

CHAPTER 709

Itinerant Sales and Soliciting

- 709.01 Definitions.**
- 709.02 Permit required.**
- 709.03 Prohibitions.**
- 709.04 Exceptions.**
- 709.05 Soliciting in advance of obtaining a permit.**
- 709.06 Permit application, supporting documents and application fee.**
- 709.07 Permit issuance and display.**
- 709.08 Disqualification; revocation.**
- 709.09 Appeal.**
- 709.10 Permit conditions.**
- 709.99 Penalty.**

CROSS REFERENCES

Power to regulate - see Ohio R. C. 715.61 et seq.

Home solicitation sales - see Ohio R. C. 1345.21 et seq.

Charitable solicitations - see Ohio R. C. Ch. 171

Criminal trespass - see GEN. OFF. [541.05](#)

709.01 DEFINITIONS.

As used in this chapter:

(a) "Charity" and "Charitable Organization" means:

(1) Any organization that has a current registration statement on file with the Ohio Attorney General in compliance with Chapter 1716 of the Ohio Revised Code ("R.C."),

(2) Any organization exempt from filing a registration statement pursuant to one or more of the exemptions set forth in subsections (A) through (F) of R.C. §1716.03, and

(3) Any organization exempt from filing a registration statement pursuant to subsection (G) of R.C. §1716.03, but only if the person asserting exemption demonstrates that the organization is a charitable organization as defined in R.C. §1716.01(A) and that its activities regulated under this Chapter are primarily in furtherance of a bona fide charitable purpose as defined in R.C. §1716.01(B) or (C).

(b) "Charitable soliciting" means the act of directly requesting money, property, financial assistance, or any other thing of value on the plea or representation that such money, property, financial assistance, or other thing of value or a portion of it will be used for a charitable purpose or will benefit a charitable organization. Charitable soliciting includes itinerant sales conducted to benefit a charity. Charitable soliciting does not include activity the primary purpose of which is to express or disseminate political or religious viewpoints, or to engage residents in discussion of public issues, provided that no appeal for money is made. The offer for sale of political or religious texts or media in conjunction with activity that is not otherwise charitable soliciting does not bring the activity within the purview of this Chapter if the sale is solely to recover the cost of the texts or media.

(c) "Directly," for the purposes of this Chapter, means face-to-face verbal communication.

(d) "Dine-In Restaurant" means an establishment selling food and beverages prepared and served for consumption on the premises, with a furnished dining room used for that purpose.

(e) "Door-to-Door" means:

(1) The act of serially approaching residential dwelling units and attempting to engage the occupants thereof in any dialog or transaction, and

(2) Operating a motor vehicle that is identified by lights, sound devices, or signage indicating that the vehicle will stop and sell to pedestrians.

(f) "Itinerant Sales" means the act of selling goods or services:

(1) Door-to-Door,

(2) From a stationary position in any public right-of-way, public park or public ground, or in an outdoor area on private property that is open to the public.

(3) From a motor vehicle (including a food truck), trailer, tent or other mobile vending cart or device stopped in, parked in, or otherwise using or occupying any public right-of-way, public park or public ground, or in an outdoor area on private property that is open to the public.

(g) "Goods" means durable as well as perishable items including food and beverages such as frozen desserts or prepared meals.

(h) "Misdemeanor involving Misconduct with Minors" means any violation of Sections [533.03](#), [533.04\(a\)](#) (4), [533.07\(b\)](#), [533.11](#), [533.12](#), [533.13](#), [537.16\(b\)](#), [537.17](#) or [537.18](#) of these Ordinances, or cognate offenses in the Ohio Revised Code or the ordinances of any other municipality.

(i) "Misdemeanor Theft Offense" means violation of any of the provisions contained in Chapter [545](#) of these Ordinances, or cognate offenses in the Ohio Revised Code or ordinances of any other municipality.

