

CHAPTER 729
Peddlers, Solicitors and Canvassers

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729.01 DEFINITIONS.

As used in this Chapter:

(a) "Peddler" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profit by 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 in the future;

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

(c) "Canvasser" means any person who obtains or seeks to obtain 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 upon the private residences including any house, apartment or other dwelling in the City but does not obtain or seek to obtain funds for any cause whatsoever.

729.02 PEDDLING PROHIBITED; EXCEPTION.

This Section repealed by Ordinance No. 36-93 passed 4-12-93.

729.03 LICENSE OR REGISTRATION REQUIRED.

(a) 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) No canvasser shall obtain or seek to obtain or influence the opinions of the residents of the City until he or she is registered pursuant to this Chapter, except that a canvasser who is engaged in religious proselytizing, anonymous political speech or the distribution of handbills shall not be required to be so regulated. (Ord. No. 81-02. Passed 7/08/02.)

729.04 APPLICATION; FEE; LICENSE; REGISTRATION.

(a) Any person wanting a license shall obtain an application for same from the Office of the Director of Public Safety-Service, and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Director which shall contain the following information:

- (1) Name and address of the applicant;
- (2) Name and address of the organization represented;
- (3) Names, addresses and social security numbers of all individual peddlers or solicitors;
- (4) A description of the proposed peddling or soliciting activities; and
- (5) Dates, times and particular locations where the peddling or solicitation is to be performed.

Such application shall also be accompanied by a copy of the Internal Revenue Service Federal Income Tax Exemption Letter and State of Ohio Letter of Registration under Ohio Revised Code Chapter 1716 in effect at the time of application hereunder, if the applicant and/or organization represented has been issued either or both of said Letters.

(b) All license applications shall be referred to the Director who shall, within five (5) days after receipt of the completed application, issue licenses to the solicitors or peddlers unless he finds that:

- (1) The applicant has provided false, misleading or deceptive information in his application; and/or
- (2) The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving fraud or moral turpitude within the past five years.

Any license issued under this Chapter shall be valid for not more than ninety days.

(c) Each applicant shall pay a fee as set forth in Section 1321.06 of the Codified Ordinances, which fee shall be paid at the time the application is submitted. Applicants who are agents for charitable, religious or educational organizations that meet the definition thereof as contained in the Ohio Revised Code 2915.01(H), (I), or (J), or have duly registered with the State of Ohio under the provisions of Ohio Revised Code Chapter 1716, shall be required to obtain a license, but shall be exempt from the payment of any fee as required hereunder.

(d) 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 Director of Public Safety-Service for any of the following causes:

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- (1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.
 - (2) The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.
 - (3) The licensee violates any provision of this Chapter or peddles or solicits in an unlawful manner.

(e) In the event a license application is not approved or in the event any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant or licensee by personal service or by certified mail. The applicant or licensee shall have ten (10) days after the receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a notice of the appeal with the Board of Zoning and Building Appeals under Article VI, Section 2. (b)(2) of the Charter of the City of Rocky River, Ohio; thereupon the applicant shall have not less than ten (10) days notice of the date and place of the hearing. The Board of Zoning and Building Appeals shall have the power, after such hearing, to either affirm or overrule the decision of the Director of Public Safety-Service.

(f) Any canvasser shall register with the Director of Public Safety-Service before obtaining or seeking to obtain or influencing the opinions of the residents of the City. Any canvasser shall provide the Director in writing with his or her name and address, the name and address of organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the registration of any canvasser. Any registration hereunder shall be valid for not more than ninety days.

729.05 STREET PEDDLING; ADULT ATTENDANT REQUIRED.

No person shall vend or peddle from a vehicle in public streets and public places in the City without a license issued under this Chapter, and in pursuit of such business or activity when children under age eighteen (18) collect, congregate, assemble or gather about such vehicle for the purpose of making purchases therefrom or in response to such person's actions, such person so vending or peddling shall be required to be accompanied by an adult attendant whose sole duty and occupation shall be to protect and safeguard such children from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard children from injury therefrom.

729.06 RESTRICTIONS; HOURS; CONDUCT.

Every person to whom a license to peddle or solicit is issued and every canvasser registered under the terms of this Chapter shall be governed by the following rules and regulations:

(a) No person subject to the provisions of this Chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday; nor shall such person peddle, solicit or canvass on Sunday or any legal State or Federal Holiday.

(b) 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.

(c) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(d) 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 an adult occupant of the residence, house, apartment or other dwelling in the City.

729.07 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.

729.99 PENALTIES.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor for the second or subsequent offenses.
(Ord. 81-92. Passed 8-17-92.)

AUGUST 1992 REVISION