

PUBLIC SAFETY AND WELFARE COMMITTEE

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ORDINANCE NO. 56-2017

AN ORDINANCE AMENDING IN PART AND RESTATING PART SEVEN,
CHAPTER 711 "PEDDLERS AND SOLICITORS" OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF LORDSTOWN AND DECLARING
AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
LORDSTOWN, COUNTY OF TRUMBULL, STATE OF OHIO:

Section I: That Chapter 711 Peddlers and Solicitors of the Codified Ordinances of the Village of
Lordstown is hereby amended to read:

PART SEVEN – Business Regulation Code
Chapter 711
Peddlers and Solicitors

CHAPTER 711
Peddlers and Solicitors

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|---------------|--|--------|-----------------------------------|
| 711.01 | Definitions. | 711.07 | Business hours restricted. |
| 711.02 | License required. | 711.08 | License-exceptions. |
| 711.03 | License application and requirements. | 711.09 | Employee peddlers to be licensed. |
| 711.04 | License fees and term. | 711.10 | Revocation of license. |
| 711.05 | Appeals. | 711.99 | Penalty. |
| 711.06 | Carrying and exhibiting license. | | |

CROSS REFERENCES

- Power to regulate - see Ohio R.C. 715.61
Home solicitation sales - see Ohio R.C. 1345.12 et seq.
Charitable solicitations – see Ohio R.C. 2923.22
Sales of goods and services within right of way of
Interstate and other State highways – see Ohio R.C. 5515.07
Retail sales license - see Ohio R.C. 5739.17
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711.01 DEFINITIONS.

(a) “Peddler” means any person who carries with him for the purpose of sale at retail and immediate or future delivery, goods, wares, food or merchandise, or any person who in person as principal or agent canvasses, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food or merchandise, or services.

(b) “Solicitor” means any person who obtains or seeks to obtain funds for any cause whatsoever by means of canvassing from place to place.

711.02 LICENSE REQUIRED.

No person, firm or corporation shall engage in the business or activity of peddler or solicitor in this Municipality without first obtaining a license as provided in this chapter.

711.03 LICENSE APPLICATION AND REQUIREMENTS.

(a) Applications for licenses for peddlers or solicitors shall be filed with the **Village Clerk, or his/her designee, on a form [see attachment] supplied by the Village Clerk**, which shall require, at least, the following information:

- (1) The name of the applicant **and a photo copy of the applicant’s State or Federally issued identification card;**
- (2) The home address of the applicant.
- (3) The name and address for the person by whom the applicant is employed or for whom he is soliciting or peddling;
- (4) The length of the applicant’s service with such employer or person for whom he is soliciting or peddling;
- (5) The nature and character of the goods to be sold or services to be furnished by the applicant or the purpose for which funds are being solicited;
- (6) The names of other municipalities in which the applicant has recently conducted activities for which a license is herein required;
- (7) That the applicant or his employer has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations, if applicable;

- (8) **A Bureau of Criminal Investigation (“BCI”) and/or a Federal Bureau of Investigation (“FBI”) background check completed by an outside company, paid for by the Applicant, and completed within 120-days of the application or renewal being sought.**

~~(b) — The applicant shall furnish a recent photograph of himself taken within the preceding year which is to be approximately 3” by 3” square. Such application shall be made at least one day before the license is issued.~~

(b) If the Clerk **or his/her designee** determines after an investigation, that the information furnished under the requirements of subsection (a) hereof is correct, the applicant proposes to engage in a lawful commercial or professional enterprise and neither the applicant nor the enterprise upon which the applicant proposes to engage constitutes a clear and present danger to the residents of the Municipality, he shall issue a license to the applicant.

711.04 LICENSE FEES AND TERM.

For the license to be issued under the provisions of this chapter, each applicant shall pay to the Municipality **fifty dollars (\$50.00)**. For renewal of a license to be issued under the provisions of this chapter, each applicant shall pay to the Municipality **twenty-five dollars (\$25.00)**. All licenses issued hereunder shall be for a period of **one hundred eighty (180) days**.

711.05 APPEALS.

Any applicant who has applied for a license in accordance with this chapter and to whom the Mayor has; after an investigation, denied a license may appeal to Council. Notice of such appeal shall be filed with Council within five days after the denial by the Mayor.

711.06 CARRYING AND EXHIBITING LICENSE.

The license issued under the provisions of this chapter shall be carried by any peddler or solicitor at all times when peddling or soliciting and shall be exhibited to any person being solicited and on request to any police officer.

711.07 BUSINESS HOURS RESTRICTED.

No person shall peddle, solicit or conduct market research door to door at dwelling houses or businesses at random, on sidewalks or streets, at public places, at private meeting places or in any other manner or place in the Municipality between 5:00 p.m. to 9:00 a.m.

This section does not apply to invitees or national charitable corporations licensed to do business in Ohio with recognized periods for campaigns, provided the organizations have been licensed to solicit by the Mayor.

711.08 LICENSE EXCEPTIONS.

No license shall be required of a peddler or solicitor for the following:

- (a) Soliciting only the purchase of or subscription for newspapers having their principal sale or distribution in this Municipality or in the County.

(b) Soliciting only for wholesale delivery or merchants, manufacturers or other businessmen at their offices, places of business or factories, the sale of equipment or articles used in the conduct of their professions, businesses or manufacturing establishments.

(c) Peddling or soliciting at the invitation or request of the person contacted.

(d) Soliciting or peddling on behalf of and for any locally recognized religious, educational, civic or charitable organization, without compensation to the solicitor or peddler.

711.09 EMPLOYEE PEDDLERS TO BE LICENSED.

No person shall be hired as a peddler by another to sell goods, wares, food, merchandise or services in the Municipality unless such person so hired has been duly licensed as hereinbefore provided.

711.10 REVOCATION OF LICENSE.

Any license issued under the provisions of this chapter may be revoked at any time, by the Mayor, if the licensee is guilty of fraud, misrepresentation or any unlawful act in connection with his business or the application required under Section 711.03; or if the licensee violates any provision of this chapter.

711.99 PENALTY.

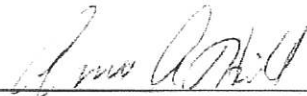
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). Each day on which sales are conducted in violation of this chapter shall be held to constitute a separate offense.

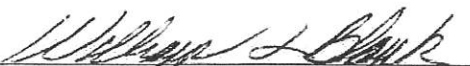
Section II: That this Ordinance shall be effective upon passage by Council of the Village of Lordstown.

Section III: That this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare and for the further reason that this Ordinance must be enacted in a timely manner.

Section IV: That the passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Passed in Council this 2nd day of October, 2017.


_____, Mayor


_____, Clerk

Passed Emergency on October 2, 2017