

# VILLAGE OF BENTLEYVILLE, OHIO

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ORDINANCE NO: 2018-20

INTRODUCED BY: KVACEK

**AN ORDINANCE AMENDING PART EIGHT, TITLE TWO – BUSINESS REGULATION  
AND TAXATION CODE, CHAPTER 860 PEDDLERS AND CANVASSERS, OF THE  
VILLAGE OF BENTLEYVILLE CODIFIED ORDINANCES, WITHIN THE VILLAGE OF  
BENTLEYVILLE, OHIO AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council for the Village of Bentleyville finds it within the best interests of the Village to amend Chapter 860, titled Peddlers and Canvassers, for the betterment of the community and the Village of Bentleyville; and

**BE IT ORDAINED** by the Council of the Village of Bentleyville, County of Cuyahoga and State of Ohio, that:

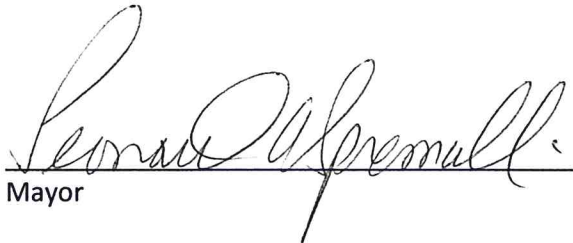
**Section 1.** Therefore Part Eight, Title Two – Business Regulation and Taxation Code, Chapter 860 Peddlers and Canvassers, shall be amended to read as attached.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including the applicable sections of the Ohio Revised Code.

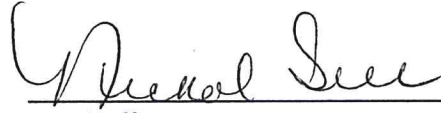
**Section 3.** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health or safety of the inhabitants of the Village of Bentleyville and for the further reason set forth in the preamble hereof, and this Ordinance shall, therefore, take effect and be in full force immediately from and after the date of its passage and approval.

07.18.2018

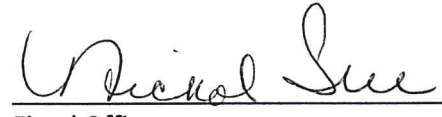
Date Passed

  
Mayor

I, the undersigned Fiscal Officer of the Village of Bentleyville, Ohio, hereby certify that there is no newspaper published or having an office of publication in the same Village and that I published the foregoing Ordinance by posting the same in five (5) of the most public places of said Village, as defined by Ordinance of Council, for a period of fifteen (15) days, beginning the date following the passage and signature of the Mayor.

  
\_\_\_\_\_  
Fiscal Officer

I, the undersigned Fiscal Officer of the Village of Bentleyville, Ohio, hereby certify that the foregoing is a true copy of Ordinance 2018-20 duly enacted by the Council of said Village on this 18 day of July, 2018.

  
\_\_\_\_\_  
Fiscal Officer

## CHAPTER 860

### Peddlers and Canvassers

#### **860.01 Purpose.**

This Chapter is intended to balance the First Amendment rights of individuals wishing to engage in door-to-door peddling and canvassing activities in the Village of Bentleyville, Ohio (“Village”) with the privacy, health, safety and welfare of the Village's residents.

#### **860.02 Definitions.**

As used in this chapter:

- (a) "Canvasser" means traveling from residence to residence within the Village without having a previous appointment to visit the residence or residences visited, for the purpose of disseminating any lawful message, either with or without soliciting funds or donations.
- (b) "Chief of Police" includes the designee of the Chief of Police.
- (c) "Peddler" means any person traveling, by foot, automobile, truck or other type of conveyance, from place to place, door to door or street to street, without having a previous appointment to visit the residence or residences visited, for the purpose of soliciting or 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. Any person engaging in such activities for a not-for-profit organization shall be deemed to be a Canvasser.

#### **860.03 License Required, Exceptions.**

- (a) No Peddler may peddle within the Village without holding a valid license issued by the Chief of Police. A separate license shall be obtained for every Peddler, agent or employee peddling within the Village.
- (b) The following individuals shall not be required to obtain a license:
  - (1) Children under the age of eighteen (18);
  - (2) Newspaper carriers seeking customers for a newspaper which he or she regularly delivers or intends to regularly deliver; and
  - (3) Canvassers.

Individuals who are not required to get a license are encouraged to advise the police department that they will be going door-to-door in the Village in case members of the public seek information from the police department regarding whether the Village is aware that such activity is occurring.

#### **860.04 Application for License.**

Each applicant for a Peddler's license shall furnish the Chief of Police with the following information on forms provided by the Village:

- (a) Name, age and physical description of the applicant and provide a valid photographic identification card;
- (b) Date of birth of applicant;
- (c) Complete permanent and local address of applicant;
- (d) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation, or association for whom the applicant has solicited for the past three (3) years;
- (e) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the peddling in which the applicant shall engage;
- (f) The proposed dates and times of the peddling and the routes to be followed in conducting same;
- (g) Whether the applicant or business has ever been denied a license or permit to peddle or solicit or had such license or permit revoked, including the date and place of such denial or revocation; and
- (h) Whether or not the applicant has been convicted of any felony or misdemeanor, the nature of the offense and punishment or penalty assessed therefor.

A non-refundable fee in the amount of fifty dollars (\$50.00) shall be submitted with each application provided for herein.

