

CHAPTER 854
Peddlers, Vendors, Canvassers and Charitable Solicitations

EDITOR'S NOTE: Chapter 854, previously titled Peddlers and Vendors, was repealed and replaced by Ordinance 83-27 passed October 4, 1983.

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CROSS REFERENCES

- Power to regulate – see Ohio R.C. 715.61 et seq.
- Power to inspect food products – see Ohio R.C. 715.46
- Charitable solicitations – see Ohio R.C. Ch. 1716
- Home solicitations sales – see Ohio R.C. 1345.21 et. seq.
- Frozen desserts – see Ohio R.C. 3717.51 et. seq.
- Littering – see GEN. OFF 660.03

854.01 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, or vending, 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 subsections (a)(1) and (a)(2) hereof. (ORD. 12-2 Passed 3/27/12)
 - (a)(1) “Contact canvassers” and “contact canvassing” means those persons who canvass, as defined in Section 854.01(a) through in-person, fact-to-face contact, verbal or otherwise, with individual residents.
 - (a)(2) “Non-contact canvassers” and “non-contact canvassing” means those people who canvass, as defined in Section 854.01(a), 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.
- (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, co-partnership, corporation, company, association, joint stock association, church, religious sect, religious demonization, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.
- (g) "Political" and "political organization" shall not mean or include the term "charitable". Such terms shall be given their commonly accepted definitions. 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 in the definition of "political" or "political organization".
- (h) "Religious" and "religion" shall not mean and include the term "charitable". Such terms shall be given their commonly accepted definitions.
- (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.

(Ord. 10-2 Passed 3/2/10)

854.02 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.

(Ord. 83-27 Passed 10/4/83; Ord. 04-20 Passed 9/14/04)

854.03 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 854.08. Such person shall carry the license required by this section, a photographic identification card, and the Do-Not-Solicit List required by Section 854.12, 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.

(Ord. 10-2 Passed 3/2/10)

854.04 LICENSE APPLICATION

An application for a License to Peddle, Vend, Solicit or request Contributions shall be made on forms provided by the City. The City Manager shall issue the license if:

- (a) All of the statements made in the application are true.
- (b) The applicant has provided a valid photographic identification card.
- (c) The applicant has not been convicted of a felony or misdemeanor involving force, violence, fraud, theft, or a sexually-oriented offense.

(Ord. 10-2 Passed 3/2/10)

854.05 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 854.04.

(Ord. 10-2 Passed 3/2/10)

854.06 LICENSE FEES

The City Manager, before issuing the license required by this chapter, shall collect from each licensee One Dollar (\$1.00) for each license issued under this chapter. Each separate person shall have an individual license in order to solicit within the City. (Ord. 10-2 Passed 3/2/10)

854.07 LICENSE EXPIRATION; REVOCATION OR SUSPENSION

Any license issued pursuant to this chapter shall expire not later than ten (10) 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; or
- (b) Violates any of the provisions of this chapter; or
- (c) Is the subject of a complaint for criminal trespass as defined by Section 642.12(a) of the Englewood Codified Ordinances; or
- (d) Is found to be convicted of a felony or misdemeanor involving force, violence, fraud, theft, or a sexually-oriented offense. (Ord. 10-2 Passed 3/2/10)

854.08 EXCEPTIONS FROM LICENSE AND FEES

Except as otherwise provided in Sections 854.11 and 854.12, the restrictions of this chapter do not apply to any canvassing activity as defined in Section 854.01(a).

(Ord. 10-2 Passed 3/2/10)

854.09 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. (Ord. 83-27 Passed 10/4/83)

854.10 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. (Ord. 10-2 Passed 3/2/10)

854.11 PERMISSIBLE HOURS

(a) All peddling, vending, soliciting, and requests for contributions other than in conjunction with canvassing activity, permitted under this chapter may be made only between the hours of 9:00 AM and 6:00 PM.

(b) All canvassing permitted under this chapter may be made only between the hours of 9:00 AM and 9:00 PM.

(ORD. 12-2 Passed 3/27/12)

854.12 PROHIBITED SOLICITING; NOTICE

(a) The City Manager shall maintain the 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 offices; or
- (2) Directing an e-mail request to the City through a link to be maintained on the City's website for that purpose; or
- (3) Checking the appropriate box on the residence's Englewood utility bill when such option is provided annually; or
- (4) Returning a request form to be included annually in the Englewood 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; and
- (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 854.04. In addition, any person may obtain a copy of the Do-Not-Solicit List by:

- (1) Visiting the City's offices during normal business hours; or
- (2) Visiting the City's Police Department any time 24 hours per day, 7 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 Section 854.12(a) 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. (Ord. 10-2 Passed 3/2/10)

854.13 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 (10) days after such refusal and at least seven (7) 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. (Ord. 10-2 Passed 3/2/10)

854.14 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 and Fifty Dollars (\$250) or imprisoned not more than thirty (30) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues. (Ord. 83-27 Passed 10/4/83)