

## **CHAPTER 745: CANVASSERS, PEDDLERS AND SOLICITORS**

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### **§ 745.01 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANVASSER.** Any person who seeks to disseminate any verbal or written lawful message including ideas, thoughts or messages regarding any cause, issue or religion without soliciting funds or donations; or any political candidate without acting as a solicitor and whose actions do not violate any local, state or federal law.

**CHARITABLE PURPOSE.** Any purpose described in section 501(c)(3) of the Internal Revenue Code and any purpose for patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, humane, scientific, public health or environmental conservation objective.

**PEDDLER.** Any person who carries with him for the purpose of sale at retail and immediate or future delivery, goods, wares, food, merchandise, or personal property of any nature, or any person who in person, as principal or agent, offers, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food, merchandise or personal property, or services.

**PERSON.** Any person, firm, partnership, corporation, company, association, club, society, religious sect, religious denomination or other organization or entity or any combination of the foregoing and includes any trustee, member, agent, signee or other representative thereof.

**RELIGIOUS ORGANIZATION.** An entity duly organized and operating in good faith and entitled to receive a declaration of current tax exempt status for religious purposes from the Internal Revenue Service and the duly organized branches and chapters of such organization.

**SOLICITOR.** Any person who obtains or seeks to obtain funds or donations of personal property for any cause whatsoever or seeks opinions, preferences or other information for commercial purposes.

**§ 745.02 PURPOSE.**

The purpose of this Chapter is to regulate the activities of canvassers, peddlers and solicitors, to promote the dependability and accountability of canvassers, solicitors and peddlers, prevent fraud and promote the safety and welfare of the general public.

**§ 745.03 PERMIT OR REGISTRATION REQUIRED.**

- (a) Subject to divisions (c) and (d) below, no person by means of traveling from door to door or place to place or temporarily hiring or using a structure or lot or portion therefor, shall engage in the business or activity of peddler or solicitor as defined in § 745.01 in this municipality without first obtaining a permit as provided in § 745.04.
- (b) Subject to divisions (c) and (d) below, all persons by means of traveling from door to door or place to place or temporarily hiring or using a structure or lot or portion therefor, when acting for or hired by another as a peddler or solicitor in the municipality shall obtain a permit as provided in § 745.04 prior to acting as a peddler or solicitor.
- (c) No permit shall be required of any person who, without compensation, acts as a peddler or solicitor on behalf of and for any religious organization or for a charitable purpose. However, subject to division (d) below, no person shall act as a solicitor or peddler on behalf of or for a religious organization or a charitable purpose without first having registered with the Chief of Police pursuant to § 745.06.
- (d) No permit or registration certificate under this Chapter shall be required of any person for the following:
  - (1) Peddling or soliciting only the purchase of or subscription for newspapers having their principal sale or distribution in this municipality or Franklin County;
  - (2) Peddling or soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments;

- (3) Peddling or soliciting at the invitation or request of the person contacted;
- (4) Peddling or soliciting conducted only among the members of the entity or organization conducting the peddling or soliciting;
- (5) Peddling or soliciting in the form of collections or contributions at the regular assemblies, meeting or services of any religious organization or charitable not for profit organization;
- (6) Persons under the age of 18 who are not employed by another person;
- (7) Acting only as a canvasser, as defined in § 745.01.

**§ 745.04 PERMIT APPLICATION AND REQUIREMENTS.**

- (a) Application Requirements. Applications for permits for peddlers or solicitors shall be filed with the Chief of Police on a form to be furnished by the Chief of Police, which shall require, at la minimum, the following information:
  - (1) The name of the applicant;
  - (2) If the applicant is an individual, a physical description of the applicant, including age, weight and height;
  - (3) The applicant's social security number or federal identification number;
  - (4) The name and address of the person by whom the applicant is employed or for whom s/he is soliciting, if any, and the length of the applicant's service with such person;
  - (5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding 12 months;
  - (6) 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 peddled or solicited;
  - (7) The names of other municipalities in which the applicant has conducted peddling or solicitation activities during the preceding 6 months;
  - (8) A current and valid driver's permit or other current and valid government issued identification that contains a picture of the applicant; if the applicant is not a U.S. citizen, a valid passport from the country of origin and proof of legal entrance into the U.S. and authorization to work;
  - (10) An acknowledgment by the applicant that s/he will not use the permit as an endorsement by the City, a city department or city employee of the applicant's products, services or employer.

- (b) Background Checks. The Chief of Police shall ensure that a background check has been conducted of every applicant and may direct applicants to a third party to conduct the background check. Every Applicant is responsible for payment of the costs of his/her background check.
- (c) Waiting period. Because the background check and investigation by the City (in reviewing and processing the application) may take up to seven (7) days, the applicant should file the application as soon as he/she is aware that the applicant will be conducting peddling or soliciting in the City.
- (d) Approval. If the Chief of Police determines after an independent records check and investigation, that the information furnished under the requirements of division (A) above is correct; that the applicant proposes to engage in a lawful commercial or professional enterprise; the activities or business of the applicant shall not be a fraud upon the public; and that 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, s/he shall issue a permit to the applicant. The permit issued shall include a photo of the applicant.