(j) "Personal soliciting" means directly requesting money, property, financial assistance, or any other thing of value from another person expressly for one's own benefit. Personal soliciting includes ancillary activity designed to subliminate the request by associating it with persons other than the requestor, the conduct of surveys or interviews, the exchange of tokens of nominal value, or the performance of music, art, crafts, card tricks, games or feats of any sort. Personal soliciting does not include activity the primary purpose of which is to express or disseminate political or religious viewpoints, or to engage residents in discussion of public issues, provided that no appeal for money is made.

(k) "Selling" means interpersonal communication designed to encourage a person to buy, or to enter into a contract for the purchase of goods or services, even if the sale or contract will be made or entered into at some other time or place.

(l) "Selling goods or services" includes selling items from stock on hand, taking orders for products or services to be delivered at a later date, and selling or taking orders for intangible products or services that may not be physically delivered.

(m) "Services" expressly includes, but is not limited to insurance, legal services, real estate services, home repair, remodeling or construction services, magazine subscriptions, subscriptions for cellular telephone, telecommunications, natural gas and other utility products, fuel, landscaping, and other home maintenance services.

(n) "Soliciting" means Charitable Soliciting and Personal Soliciting, collectively.

(Ord. 2018-67. Passed 5-21-18.)

709.02 PERMIT REQUIRED.

Except as provided in Sections [709.04](#) and [709.05](#), each person seeking to engage in Itinerant Sales, Charitable Soliciting, or Personal Soliciting in the City shall first obtain a permit therefor from the Chief of Police in accordance with this Chapter.

(a) For Itinerant Sales, Charitable Soliciting, or Personal Soliciting conducted on a Door-to-Door basis or by an individual from a stationary position, a permit shall be required for each individual engaged in the activity.

(b) Where more than one person is engaged in sales from a single stationary motor vehicle, trailer, tent or other mobile vending cart or device, a single permit for the activities of all persons involved may be issued to the person who is the owner or manager of the business or entity engaging in sales, provided that the person possessing the permit shall be present whenever sales are conducted from the vehicle, trailer, tent, cart or device. For the purposes of this requirement, each vehicle, trailer, tent, cart or device shall be considered a separate business or entity.

(c) Where a charitable organization utilizes minors under the age of eighteen (18) years to engage in charitable soliciting, a single permit for the activities of all minors involved may be issued to an adult group leader or parent, provided that the names of all minors for which the parent or group leader is responsible shall be listed in the permit application, and the parent or group leader shall be present when said minors are engaged in soliciting.

(Ord. 2018-67. Passed 5-21-18.)

709.03 PROHIBITIONS.

(a) No person shall engage in Itinerant Sales in the city without first having obtained a permit therefor issued under this chapter.

(b) No person shall engage in Charitable Soliciting or Personal Soliciting on a Door-to-Door basis without obtaining a permit therefor issued under this chapter within the timeframes established under Section [709.05](#).

(c) No person shall engage in Itinerant Sales, Charitable Soliciting or Personal Soliciting under color of a permit issued under this Chapter when such person knows or should know that his/her permit therefor is

expired, has been revoked, has been transferred in violation of this Chapter, or has been obtained through fraud or falsification.

(Ord. 2018-67. Passed 5-21-18.)

709.04 EXCEPTIONS.

(a) A permit under this Chapter shall not be required of any person for the purpose of Charitable Soliciting or Personal Soliciting, unless the activity is conducted on a Door-to-Door basis.

(b) A permit under this Chapter shall not be required of any person who has a valid permit issued under Section 371.06(b) of these Ordinances, in order to engage in the activities authorized by that permit.

(c) A permit under this Chapter shall not be required of any person or entity that has a valid license issued under Chapter 723 of these Ordinances, in order to engage in the activities authorized by that license.

(d) A permit under this Chapter shall not be required for the delivery of items previously purchased or subscribed to, or the delivery of free items (e.g., telephone directories, campaign literature, etc.), whether door-to-door or otherwise, unless selling or soliciting is an integral part of the activity.

(e) A permit under this Chapter shall not be required of any person who is authorized to conduct Itinerant Sales by an event sponsor during a City-authorized festival or other event held on public property, provided that such activities are confined to the event premises authorized by the City. This exception does not limit the City's authority to regulate Itinerant Sales through its regulations governing festivals and events.

