

CHAPTER 717

Peddlers and Solicitors

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CROSS REFERENCES

Power to regulate - see Ohio R. C. 715.61 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Temporary stores and transient dealers - see BUS. REG. Ch. 725
 Sign advertising, licensing and fees - see BLDG. 1321.06 et seq.

717.01 DEFINITIONS.

- (a) Person. "Person" as used in this chapter shall include the singular and the plural and shall also include any person, firm or corporation, association, club, copartnership or society, or any other organization.
- (b) Peddler. "Peddler" as used in this chapter shall include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or taking orders for the purchase of goods, wares, or merchandise by sample, lists or catalogue, or subscriptions for books and magazines. This definition shall not be deemed to include any person who sells or offers or sale any product of his own raising, school, church, fraternal organization fund raising efforts, and shall not include any person(s) engaged in the sale of food products by traveling over regularly established routes and transacting business on private property.
- "Peddler" shall include "hawker", "huckster" and "solicitor".
 (Ord. 123-1999. Passed 12-27-99.)

717.02 LICENSE REQUIRED.

No person shall engage in the business of peddler as defined in Section 717.01 within the City without first obtaining a license therefor as provided herein.
 (Ord. 123-1999. Passed 12-27-99.)

717.03 APPLICATION.

Applicants for license under this chapter must file with the Mayor a sworn application in writing in duplicate on a form to be furnished by the Mayor which shall give the following information:

- (a) Name and description of the applicant.
 - (b) Address, telephone number, and email address of the applicant.
 - (c) A brief description of the business and goods to be sold.
 - (d) If employed, the name and address of the employer.
 - (e) Length of the time for which the right to do business is desired.
 - (f) Certificate of insurance.
- (Ord. 103-18. Passed 12-10-18.)

717.04 INVESTIGATION; REFUSAL OR ISSUANCE.

(a) Upon receipt of the application, the original and copy shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and his reasons for the same, and return the application to the Mayor, who may notify the applicant that his application is disapproved and that no license will be issued.

(c) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, return the application to the Mayor for their approval, and upon payment of the prescribed fee a license will be issued by the Mayor. The license shall contain the signature and seal of the issuing officer and shall show the name and address of the applicant as well as have a photograph of the licensee attached thereto, shall show the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Mayor shall keep a permanent record of all licenses issued.

(Ord. 123-1999. Passed 12-27-99.)

717.05 FEES.

The fees shall be:

(a) \$35.00 per month, or \$200.00 per year for each person proposing to peddle on foot.

(b) \$35.00 per month, or \$250.00 per year, for each person proposing to peddle by using a handcart, pushcart, or motor vehicle.

For the purpose of this chapter, any period of time not exceeding more than thirty calendar days shall be considered one month; any period of more than thirty calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided for shall be assessed on a calendar year basis, and on and after July 1 the amount of the fee for the annual license shall for the remainder of the year be one-half the amount stipulated.

(Ord. 103-18. Passed 12-10-18.)

717.06 LOUD NOISES AND SPEAKING DEVICES.

No peddler, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

(Ord. 123-1999. Passed 12-27-99.)

717.07 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgement of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. 123-1999. Passed 12-27-99.)

717.08 EXHIBITION OF LICENSE.

Peddlers are required to exhibit their license at the request of any citizen.

(Ord. 123-1999. Passed 12-27-99.)

717.09 DUTY OF POLICE TO ENFORCE.

It shall be the duty of any police officer of the City to require any person seen peddling, who is not known by the officer to be duly licensed, to produce his peddler's license and to enforce this chapter against any person found to be violating the same.

(Ord. 123-1999. Passed 12-27-99.)

717.10 REVOCATION OF LICENSE.

Licenses issued under this chapter may be revoked by the Mayor for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
- (c) Any violation of this chapter.
- (d) Conviction or any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(Ord. 123-1999. Passed 12-27-99.)

717.11 APPEAL.

Any person aggrieved by the action of the Chief of Police or the Mayor in the denial of an application for permit or license as provided in Section 717.03, or in the decision with reference to the revocation of a license as provided in Section 717.10, shall have the right of appeal to Council. The appeal shall be taken by filing with Council, within fourteen days, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on the appeal, and notice of the hearing shall be given to the appellant. The decision and order of Council on the appeal shall be final.

(Ord. 123-1999. Passed 12-27-99.)

717.12 EXPIRATION OF LICENSE.

All annual licenses issued under this chapter shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license.

(Ord. 123-1999. Passed 12-27-99.)

717.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined a sum not exceeding two hundred fifty dollars (\$250.00) or imprisoned for a period not exceeding sixty days, or both.

(Ord. 123-1999. Passed 12-27-99.)
