

CHAPTER 721 Canvassing and Solicitation

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| <p>721.01 Definitions.</p> <p>721.02 Notice prohibiting canvassing or solicitation.</p> <p>721.03 Canvassing or solicitation in violation of notice.</p> <p>721.04 Time limit on canvassing or solicitation.</p> | <p>721.05 Interstate commerce; SOLICITORS; PERMIT REQUIRED.</p> <p>721.06 Intrastate commerce; peddlers.</p> <p>721.99 Penalty.</p> |
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CROSS REFERENCES

Power to inspect food products - see Ohio R.C. 715.46
Power to regulate - see Ohio R.C. 715.61 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716
Trespassing - see GEN. OFF. 541.05
Littering - see GEN. OFF. 521.08

721.01 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" 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 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) "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.
- (c) "Door-to-door salesperson in interstate commerce" means a person who travels from door-to-door calling on private residences or places of business in the City for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources outside the state.

EXHIBIT A

- (d) "Door-to-door salesperson in intrastate commerce" means a person who travels from door-to-door calling on private residences or places of business in the City for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources within the state.
- (e) "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.
- (f) "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.
- (g) "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
(Ord. 288-93. Passed 12-21-93.)

721.02 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 word "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 Chapter 1165 of the Codified Ordinances.

(Ord. 288-93. Passed 12-21-93.)

721.03 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 721.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 721.02.

(Ord. 288-93. Passed 12-21-93.)

721.04 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 of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such residence, for the purpose of securing an audience with the occupant(s) thereof and to engage in canvassing as defined in Section 721.01, prior to 9:00 a.m. or after **THIRTY MINUTES PRIOR TO SUNSET** ~~9:00 p.m.~~ Monday through Sunday or on a State or national holiday.

(Ord. 288-93. Passed 12-21-93.)

721.05 ~~INTERSTATE COMMERCE.~~ SOLICITORS; PERMIT REQUIRED.

- (a) **PERMIT Registration Required.** No person shall act as a door-to-door salesperson **OR SOLICITOR** ~~in~~ **ENGAGING IN EITHER INTRASTATE OR** interstate commerce in this City without first having registered as such with the Chief of Police or his designee. **A FEE OF FIFTY DOLLARS (\$50.00) SHALL BE CHARGED FOR A PERMIT WHICH SHALL BE VALID FOR A PERIOD OF ONE YEAR (365 DAYS) FROM THE DATE OF ISSUE.** ~~No fee shall be required. However, THE~~ Chief of Police or his

designee shall issue a registration certificate **PERMIT** to each applicant and such certificate **PERMIT** shall be carried on the person of the registrant at all times when engaged in such canvassing, solicitation or sales and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made. Each canvasser or solicitor shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution and the date and shall be signed by the solicitor.

An organization, **BUSINESS, OR ANY ENTITY** which desires to place a number of canvassers or solicitors in the City simultaneously may make a group application to cover all **CANVASSERS, SOLICITORS AND/OR EMPLOYEES INVOLVED IN ACTIVITIES WITHIN THE CITY**. ~~of them; however; Separate registration certificates PERMITS shall be issued to each or, in lieu thereof, a separate information card shall be issued to each canvasser, or solicitor AND/OR EMPLOYEE by the registered organization. CHIEF OF POLICE OR HIS DESIGNEE. Such information card shall include, at a minimum, the name of the registered organization; a description of the purpose of the solicitation; the period for which the registration was issued; the name of the canvasser or solicitor; a brief description of the canvasser or solicitor, such as age, weight, and height; the signature of the canvasser or solicitor and the signature of a member of the registered organization.~~