#### **860.05 Issuance of License; Duration.**

The Chief of Police shall issue a license to the applicant unless it is determined:

- (a) The applicant has made a false, misleading or deceptive statement in providing the information required under Section 860.04;

- (b) The applicant has been convicted of a felony violation, crime involving moral turpitude as defined by Section 4776.10 of the Ohio Revised Code, or an “offense of violence” as defined by Section 606.01(i) of the Code of Ordinances of the Village of Bentleyville during the past five (5) years;
- (c) Each applicant who is issued a license shall carry the license required by Chapter 860 and a photographic identification card at all times while peddling and shall, upon demand, exhibit the license and photographic identification card to any official of the Village or any occupant of any residence or business establishment being contacted.

Such license shall be valid for a period not to exceed six (6) months.

#### **860.06 Restrictions.**

Every person who wishes to peddle or canvass in the Village shall be governed by the following rules and regulations:

- (a) No person shall peddle or canvass except between the hours of 9:00 a.m. and the later of sunset or 9 P.M.
- (b) No Peddler or Canvasser shall enter or attempt to enter the house, condominium unit, or apartment of any resident in the Village without an express invitation from the occupant of the house or apartment.
- (c) No Peddler shall engage in or transact any type of business or solicitation other than as specified on the license application.
- (d) No license issued hereunder shall be assigned or transferred to any other person.
- (e) No person licensed pursuant to this chapter shall have any exclusive right to any location in the public streets or sidewalks, nor shall the licensee be permitted a stationary location, nor shall the licensee be permitted to operate in any congested area where peddling operations impede or inconvenience the public, nor shall peddling be conducted from a motor vehicle.
- (f) No person shall knock at the door or ring the doorbell of any residence, apartment, or other dwelling unit in the Village upon which is clearly displayed at the entrance a notice that reads "No Solicitors" or that otherwise clearly purports to prohibit peddlers, canvassers, vendors, solicitors, or persons requesting contributions, unless such person is or has been invited upon the premises by the occupant thereof.

### **860.07 Resident Prohibition by Notice**

- (a) The Chief of Police shall establish a "Do Not Knock Registry" for Peddlers and Canvassers.
- (b) Any person in lawful possession and occupancy of any residence in the Village may request that the Village place and maintain his or her residence on the "Do Not Knock Registry" by submitting a request on form(s) supplied by the Chief of Police, which shall contain the following information:
  - (1) The signature of the person completing the form(s);
  - (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; and
  - (4) A statement that there are "no peddlers or canvassers allowed" to call at this address, or words of similar import.
- (c) Any person in lawful possession and occupancy of any residence in the Village may request that the Village remove his or her residence, house, apartment or other dwelling from the "Do Not Knock Registry" by submitting a "Notice of Removal" on form(s) supplied by the Chief of Police, which shall contain the following information:
  - (1) The signature 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; and
  - (4) A statement that the residence, house, apartment or other dwelling be removed from the Registry for Peddlers and/or Canvassers.
- (d) The decision whether to place a residence on the "Do Not Knock Registry" shall be solely that of the lawful possessor and occupant thereof, and such decision must be communicated in writing to the Chief of Police, which writing may include electronic mail.
- (e) 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 Village receives notice of removal pursuant to division (c) hereof; or

- (2) January 1 of the next year.
- (f) A copy of the "Do Not Knock Registry" shall be made available for public inspection at all times during normal business hours at the office of the Chief of Police.
  - (g) A Peddler or Canvasser shall obtain a copy of the "Do Not Knock Registry" from the office of the Chief of Police prior to engaging in any peddling or canvassing activity.
  - (h) Notwithstanding any other provision of this chapter, no Peddler or Canvasser, while soliciting or canvassing, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the Village which is at that time on the respective "Do Not Knock Registry" established and maintained pursuant to this chapter.

#### **860.08 Revocation of License.**

A license issued under this chapter shall be revoked by the Chief of Police for any of the following causes:

- (a) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section 860.04.
- (b) The licensee has been convicted of a felony violation, crime involving moral turpitude as defined by Section 4776.10 of the Ohio Revised Code, or an "offense of violence" as defined by Section 606.01(i) of the Code of Ordinances of the Village of Bentleyville.
- (c) The licensee solicits in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (d) The licensee violates any of the provisions of this Chapter 860.

Written notice shall be given to the licensee by personal service or by certified mail to any of the addresses required to be provided by Section 860.04 immediately upon such revocation.

#### **860.09 Appeal Procedure.**

- (a) Any person aggrieved by the action of the Chief of Police in the denial of a permit, or the action of the Police Chief or the Mayor in revoking the permit, shall have the right of appeal to Council. Such appeal shall be taken by filing with the Village

Clerk, within fourteen days after the appellant has received notice of the action complained of, a written statement setting forth fully the grounds for the appeal.

- (b) Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant not less than ten working days prior to the date set for such hearing, such notice to be given in the same manner as provided for in Section 860.08 for notice of revocation. The decision and order of the Council on such appeal shall be final and conclusive.

**860.10 Falsification; Misrepresentation.**

No person required to obtain a license to peddle under this Chapter shall register a false or fictitious name or address or represent by word, or action that he or she is the employee, agent, partner or representative of any person, firm, corporation, association or organization, when in fact, he or she is not the employee, agent, partner or representation of such person, firm, corporation, association or organization.

**860.99 Penalty.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be committed each day during or on which a violation occurs or continues and with respect to each person or residence solicited.