

**AN ORDINANCE REPEALING ORDINANCE 3-94 AND ADOPTING A REPLACEMENT  
CHAPTER 860 OF THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES  
REGULATING CANVASSERS, PEDDLERS, AND SOLICITORS**

WHEREAS, the Village desires to regulate canvassers, peddlers, and solicitors to the fullest extent allowable by law to protect the health, safety, and general welfare of the Minerva Park residents who will come into contact with such door-to-door canvassers, peddlers, solicitors;

WHEREAS, it is necessary from time to time to adopt a revised Code Section to provide for the health, safety, and general welfare of Minerva Park residents and to reflect changes in federal, state, and case law; and

WHEREAS, recent case law has placed limitations upon the manner in which municipalities may regulate door-to-door canvassers, peddlers, and solicitors; and

WHEREAS, as a result of the recent case law, it has become necessary to adopt a replacement Chapter 860; and

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Ordinance 3-94 dated November 14, 1994 and the existing Chapter 860 governing “Peddlers, Solicitors, and Canvassers” are hereby repealed in their entirety.

Section 2. A replacement Chapter 860 regarding “Canvassers, Peddlers, and Solicitors” is hereby adopted, a copy of which is attached and made a part hereof as if fully rewritten herein.

Section 3. All prior ordinance(s) or any part thereof, which is(are) inconsistent with this ordinance is(are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said ordinance(s) not inconsistent with this ordinance shall remain in full force and effect.

Section 4. This ordinance shall take effect and be in full force from the earliest period allowed by law.

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Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: March 10, 2008  
Second Reading: April 14, 2008  
Third Reading: August 10, 2009  
Passed: August 10, 2009

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Attest Suzanne Coulter, Clerk-Treasurer,  
Village of Minerva Park

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Reviewed by Counsel

## 860. CANVASSERS, PEDDLERS, AND SOLICITORS

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- 860.02 Canvassers
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### 860.01 DEFINITIONS.

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

**CANVASSER.** Any person who seeks to disseminate any lawful message by means of traveling from place to place without the invitation or previous consent of the owner(s) or occupant(s) without soliciting funds, contributions, or donations or peddling goods, wares, food, merchandise, or services.

**CHARITABLE.** Includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.

**CONTRIBUTION.** Gifts, food, clothing, money, property, furniture, household items, donations of any kind, including those made under the guise of a loan of money or property.

**LEGAL HOLIDAY.** Includes New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any day appointed and recommended by the governor of Ohio or the President of the United States as a holiday. If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.

**LICENSE.** Document that must be completed by any peddler or solicitor who is not peddling or soliciting on behalf of a charitable or religious not-for-profit organization, and authorized by the Police Chief or designee before any peddling and/or soliciting in the Village.

**PEDDLER.** Any person who travels from place to place and carries with him or her for the purpose of sale at retail and immediate or future delivery, goods, wares, food, merchandise, or services, 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, merchandise, or services.

**REGISTRATION.** Document that must be completed by any peddler or solicitor for a charitable or religious not-for-profit purpose and authorized by the Police Chief or designee before peddling and/or soliciting in the Village.

**RELIGIOUS or RELIGION.** Shall not include the word charitable but shall be given their commonly accepted definitions.

**SCHOOL SYSTEM.** Any and all public, parochial, private, charter, preschool, elementary school, junior high school, high school, and college preparatory school as are licensed as schools or educational institutions under the laws of the State of Ohio.

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

#### 860.02 CANVASSERS

A canvasser(s), as defined in Section 860.01, shall not be required to register or obtain a license as long as such canvassing does not include the violation of any local, state, or federal law and does not involve the solicitation of funds or donations or peddling of goods, wares, food, or merchandise, or services.

#### 860.03 REGISTRATION FOR NOT-FOR-PROFIT CHARITABLE AND/OR RELIGIOUS PURPOSE

- (A) Subject to the exceptions in Section 860.03(B), all people or entities who, without compensation, systematically go to each residence or randomly select residences for the purpose of peddling and soliciting on behalf of or for any recognized charitable or religious not-for-profit organization shall first register with the Police Chief or designee before proceeding with such activity in accordance with the requirements of Section 860.05. Such peddlers or solicitors on behalf of a not-for-profit shall not be required to obtain a license as required under Section 860.06.
- (B) **EXCEPTIONS.** The following shall not be required to register as required by Section 860.03(A) above:
- (1) Any peddler or solicitor on behalf of a recognized charitable or religious not-for-profit organization engaged in the sale of services or products exclusively to commercial, industrial, manufacturing, or business establishments located within the boundaries of the Village.
  - (2) Peddlers or solicitors on behalf of various associations of school systems, as defined in Section 860.01, the Minerva Park Community Association, or the Village of Minerva Park.
  - (3) Minors 13 years old or younger.
- (C) **Fees** - No fee shall be required for registration.

