

## CHAPTER 709

### Canvassers and Solicitors

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#### **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. 1716

Trespassing - see GEN. OFF. 537.06

#### **709.01 DEFINITIONS.**

As used in this chapter:

(a) "Canvasser." Any person who seeks to disseminate any verbal or written lawful message including ideas, thoughts or messages regarding any cause, issue or religion without soliciting funds or donations; or any political candidate without acting as a solicitor and whose actions do not violate any local, state or federal law.

(b) "Charitable Purpose." Any purpose described in Section 501(c)(3) of the Internal Revenue Code and any purpose for patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, humane, scientific, public health or environmental conservation objective.

(c) "Peddler." Any person who carries with him for the purpose of sale at retail and immediate or future delivery, goods, wares, food, merchandise, or personal property of any nature, or any person, as principal or agent, who offers, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food, merchandise or personal property, or services.

(d) "Person." Any person, firm, partnership, corporation, company, association, club, society, religious sect, religious denomination or other organization or entity or any combination of the foregoing and includes any trustee, member, agent, signee or other representative thereof.

(e) "Religious Organization." An entity duly organized and operating in good faith and entitled to receive a declaration of current tax exempt status for religious purposes from the Internal Revenue Service and the duly organized branches and chapters of such organization.

(f) "Solicitor." Any person who obtains or seeks to obtain funds or donations of personal property for any cause whatsoever or seeks opinions, preferences, or other information for commercial purposes.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.02 PURPOSE.**

The purpose of this chapter is to regulate the activities of canvassers, peddlers and solicitors, to promote the dependability and accountability of canvassers, solicitors and peddlers, prevent fraud and promote the safety and welfare of the general

public.

(Ord. 2017-25. Passed 12-5-17.)

### **709.03 PERMIT OR REGISTRATION REQUIRED.**

(a) Subject to divisions (c) and (d) below, no person by means of traveling from door-to-door or place to place or temporarily hiring or using a structure or lot or portion thereof, shall engage in the business or activity of peddler or solicitor as defined in Section 709.01 in this municipality without first obtaining a permit as provided in Section 709.04.

(b) Subject to divisions (c) and (d) below, all persons by means of traveling from door-to-door or place to place or temporarily hiring or using a structure or lot or portion thereof, when acting for or hired by another as a peddler or solicitor in the municipality shall obtain a permit as provided in Section 709.04, prior to acting as a peddler or solicitor.

(c) No permit shall be required of any person who, without compensation, acts as a peddler or solicitor on behalf of and for any religious organization or for a charitable purpose. However, subject to division (d) below, no person shall act as a solicitor or peddler on behalf of or for a religious organization or charitable purpose without first having registered with the Chief of Police pursuant to Section 709.06.

(d) No permit or registration certificate under this chapter 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 this municipality or Lake 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 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 religious organization or charitable not for profit organizations;

(6) Persons under the age of 18 who are not employed by another person;

(7) Acting only as a canvasser, as defined in Section 709.01.

(Ord. 2017-25. Passed 12-5-17.)

### **709.04 PERMIT APPLICATION AND REQUIREMENTS.**

(a) Application Requirements. Applications for permits for peddlers or solicitors shall be filed with the Chief of Police on a form to be furnished by the Chief of Police, which shall require, at the minimum, the following information:

(1) The name of the applicant;

(2) If the applicant is an individual, a physical description of the applicant, including age, weight and height;

(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/she is soliciting, if any, and the length of the applicant's service with such person;

(5) If the applicant is an individual, all places of residence of the applicant and all employment during the preceding twelve months;

(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 conducted peddling or solicitation activities during the preceding six months;

(8) A current and valid driver's permit or other current and valid government issued identification that contains a picture of the applicant; if the applicant is not a U.S. citizen, a valid passport from the country or origin and proof of legal entrance into the U. S. and authorization to work;

(9) An acknowledgment by the applicant that he or she will not use the permit as an endorsement by the City, a city department or city employee of the applicant's products, services or employer;

(b) Background Checks. The Chief of Police shall ensure that a background check has been conducted of every applicant and may direct applicants to a third party to conduct the background check. Every applicant is responsible for payment of the costs of his or her background check.

