

Ordinance NO. 11-2018

Village of Sugar Grove, Fairfield County, Ohio

AN ORDINANCE TO RESTRICT THE ACTIONS OF SOLICITORS AND PEDDLERS IN THE VILLAGE OF SUGAR GROVE, FAIRFIELD COUNTY, OHIO

WHEREAS, door-to-door solicitations within the Village can create the threat of unscrupulous individuals seeking to defraud residents, or otherwise simple annoyance and discomfort by such solicitation at one's home; and

WHEREAS, door-to-door solicitations within the Village are recognized by the Village to have legitimate, indeed in some cases constitutionally protected goals; and

WHEREAS, the Village seeks a manner in which to regulate such solicitors to minimize the risk of fraudulent conduct and/or undue intrusion into residents' home lives;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Sugar Grove, Fairfield County, Ohio as follows:

PEDDLERS AND SOLICITORS

Section 1	Definitions
Section 2	License or registration required
Section 3	License or application and requirements
Section 4	Registration for charitable or religious purpose
Section 5	Appeals
Section 6	Carrying and exhibiting license or registration; non-transferability; written receipt required
Section 7	Business hours restricted
Section 8	Notice prohibiting peddlers or solicitors
Section 9	Fraud prohibited; revocation of license or registration certificate
Section 10	Permit to solicit charitable contributions on highways
Section 11	Penalty

SECTION 1 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, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.*

PEDDLER: *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 canvasses, 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.*

SOLICITOR: *Any person who obtains or seeks to obtain funds for any cause whatsoever by means of canvassing from place to place.*

SECTION 2 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 Section 1 in this municipality without first obtaining a license as provided in Section 3.
- (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 Section 3 prior to acting as a peddler or solicitor.
- (C) No license shall be required of any individual who, without compensation, 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 Chief of Police pursuant to Section 4.
- (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 in Fairfield 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

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- 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 recognized charitable or religious not-for-profit organization.

SECTION 3 LICENSE APPLICATION AND REQUIREMENTS

- (A) Applications for licenses for peddlers or solicitors shall be filed with the Chief of Police on a form to be furnished by the Manager, 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;
 - (8) Verification that the applicant or his employer has complied with the requirements of R.C. Chapter 1716 pertaining to charitable solicitations, if applicable.
 - (9) If the applicant is a recognized religious or charitable not-for-profit organization, proof of tax exempt status;
- (B) Applicants who are individuals shall furnish a recent photograph of himself or herself not more than one year old.
- (C) Applications shall be made at least 48 hours before the license is issued.
- (D) If the Chief of Police determines, after an investigation, that the information furnished under the requirements of division (A) above is correct, that the applicant proposes to engage in lawful commercial or professional enterprise 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, he shall issue a license to the applicant.
- (E) The license fee charged by the Chief of Police shall be as \$100 set forth by this ordinance. All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other licenses shall expire on the date specified in the license.

SECTION 4 REGISTRATION FOR CHARITABLE OR RELIGIOUS PURPOSE

- (A) Applications for registration certificates shall be filed with the Chief of Police on a form to be furnished by the Chief of Police. Each application shall contain:
 - (1) The name, address and the telephone number of the person completing the application;
 - (2) The name of 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; and
 - (4) Such other information as the Chief of Police may require.
- (B) An organization which desires to place a number of peddlers or solicitors in the village 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 peddler or 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 peddling or solicitation;
 - (3) The period for which the registration certificate was issued;
 - (4) The name of the peddler or solicitor
 - (5) A brief description of the peddler or solicitor, such as age, weight, and height.
 - (6) The signatures of the peddler or solicitor and an officer or official of the organization.
- (C) A registration certificate shall be valid for no more than a one-year period. The registration certificate shall state the expiration date.
- (D) No fee shall be required for a registration certificate.

SECTION 5 APPEALS

Any person who has applied for a license or registration certificate in accordance with this chapter and to whom the Chief of Police has, after an investigation, 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 Chief of Police. Such appeal shall be heard by Council at the next regular meeting and its decision shall be final.

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SECTION 6 CARRYING AND EXHIBITING LICENSE OR REGISTRATION; NONTRANSFERABILITY; WRITTEN RECEIPT REQUIRED

- (A) The license 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) 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.
- (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. 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 exempt status under Section 501 of the Federal Internal Revenue Code.

SECTION 7 BUSINESS HOURS RESTRICTED

- (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 village between 9:00 p.m. and 9:00 a.m. or on any Sunday or Holiday.
- (B) This section does not apply to invitees or national charitable corporations licensed to do business in Ohio with recognized periods for campaigns, provided the organizations have been licensed to solicit by the Chief of Police.

