

CHAPTER 721  
Peddlers and Solicitors

721.01	Definitions	721.07	Business Hours Restricted
721.02	Permit or Registration Required	721.08	Itinerant Vending
721.03	Permit Application and Requirements	721.09	Notice Prohibiting Peddlers/Solicitor
721.04	Registration for Charitable or Religious Purposes	721.10	Fraud Prohibited; Revocation
721.05	Appeals	721.11	Permit to Solicit Charitable Contributions on Highways
721.06	Carrying and Exhibiting Permit or Card; Nontransferable; Written Receipt Required	721.99	Penalties

CROSS REFERENCES

Charitable solicitations - see ORC CH. 1716.  
Criminal trespass - see GEN. OFF. 541.05  
Pandering obscenity - see GEN. OFF. 533.12  
Power to regulate - see ORC 715.61 et. seq.  
Sales in parks prohibited - see BDS. AND COMM. 185.03  
Solicitation of Contributions - see GEN. OFF. 545.15

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721.01 DEFINITIONS.

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

(a) Canvasser. Any person who seeks to disseminate any lawful message by means of traveling from place to place without soliciting funds or donations.

(b) Charitable. Means a not-for-profit organization, and includes patriotic, philanthropic, social service, welfare and eleemosynary, benevolent, educational, civic, fraternal, veteran's medical, and social research.

(c) Itinerant Vendor. Any person who engages in or conducts a temporary or transient business of selling goods, wares, food or merchandise, from a vehicle, trailer or other type of conveyance, or from a temporary stand or structure, and who, for the purpose of carrying on such business occupies, in whole or in part, any parking lot, or any other part of any property where such use is not the principal use.

(d) 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.

(e) Religious and Religion. Shall not include the word charitable, but shall be given their commonly accepted definitions.

(f) Solicitor. Any person who obtains or seeks to obtain funds or donations for any cause whatsoever by means of canvassing from place to place.

(Ord. 2006-39. Passed 11/20/06)

**721.02 PERMIT OR REGISTRATION REQUIRED.**

(a) Permit Required: Subject to divisions (c) and (d) below, no person shall engage in the business or activity of itinerant vendor, peddler or solicitor in this City without first obtaining a permit or registering, as required by section 721.03.

(b) Persons Hired by Others: Subject to divisions (c) and (d) below, all persons acting for or hired by another as an itinerant vendor, peddler or solicitor in this municipality shall obtain a permit or register, as required by section 721.03.

(c) Religious or Charitable Organizations: No permit 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 organization. However, subject to division (d) below, no individual shall act as a peddler or solicitor on behalf of and for any such organization without first having registered with the City Manager, pursuant to section 721.04.

(d) Exceptions: No permit or registration shall be required of any person for the following:

- (1) Peddling or soliciting only the purchase of or subscription for newspapers having substantial distribution in Warren County;
- (2) Peddling or soliciting only for the 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 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 organization;
- (6) Minors under the age of eighteen (18) years who are peddling or soliciting as a part of a program sponsored by their educational institution or who are members of recognized charitable organization (e.g. Boy Scouts, Girl Scouts, 4-H, etc.), when selling or taking orders for products in connection with a program sponsored by their organization;
- (7) Vending, peddling or soliciting at a function authorized by the City Manager, such as a farmer's market or social event for which a permit has been issued; and
- (8) Acting as a canvasser in order to disseminate ideas, thought, or messages regarding any cause, issue, religion or political candidate, as long as such canvassing does not involve the solicitation of donations or other type of monetary contribution nor the violation of any local, state or federal law.

(Ord. 2006-39. Passed 11/20/06)

**721.03 PERMIT APPLICATION AND REQUIREMENTS.**

(a) Applications: Applications for permits for itinerant vendors, peddlers and solicitors shall be filed with the City Manager, or his designee, on a form to be furnished by the City Manager, which shall require, at a minimum, the following information:

- (1) The name of the applicant;
- (2) The home address of the applicant;
- (3) A physical description of the applicant and a recent photograph of the applicant not more than one-year old;
- (4) The applicant's social security number or tax identification number;
- (5) The name and address of the person or business by whom the applicant is employed or for whom he is vending, peddling or soliciting, and the length of the applicant's service with such person or business;
- (6) All places of residence and all employment of the applicant within the preceding year;

- (7) The nature and character of the goods, wares, food or merchandise to be sold by the applicant or the person/business for whom the applicant is vending, peddling or soliciting; or the nature and character of the services to be furnished by the applicant or the person/business for whom the applicant is vending, peddling or soliciting; or the purpose or organization for which funds or donations are being solicited;
- (8) The names of other municipalities in which the applicant has recently conducted vending, peddling or soliciting activities;
- (9) The period of time for which the applicant is seeking the permit;
- (10) A City Income Tax Form filled out and filed with the application; and
- (11) The required permit fee.

(b) Background Checks: Applications must be made at least ten (10) days before the permit is issued, and upon receipt of such application, the City Manager, or his designee, shall forward such application to the Chief of Police, or his designee, to perform a background check. If the Chief of Police, after investigation, determines that neither the applicant nor the enterprise the applicant proposes to undertake constitutes a clear and present danger to the residents of the City, he shall sign such application and return it to the City Manager.

(c) Issuance: If the City Manager, or his designee, determines after 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; that the Chief of Police has not found the applicant or the enterprise the applicant proposes to undertake constitutes a clear and present danger, then he shall issue a permit to the applicant.

(d) Permit Fee: The permit fee charged shall be as set forth from time-to-time by ordinance. All annual permits issued under the provisions of this chapter shall expire on December 31<sup>st</sup> in the year when issued. All other permits shall expire on the date specified in the permit.  
(Ord. 2006-39. Passed 11/20/06)

#### 721.04 REGISTRATION FOR CHARITABLE OR RELIGIOUS PURPOSES.

(a) Group Application: A charitable or religious organization shall make a group application to cover the peddlers and/or solicitors it intends to use in the City.

