

AN ORDINANCE AMENDING ORDINANCE O-37-10 OF THE CITY OF CORTLAND REGULATING THE ACTIVITIES OF PEDDLERS, SOLICITORS, AND CANVASSERS

WHEREAS, the City’s current Ordinance O-37-10 is in need of an update to better regulate the business hours of those peddling, soliciting, canvassing and conducting market research; and,

WHEREAS, it is necessary to regulate peddlers, solicitors and canvassers to protect the citizens of the City of Cortland.

NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CORTLAND OHIO:

SECTION 1. That the Council of the City of Cortland does hereby approve that the following be enacted:

731.01 DEFINITIONS

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

CHARITABLE. Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, veteran’s medical and social research, either actual or purported.

PEDDLER/SOLICITOR. 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 sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food or merchandise, or services.

RELIGIOUS OR RELIGION. Shall not include the word charitable, but shall be given their commonly accepted definitions.

CANVASSER. Any person who obtains or seeks to obtain funds for any charitable or religious cause whatsoever by means of canvassing from place to place.

731.02 LICENSE OR REGISTRATION REQUIRED

- (A) Subject to divisions (C) and (D) below, no person shall engage in the business or activity of peddler or solicitor as defined in 731.01 in this municipality without first obtaining a license as provided in 731.03.
- (B) Subject to divisions (C) and (D) below, all persons acting for or hired by another as a peddler or solicitor in the municipality shall obtain a license as provided in 731.03 prior to acting as a peddler or solicitor.
- (C) No license shall be required of any individual who acts as a peddler or solicitor on behalf of and for any recognized religious or charitable not for profit organization. However, subject to division (D) below, no individual shall act as a solicitor or peddler on behalf of or for such organization without first having registered with the Mayor pursuant to 731.04.
- (D) No license or registration certificate 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;
 - (2) Peddling or soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments;
 - (3) Peddling or soliciting on behalf of any religious or charitable organization;

- (4) Peddling or soliciting at the invitation or request of the person contacted;
- (5) Peddling or soliciting conducted only among the members of the entity or organization conducting the peddling or soliciting;
- (6) Peddling or soliciting in the form of collections or contributions at the regular assemblies, meeting or services of any recognized charitable or religious not for profit organization.

731.03 LICENSE APPLICATION AND REQUIREMENTS.

- (A) Applications for licenses for peddlers or solicitors shall be filed with the Mayor on a form to be furnished by the Mayor, which shall require, at least, the following information:
 - (1) The name of the applicant;
 - (2) If the applicant is an individual, a physical description of the applicant;
 - (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 he is soliciting, if any, and the length of the applicant's service with such employer or person;
 - (5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding year;
 - (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 recently conducted peddling or solicitation activities;
- (B) The license shall be issued only if the Mayor finds the following facts to exist:
 - 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 a good character and reputation for honesty and integrity, or if the applicant is not an individual person, every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity, as evidenced by the absence of prior convictions of any felony or misdemeanor involving force, violence or moral turpitude, or conviction of any other crime, other than a traffic offense, which was in any way connected with the act of peddling, canvassing or soliciting.
 - 4) The control and supervision of the solicitation will be under responsible persons who meet the qualifications specified in subsection (2) hereof.
 - 5) The applicant has not engaged in any fraudulent transaction or enterprise as evidenced by the absence of civil or criminal convictions or pending investigations by any governmental agency.
 - 6) The solicitation, vending, peddling or request for contribution will not be a fraud on the public.
- (C) Applications shall be made at least 48 hours before the license is issued. Applications shall be granted or denied within 72 hours.
- (D) The license fee charged by the Mayor shall be as set forth from time to time by ordinance.

731.04 LICENSE EXPIRATION; REVOCATION OR SUSPENSION.

- (A) Any license issued pursuant to this chapter shall expire not later than ten days following the date of issuance unless a later expiration is specified in the license.
- (B) 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.
- (C) Such a license may be revoked or suspended at any time by the Mayor or his designee if the person to whom it is issued is found to have willfully misrepresented his or her identity or intention, if the holder is found to have been convicted of any felony or misdemeanor involving force, violence or moral turpitude, if the person is found to have been convicted of any other crime, other than a traffic offense, which was in any way connected with the act of peddling, canvassing, vending or soliciting; if the holder is found to have violated any of the provisions of this chapter; or if the holder is found to be engaging in aggressive solicitation, vending or peddling. For purposes of this section, "aggressive solicitation, vending or peddling" shall mean persistent or forceful tactics, particularly after being told by the resident of a home that said resident is not interested or being asked to leave the premises by the resident.

731.05 REGISTRATION FOR CHARITABLE OR RELIGIOUS CANVASSING

- (A) A charitable or religious organization shall furnish the following information to the City:
 - (1) The name of the organization;
 - (2) The name, address and the telephone number of the person supervising the activity;
 - (3) The name of an officer or official of the organization;
 - (4) The nature of the charitable or religious purpose of the organization; and
 - (5) A list of the name(s) of persons who will be canvassing.

731.06 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 Mayor or his designee, to provide certification that such organization is duly registered with the Ohio Attorney General's office.

731.07 APPEALS

Any person who has applied for a license or registration certificate in accordance with this chapter and to whom the Mayor has, after a registration, denied a license or registration certificate may appeal to Council. Notice of such appeal shall be filed with the Clerk within five days after the denial by the Mayor. Such appeal shall be heard by Council within 30 days.

731.08 CARRYING AND EXHIBITING LICENSE OR REGISTRATION; NONTRANSFERABILITY; WRITTEN RECEIPT REQUIRED.

- (A) The license or registration certificate issued under the provisions of this chapter shall be carried at all times by the peddler or solicitor.
- (B) Licenses 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 license or registration certificate.

731.09 BUSINESS HOURS RESTRICTED.

No person shall peddle, solicit, canvass 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. and 10:00 a.m. or 7:00 p.m. and 10:00 a.m. during Daylight Savings Time. In addition, no person shall peddle, solicit or canvass or conduct market research on Sundays and holidays.

731.10 PROHIBITED SOLICITING; NOTICE.

- (a) The Mayor or his designee shall maintain a do-not-solicit list. Any property owner may elect to add his or her residence to the list for the purpose of prohibiting any contact canvassing, peddling, vending, soliciting, and requests for contributions. The Mayor or his designee shall provide a copy of this list to each person issued a license pursuant to Section 731.03;
- (b) No person shall enter onto the property of any residence listed on the do-not-solicit list maintained in accordance with Section 731.10(a) for the purpose of contact canvassing, peddling, vending, soliciting, or requesting contributions.
- (c) 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.

731.99 PENALTY

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day on which such activities are conducted in violation of this chapter shall constitute a separate offense.

SECTION 2. This Ordinance shall take effect and be in full force as early as allowed by law.

PASSED IN COUNCIL THIS 4TH DAY OF APRIL, 2016.

ATTEST: _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

FILED W/ MAYOR _____
DATE

MAYOR

DATE APPROVED _____

ROLL CALL
FIRST READING

Edwards, aye
Keller, aye
Linville, aye
Moore, aye
Petrosky, aye
Piros, aye
Rowley, aye

SECOND READING

Edwards, aye
Keller, aye
Linville, absent
Moore, aye
Petrosky, aye
Piros, aye
Rowley, aye

THIRD READING

Edwards, aye
Keller, aye
Linville, aye
Moore, aye
Petrosky, aye
Piros, aye
Rowley, aye

OFFICIAL SEAL