

Village of Mantua, Ohio
ORDINANCE 2018-55

AN ORDINANCE AMENDING CHAPTER 721 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO PEDDLERS, SOLICITORS AND CANVASSERS.

WHEREAS, it has been recommended by the Safety Committee that Chapter 721 of the Codified Ordinances of the Village of Mantua be amended, in order to enact more detailed regulations relating to peddlers, solicitors and canvassers within the Village.

NOW THEREFORE, be it Ordained by the Council of the Village of Mantua, Portage County, Ohio, a majority or more of the members elected thereto concurring, that:

SECTION 1: Existing Chapter 721 of the Village of Mantua Codified Ordinances is hereby repealed.

SECTION 2: Chapter 721 of the Village of Mantua Codified Ordinances is hereby enacted as set forth in "Exhibit A", attached hereto and incorporated herein by reference.

SECTION 3: All other provisions of the Codified Ordinances of the Village of Mantua shall remain in full force and effect.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance shall take effect and be in full force from and after passage by Council and execution by the Mayor, at the earliest date allowed by law, to preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed in Council this 18th day of December, 2018.

1st Reading: October 16th, 2018

Linda Clark, Mayor

2nd Reading: November 20th, 2018

3rd Reading: December 18th, 2018

ATTEST:

Effective: January 17th, 2019

Jenny August, Clerk-Treasurer

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I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the ____ day of _____, 2018.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele Stuck, Solicitor

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"EXHIBIT A"

CHAPTER 721
PEDDLERS, SOLICITORS AND CANVASSERS

721.01 DEFINITIONS.

As used in this Chapter:

- (a) "Peddler" or "Solicitor" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future;
- (b) "Canvasser" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street who obtains or influences or seeks to obtain or influence the opinions of the residents of the Village, upon the private residences including any house, apartment or other dwelling in the Village, who also may or may not obtain or seek to obtain funds for any cause whatsoever.

721.02 LICENSE OR NOTIFICATION REQUIRED.

- (a) No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid license issued pursuant to Section 721.03.

721.03 APPLICATION; FEE; LICENSE; NOTIFICATION.

- (a) Any person wanting a license shall obtain an application for same from the Police Department, and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Police Department which shall contain the following information:
 - (1) Name and address of the applicant;
 - (2) Name and address of the organization represented;
 - (3) Names, addresses and social security numbers of all individual peddlers or solicitors;
 - (4) A description of the proposed peddling or soliciting activities; and
 - (5) Dates, times and particular locations where the peddling or solicitation is to be performed.

Such application shall also be accompanied by a copy of the Internal Revenue Service Federal Income Tax Exemption Letter and State of Ohio Letter of Registration under Ohio Revised Code Chapter 1716 in effect at the time of application hereunder, if the applicant and/or organization represented has been issued either or both of said Letters.

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- (b) All license applications shall be referred to the Police Department who shall, within five (5) days after receipt of the completed application, issue licenses to the solicitors or peddlers unless he finds that:
 - (1) The applicant has provided false, misleading or deceptive information in his application; and/or
 - (2) The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving fraud or moral turpitude within the past five years.
- (c) Each applicant shall pay a fee of twenty-five (\$25.00) for the initial annual license, and a fee of fifteen dollars (\$15.00) for the annual renewal of that license, which fee shall be paid at the time the application is submitted. All licenses shall be valid for one year from the date of issuance. Applicants who are agents for charitable, religious or educational organizations that meet the definition thereof as contained in the Ohio Revised Code 2915.07(H), (I), or (J), or have duly registered with the State of Ohio under the provisions of Ohio Revised Code Chapter 1716, shall be required to obtain a license, but shall be exempt from the payment of any fee as required hereunder.
- (d) Once issued, a license may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Police Department for any of the following causes:
 - (1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.
 - (2) The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.
 - (3) The licensee violates any provision of this Chapter or peddles or solicits in an unlawful manner.
- (e) Any applicant who has applied for a license in accordance with this chapter and to whom the Police Department has, after an investigation, denied a license may appeal to the Safety Committee. Notice of such appeal shall be filed with the Safety Committee within twenty days after the denial by the Police Department. The Safety Committee, on appeal, may grant or reject the application for a license.
- (f) Any canvasser is encouraged to notify the Police Department before obtaining or influencing or seeking to obtain or influence the opinions of the residents of the Village. Any canvasser is urged to provide the Police Department in writing with his or her name and address, the name and address of organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the notification of any canvasser.
- (g) Upon issuance of the permit, the peddler and/or solicitor shall be issued a current copy of the Village's Peddler and Solicitors "Do Not Knock Registry" as established by Section 721.08 below, together with a copy of Section 721.06 "Resident Prohibition by Notice."

