

CHAPTER 721
Peddlers, Solicitors and Temporary Businesses

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CROSS REFERENCES

- Power to regulate - see Ohio R.C. 715.61 et seq.
- Charitable solicitations - see Ohio R.C. Ch. 1716
- Littering - see GEN. OFF. [521.08](#)
- Trespassing - see GEN. OFF. [541.05](#)
- Sale of merchandise in public park - see S.U. & P.S. [947.01](#)
- Frozen dessert peddlers - see BUS. REG. Ch. [737](#)

721.01 DEFINITIONS.

- (a) "Peddler" means any person who travels either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from 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;
- (b) "Solicitor" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance upon the private residences including any house, apartment or other dwelling within the City;
- (c) "Transient vendor" means any person who, in the usual course of his **business**, transports inventory, stock of goods or similar tangible personal property to a **temporary** place of **business** within the City in which he has no fixed place of **business**, for the purpose of making retail sales of such property;
- (d) "**Temporary** place of **business**" means any public or quasi-public place including, but not limited to, any hotel, rooming house, storeroom, building or part of a building, that is temporarily being occupied for the purpose of making retail sales of goods to the public. A place of **business** is not **temporary** if the same persons or firm conducted **business** at the place continuously for more than six months or occupied the premises as their permanent residence for more than six months. (Ord. 2007-72. Passed 2-5-08.)

721.02 SALES ON PUBLIC PROPERTY PROHIBITED.

No person shall on any public street, alley, drive, lane, thoroughfare, court, highway, boulevard or on the sidewalks thereof, solicit the sale of any merchandise, wares, goods, foods, periodicals or other articles of value for present or future delivery.

(Ord. 94-146. Passed 11-1-94.)

721.03 PEDDLING OR SOLICITING ON PRIVATE PROPERTY.

(a) License or Registration Required.

(1) No peddler or solicitor, who is not engaged in a religious, charitable or political activity, shall peddle or solicit within the City, unless he or she is the holder of a valid license issued pursuant to this chapter.

(b) Application; Fee; License; Registration.

(1) Any person seeking a license in conformity with this chapter shall obtain an application for same from the Office of the Director of Public Safety and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Director which shall contain the following information:

- A. Full name of the applicant.
- B. Date of birth of the applicant.
- C. Local address, if any.
- D. Permanent home address.
- E. A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex.
- F. Social security number.
- G. A description of the nature of the **business** and the goods, wares, merchandise, property, and/or services to be sold, or as applicable, the reason for soliciting funds.
- H. Telephone number of the applicant.
- I. Number of employees.
- J. An indication of the streets to be peddled or solicited along with dates and hours of peddling or solicitation for each respective street or area.
- K. Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor if any.
- L. Such other information as the Director may by rule require in order to protect the public health, safety and/or general welfare.

(2) All license applications shall be referred to the Director who shall, within five (5) days after receipt of the completed application, issue licenses to the solicitors or peddlers unless he finds that:

- A. The applicant has provided false, misleading or deceptive information in his application; and/or
- B. The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving fraud or moral turpitude within the past five years.

Any license issued under this Chapter shall be valid for not more than ninety days.

(3) Each applicant shall pay a nonrefundable license application fee of ten dollars (\$10.00), which fee shall be paid at the time the application is submitted. If said application is approved,

applicant:

A. Shall remit to the Director of Public Safety, prior to commencing activities, five dollars (\$5.00) per calendar day as indicated by information provided in accordance with Section [721.03](#)(b)(1)J.

B. Shall obtain a photo identification license as provided for herein and shall pay therefor the cost of five dollars (\$5.00) for each such photo identification license.

(4) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Director of Public Safety for any of the following causes:

A. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.

B. The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.

C. The licensee violates any provision of this Chapter or peddles or solicits in an unlawful manner.

(c) Restrictions; Hours; Conduct. Every person to whom a license to peddle or solicit under the terms of this Chapter shall be governed by the following rules and regulations:

(1) 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. Monday through Saturday; nor shall such person peddle or solicit on Sunday or any legal state or federal holiday.

(2) No peddler or solicitor shall enter or attempt to enter a residence, house, apartment or other dwelling in the City without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(4) No peddler or solicitor shall by any device make unlawful noises, nor shall any peddler or solicitor remain at the residence, house, apartment or other dwelling in the City without the consent of an adult occupant of the residence, house, apartment or other dwelling in the City.

(d) Resident Prohibition by Notice. Notwithstanding any other provision of this Chapter, no peddler or solicitor, while peddling or soliciting, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the City upon which there is posted at the entrance a notice which reads "No Peddlers or Solicitors Allowed", or words of similar import or any other notice, which clearly prohibits peddlers and/or solicitors on the premises, or which is at that time on the applicable Peddlers or Solicitors Do Not Knock Registry established and maintained pursuant to the provisions of Section [721.031](#) of this chapter, unless such peddler or solicitor has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

(Ord. 2007-72. Passed 2-5-08.)

721.031 DO NOT KNOCK REGISTRY.

(a) The Director of Public Safety shall separately establish and maintain a Peddlers Do Not Knock Registry and a Solicitors Do Not Knock Registry.

(b) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City to place and maintain his or her residence, house, apartment or other dwelling on the Peddlers Do Not Knock Registry and/or the Solicitors Do Not Knock Registry by submitting a separate request for each registry on form(s) supplied by the Director of Public Safety, each

of which shall contain the following information:

- (1) The name 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;
- (4) A statement that No Peddlers or No Solicitors shall knock, ring the doorbell or otherwise call at this address, or words of similar import, on the applicable form;
- (5) The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that Peddlers and/or Solicitors not call at his or her residence, house, apartment or other dwelling; and
- (6) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Director of Public Safety.