(c) Waiting Period. Because the background check and investigation by the City (in reviewing and processing the application) may take up to seven days, the applicant should file the application as soon as he or she is aware that the applicant will be conducting peddling or soliciting in the City.

(d) Approval. If the Chief of Police determines after an independent records check and investigation, that the information furnished under the requirements of division (a) above is correct; that the applicant proposes to engage in a lawful commercial or professional enterprise; the activities or business of the applicant shall not be a fraud upon the public; 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 or she shall issue a permit to the applicant. The permit issued shall include a photo of the applicant.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.05 PERMIT FEE.**

Each applicant for a permit shall pay to the Chief of Police upon application for a permit, a fee of fifty dollars (\$50.00) plus the City's cost to conduct the background check if the City is the entity conducting the background check. Each agent, as a representative of the permit, shall apply for a separate permit and pay a separate fee and costs. These fees and costs shall be non-refundable.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.06 REGISTRATION FOR CHARITABLE OR RELIGIOUS PURPOSE.**

(a) Any person who peddles or solicits for a religious organization or charitable purpose shall be required to register on a form to be furnished by the Chief of Police. Each registration application shall contain:

- (1) The name, address and telephone number of the person completing the application;
- (2) The name of the organization and 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;
- (4) Verification that the applicant or applicant's employer has complied with the requirements of R.C. Chapter 1716 pertaining to charitable solicitations, if applicable;
- (5) A copy of the current letter ruling from the Internal Revenue Service indicating tax exempt status in accordance with 26 U.S.C. 501(c)(3) if applicable.

(b) An organization which desires to place a number of solicitors in the City 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, separation information cards shall be issued to each 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 solicitation;
- (3) The period for which the registration certificate was issued;
- (4) The name of the solicitor;
- (5) A brief description of the solicitor, such as age, weight and height;
- (6) The signatures of the solicitor and an officer or official of the organization;
- (7) A photo of the applicant/solicitor for which the registration certification is issued.

(c) No fee shall be required for a registration certificate.

(d) No registration certificate shall be required for any person who acts as a canvasser on behalf of a religious or charitable organization if no goods are peddled or donations or any other type of contributions are sought or otherwise solicited by the canvasser in any manner.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.07 PERMIT AND REGISTRATION TERM.**

(a) All permits and registration certificates issued under the provisions of this chapter shall expire within one year of the date it was issued. Each permit and registration certificate shall state the expiration date. It shall be unlawful for any person to modify the expiration date.

(b) It shall be unlawful for any person other than the original applicant and holder of the permit to use or display a permit or registration certificate issued under this chapter.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.08 PERMITTED HOURS OF OPERATION.**

(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 municipality other than between the hours of 9:00 a.m. and 9:00 p.m.

(b) This section does not apply to:

- (1) Property owned or operated by the peddler or solicitor; or
- (2) For periods of time made by appointment by the peddler or solicitor.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.09 DISPLAY OF AUTHORIZATION.**

(a) The permit 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) Permits 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 permit 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 the contribution or sale was made. 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 tax exempt status under Section 501 of the Federal Internal Revenue Code.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.10 POSTED NOTICE PROHIBITING CANVASSERS, PEDDLERS OR SOLICITORS.**

(a) It shall be unlawful for any person while conducting business or activity as a canvasser, peddler or solicitor in the City, to enter upon the premises of any private residence, business or organization (whether public or private) where there is conspicuously posted at the entry of the premises or at the entry of the principal building a notice in English bearing the words "No Canvassers," "No Solicitors," "No Peddlers," "No Trespassing," or signs of similar import that communicates the occupants' or owners' intent and desire not to be contacted by canvassers, peddlers or solicitors and that such persons going door-to-door are not invited onto the premises.

(b) The "notice" referenced in subsection (a) above shall be in the form of a weatherproof card, decal or sign with letters in plain view and readable to a person with normal vision.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.11 DO NOT KNOCK REGISTRY.**

(a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall establish and maintain for the City a "Do Not Knock Registry" ("registry") and is authorized to contact individuals on the registry to distribute "Do Not Knock" stickers to them at no cost to the City or the individuals and contact individuals to update the list each year.