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Failure to be in actual possession of said registry while peddling or soliciting in the Village of Mantua shall constitute a violation of this section.

721.04 STREET PEDDLING; ADULT ATTENDANT REQUIRED.

No person shall vend or peddle from a vehicle in public streets and public places in the Village without a license issued under this Chapter, and in pursuit of such business or activity when children under age eighteen (18) collect, congregate, assemble or gather about such vehicle for the purpose of making purchases therefrom or in response to such person's actions, such person so vending or peddling shall be required to be accompanied by an adult attendant whose sole duty and occupation shall be to protect and safeguard such children from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard children from injury therefrom.

721.05 RESTRICTIONS; HOURS; CONDUCT.

Every person to whom a license to peddle or solicit is issued and every canvasser under the terms of this Chapter shall be governed by the following rules and regulations:

- (a) Canvassers subject to the provisions of this Chapter may canvass only between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday, and between the hours of 12:00 p.m. and 5:00p.m. on Sunday; no such person shall canvass on any legal State or Federal Holiday.
- (b) Solicitors or Peddlers subject to the provisions of this Chapter may solicit or peddle only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday respectively; no such person shall peddle or solicit on Sunday or any legal State or Federal Holiday.
- (c) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the Village without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.
- (d) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.
- (e) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the Village without the consent of an adult occupant of the residence, house, apartment or other dwelling in the Village.
- (f) No peddler or solicitor shall peddle or solicit at any residence on the "Do Not Knock Registry".

721.06 RESIDENT PROHIBITION BY NOTICE.

Notwithstanding any other provision of this Chapter, no peddler, solicitor, or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the Village upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless

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such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

721.07 EXCESS NOISE.

No peddler shall use any whistle, bell, horn or other mechanical device for the purpose of advertising his goods, wares and merchandise or services, or of attracting customers, and he shall not call his goods, wares, foods, merchandise or services in a loud voice for such purposes.

721.08 "DO NOT KNOCK REGISTRY".

- (a) The Police Department shall separately establish and maintain a Peddlers and Solicitors' "Do Not Knock Registry".
- (b)
 - (1) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Village may require the Village to place and maintain his or her residence, house, apartment or other dwelling in the Village's Peddlers and Solicitors' "Do Not Knock Registry" by submitting a request to be placed thereon on a form supplied by the Police Department. This form shall be made available at Village Hall, the Police Department and on the Village's website. The completed form may be turned in at any of the above-referenced locations or online and must contain the following information:
 - A. The name of the person completing the form(s);
 - B. The complete address of the residence, house, apartment or other dwelling to be placed on the registry;
 - C. The date the form was completed; and
 - D. A statement that no peddlers and solicitors shall knock, ring the doorbell or otherwise call at this address, or words of similar import, on the applicable form.
 - (2) The Police Department shall update these lists on a bi-weekly basis.
- (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 from the list set forth in division (b), above, by submitting a separate "Notice of Removal" from said registry on a form supplied by the Police Department, which shall contain the following information:
 - (1) The name of the person completing the form(s);
 - (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, home, apartment or other dwelling be removed from the Village's Peddlers and Solicitors' "Do Not Knock Registry", or words of similar import, on the applicable form; and

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- (5) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Police Department.
- (d) The decision whether to place a residence, house, apartment or other dwelling on the Village's 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 Village shall interfere with said decision.
- (e) A residence, house, apartment, or other dwelling, after being lawfully placed on the Village's Peddlers and Solicitors' "Do Not Knock Registry" shall remain on such Registry until the earliest of any of the following:
 - (1) The Village receives a Notice of Removal pursuant to division (c) above;
 - (2) The Village receives notice that the person who submitted the form pursuant to division (b) above is not or is no longer a lawful possessor or occupant of the premises; or
 - (3) The expiration of five calendar years, expiring on December 31 of the fifth full calendar year from the date of the form submitted pursuant to division (b) above.
- (f) A copy of the Village's Peddlers and Solicitors' "Do Not Knock Registry" shall be made available for public inspection at all times on the internet website of the Village and at any time at the Police Department.

721.99 PENALTIES.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor for the second or subsequent offenses.