by the registrant in the solicitor’s registration form;
 - (2) Fraud or misrepresentation contained in the solicitor’s registration form;
 - (3) Any alteration of the required form;
 - (4) Fraud, misrepresentation or false statements made in the course of conducting the activity;
 - (5) Violation of any of the provisions of this chapter or of other Codified Ordinances or of any state or federal law;
 - (6) Conducting soliciting or business in such a manner as to constitute a trespass upon private property;
 - (7) The permittee ceases to possess the qualifications required in this chapter for the original registration;
 - (8) Any violation of any subsection of this section.
- (g) A “no solicitation or canvassing” (or words of similar import) sign posted in a visible and prominent location or locations at the residence, in legible

lettering, shall be sufficient to notify any unwanted canvassers, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services that the permittee may not come upon the premises of the resident for the purposes of commercial transactions or canvassing, or if upon the premises the solicitor or canvasser shall leave immediately upon becoming aware of the sign or being made aware of the sign.

- (h) Any resident not posting a “no solicitation or canvassing” sign is free to turn away or to refuse to respond to any type of solicitation. In such instances, the solicitor shall leave immediately without comment.
- (i) DELETED.
- (j) DELETED.
- (k) All door-to-door activity, of any nature, shall be restricted to the hours of 10:00 a.m. to 8:00 p.m. on Monday through Saturday, Noon to 5:00 p.m. on Sunday, and is prohibited in total on any state or federal holiday.
- (l) All canvassers are encouraged to notify the police department before engaging in canvassing activity. In order to protect the safety and welfare of the residents as well as the canvasser, the City encourages all canvassers to provide name and address of participants, identity of any organization represented, and the intended location and dates of canvassing activity. No fee shall be charged for such notification.
- (m) A violation by the registrant or any agent thereof of any requirement of this section is punishable by a fine of up to two hundred and fifty dollars (\$250.00) per violation. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued the registrant and/or the organization or business represented by the registrant.

854.04 PERMIT APPLICATION FEE.

Each registrant shall pay a non-refundable permit application fee of fifty dollars (\$50.00), payable at the time the solicitor’s registration form is submitted to the City. The application fee shall be payable by cash or money order. Personal checks will not be accepted.

854.99 PENALTY.

(EDITOR’S NOTE: See Section 802.99 for general Business Regulation Code penalty if no specific penalty is provided.)

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: June 2, 2014



PRESIDENT OF COUNCIL

ATTEST: 
CLERK OF COUNCIL

APPROVED: Jun 7, 2014


MAYOR