

**PEDDLER, CANVISSOR AND SOLICITORS
RULES AND REGULATIONS**

ORDINANCE NO. 2014-39

AN ORDINANCE AMENDING CHAPTER 709 OF THE CODIFIED ORDINANCES OF THE CITY OF DELPHOS MODIFYING THE REQUIREMENTS FOR PEDDLERS AND SOLICITORS

WHEREAS, the city feels it necessary to review and amend Chapter 709 of the codified ordinances of the City of Delphos.

BE IT ORDAINED by Council for the City of Delphos, Allen and Van Wert Counties, State of Ohio that,

SECTION ONE: That Chapter 709 of the Codified Ordinances of the City of Delphos by amended as follows:

709.01 Purpose:

The purpose of this Ordinance shall be to protect the health, safety and welfare of the citizens of the City of Delphos by regulating solicitors, door-to-door salesmen, roadside stands and other temporary businesses.

709.02 Definitions:

Whenever used in this chapter, the following words shall be as herein defined unless a different meaning clearly appears from the context:

- (a) "Charitable" includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's, medical and social research, either actual or purported.

- (b) "Charitable Solicitor" shall mean any person who requests donations, contributions, gifts, endorsements, signatures, or other valuable considerations or distributes flyers, books, information, or other objects on behalf of a bona-fide tax-exempt organization by traveling about the City in any districts as defined by the Zoning Code. "Charitable or political solicitor" shall include persons promoting religious organizations or beliefs.

- (c) "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.

- (d) "Good Moral Character" shall be defined as a person who has not been convicted of a felony and not convicted of a misdemeanor crime of moral turpitude or dishonesty such as theft, fraud, passing bad checks, extortion, embezzlement, receiving stolen property, or a criminal misdemeanor of violence such as domestic violence, assault, menacing, and resisting arrest.

- (e) "Itinerant Vendor" and "Temporary business" shall mean any place at which goods, wares, merchandise, or services are sold or offered for sale, other than from a permanent structure duly approved for such use; and further means roadside stands and locations established within buildings and enclosed malls, such as tables or booths, including those erected for special events and shows, at which goods, wares, merchandise, or services are sold or offered for sale or advertised.

- (f) "Peddler" means any person who sells or offers for sale and immediate delivery of 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.

(g) "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.

(h) "Religious" and "religion" as used herein shall not include the word charitable, but shall be given their commonly accepted definitions.

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit that gathers in common membership for regular worship and religious observances.

(j) "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(k) "Responsible official" shall mean the Safety Service Director or his designee in reference to Solicitor's Permits

(l) "Solicitor" or "solicitation" or "Canvassing" or "canvasser" or "door-to-door salesman" shall mean any person who sells or offers for sale by any verbal means, any goods, wares, merchandise, or services by traveling about the City in any districts as defined by the Zoning Code without invitation or previous consent of the owner(s) or occupant(s).

709.03 License Permit 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. Each and every person peddling or soliciting must meet the requirements of Section 709.03 and pay the fees set forth in Section 709.10.

Persons desiring to solicit within the City shall apply for Solicitor's Permits five working days (5) prior to the date of solicitation at the office the Safety Service Director. One application shall be made to authorize one or more persons to solicit within the City, provided that all such persons identified by the permit application are employed by the same person, firm or corporation.

709.04 EXEMPTIONS

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

- (a) Soliciting only the purchase or subscription for newspapers having their principal sale or distribution in this Municipality.
- (b) Soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments.
- (c) Peddling or soliciting at the invitation or request of the person contacted.
- (d) Any Charitable Solicitor, Soliciting or peddling on behalf of and for any locally recognized religious, educational, civic or charitable organization, without compensation to the solicitor or peddler (i.e. girl scouts, boy scouts, little league organizations)
- (e) Residents soliciting signatures for campaign petitions and/or campaign contributions.
- (f) Selling agricultural produce grown in Allen, Van Wert or Putnam Counties.