(Ord. 2018-67. Passed 5-21-18.)

709.05 SOLICITING IN ADVANCE OF OBTAINING A PERMIT.

(a) Nothing in this Chapter shall be construed to require any person to obtain or request a permit prior to commencement of door-to-door charitable or personal soliciting. A person unable to obtain or request a permit prior to commencement of door-to-door soliciting may proceed under subsections (b) and (c) of this Section.

(b) Within twenty-four (24) hours after commencement of door-to-door soliciting, the person engaged in soliciting shall contact the Chief of Police and provide his/her name and the locations where the soliciting will occur from that time until the date when the person anticipates filing a permit application. If City offices are closed, the person shall contact the Police Department non-emergency line at (330) 626-4976 and provide the required information.

(c) Any person requiring a permit to Solicit shall file a complete application within seven (7) calendar days after commencement of soliciting. A permit application shall not be deemed incomplete where the applicant can demonstrate that information or documents that must be requested from third parties has been requested and will be provided directly to the City.

(d) No person engaged in Soliciting shall be charged with a failure to obtain a permit under this Chapter when that person is in compliance with this section, while a completed permit application is pending, or while the denial or revocation of a permit is under appeal.

(e) Nothing in this Section shall be construed to authorize Itinerant Sales, Charitable Soliciting or Personal Soliciting where prohibited by another law or ordinance.

(Ord. 2018-67. Passed 5-21-18.)

709.06 PERMIT APPLICATION, SUPPORTING DOCUMENTS AND APPLICATION FEE.

(a) Any person seeking the issuance of a permit to engage in Itinerant Sales or Soliciting shall file with the Chief of Police a written application on a form to be provided, correctly containing the following information:

- (1) Full legal name of the applicant.
- (2) Permanent residence address.
- (3) Current residence address, if different from applicant's permanent address.
- (4) Telephone, e-mail and other contact information as determined necessary by the Chief of Police.
- (5) Birthdate, height, weight, color of eyes and hair.
- (6) The make, model, year and license tag numbers of each motor vehicle and/or trailer that will be used in Itinerant Sales or Soliciting.
- (7) The dimensions of any motor vehicle (including a food truck), trailer, tent or other mobile vending cart or device that will be used from a stationary position.
- (8) A description of the goods and/or services, if any, to be sold.
- (9) If not self-employed, the name, address and telephone number of the applicant's employer.

(10) The place or places where the sales or soliciting will take place, and specifically, whether the sales or soliciting will be conducted Door-to-Door.

(11) The dates, or date parameters during which the applicant intends to operate, and the daily hours of operation.

(12) The names of any minors under the age of sixteen (16) years, if any, who will be engaged in soliciting.

(13) A declaration of whether the applicant has ever been convicted of any felony crime, any misdemeanor theft offense or misdemeanor involving misconduct with minors.

(b) Each application shall have filed with it the following supporting documents:

(1) A copy of the applicant's driver's license or state identification card.

(2) A copy of the applicant's certificate of automobile insurance, if the applicant will be using a motor vehicle.

(3) A copy of the Registration Certificate relating to any motor vehicle to be used.

(4) A copy of the applicant's vendor's license, food service operation license, or other license that the applicant is required to have in order to engage in the transactions contemplated in the application.

(5) A color photograph of the applicant not smaller than 1" x 1½" nor larger than 2" x 3".

(6) A background investigation report of the applicant issued by the State of Ohio Bureau of Criminal Investigation within sixty (60) days of the application date, if the applicant is (A) eighteen (18) years of age or older and (B) will be conducting any activity Door-to-Door.

(c) Each application to conduct Itinerant Sales shall have filed with it a non-refundable application processing fee of fifty dollars (\$50.00), which shall be collected to defray the cost of processing permit applications. Applications for Soliciting shall be exempt from the application fee. (Ord. 2018-67. Passed 5-21-18.)