- (b) **PERMIT Registration Application; Contents.** Application for a certificate of registration **SOLICITOR'S PERMIT** shall be made upon a form provided by the Chief of Police or his designee. Each application shall contain, ~~among other information;~~ the name, address and the telephone number of the person completing the application; the name, address and telephone number of the organization for which he purports to act; the name of an officer or other official of the organization; the nature of the goods, **WARES, MERCHANDISE** or services for which he will **BE SOLD OR OFFERED FOR SALE** ~~take orders in the case of door-to-door salesperson in interstate commerce; the compensation, if any, which he or other canvassers are to receive for their services; and such other information as the Chief of Police or his designee may require.~~
- (c) **BACKGROUND INVESTIGATION REQUIRED.** **ALL APPLICANTS AND THOSE CANVASSERS, SOLICITORS OR EMPLOYEES ENGAGED IN ACTIVITIES WITHIN THE CITY OPERATING UNDER THE PROVISIONS OF A PERMIT ISSUED PURSUANT TO THIS SECTION MUST PROVIDE RESULTS OF A BACKGROUND INVESTIGATION COMPLETED WITHIN THIRTY (30) DAYS OF THE DATE OF APPLICATION. A REQUESTOR OF A PERMIT MUST PROVIDE COPIES OF ALL BACKGROUND INVESTIGATION RESULTS OF EACH MEMBER OF THE GROUP OR EMPLOYEE AT TIME OF APPLICATION. THE ONLY ACCEPTED FORM OF BACKGROUND INVESTIGATION IS A COMPLETED FEDERAL BUREAU OF INVESTIGATION (FBI) AND OHIO BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION (BCI) WEBCHECK®, OTHERWISE KNOWN AS A BFBI CHECK.**
- (e d) ~~Six~~ **TWELVE Month Limitation.** In no case shall any **PERMIT** registration certificate for canvassers, **SOLICITORS, OR EMPLOYEES** ~~or door-to-door salespersons in interstate commerce~~ be valid for more than a ~~six~~ **TWELVE**

month period. The ~~certificate of registration~~ **PERMIT** shall state the expiration date. thereof.

(d e) Exceptions. The provisions of this section shall not apply to solicitations conducted only among the members **OF AN ORGANIZATION, BUSINESS OR ANY ENTITY** ~~of the entity or organization~~ conducting the canvassing or to those in the form of collections or contributions at the regular assemblies or meetings. **NO LICENSE SHALL BE REQUIRED OF A FARMER OR PRODUCER WHO IS SELLING THE PRODUCT OF HIS OWN FARM.**

(e f) PERMIT Registration Revocation/PERMIT DENIAL. Any registration **PERMIT** issued hereunder shall be revoked **AND/OR DENIED** by the Chief of Police or his designee if the holder thereof is **FOUND TO BE IN VIOLATION OF SUBSECTION f1, f2 AND f3 BELOW**, ~~convicted of a violation of any of the provisions of this chapter,~~ or had **HAS BEEN FOUND TO HAVE** made a false material statement in the application.

(1) **NO PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THIS CHAPTER SHALL BE ISSUED A PERMIT PURSUANT TO THIS SECTION.**

(2) **UPON A COMPLAINT BEING FILED WITH THE DIVISION OF POLICE THAT ANY CANVASSER, SOLICITOR OR EMPLOYEE OF A PERMIT HOLDER ENGAGES IN INTIMIDATING, OFFENSIVE, PROFANE, OBSCENE OR ABUSIVE BEHAVIOR, SUCH PERMIT SHALL BE IMMEDIATELY REVOKED.**

(3) **NO PERSON WHO HAS BEEN CONVICTED OR IS CURRENTLY CHARGED OR UNDER INDICTMENT FOR A MISDEMEANOR CRIME OF VIOLENCE, PROPERTY CRIME, CRIME OF MORAL TURPITUDE OR ANY FELONY SHALL BE ISSUED A PERMIT UNDER THIS SECTION. ANY EXISTING PERMIT SHALL BE IMMEDIATELY REVOKED FOR ANY CRIMINAL OFFENSE COMMITTED DURING THE LIFE OF THE PERMIT.**

Immediately upon such revocation, written notice thereof shall be given by the Chief of Police or his designee to the holder of the registration in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

(g) DUTIES OF LICENSEE. **NO DOOR-TO-DOOR SOLICITOR OR CANVASSER PERMIT ISSUED PURSUANT TO THIS SECTION SHALL BE TRANSFERABLE NOR SHALL IT BE USED BY ANY PERSON OTHER THAN THE INDIVIDUAL OR INDIVIDUALS LISTED ON THE PERMIT. SUCH PERMIT SHALL BE EXHIBITED ON REQUEST TO ANY LAW ENFORCEMENT OFFICER OR TO ANY PROSPECTIVE CUSTOMER. NO LICENSEE SHALL WEAR ANY PART OF THE UNIFORM OF ANY OF THE ARMED FORCES OF THE UNITED STATES WHILE ACTUALLY ENGAGING IN ANY FORM OF DOOR-TO-DOOR SALES OR PEDDLING.**

(f h) Fraudulent Solicitations Prohibited.