(c) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the City may require the City to remove his or her residence, house, apartment or other dwelling from the Peddlers and/or Solicitors Do Not Knock Registry by submitting a separate Notice of Removal from either or both said registries on form(s) supplied by the Director of Public Safety, each of which shall contain the following information:

- (1) The name of the person completing the form(s);
- (2) The complete address of the residence, house, apartment or other dwelling to be removed from each registry;
- (3) The date the form was completed;
- (4) A statement that the residence, home, apartment or other dwelling be removed from the Peddlers and/or Solicitors Do Not Knock Registry, or words of similar import, on the applicable form; and
- (5) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Director of Public Safety.

(d) The decision whether to place a residence, house, apartment or other dwelling on the Peddlers and/or 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 said decision.

(e) A residence, house, apartment or other dwelling, after being lawfully placed on the Peddlers and/or Solicitors Do Not Knock Registry shall remain on such Registry until the earliest 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 31st of the fifth full calendar year, from the date of the form submitted pursuant to subsection (b) above.

(f) A copy of the Peddlers and/or Solicitors Do Not Knock Registries shall be made available for public inspection at all times on the internet website of the City of North Olmsted and during normal **business** hours of the City of North Olmsted at the office of the Director of Public Safety. (Ord. 2007-72. Passed 2-5-08.)

721.04 TEMPORARY BUSINESS LICENSE; FEE AND DURATION.

(a) Each person, whether principal or agent, who proposes to conduct or engage in the sale of goods, wares, merchandise, property, tangible or intangible, of any nature whatsoever, and services, from a **temporary** place of **business**, within the City, shall, before opening same and before offering sale of such goods, wares, merchandise, property and/or services procure a license to do so from the Director of Public Safety, which application shall be made not less than ten days prior to the time such activity is to take place.

(b) The applicant for a **temporary business** license shall furnish the Director of Public Safety with the following information:

(1) Full name of the applicant.

(2) Date of birth of the applicant.

(3) Local address, if any.

(4) Permanent home address.

(5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex.

(6) Social security number, if any.

(7) A description of the nature of the **business** and the location and the goods, wares, merchandise, property and/or services to be sold.

Written consent of the owner of the premises or other duly authorized person shall be provided.

(8) Telephone number of the applicant.

(9) Number of employees.

(10) Dates and hours of operation.

(11) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor.

(12) Such other information as the Director may require.

(c) A nonrefundable fee of one hundred dollars (\$100.00) shall be submitted with the application.

(d) The applicant shall further register with the Director of Finance providing the Director his name, address, person or persons to whom correspondence may be directed and such other information as the Director may require.

(e) The license shall be valid for a period not to exceed thirty days from the date of issuance unless earlier revoked. No license issued hereunder shall be assigned or transferred to another person.

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

(1) That the applicant has made a false, misleading or deceptive statement in providing the information required under subsection (b); or

(2) That the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude during the five years preceding the date of application; or

(3) That the proposed location of the **temporary business** would constitute a hazard to the public health, safety and welfare; or

(4) That the applicant has not registered with the Director of Finance as provided in subsection (d) hereof.

(Ord. 94-146. Passed 11-1-94.)

721.05 LOCATION OF TEMPORARY PLACE OF BUSINESS.

No **temporary** place of **business** shall be located so as to interfere with any of the lot set aside for required parking or other accessory use upon the lot. In addition, no **temporary** place of **business** shall be located within a required setback area of a lot. Further, no **temporary** place of **business** shall store or display merchandise more than twenty-five feet from the primary structure on the lot where such **temporary business** is to be located.

(Ord. 94-146. Passed 11-1-94.)

721.06 DEPOSIT FOR CLEANING PREMISES.

The applicant shall also deposit, before such license is issued, the sum of one hundred dollars (\$100.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the **business**. If the premises on which such **business** is conducted are not cleaned and all merchandise, property and refuse are not removed therefrom and properly disposed of within forty-eight hours after the termination of the **business**, the Director of Public Safety shall immediately cause such work to be done and report the cost thereof to the Director of Finance, who shall deduct such cost and return any balance of the deposit. The licensee shall be liable for any deficiency. (Ord. 94-146. Passed 11-1-94.)

721.07 LICENSE REVOCATION.

(a) A license issued under this Chapter shall be revoked by the Director of Public Safety for any of the following causes:

- (1) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section [721.03](#) or Section [721.04](#)
- (2) The licensee is convicted of a felony or of a misdemeanor involving moral turpitude.
- (3) The licensee is found to be in violation of any provision of this chapter.

(Ord. 94-146. Passed 11-1-94.)

721.08 APPEAL PROCEDURE.

If an application for a license is not approved or if any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant or licensee by personal service or by certified mail. The applicant or licensee shall have the right to appeal such disapproval or revocation to the Board of Zoning Appeals in accordance with provisions of Section [1123.07](#) of the Zoning Code. The Board shall have the power to affirm, modify or reverse the decision of the Director. Any such decision made by the Board shall be final.

(Ord. 94-146. Passed 11-1-94.)

721.09 DISPLAY OF LICENSE.

(a) Any person conducting a **temporary business** within this City who has obtained a license in accordance with the provisions of this chapter shall, upon demand, exhibit such license to any police officer or other City official.

(b) Every licensed peddler and solicitor shall, at all times while peddling or soliciting, display said license on the outside of their person in such a manner so as to be clearly visible to residents. Upon request, such peddler or solicitor shall present said license for further inspection to any resident, police officer, or City official.

(Ord. 2007-72. Passed 2-5-08.)

721.99 PENALTY

Whosoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day's continued violation of any provision of this chapter shall constitute a separate offense for purposes of this penalty provision. (Ord. 94-146. Passed 11-1-94.)