709.07 PERMIT ISSUANCE AND DISPLAY.

(a) Upon submission of a completed application, the Chief of Police shall issue a permit to any applicant who appears qualified under the qualification standards set forth in Section 709.08, subject to the provisions on disqualification and revocation contained therein. If a permit is denied, the Chief of Police shall notify the applicant via certified mail to the applicant at the address provided in the application, or by personal service. For the purposes of an applicant soliciting without a permit under Section 709.05, the denial of a permit will be effective ten (10) days after service.

(b) A permit issued under this Chapter shall expire one year after issuance, or upon such earlier date specified by the Chief of Police if the sales or soliciting contemplated will terminate at an earlier date. An expired permit may be reissued upon request and without further review if less than one year has elapsed since the date of issue, but its expiration date shall not exceed one year beyond the original date of issue.

(c) The permit shall be issued in paper with an accompanying identification badge. The badge shall clearly contain the words "Itinerant Sales Permit" or "Registered Solicitor" as indicated, a photograph of the permittee, an expiration date, and such other information as deemed appropriate by the Chief of Police. The identification badge shall be worn by the permittee on the lapel or shoulder, or on a lanyard, at all times while engaging in the activities authorized by the permit. No person shall wear or display a permit issued to another person.

(d) Permits issued under this Chapter shall not be transferable.

(e) The identification badge shall remain the property of the City and shall be surrendered to the Chief of Police upon expiration or revocation of the permit.
(Ord. 2018-67. Passed 5-21-18.)

709.08 DISQUALIFICATION; REVOCATION.

(a) No person who is a sex offender as defined in Ohio Revised Code ("R.C.") §2950.01(B)(1) or a child-victim offender as defined in R.C. §2950.01(D) shall be granted a permit under this Chapter for any activity to be conducted Door-to-Door.

(b) No person who has been convicted of a felony crime, a misdemeanor theft offense, or a misdemeanor involving misconduct with a minor shall be granted a permit under this Chapter for any activity to be conducted Door-to-Door.

(c) No person who is known to lack a permit or license issued by another public authority that is legally necessary to engage in the activity proposed in the application shall be granted a permit under this Chapter

until the required permits have been obtained and copies submitted to the Chief of Police.

(d) No person under the age of eighteen (18) years shall be granted a permit under this Chapter unless separate written consent of a custodial parent is provided to the Chief of Police.

(e) The Director of Public Service may designate locations or zones in public grounds or rights-of-way where Itinerant Sales from a stationary motor vehicle (including a food truck), trailer, tent or other mobile vending cart or device will not be permitted, and no person shall be issued a permit to conduct Itinerant Sales at any locations so designated.

(f) Any permit that is erroneously issued, transferred in violation of this Chapter, or subsequently found to have been procured through false statements in the application or other falsification shall be revoked by the Chief of Police. If a permittee becomes disqualified to hold a permit under subsections (a), (b) or (c) above while the permit is valid, or is found to have been unqualified to hold a permit when the permit was issued, the permit shall be revoked. Notice of any revocation shall be provided by the Chief of Police via certified mail to the permittee at the address provided in the permittee's application, or by personals service. (Ord. 2018-67. Passed 5-21-18.)

709.09 APPEAL.

Any person aggrieved by the denial or revocation of a permit under this Chapter may, within ten days after service of the denial or revocation notice, appeal to Safety Director by filing with the Director a signed written statement briefly setting forth the grounds for appeal. The Director shall schedule a hearing on the appeal to occur within fourteen (14) days of its receipt, and shall provide the appellant with at least three (3) days notice of the date, time and place of the hearing, by first class mail. The appellant may appear before the Director in person or by attorney, and may present witnesses or documentary evidence in support of the appeal. The Director may hear opposing evidence from other interested parties. The Director may affirm or reverse the action of the Chief of Police on the basis of the evidence presented. The decision of the Director shall be final except as provided for in Chapter 2506 of the Ohio Revised Code. (Ord. 2018-67. Passed 5-21-18.)