- (1) No person, canvasser or solicitor shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation or any contribution.
- (2) No person having entered into an agreement to conduct any solicitation

in behalf of any person shall fail to remit or pay to the party entitled thereto the proceeds of such solicitation in accordance with the true terms of the agreement.
(Ord. 288-93. Passed 12-21-93.)

721.06 INTRASTATE COMMERCE; PEDDLERS.

(a) License Required; Fee:

(1) ~~No person shall act as a door-to-door salesperson in intrastate commerce, calling at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the Chief of Police or his designee a license therefor. The fee for such license shall be as follows:~~

A. For one day:	\$ 5.00
B. For one week (seven days):	20.00
C. For one year:	50.00

(2) ~~No peddler shall sell or offer for sale in this City any goods, merchandise or services without first having secured from the Chief of Police or his designee a license therefor. The fee for such license shall be as follows:~~

<u>Nature of Operation</u>	<u>Week (7 Days)</u>	<u>30 Days</u>	<u>Year</u>
Truck or other street vehicle	\$20.00	\$35.00	\$75.00
Push cart	10.00	25.00	50.00
Carried door to door	20.00	35.00	50.00

(3) ~~All fees collected shall be paid into the General Revenue Fund.~~

(b) ~~License Application; Contents.~~ Application for a license as a door-to-door salesperson in intrastate commerce or as a peddler shall be made upon a form provided by the Chief of Police or his designee. Each application shall contain among other information, the name, address and telephone number of the applicant; the name, address and telephone number of his employer, if any; the nature of the goods or services for which he will take orders or to be offered for sale; the proposed method of operation in the City; and such other information as the Chief of Police or his designee may require. A separate license shall be required for each individual salesperson or peddler even though there may be a single employer. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license as a door-to-door salesperson in intrastate commerce or as a peddler. Each applicant shall submit to fingerprinting for identification purposes.

(c) ~~Hours of Operation.~~ No person shall sell or offer for sale any candy, ice cream, confection or any food or beverage for human consumption from any motor vehicle, vehicle or cart of any kind on any public street, sidewalk or public area in the City, except between the hours of 9:00 a.m. and 9:00 p.m. daily.

(d) ~~Exceptions.~~ No license shall be required of a farmer or producer who is selling the product of his own farm.

(e) ~~Duties of Licensee.~~ No door-to-door salesperson's or peddler's license shall be transferable nor shall it be used by any person other than the licensee. Such license shall be exhibited on request to any law enforcement officer or to any prospective customer. No licensee shall wear any part of the uniform of any of the armed forces of the United States while actually engaging in door-to-door sales or peddling.

(f) Investigation; License Revocation:

(1) ~~Upon a written complaint being filed with the Division of Police that~~

~~any door-to-door salesperson in intrastate commerce or any peddler is suffering from a communicable disease or has made himself obnoxious to the public by the use of indecent, profane or insulting language, or the unsanitary condition of his person or clothing, an investigation shall be made, and if such complaint is found to be true, the license of such door-to-door salesperson or peddler shall be revoked by the Chief of Police or his designee.~~

- ~~(2) — Any license issued hereunder shall be revoked by the Chief of Police or his designee if the holder thereof is convicted of a violation of any of the provisions of this chapter, or had made a false material statement in the application.~~
 - ~~(3) — Immediately upon such revocation, written notice thereof shall be given by the Chief of Police or his designee to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.~~
- ~~(Ord. 288-93. Passed 12-21-93.)~~

721.99 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 721.05(f h) is guilty of a misdemeanor of the fourth degree.
- (c) Whoever violates Section 721.065(a) is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for any subsequent offense.
(Ord. 0008-2000. Passed 2-7-00.)