

741.01 DEFINITIONS.

As used in this chapter

✱(a) "Canvasser" means any person who obtains or seeks to obtain or influence the opinions of the residents of the City by traveling door to door, by foot, automobile, truck, or other type of conveyance, upon private residences, including any house, apartment or other dwelling in the City, but who does not obtain or seek to obtain funds for any cause whatsoever.

(b) "Director of Public Safety" includes a designee of the Director of Public Safety.

✱(c) "Peddler" means any person traveling, by foot, automobile, truck or other type of conveyance, from place to place, door to door or street to street, taking or attempting to take orders for profit by the sale of goods, wares **and** merchandise or personal property of any nature whatsoever, for immediate or future delivery or for services to be furnished or performed in the future.

✱(d) "Solicitor" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door, by foot, automobile, truck or other type of conveyance, upon private residences including any house, apartment or other dwelling in the City.

(e) "Temporary store or place" means a store or place opened **and** maintained for the sale to the public of goods, wares, **and** merchandise where the seller or owners of such goods, wares **and** merchandise operates such store or place for a period of less than 120 days. Any such store or place which is opened, operated **and** maintained in this Municipality from **and** after the date of the passage of this section shall prima-facie be presumed to be a temporary store or place within the meaning of this chapter but such presumption may be overcome by evidence satisfactory to the Building Commissioner that it is not a temporary store, in which case the Building Commissioner shall not be required to impose a license fee.

(Ord. 4-11. Passed 6-20-11.)

741.02 LICENSE REQUIRED.

✱ No peddler or solicitor shall peddle or solicit within the Municipality without holding a valid license issued by the Director of Public Safety. A separate license shall be obtained for every **peddler** or **solicitor**, agent or employee soliciting within the Municipality. Canvassers shall not be required to register or obtain a license.

(Ord. 4-11. Passed 6-20-11.)

741.03 APPLICATIONS FOR LICENSE.

Each applicant for a license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (a) Name, age and physical description of applicant;
- (b) Date of birth and social security number of applicant;
- (c) Complete permanent and local address of applicant;
- (d) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation or association for whom the applicant has solicited during the past three years;
- (e) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the peddling or soliciting in which the applicant shall engage;
- (f) The proposed dates and times of the peddling or solicitations and the routes to be followed in conducting same;
- (g) Whether the applicant or business has ever been denied a license or permit to peddle or solicit or had such license or permit revoked, including the time and place of such denial or revocation; and
- (h) Whether the applicant has ever been convicted of a felony violation; a misdemeanor violation involving moral turpitude; or an "offense of violence" as defined by Section 501.01(i) of the Lakewood Codified Ordinances along with the time and place of such conviction.

★ A nonrefundable fee in the amount of thirty-five dollars (\$35.00) shall be submitted with each application provided for herein.

(Ord. 4-11. Passed 6-20-11.)

741.04 ISSUANCE OF LICENSE; DURATION.

The Director of Public Safety shall issue a license to the applicant unless he has determined:

- (a) The applicant has made a false, misleading or deceptive statement in providing the information required under Section 741.03;
- (b) The applicant has been convicted of a felony violation; a misdemeanor violation involving moral turpitude; or an "offense of violence" as defined by Section 501.01(i) of the Lakewood Codified Ordinances during the past five years.

★ (c) Such license shall be valid for a period not to exceed six (6) months.

(Ord. 4-11. Passed 6-20-11.)

741.05 RESTRICTIONS.

Every person to whom a license to peddle or solicit is issued, or a person registered with the Director of Public Safety under the terms of this chapter, shall be governed by the following rules and regulations:

★ (a) No person subject to the provisions of this chapter shall peddle or solicit except between the hours of 9:00 a.m. and 8:00 p.m. or sunset, whichever is earlier, Monday through Saturday. In addition, no person shall peddle or solicit on Sunday or on any legal holiday as defined in Ohio R.C. 1.14.

(b) No **peddler** or **solicitor** shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.

(c) No **peddler** or **solicitor** shall engage in or transact any type of business or solicitation other than that specified on the license application.

(d) No license issued hereunder shall be assigned or transferred to any other person.

(e) No **peddler** or **solicitor** shall fail to carry a license issued hereunder while peddling or soliciting. (Ord. 4-11. Passed 6-20-11.)

741.06 LIMITATIONS UPON SOLICITATION.

(a) No person shall sell or offer for sale, barter, exchange or solicit the purchase or gift of any goods, wares, merchandise or other articles of value, or offer services for hire within the City in any area in which an authorized public exhibition is being held as defined in Section 725.01 except as authorized by the exhibition permit holder.

(b) No person licensed pursuant to this chapter shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations impede and inconvenience the public. (Ord. 4-11. Passed 6-20-11.)

741.07 SALE FROM VEHICLES ON STREETS PROHIBITED.

No person, firm or corporation shall sell, offer for sale or otherwise exchange any product, goods, or merchandise from a motor vehicle, push cart or tricycle on any public street or sidewalk within the Municipality, while such public street or sidewalk is open to normal public use.

(Ord. 4-11. Passed 6-20-11.)

741.071 DISPLAY FOR SALE OF HOUSEHOLD GOODS AND FURNISHINGS FROM NONRETAIL OCCUPANCIES.

(a) No person shall display for sale, any household goods, furnishings or personal effects, including clothing, in any area of nonretail occupied premises upon which such goods are displayed other than from the rear yard as defined in Section 1103.02(ccc) of the Zoning Code and/or the garage, if any, situated thereon.