(b) Registration Certificates: Applications for registration certificates shall be filed with the City Manager, or his designee, on a form to be furnished by the City Manager or his designee. Each application shall require, at a minimum, the following information:

- (1) The name of the organization;
- (2) The name, address and telephone number of the person completing the application;
- (3) The name of an officer or official of the organization,
- (4) The nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied;
- (5) Verification that the applicant and/or organization has complied with the requirements of O.R.C. chapter 1716 pertaining to charitable solicitations, if applicable;
- (6) If the organization is a recognized religious or charitable organization, proof of tax exempt status; and
- (7) Such other information as the City Manager or his designee may require.

(c) Information Cards: Upon the issuance of a registration certificate, each organization shall prepare information cards which it shall issue to each peddler and/or solicitor utilized by the organization. Such information cards shall include, at a minimum, the following information:

- (1) The name of the organization;

- (2) A description of the purpose of the peddling and/or solicitation;
- (3) The registration certificate number and the period for which it was issued;
- (4) The name of the peddler and/or solicitor, and a brief physical description, such as age, weight and height; and
- (5) The signatures of an officer or official of the organization and of the peddler and/or solicitor.

(d) Term: A registration certificate shall be valid for no more than a one-year period and shall state, on its face, an expiration date.

(e) Registration Fee: No fee shall be required for a registration certificate.

(f) Canvassers: No registration shall be required for any person who acts as a canvasser on behalf of a religious or charitable organization if no donations or any other type of monetary contributions are sought by the canvasser.

(Ord. 2006-39. Passed 11/20/06)

#### 721.05 APPEALS.

Any person or organization who has applied for a permit or registration certificate in accordance with this chapter and to whom the City Manager, or his designee, after an investigation, denied a permit or registration certificate may appeal to Council. Notice of such appeal shall be filed with the Clerk within five (5) calendar days after the denial by the City Manager or his designee. Such appeal shall be heard by Council within thirty (30) days and its decision shall be final.

(Ord. 2006-39. Passed 11/20/06)

#### 721.06 CARRYING & EXHIBITING PERMIT OR INFORMATION CARD; NONTRANSFERABLE; WRITTEN RECEIPT REQUIRED.

(a) Carrying and Exhibiting: The permit issued under the provisions of this chapter shall at all times be conspicuously exhibited by all itinerant vendors. The permit or information cards, required with the issuance of a registration certificate, shall be available for immediate inspection by all peddlers or solicitors.

(b) Nontransferable: Permits or registration certificates issued under the provisions of this chapter are nontransferable and shall not be used by any person or organization other than the person or organization identified on the permit or registration certificate.

(c) Written Receipts: Upon request, all itinerant vendors, peddlers and/or solicitors shall provide a written receipt showing the name of the vendor, peddler or solicitor, the amount of contributions or sales made and the date. Upon request, all organizations operating under a registration certificate shall provide a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code.

(Ord. 2006-39. Passed 11/20/06)

#### 721.07 BUSINESS HOURS RESTRICTED.

No person shall peddle, solicit, canvass or conduct research, door to door, at any residence or business within the City, on any sidewalk or street within the City, or in any other public place within the City between the hours of 9:00 p.m. and 9:00 a.m. or on any holiday.

(Ord. 2006-39. Passed 11/20/06)

## 721.08 ITINERANT VENDING.

(a) Prohibitions: No person shall vend from any public property, including right-of-ways. No person shall vend on private property within one-hundred (100) feet of any intersection.

(b) Restrictions on Property Owners: No property owner shall grant permission for an itinerant vendor to operate from his or her property in violation of any provision of this chapter and unless the itinerant vender has applied for and been issued a permit in accordance with this chapter.

(Ord. 2006-39. Passed 11/20/06)

## 721.09 NOTICE PROHIBITING PEDDLERS OR SOLICITORS.

(a) Rights of Owners or Occupants: 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 (3) inches by four (4) inches in size, nor more than one (1) 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 ( $\frac{1}{3}$ ) inches 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 City's zoning code.

(b) Prohibitions: 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 to engage in peddling or soliciting in defiance of a notice displayed pursuant to division (a) above.

## 721.10 FRAUD PROHIBITED; REVOCATION OF PERMIT OR REGISTRATION CERTIFICATE.

(a) Prohibitions: No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any itinerant vending, peddling or solicitation for any purpose in the City or in any application or report filed under this Chapter.

(b) Revocation: The City Manager, or his designee, may revoke at any time any permit or registration certificate issued under the provisions of this chapter for any violation of any provision of this chapter or for the violation of any condition of said permit or registration certificate.

(Ord. 2006-39. Passed 11/20/06)

## 721.11 PERMIT TO SOLICIT CHARITABLE CONTRIBUTIONS ON HIGHWAYS.

(a) City Manager's Authority: The City Manager or his designee 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) Permits: 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 City Manager or his designee 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 until 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.
- (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 highways, and which insurance policy contains a clause that names the City of Franklin 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 City Manager or the Manager's designee 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 City Manager or his designee shall have the authority to revoke a charitable organization's permit to solicit contributions on highways, and the City Manager, his designee or the Police Chief, 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.  
(Ord. 2006-39. Passed 11/20/06)

#### 721.99 PENALTIES.

Whoever violates any provision of this chapter shall be guilty of a fourth-degree misdemeanor. Each day on which such activities are conducted in violation of this chapter shall constitute a separate offense.  
(Ord. 2006-39. Passed 11/20/06)