#### **§ 745.05 PERMIT FEE.**

Each applicant for a permit shall pay to the Chief of Police upon application for a permit, a fee of \$50.00 plus the City's cost to conduct the background check if the City is the entity conducting the background check. Each agent, as a representative of the permit, shall apply for a separate permit and pay a separate fee and costs. These fees and costs shall be non-refundable.

#### **§ 745.06 REGISTRATION FOR CHARITABLE OR RELIGIOUS PURPOSE.**

- (a) Any person who peddles or solicits for a religious organization or charitable purpose shall be required to register on a form to be furnished by the Chief of Police. Each registration application shall contain:
  - (1) The name, address and the telephone number of the person completing the application;
  - (2) The name of the organization and an officer or official of the organization;
  - (3) The nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied;
  - (4) Verification that the applicant or applicant's employer has complied with the requirements of Ohio Revised Code Chapter 1716 pertaining to charitable solicitations, if applicable;

- (5) A copy of the current letter ruling from the Internal Revenue Service indicating tax exempt status in accordance with 26 U.S.C. 501(C)(3) if applicable.
- (b) An organization which desires to place a number of solicitors in the City simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each, or in lieu of separate registration certificates, separate information cards shall be issued to each solicitor by the organization. Such information cards shall include, at a minimum:
    - (1) The name of the organization;
    - (2) A description of the purpose of the solicitation;
    - (3) The period for which the registration certificate was issued;
    - (4) The name of the solicitor;
    - (5) A brief description of the solicitor, such as age, weight, and height; and
    - (6) The signatures of the solicitor and an officer or official of the organization.
    - (7) A photo of the applicant/solicitor for which the registration certificate is issued.
  - (c) No fee shall be required for a registration certificate.
  - (d) No registration certificate shall be required for any person who acts as a canvasser on behalf of a religious or charitable organization if no goods are peddled or donations or any other type of contributions are sought or otherwise solicited by the canvasser in any manner.

#### **§ 745.07 PERMIT AND REGISTRATION TERM.**

All permits and registration certificates issued under the provisions of this Chapter shall expire within one year of the date it was issued. Each permit and registration certificate shall state the expiration date. It shall be unlawful for any person to modify the expiration date.

It shall be unlawful for any person other than the original applicant and holder of the permit to use or display a permit or registration certificate issued under this Chapter.

#### **§ 745.08 PERMITTED HOURS OF OPERATION.**

- (a) 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 other than between the hours of 9 a.m. and 8 p.m.

- (b) This section does not apply to:
  - (1) property owned or operated by the peddlers or solicitor; or,
  - (2) for periods of time made by appointment by the peddler or solicitor.

**§ 745.09 DISPLAY OF AUTHORIZATION.**

- (a) The permit or registration certificate issued under the provisions of this Chapter shall at all times be conspicuously attached and exhibited on the outer clothing of the peddler or solicitor.
- (b) Permits or registration certificates issued under the provisions of this Chapter are nontransferable and shall not be used by any person other than the person identified on the permit or registration certificate.
- (c) Upon request, all solicitors or peddlers shall provide a written receipt showing the name of the solicitor or peddler, the amount of the contribution or purchase and the date the contribution or sale was made. Upon request, all persons acting as peddlers or solicitors on behalf of any recognized religious or charitable not for profit organization shall provide a statement attesting to the organization's tax exempt status under Section 501 of the Federal Internal Revenue Code.

**§ 745.10 POSTED NOTICE PROHIBITING CANVASSERS, PEDDLERS OR SOLICITORS.**

- (a) It shall be unlawful for any person while conducting business or activity as a canvasser, peddler or solicitor in the City, to enter upon the premises of any private residence, business or organization (whether public or private) where there is conspicuously posted at the entry of the premises or at the entry of the principal building on the premises, a notice in English bearing the words "No Canvassers", "No Solicitors", "No Peddlers", "No Trespassing" or sign of similar import that communicates the occupants' or owners' intent and desire not to be contacted by canvassers, peddlers or solicitors and that such persons going door to door are not invited onto the premises.
- (b) The "notice" referenced in subsection (a) above shall be in the form of a weatherproof card, decal or sign with letters in plain view and readable to a person with normal vision.

**§ 745.11 DO NOT KNOCK REGISTRY.**

- (a) The Chief of Police shall establish and maintain a Canvassers, Peddlers and Solicitors "Do Not Knock Registry". A current registry shall be available on the City's website that may be printed and/or downloaded by the public.
- (b) Any person in lawful possession and occupancy of any business, residence, house, apartment or other dwelling in the City may require the City to place or maintain the address of his or her business, residence, house, apartment or other dwelling on the Canvassers, Peddlers and Solicitors Do Not Knock Registry, to be maintained by the City, by submitting a request on a form supplied by the Chief of Police, which shall contain the following information:

- (1) The name of the person(s) completing the form;
  - (2) The complete address of the business, residence, house, apartment, or other dwelling to be placed on the Registry;
  - (3) The date the form was completed;
  - (4) A statement that in regards to the subject address, no canvassers, peddlers or solicitors shall knock, ring the doorbell, make noise or otherwise call for the attention of occupants at the subject address, in any manner; and
  - (5) Such other information that verifies the identity of the person(s) completing the form as a lawful possessor and occupant as may be required by the Chief of Police.
- (c) Any person in lawful possession and occupancy of any business, residence, house, apartment or other dwelling in the City may require the City to remove his or her business, residence, house, apartment or other dwelling from the Canvassers, Peddlers and Solicitors “Do Not Knock Registry” by submitting a separate Notice of Removal from said Registry on a form supplied by the Chief of Police, which shall contain the following information:
- (1) The name of the person(s) completing the form;
  - (2) The complete address of the business, residence, house, apartment, or other dwelling to be removed from the Registry;
  - (3) The date the form was completed;
  - (4) A statement that the business, residence, house, apartment or other dwelling be removed from the Canvassers, Peddlers and Solicitors Do Not Knock Registry, or words of similar import; and
  - (5) Such other information that verifies the identity of the person(s) completing the form as a lawful possessor and occupant as may be required by the Chief of Police.
- (d) The decision whether to place a business, residence, house, apartment or other dwelling on the Canvassers, Peddlers and Solicitors Do Not Knock Registry shall be solely that of the lawful possessor and occupant thereof, and no official, employee or other agent of the City shall interfere with that decision.
- (e) The City will send a notice to each registered address on the Registry, in the form of a sticker, that the occupant must display on or near the main entrance door or window, so that it is conspicuously visible to those approaching the premises.
- (f) A business, residence, house, apartment, or other dwelling, after being lawfully placed on the Canvassers, Peddlers and Solicitors Do Not Knock Registry shall remain on such Registry until the earlier of any of the following.

- (1) The City receives a Notice of Removal pursuant to subsection (c) above;
  - (2) The City receives notice that the person who submitted the form pursuant to subsection (b) above is not, or is no longer, a lawful possessor or occupant of the premises; or
  - (3) The expiration of five (5) calendar years, expiring on December 31<sup>st</sup> of the fifth full calendar year, from the date on the form submitted pursuant to subsection (b) above.
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- (g) A copy of the Do Not Knock Registry shall be made available to the public during normal business hours of the City at the Hilliard Police Department and shall be provided to every peddler or solicitor that is required to obtain a permit from the Chief of Police or required to register with the City pursuant to this Chapter.
  - (h) By enacting this Chapter, Canvassers, Peddlers and Solicitors are on notice that a Canvassers, Peddlers and Solicitors Do Not Knock Registry exists. Each is responsible for obtaining a copy of the Registry from the City prior to Canvassing, Peddling or Soliciting in the City of Hilliard, which Registry shall also be made available on the City's website.
  - (i) Canvassers, Peddlers and Solicitors are prohibited from knocking on the door of any residence, house, apartment, or other dwelling that is listed on the Registry and for which a Do Not Knock sticker is conspicuously displayed on the premises pursuant to Section 745.11(e) above. A violation of this Section does not occur if the residence, house, apartment, or other dwelling does not display the sticker as required in subsection (e).
  - (j) Provisions of the Do Not Knock Registry do not apply to persons invited onto the property by the occupant of those premises, for the purposes of peddling, soliciting or canvassing.

#### **§ 745.12 REVOCATION OF PERMIT OR REGISTRATION CERTIFICATE.**

- (a) No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the City or in any application or report filed under this Chapter.
- (b) No person, having entered into an agreement to conduct any peddling or solicitation on behalf of any person or organization, shall fail to remit or pay to the party entitled thereto, the proceeds of such peddling or solicitation in accordance with the terms of the agreement.
- (c) The Chief of Police may revoke at any time any permit or registration certificate issued under the provisions of this Chapter for violation of any provision of this Chapter.

- (d) The Chief of Police may revoke a permit or registration certificate at any time for good cause due to complaints of intimidating, discourteous, harassing, offensive, profane, obscene, disruptive, threatening or abusive conduct or claims of damage by residents regarding a solicitor or peddler.

**§ 745.13 APPEALS.**

Any person who has applied for a permit or registration certificate in accordance with this Chapter and to whom the Chief of Police has, after an investigation, denied a permit or registration certificate may appeal to the City's Director of Public Safety. Notice of such appeal shall be filed with the Director of Public Safety within five (5) days after the denial by the Chief of Police. Such appeal shall be heard by the Safety Director, or his/her designee if the Safety Director is not available, within five (5) days of submitting the appeal. His/her decision shall be final.

**§ 745.14 SAVINGS CLAUSE.**

Should any section, clause, paragraph or provision of this Ordinance be declared by any Court to be invalid, such a decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

**§ 745.99 PENALTY.**

- (a) Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the fourth degree on the first offense and shall be guilty of a misdemeanor of the first degree for a second or subsequent violation of this Chapter or any substantially similar Chapter of these Codified Ordinances. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) A violation of Section 745.10 or 745.11, in addition to other penalties provided for in this Chapter, is deemed to be a criminal trespass and may be punishable as set forth in Section 541.05(d) of these Codified Ordinances.