709.05 Registration Application.

Any person desiring to register as a solicitor, canvasser or peddler within the municipality shall apply to the Safety/Service Director or his/her agent shall make written application on a form to be provided by the municipality, which form shall correctly and truthfully contain the following information:

- (a) Name, age, driver's license or state identification card, if any;
- (b) Permanent home address and full local address;
- (c) Birth date, height, weight, color of eyes, color of hair and physical description;
- (d) A description of the nature of the business and the goods or services to be sold;
- (e) The name, address, and telephone number of the employer, together with credentials establishing the exact relationship;
- (f) The length of time for which the business is expected to be conducted;
- (g) The place where the goods or the property proposed to be sold are manufactured or produced and the location of the goods or products at the time the application is filed, along with the proposed method of delivery and the anticipated date of delivery;
- (h) A statement as to whether or not the applicant has been convicted of any felony or misdemeanor and, if any, the nature of the same and the penalty therefor, if any;
- (i) The make, model, year and current registration of any motor vehicle used or to be used in the business;
- (j) The names, addresses and telephone numbers of two personal references who are acquainted with the applicant and who would be willing to submit, upon request, a statement of the character of the applicant;
- (k) Name of political subdivisions that you solicited in within the last 12 months.
- (l) A description of the method of marketing of the product or service, including a description of the sales brochure, if any, utilized in such marketing;
- (m) The applicant shall provide proof of their identity at the time of application. The following are acceptable proof of identity:
 - (1) Passport;
 - (2) Driver's License;
 - (3) State Identification Card.

709.06 REGISTRATION CARD; DISPLAY

The municipality shall, upon registration, issue to the applicant(s) a laminated Permit card in a form to be prescribed by the Safety Service Director or his/her agent, indicating thereon the registration of the applicant and the dates during which the registration is valid. The registration card shall be worn by the applicant during the conduct of all soliciting, canvassing or peddling, upon the outer apparel of the applicant at all times and shall be displayed to anyone for examination upon his or her request.

709.07 HOURS: BUSINESS ON SUNDAY PROHIBITED

All soliciting, canvassing or peddling done under registration issued hereunder shall be done between the hours of 9:00 a.m. and 7:00 p.m. Monday through Saturday, and no such soliciting, canvassing or peddling shall be done on Sundays.

709.08 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 words "No Solicitors Invited", with letters at least one-third inch in height.

709.09 PROHIBITED ADDRESS NOTICE/LISTING

Any resident who wishes to be placed on the Prohibited Address Listing must provide to the Safety Service Director notice on the form prescribed by the Safety Service Director that they wish to be placed on the Prohibited Address List. This list will be good for a period of two calendar years and must be refiled bi-annually.

All Solicitors, Peddlers and Canvassers shall, prior to beginning to solicit, peddle or canvass, obtain from the Safety Service Director the Prohibited Address' Listing and shall not solicit, peddle, sell or attempt to sell, attempt to or explain a product, attempt to or explain a service, attempt to or explain an organization or attempt to or explain a cause to or at any person located at or upon any address listed upon said Prohibited Address' Listing or in any way enter upon those listed premises for any of the aforementioned purposes whatsoever. (Exclusions: local girl scouts, boy scouts, midget football, etc)

709.10 FEES AND TERM

The license fee charged by the Safety Service Director for the license required by this chapter shall be \$10.00 per week or any portion thereof. There will be assessed a \$5.00 fee for any changes, amendments, or modifications to the current license, i.e. new solicitors added. If a license is used outside the time stated in 709.05(f), then the applicant shall notify the Safety Service Director. The duration of a license under this ordinance shall not exceed six (6) months.

709.11 Revocation of License

Any license issued under the provisions of this chapter may be revoked at any time by the Safety-Service Director, if the licensee is guilty of fraud, misrepresentation or any unlawful act in connection with his business or the application required under Section 709.05 or if the licensee violates any provision of this Chapter. The Chief of Police or his designee has the authority to revoke a license if complaints of nuisances are reported.

709.12 Registration Transferability

No registration granted or issued under this chapter shall be assignable or transferable, nor shall any such registration authorize any person, other than the one named therein, to do business as a solicitor, canvasser or peddler, or authorize any other business than is therein mentioned or named to be done or transacted.