(b) Under circumstances where it is shown that the premises occupied has no rear yard or a rear yard where in the judgment of the Building Commissioner, it would be impractical or impossible to have a yard sale, a special permit may be issued by the Commissioner allowing the sale in the side or front yard as he in his sole discretion may designate.

(Ord. 4-11. Passed 6-20-11.)

741.08 TEMPORARY STORE.

(a) Every person, whether principal or agent, who proposes to temporarily open a store or place for the sale of goods, wares and merchandise within the Municipality shall, before opening same and before offering for sale such goods, wares and merchandise, procure from the Director of Public Safety a license to open such store or place or conduct such sale.

(b) The applicant for a temporary store license shall furnish the Director of Public Safety with the following information on forms provided by the Municipality:

- (1) Name, age and physical description of applicant;
- (2) Date of birth of applicant;
- (3) Complete permanent and local address of applicant;
- (4) Telephone number of applicant;
- (5) Number of employees;
- (6) Hours of operation; and
- (7) Layout of all equipment, counters, and other appurtenances that shall be used.

(c) A nonrefundable one hundred dollar (\$100.00) fee for each location shall be paid at the time the application is made provided, however, such fee may be waived by the Director of Public Safety upon a showing satisfactory to the Director of Public Safety that the applicant is a nonprofit corporation qualified under Section 501(c) of the Internal Revenue Code and that the net proceeds of sales shall be used for community programs and projects which benefit the City.

(Ord. 4-11. Passed 6-20-11.)

741.10 EXCEPTIONS.

The provisions of Sections 741.02, 741.03 and 741.04 shall not apply to:

(a) A duly authorized person peddling or soliciting the purchase of goods, wares, merchandise, funds or gifts on behalf of any recognized nonprofit, educational, civic, religious, political or charitable organization. The aforementioned shall register with the Director of Public Safety, stating the name of the organization, the nature of the activity being conducted, the duration of such activity and shall furnish any other information deemed necessary by the Director of Public Safety.

(b) The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers or shall regularly deliver shall not be subject to the provisions of this chapter.

(Ord. 4-11. Passed 6-20-11.)

SHOULD HAVE THEIR 501.C3 PAPERWORK
WITH THEM.

741.11 REVOCATION OF LICENSE.

A license issued under this chapter shall be revoked by the Director of Public Safety for any of the following causes:

- (a) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section 741.03 or Section 741.05.
- (b) The licensee is convicted of a felony violation or misdemeanor violation involving moral turpitude or an offense of violence.
- (c) The licensee is convicted of a violation of any provision of this chapter.
- (d) The licensee canvasses or solicits in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

Written notice shall be given to the licensee by personal service or by certified mail immediately upon such revocation.

(Ord. 4-11. Passed 6-20-11.)

741.13 RESIDENT PROHIBITION BY NOTICE.

- (a) The Director of Public Safety shall establish a "Do Not Knock Registry" for **Peddlers and/or Solicitors**.
- (b) Any person in lawful possession **and** occupancy of any residence, house, apartment or other dwelling in the City may request the City to place **and** maintain his or her residence, house, apartment or other dwelling on the "Do Not Knock Registry" by submitting a request on form(s) supplied by the Director of Public Safety, which shall contain the following information:
- (1) The signature of the person completing the form(s);
 - (2) The complete address of the residence, house, apartment or other dwelling to be placed on the Registry;
 - (3) The date the form was completed; **and**
 - (4) A statement that "No **Solicitors and/or Peddlers**" shall call at this address of words of similar import.
- (c) Any person in lawful possession **and** occupancy of any residence, house, apartment or other dwelling in the City may request that the City remove his or her residence, house, apartment or other dwelling from the "Do Not Knock Registry" by submitting a "Notice of Removal" on form(s) supplied by the Director of Public Safety which shall contain the following information:
- (1) The signature of the person completing the form(s);
 - (2) The complete address of the residence, house, apartment or other dwelling to be removed from the Registry;
 - (3) The date the form was completed; **and**
 - (4) A statement that the residence, house, apartment or other dwelling be removed from the Registry for **Peddlers and/or Solicitors**.
- (d) The decision whether to place a residence, house, apartment or other dwelling on the "Do Not Knock Registry" shall be solely that of the lawful possessor **and** occupant thereof.
- (e) A residence, house, apartment or other dwelling, after being lawfully placed on the "Do Not Knock Registry" shall remain on said registry until the earliest of any of the following:
- (1) The City receives notice of removal pursuant to division (c) hereof; or
 - (2) January 1 of the next year.
- (f) A copy of the "Do Not Knock Registry" shall be made available for public inspection at all times during normal business hours at the office of the Director of Public Safety **and** shall be given to every person who is issued a license pursuant to Section 741.04.
- (g) Notwithstanding any other provision of this chapter, no **solicitor** or **peddler**, while soliciting or peddling, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City which is at that time on the respective "Do Not Knock Registry" established **and** maintained pursuant to this chapter or upon which there is posted at the entrance a notice which reads "No **Peddlers or Solicitors** Allowed", or words of similar import, which clearly prohibit **solicitors** or **peddlers** on the premises unless such person has previously been invited upon the premises by the lawful possessor **and** occupant thereof.

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for a first offense, and for a second or subsequent offense, shall be guilty of a misdemeanor of the fourth degree. (Ord. 4-11. Passed 6-20-11.)