SECTION 8 NOTICE PROHIBITING PEDDLERS OR SOLICITORS

- (A) The owners or occupants of any residence or place of business may evidence a determination to refuse to receive any uninvited peddlers or solicitors 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, containing the words "No Peddlers or Solicitors Invited" with letters at least one-third inch in height. Any such weatherproof card, decal or sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions the Village of Sugar Grove's zoning restrictions.
- (B) No person shall go upon any premises and ring the doorbell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupants thereof and engage in peddling or solicitation in defiance of a notice displayed pursuant to division (A) above.

SECTION 9 FRAUD PROHIBITED; REVOCATION OF LICENSE 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 village 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 license or registration certificate issued under the provisions of this chapter for violation of any provision of this chapter.

SECTION 10 PERMIT TO SOLICIT CHARITABLE CONTRIBUTIONS ON HIGHWAYS

- (A) The Chief of Police may issue a permit to solicit contributions on highways from the occupants of vehicles when all of the requirements of division (B) below have been met.
- (B) A charitable organization may apply for and obtain a permit to solicit contributions on highways, but not on freeways as provided in R.C. § 4511.051, as follows:
 - (1) The Chief of Police shall prescribe a form and receive applications for permits to solicit contributions on highways.
 - (2) Only a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(c)(3) of the Internal Revenue Code as amended may apply for a permit to solicit contributions on highways. A copy of the Internal Revenue Service ruling or determination letter must be attached to the application.
 - (3) The application shall specify the date and times for which the permit to solicit contributions on highways is sought. A permit to solicit contributions on highways shall not be issued for more than one day each calendar year, and the solicitation activities shall occur only between one hour after sunrise and one hour before sunset on that date.
 - (4) The application shall specify the locations for which the permit to solicit contributions on highways is sought. A permit to solicit contributions on highways shall not be issued for more than two intersections.

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- (5) The application shall list the names and addresses of all agents authorized to solicit contributions on highways on behalf of the charitable organization.
- (6) The application shall be accompanied by a paid-up liability insurance policy or certificate of insurance in the amount of not less than \$1,000,000, that insures the charitable organization for any and all claims that may arise as a result of soliciting contributions on the highway, and which insurance policy contains a clause that names the Village of Sugar Grove and its elected and appointed officials, agents or employees as additional "insureds" under such policy.
- (7) The application shall be accompanied by a signed waiver of liability from all agents authorized to solicit contributions on highways on behalf of the charitable organization for any and all claims that may arise as a result of soliciting contributions on highways.
- (8) Prior to the issuance of a permit to solicit contributions on highways, the Chief of Police shall verify that the proposed solicitation at the locations and the date and times specified in the application does not conflict with a previously issued parade permit or scheduled public event. No more than one permit shall be issued for the use of any intersection during any calendar day, and no more than one charitable organization shall be permitted to solicit contributions on highways on the same calendar day.
- (9) For each charitable organization issued a permit to solicit contributions on highways, the Police Chief shall be provided a copy of the charitable organization's application; its permit; and the names of the agents authorized to solicit contributions on highways on behalf of the charitable organization.
- (10) All agents soliciting contributions on highways on behalf of a charitable organization shall possess a copy of such permit at all times during the period of such solicitation.
- (11) All agents soliciting contributions on highways on behalf of a charitable organization shall wear light-colored clothing and/or safety vests and shall prominently display an identification of the charitable organization.
- (12) The Chief of Police shall have the authority to revoke a charitable organization's permit to solicit contributions on highways, and the Chief of Police in their sole discretion, may order any and all of a charitable organization's agents to cease all activity if conditions become hazardous and/or inclement or if a charitable organization's agents fail to comply with the requirements of this section.

SECTION 11 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.

First Reading: June 11, 2018
Second Reading: July 9, 2018
Third Reading & PASSED: August 13, 2018

ROLL CALL for APPROVAL:

Ms. Deeds:	<i>absent</i>	Mr. Lester:	<i>yes</i>	Mr. Lockard:	<i>yes</i>
Mr. Nye:	<i>yes</i>	Ms. Roberts:	<i>yes</i>	Mr. Walters:	<i>yes</i>


Hon. J.R. Stoneburner, Mayor


Hon. Karen Roberts, President of Council

ATTEST:


Jeremy A. VanMeter, Clerk of Council

APPROVED AS TO FORM:


Darren Meade, Solicitor

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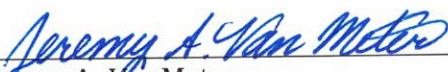
CERTIFICATE OF COPY

Village of Sugar Grove,)
County of Fairfield, Ohio) **ss:**

I, Jeremy A. VanMeter, as Clerk of the Village of Sugar Grove, Ohio do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by Council of said Village of the 13th day of August, 2018; that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to referendum upon such Ordinance have been taken; and that such Ordinance and the certificate of publication thereof are of record in Ordinance No. 11-2018.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my Official Seal this 13th day of August, 2018.





Jeremy A. VanMeter,
Clerk, Village of Sugar Grove, Ohio