

CHAPTER 733
Peddlers and Solicitors

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733.01 DEFINITIONS.

As used in this chapter:

- A. "Canvassing," "canvassers" and "canvass" means the house-to-house distribution of ideas, pamphlets, literature, and the like, or the collection of signatures or support for any purpose or cause. This definition does not include solicitation, peddling, vending or youth fundraising, as those terms are defined in this section. This definition includes requesting contributions when such requests are made in conjunction with the house-to-house distribution of ideas, pamphlets, literature, or the collection of signatures or support for any purpose or cause. This definition includes both "contact canvassers" and "non-contact canvassers" as defined in paragraphs (A)(1) and (A)(2) hereof.
 - 1. "Contact canvassers" and "contact canvassing" mean those persons who canvass, as defined in subsection (A) hereof through in person, fact-to-face contact, verbal or otherwise, with individual residents.
 - 2. "Non-contact canvassers" and "non-contact canvassing" mean those persons who canvass, as defined in subsection (A) hereof, without attempting in person, face-to-face contact with individual residents, such as the distribution of leaflets and/or pamphlets by leaving them at a place of residence.
- B. "Charitable" means and includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, fraternal or any agency created for the purpose of supporting health research or health measures, either actual or purported. This definition does not include youth fundraising, as that term is defined in this section.
- C. "City Manager" means the City Manager or his or her designee.

- D. "Contribution" means the gift, sale for less than market value or purchase for more than market value of alms, food, clothing, money or property, including donations under the guise of a loan of money or property or the rental thereof for any charitable, religious or political use or purpose.
- E. "Peddler" means an itinerant solicitant/trader who sells wares which he or she may carry with him or her traveling about from place to place.
- F. "Person" means any firm, partnership, corporation, company, association, joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.
- G. "Political" and "political organization" shall be given their commonly accepted definitions, but shall not mean or include the term "charitable." It is not necessary that a person be a candidate for an office or in support of another person as a candidate to be included within the definition of "political" or "political organization."
- H. "Religious" and "religion" shall be given their commonly accepted definitions, but shall not mean or include the term "charitable."
- I. "Solicit" and "solicitation" mean the method by which a peddler or vendor conveys his/her wares; or the request, either directly or indirectly, for money, credit, property, financial assistance, or other thing of value on the plea or representation that which is being solicited will be used for a charitable, political, or religious purpose.
- J. "Vendor" means a person who transfers property by door-to-door sale.
- K. "Youth fundraiser" and "youth fundraising" means fundraising for (i) a K-12 school or school-related activity, or (ii) a youth organization such as an athletic club, Boy/Girl Scout troop, and the like, when such activity is undertaken by a person, age 18 or under, who resides in this City. Youth fundraising activity, as contemplated by this definition, typically includes, but is not limited to, the sale of fundraising products such as popcorn, wrapping paper, candy, fruit or plants.

733.02 AUTHORITY TO ISSUE LICENSE.

The City Manager is hereby authorized to grant, issue and revoke a license to any person who desires to vend, solicit, peddle or request contributions under this chapter.

733.03 LICENSE OR REGISTRATION REQUIRED.

No person shall peddle, vend, solicit or request contributions for any purpose, charitable or otherwise, unless such person has obtained a license from the City or unless the person meets the exception contained in Section 733.08. Such person shall carry the license required by this section, a photographic identification card, and the do-not-solicit list required by Section 733.12, at all times while exercising such calling and shall, upon demand, exhibit those items to any official of the City or occupant of any residence or business establishment being contacted.

733.04 LICENSE APPLICATION.

- A. An application for a license to peddle, vend, solicit or request contributions shall be made on forms provided by the City.

B. The City Manager shall issue the license if all of the following conditions are met:

1. All of the statements made in the application are true;
2. The applicant has provided a valid photographic identification card;
3. The applicant has provided current address and/or telephone contact information;
4. The applicant has paid the license application fee under Section 733.06; and
5. The applicant has not been convicted of a felony or misdemeanor involving force, violence, fraud, theft, or a sexually-oriented offense.

733.05 LICENSE WAITING PERIOD; INVESTIGATION.

A waiting period, not to exceed twenty-four hours after receipt of the completed application for a license to peddle, vend, solicit or request contributions, shall be required for the purpose of having the Police Department make an independent inquiry of the requirements specified in Section 733.04.

733.06 LICENSE APPLICATION FEES.

The City Manager, before issuing the license required by this chapter, shall collect a license application fee from each applicant. Each separate person wishing to peddle, vend, solicit or request contributions within the City shall be considered a separate applicant and must have an individual license in order to engage in those activities within the City. The amount of the fee shall be one dollar (\$1.00) for each license issued under this chapter, or such other amount as the City Manager may establish from time to time, provided that the fee may not exceed the costs, including but not limited to personnel costs, reasonably incurred by the City in reviewing the application and performing the independent inquiry referenced in Section 733.05.