(b) The decision of whether to place a residence, house, apartment or other dwelling on the "Do Not Knock Registry" shall be solely that of the lawful possessor and occupant thereof.

(c) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may request NOPEC to place or maintain the address of his or her business, residence, house, apartment or other dwelling on the Do Not Knock Registry, by submitting a request on a form supplied by the City or by submitting a request online at [www.blocktheknock.com](http://www.blocktheknock.com) or at a Block the Knock community event 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 in regards to the subject address, no peddlers or solicitors shall knock, ring the doorbell, make noise or otherwise call for the attention of the occupants at the subject address, in any manner; 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 City.

(d) A residence, house, apartment or other dwelling, after being lawfully placed on the "Do Not Knock Registry" shall remain on said registry until the earliest of any of the following:

(1) The City or NOPEC receives notice of removal pursuant to subsection (e) hereof; or

(2) The City or NOPEC receives formal notice that the person who submitted the form pursuant to subsection (c) hereof is not or is no longer a lawful possessor and occupant of the premises.

(e) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City or NOPEC to remove his or her business, residence, house, apartment or other dwelling from the "Do Not

Knock Registry,” by submitting a separate notice of removal from said registry on a form supplied by the Chief of Police or NOPEC, or by submitting a request online to [www.blocktheknock.com](http://www.blocktheknock.com) which shall contain the following information:

- (1) The name and signature of the person(s) completing the form;
- (2) The complete address of the business, 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 shall be removed from the “Do Not Knock Registry”; 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 Chief of Police.
- (f) The decision whether to place a residence, house, apartment or other dwelling on the Peddlers and 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 that decision.
- (g) The City will send a notice to each registered address on the registry, in the form of a sticker, that the occupant must display on or near the main entrance door or window, so that it is conspicuously visible to those approaching the premises.
- (h) A copy of the “Do Not Knock Registry” shall be made available to the public during normal business hours of the City at the Police Department and shall be provided to every peddler or solicitor that is required to obtain a permit from the City or required to register with the City pursuant to this chapter.
- (i) By enacting this chapter, peddlers and solicitors are on notice that a peddlers and solicitors “Do Not Knock Registry” exists. Each is responsible for obtaining a copy of the registry from the City prior to peddling or soliciting in the City of Willowick, which Registry shall also be made available on the City's website.
- (j) Peddlers and solicitors are prohibited from knocking on the door of any residence, house, apartment or other dwelling that is listed on the registry or upon which a Do Not Knock sticker is conspicuously displayed on the premises pursuant to Section 709.11 (g) above.
- (k) Provisions of the “Do Not Knock Registry” do not apply to persons invited onto the property by the occupant of the premises, for the purposes of peddling, soliciting or canvassing.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.12 REVOCATION OF PERMIT 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 City 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 permit or registration certificate issued under the provisions of this chapter for violation of any provision of this chapter.
- (d) The Chief of Police may revoke a permit or registration certificate at any time for good cause due to complaints of intimidating, discourteous, harassing, offensive, profane, obscene, disruptive, threatening or abusive conduct or claims of damage by residents regarding a solicitor or peddler.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.13 APPEALS.**

Any person who has applied for a permit or registration certificate in accordance with this chapter and to whom the Chief of Police has, after an investigation, denied a permit or registration certificate, may appeal to the City's Director of Public Safety. Notice of such appeal shall be filed with the Director of Public Safety within five days after the denial by the Chief of Police. Such appeal shall be heard by the Safety Director, or his or her designee if the Safety Director is not available, within five days of submitting the appeal. His or her decision shall be final.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.14 SAVINGS CLAUSE.**

Should any section, clause, paragraph or provision of this chapter be declared by any court to be invalid, such a decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so determined to be invalid.

(Ord. 2017-25. Passed 12-5-17.)

#### **709.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor 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 non-compliance occurs or continues.

(Ord. 2017-25. Passed 12-5-17.)