#### 860.04 PEDDLERS & SOLICITORS LICENSE

- (A) Subject to the exceptions in Section 860.04(B), all people or entities, other than peddlers or solicitors who, without compensation, peddle or solicit on behalf of recognized charitable or not-for-profit religious organization as set forth in Section 860.03, who systematically go to each residence or randomly select residences for the purpose of peddling and soliciting or any other similar activity shall first register with and obtain a license as provided in Sections 860.04, 860.05 and 860.06 herein, from the Police Chief or designee before proceeding with such activity.
- (B) **EXCEPTIONS.** The following shall not be required to obtain a License as required by Section 840.04:
- (1) Any peddler or solicitor engaged in the sale of services or products exclusively to commercial, industrial, manufacturing or business establishments located within the boundaries of the Village.
  - (2) Peddlers or solicitors on behalf of various associations of school systems, as defined in Section 860.01, the Minerva Park Community Association, or the Village of Minerva Park.

#### 860.05 REGISTRATION APPLICATION AND REQUIREMENTS

- (A) Registration forms shall be filed with the Police Chief or designee on a form to be furnished by the Police Chief or designee, containing:
- (1) Entity/organization - Name, address, telephone and fax numbers, website, federal tax ID number or EIN number, and nature of the entity/organization; proof of tax exempt status and verification that the entity/organization (nonprofit) has complied with the requirements of O.R.C. §1716 and other applicable laws pertaining to charitable solicitations.
  - (2) Person Filling Out the Form - Legal name, address, date of birth, social security number, phone number, American government-issued photo ID (city, state, or federal), brief description (weight, height), and signature;
  - (3) Additional Peddlers and/or Solicitors, including drivers - legal name, social security number, American government-issued photo ID (city, state, or federal), signature, brief description (weight, height);
  - (4) Vehicles - Make, model, color, state of registration, and license plate number of any and all vehicles involved in peddling and/or soliciting; evidence of insurance coverage against property damage and bodily injury occasioned by activities of the registrar, its agent(s) or employee(s), indemnifying the Village; evidence that each person operating a vehicle has been licensed to operate such vehicle under the laws of a state of the United States and has a valid operators or chauffeurs license as required by law.
  - (5) Such other information as the Police Chief or designee may require.
- (B) Each peddler and/or solicitor shall carry a photocopy of the Registration form, which shall be shown to any person or Minerva Park official upon request.
- (C) Registration forms are not transferable. Any peddlers, solicitors, and/or vehicles to be added or substituted on behalf of the entity/organization shall necessitate an additional registration.
- (D) Registration forms shall automatically expire either on April 30 or October 31 of any calendar year.
- (E) Such registration shall not be used or represented in any way as an endorsement by the Village.

#### 860.06 LICENSE APPLICATION AND REQUIREMENTS

- (A) License applications shall be filed with the Police Chief or designee on a form to be furnished by the Police Chief or designee, containing:
- (1) Entity/organization - Name, address, telephone and fax numbers, website, federal tax ID number or EIN number, and nature of the entity/organization;
  - (2) Person Filling Out the Form - Legal name, address, date of birth, social security number, phone number, American government-issued photo ID (city, state, or federal), brief description (weight, height), and signature;
  - (3) Additional Peddlers and/or Solicitors, including Drivers - Legal name, social security number, American government-issued photo ID (city, state, or federal), signature, brief description;
  - (4) Vehicles - Make, model, color, state of registration, and license plate number of any and all vehicles involved in peddling and/or soliciting; evidence of insurance coverage against property damage and bodily injury occasioned by activities of the registrar, its agent(s) or employee(s), indemnifying the Village; evidence that each person operating a vehicle has been licensed to operate such vehicle under the laws of a state of the United States and has a valid operators or chauffeurs license as required by law.

- (5) Such other information as the Police Chief or designee may require.
- (B) Each peddler and/or solicitor shall carry a photocopy of the License, which shall be shown to any person or Minerva Park official upon request, as shall be proof of identity.
- (C) Licenses are not transferable. Any peddlers, solicitors, vehicles, and/or change of sample to be added or substituted on behalf of the entity/organization shall necessitate an additional registration and license.
- (D) Licenses shall automatically expire either on April 30 or October 31 of any calendar year.
- (E) License applications shall be submitted on a business day at least 48 hours before the License is issued to allow time for the Police Chief or designee to conduct background check(s).
- (F) If the Police Chief or designee determines after investigation that the information furnished under this Section 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 Village, the Police Chief or designee shall issue a License to the entity/organization.
- (G) Such License shall not be used or represented in any way as an endorsement by the Village.
- (H) The fees charged by the Village shall be set by Council through the passage of a fee schedule that may be amended from time to time, such fees to be deposited into the General Fund.

#### 860.07 APPEALS

Any person who has applied for a Registration or License in accordance with this Chapter and to whom the Police Chief or designee has, after an investigation, denied a Registration or License may appeal the decision to the Mayor. Such appeal shall be considered by the Mayor within five days, and the Mayor's decision shall be final.