709.13 Appeals

Any applicant who has applied for a license in accordance with this chapter and to whom the Safety Service Director has, after an investigation, denied a license may appeal to Council. Notice of such appeal shall be filed with the Clerk within five days after the denial by the director. Such appeal shall be heard by Council at the next regular meeting and its decision shall be final.

709.99 Penalty

Whoever violates any of the provisions or requirements of this chapter shall be guilty of a minor misdemeanor. Each sale or attempted sale made by any person in violation of the provision of this chapter shall be deemed a distinct and separate offense. Upon conviction, the municipality shall revoke the registration of any person and shall demand the return of the permit card issued hereunder, and no further registration shall be issued for six months following the date of the conviction. Having previously been convicted of a violation of this chapter, each subsequent offense shall be considered a misdemeanor of the fourth degree.

SECTION TWO: That Chapter 709 and any other ordinances inconsistent herewith is hereby repealed.

SECTION THREE: This ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED this 8th day of September, 2014.

/s/Kimberly Riddell, Council President

ATTEST:

/s/ Marsha Mueller, Clerk of Council

APPROVED by me this 8th day of September, 2014.

/s/ Michael H. Gallmeier, Mayor

Solicitors Permit Application

City of Delphos
608 N. Canal St.
Delphos, Oh 45833
419-695-4010

The undersigned hereby applies for a license to engage in the Business or Activity of Peddler or Solicitor in the City of Delphos, Ohio, and in strict accordance with Chapter 709 of the Codified Ordinances of the City of Delphos, Ohio.

Soliciting hours: Monday through Saturday, 9 a.m. to 7 p.m.

This form must be completed by applicant **5 business days** prior to the date(s) of solicitation. Fee is \$10.00 per week (7 days) or any portion thereof. Additional fee of \$5.00 for any change of solicitors.

Please complete all items and print clearly

Company Name: _____
Company Address: _____
City/ST/Zip: _____
Phone No.: _____

Are you the owner of this business? ___ yes ___ no

All questions must be completed or the application will be denied.

Desired permit dates: From _____ to _____

Vehicle:	Make:	Model:	Plate #:	Color:
License:	State:	Number:		

Please describe the product or service – (attach brochure if applicable)

Please list any political subdivision that you have solicited in within the last 12 months

Applicant Agreement and Signature

I hereby certify that all of the above information is true to the best of my knowledge. I accept liability for all accidents/ injuries and/or damage to myself or property and agree to release the City of Delphos from any and all liability. I further agree to conform to all applicable laws of the City of Delphos and State of Ohio, and that all information on this application is true and correct to the best of my knowledge.

Signature of Applicant

Print Applicant Name

Office Use Only

Permit Approved: Date: _____

Authorized by: _____

Payment Method: ___ Check ___ Cash ___ other

Fee: \$ _____

Solicitors Name:			Social Security No.:	
Height:	Weight:	Sex:	Color Hair:	Color eyes:

Have you ever been convicted of a misdemeanor or felony involving fraud or theft? Yes ____ No ____
 If yes, please explain: _____

Solicitors Name:			Social Security No.:	
Height:	Weight:	Sex:	Color Hair:	Color eyes:

Have you ever been convicted of a misdemeanor or felony involving fraud or theft? Yes ____ No ____
 If yes, please explain: _____

Solicitors Name:			Social Security No.:	
Height:	Weight:	Sex:	Color Hair:	Color eyes:

Have you ever been convicted of a misdemeanor or felony involving fraud or theft? Yes ____ No ____
 If yes, please explain: _____

Solicitors Name:			Social Security No.:	
Height:	Weight:	Sex:	Color Hair:	Color eyes:

Have you ever been convicted of a misdemeanor or felony involving fraud or theft? Yes ____ No ____
 If yes, please explain: _____

Solicitors Name:			Social Security No.:	
Height:	Weight:	Sex:	Color Hair:	Color eyes:

Have you ever been convicted of a misdemeanor or felony involving fraud or theft? Yes ____ No ____
 If yes, please explain: _____