709.10 PERMIT CONDITIONS.

The following permit conditions shall apply to all permits issued under this Chapter. Repeated and persistent violations of any of the following permit conditions shall be grounds for revocation of the permit by the Chief of Police.

(a) General.

(1) Door-to-Door activity shall not occur before 9:00 a.m. or after 7:00 p.m., or on Sundays or holidays.

(2) No permit issued under this Chapter shall be construed to exempt the permit holder or any other person from laws, ordinances or regulations governing noise, lighting or signage.

(b) Selling Door-to-Door from a motor vehicle:

(1) Sound devices shall not be used before 9:00 a.m. or after 7:00 p.m.

(2) Selling to pedestrians on a street with active traffic shall occur only when the vending vehicle is in the curb lane and the pedestrian is on the curb side of the vehicle or otherwise safely away from any active traffic lane.

(3) Operating the vending truck in reverse gear is prohibited in all residential districts.

(4) Every vehicle used in Door-to-Door sales shall be equipped with a convex mirror mounted on the front so that driver in the driver's normal seating position can see the area in front of the truck obscured by the hood.

(5) Every vehicle used in Door-to-Door sales shall be equipped with a device capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet when the vehicle is in reverse gear.

(c) "Do Not Solicit" Requests:

(1) If the City provides the permittee with a list of addresses where the residents have indicated they do not wish to receive sales or solicitation calls, the addresses on the list will not be approached.

(2) Where a resident has affixed a sign on or next to the entry door of a dwelling unit indicating "No Soliciting" or words of similar import, the dwelling unit shall not be approached.

(d) Selling from stationary motor vehicles (including food trucks), trailers, tents or other mobile vending carts or devices (collectively "vending trucks"):

(1) The operating location of a vending truck (when on public property) shall be subject to prior approval of the Chief of Police for the purpose of ensuring that traffic safety is not impaired by the location

or operation of the truck. Such location, once approved, shall not be changed from the location or locations set forth in the approved permit, unless a new location is approved by the Chief of Police after submission of an amended application.

(2) Notwithstanding prior location approval, the Chief of Police may require a vending truck to relocate to the nearest alternative safe position if he determines it necessary to maintain safe conditions for vehicular and pedestrian traffic.

(3) Vending trucks shall not operate closer than one hundred (100) feet to the main entrance of a dine-in restaurant or an outdoor dining area appurtenant to a dine-in restaurant.

(4) Vending trucks operating from the curb lane shall be positioned to vend only to the curb side of the truck unless there is no active traffic on the street side of the truck, and shall be positioned so that no fire hydrants, fire lanes, driveways, sidewalks, wheelchair ramps, building entrances, exits or emergency access/exit ways are blocked or significantly impeded.

(5) Vending trucks shall not use or deploy any free-standing signage, sound or audio devices, or outdoor seating.

(6) Temporary electric or potable water connections to a vending truck shall be permitted only if and as permitted by applicable safety codes and without creating safety hazards to pedestrians. Where permitted, hoses, pipes, and cables shall be arranged to eliminate trip hazards. Fire hydrant connections are prohibited.

(7) If the occupants of nearby residential or commercial properties are disturbed by the operation of electric generators or other noise associated with vending trucks, the permittee may be required to relocate to another location or cease operation.

(8) The permittee shall be responsible for proper disposal of trash, waste and garbage associated with its operation and its customers, and shall not use City trash receptacles for that purpose; nor shall the permittee dispose of grease, other cooking waste, wash water or any other deleterious substance onto the ground or into the City's storm sewers.

(9) The permittee shall remove all trash, waste and garbage from the permit location at the end of each day's operation or as needed to maintain a clean and trash-free environment at the permit location.

(10) If a permit is issued for any unpaved location on public property, the permittee will be responsible for repairing or restoring any turf damage caused by the permittee's vehicle.

(Ord. 2018-67. Passed 5-21-18.)

709.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on the first offense and a misdemeanor of the second degree for any subsequent offense. Whoever files or causes to be filed any permit application containing false information or fraudulent misstatements shall be punished as for falsification.

(Ord. 2018-67. Passed 5-21-18.)