#### 860.08 BUSINESS HOURS RESTRICTED

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 on any legal holiday as defined in Section 860.01 or on any day before 9:00 a.m. or after 7:00 p.m.

#### 860.09 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 "Do Not Knock" placard upon or near the main entrance door to the residence or place of business, containing the words "No Peddlers or Solicitors Invited."
- (B) No person shall go upon any premises and ring the door bell, 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 this section.
- (C) Failure to display such Do-Not-Knock placard on a residence or business does not constitute a revocation of the intent of section 860.09 or 860.10 and no person shall go upon any premises and ring the door bell, 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 this section.

## 860.10 DO NOT KNOCK REGISTRY

- (A) The Police Chief or designee shall establish and maintain a Peddlers and Solicitors Do Not Knock Registry.
- (B) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the Village may require the Village to place or maintain his or her residence, house, apartment, or other dwelling on the Peddlers and Solicitors Do Not Knock Registry by submitting a separate request on a form supplied by the Police Chief or designee, which shall contain the following information:
- (1) The name of the person(s) completing the form;
  - (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 solicitors shall knock, ring the doorbell, or otherwise call at the subject address, or words of similar import; and
  - (5) Such other information that verifies the identity of the person(s) completing the form as a lawful possessor and occupant as may be required by the Police Chief or designee.
- (C) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the Village may require the Village to remove his or her residence, house, apartment or other dwelling for the Peddlers and Solicitors Do Not Knock Registry by submitting a separate Notice of Removal from said Registry on a form supplied by the Police Chief or designee, which shall contain the following information:
- (1) The name of the person(s) completing the form;
  - (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;
  - (4) A statement that the residence, house, apartment or other dwelling be removed from the Peddlers and Solicitors Do Not Knock Registry, or words of similar import; and
  - (5) Such other information that verifies the identity of the person(s) completing the form as a lawful possessor and occupant as may be required by the Police Chief or designee.
- (D) The decision whether to place a residence, house, apartment, or other dwelling on the Peddlers and Solicitors Do Not Knock Registry shall be solely of the lawful possessor and occupant thereof, and no official, employee, or other agent of the Village shall interfere with said decision.
- (E) A residence, house, apartment, or other dwelling, after being lawfully placed on the Peddlers and Solicitors Do Not Knock Registry, shall remain on such Registry until the earlier of any of the following.
- (1) The Village receives a Notice of Removal pursuant to subsection (C) above;
  - (2) The Village 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.
  - (3) The expiration of five (5) calendar years, expiring on December 31 of the fifth full calendar year, from the date of the form submitted pursuant to subsection (B) above.

- (F) A copy of the Peddler and Solicitors Do Not Knock Registry shall be made available for public inspection during normal business hours of the Village at the Office of the Police Chief.
- (G) No person shall go upon any premises and ring the door bell, 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 the Do Not Knock Registry pursuant to this section.
- (H) Failure to display such Do-Not-Knock placard on a residence or business does not constitute a revocation of the intent of section 860.09 or 860.10 and no person shall go upon any premises and ring the door bell, 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 the Do Not Knock Registry pursuant to this section.

#### 860.11 FRAUD PROHIBITED; REVOCATION OF REGISTRATION OR LICENSE

- (A) No person or entity shall directly or indirectly make or perpetrate any false material statement, misstatement, deception, or fraud on any application filed under this Chapter..
- (B) No person or entity having entered into an agreement to conduct any peddling or solicitation on behalf of any person or entity shall fail to remit or pay to the party entitled thereto the proceeds of such peddling or solicitation in accordance with the terms the agreement.
- (C) Upon a written complaint being filed with the Chief of Police or designee that any canvasser, peddler, or solicitor is suffering from a communicable disease; or has made himself/herself obnoxious to the public by the use of indecent, profane, or insulting language; or that he/she has made or perpetrated any misstatement, deception, or fraud in connection with any solicitation or peddling for any purpose in the Village, an investigation shall be made, and if such complaint is found to be true, the registration and/or license of such peddler or solicitor shall be revoked.
- (D) The Police Chief or designee may revoke at any time any Registration or License issued under this Chapter for violation of any provision of this Chapter.

#### 860.12 SEVERABILITY CLAUSE

If any particular portion of this Chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared invalid. The declaration of invalidity shall not affect or impair the remainder of this Chapter and, to this end, the provisions are severable.

#### 860.99 PENALTY

- (A) Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the fourth degree on the first offense and shall be guilty of a misdemeanor of the first degree for a second or subsequent violation of this Chapter or any substantially similar Chapter of these Codified Ordinances. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (B) A violation of Section 860.09 or 860.10, in addition to other penalties provided for in this Chapter, is deemed to be a criminal trespass and shall be punishable in accordance with the laws governing criminal trespass.