733.07 LICENSE EXPIRATION; REVOCATION OR SUSPENSION.

Any license issued pursuant to this chapter shall expire not later than ten days following the date of issuance. Such a license may be revoked or suspended at any time by the City Manager if the holder:

- A. Is found to have misrepresented any statement on the application for a license to peddle, vend, solicit or request contributions;
- B. Violates any of the provisions of this chapter;
- C. Is the subject of a trespassing complaint as defined by state law or by Section 541.05 or 541.051 of the Oakwood Codified Ordinances; or
- D. Is found to be convicted of a felony or misdemeanor involving force, violence, fraud, theft, or a sexually-oriented offense.

733.08 EXCEPTIONS FROM LICENSE AND FEES.

Except as otherwise provided in Sections 733.11 and 733.12, the restrictions of this chapter do not apply to any canvassing activity as defined in Section 733.01(A) or to youth fundraising activity as defined in Section 733.01(K). These exceptions are adopted, among other reasons and without limitation, on the following grounds:

- A. That canvassing activity, although it may involve requesting contributions, is principally conducted as an expression of core political speech, and presents a lower risk of fraud, theft or other criminal conduct than that presented by other house-to-house activities.

- B. That youth fundraising activity is engaged in by minors who reside in this city who, by virtue of their residence, are likely to be recognized by their neighbors and present a lower risk of fraud, theft, or other criminal conduct than that presented by other house-to-house activities.

733.09 COMPLIANCE WITH STATE LAW.

A representative of a charitable organization, as defined in Ohio R. C. Chapter 1716, may be required, if requested by the City Manager or his or her designee, to provide certification that such organization is duly registered with the Ohio Attorney General's office.

733.10 FALSIFICATION; MISREPRESENTATION.

No person required to obtain a license to solicit, peddle, vend or request contributions under this chapter shall register a false or fictitious name or address or represent by words or action that he or she is the employee, agent, partner or representative of any person or organization, when in fact, he or she is not the employee, agent, partner or representative of such person or organization.

733.11 HOURS OF SOLICITATION.

- A. All peddling, vending, soliciting, and requests for contributions other than in conjunction with canvassing or youth fundraising activity, permitted under this chapter may be conducted only between the hours of 9:00 a.m. and 6:00 p.m.
- B. All canvassing and youth fundraising activity permitted under this chapter may be conducted only between the hours of 9:00 a.m. and 9:00 p.m.

733.12 PROHIBITED SOLICITING; NOTICE.

- A. The City Manager shall maintain a do-not-solicit list. Any property owner, or tenant if the property is leased, may elect to add or remove his or her residence to or from the list, at any time, by:
 - 1. Calling or visiting the City's offices;
 - 2. Directing an email request to the City through a link to be maintained on the City's website for that purpose;
 - 3. Checking the appropriate box on the residence's City utility bill when such option is provided annually; or
 - 4. Returning a request form to be included annually in the City newsletter.
- B. The do-not-solicit list shall be updated as follows:
 - 1. Every person who elects to add his or her residence to the do-not-solicit list shall be required to re-register such residence every five (5) years. Any residence that is not re-registered in accordance with this section shall be removed from the do-not-solicit list;
 - 2. On a periodic basis, the City Manager shall compare the do-not-solicit list to the utility database to identify which residences on the do-not-solicit list have been transferred or sold since being registered. The City Manager shall remove any such residence; and
 - 3. The do-not-solicit request form will be provided to all new residents in the New Resident Packets that the Police Department hand delivers. The New Resident

Packets are provided to new residents when the Utility Department receives notice of a new account holder.

- C. The City Manager shall provide a copy of the do-not-solicit list to each person issued a license pursuant to Section 733.04. In addition, any person may obtain a copy of the do-not-solicit list by:
 - 1. Visiting City offices during normal business hours;
 - 2. Visiting the Department of Public Safety at any time, twenty-four hours per day, seven days per week; or
 - 3. Accessing a copy from the City's website.
- D. No person shall enter onto the property of any residence listed on the do-not-solicit list maintained in accordance with subsection (a) hereof for the purpose of contact canvassing, peddling, vending, soliciting, or requesting contributions.
- E. No person shall knock at the door or ring the doorbell of any residence, apartment, or other dwelling unit in the City upon which is clearly displayed at the entrance a notice that reads "NO SOLICITORS" or that otherwise clearly purports to prohibit peddlers, contact canvassers, vendors, solicitors, or persons requesting contributions, unless such person is or has been invited upon the premises by the occupant thereof.

733.13 APPEALS.

The City Manager shall give notice of a refusal to issue a license required by this chapter to the applicant. The applicant may appeal such refusal to Council by filing a written notice of appeal with the Clerk of Council within ten days after such refusal and at least seven days before the Council meeting at which the appeal shall be heard. The appeal shall state briefly the grounds for appeal. The applicant may appeal before Council in person or by attorney. The decision of Council shall be final.

733.14 SEVERABILITY.

In the event that any provision of this chapter is determined by a court of competent jurisdiction to be unenforceable or invalid, for any reason whatsoever, such provision shall be deemed to be severable from the remaining provisions of this chapter, which remaining provisions shall not be affected by the court's determination and shall remain in full force and effect.

733.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.