

AN ORDINANCE REPEALING CHAPTER 715 (HOME SOLICITATION SALES) AND CHAPTER 719 (PEDDLERS) AND ENACTING A NEW CHAPTER 715 ("SOLICITORS") IN THE BUSINESS REGULATION CODE

WHEREAS, the Law Director and Chief of Police have recommended repeal of Chapter 715 (Home Solicitation Sales) and Chapter 719 (Peddlers) and enacting a new Chapter 715 (Solicitors).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That as of the effective date of this Ordinance, there is hereby repealed existing Chapter 715 (Home Solicitation Sales) and Chapter 719 (Peddlers) of the Business Regulation Code and in their place there is enacted a new Chapter 715 to read as follows:

“CHAPTER 715
SOLICITORS

715.01 DEFINITIONS.

As used in this chapter, unless a different meaning clearly appears from the context:

(a) “Solicitation” and “solicitor” mean any person who calls at residences without the invitation or previous consent of the owner or occupant of such premises for the purpose of any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;
- (4) Seeking to obtain contributions or to sell any goods, articles or services of any kind for the support or benefit of any educational, civic, philanthropic, charitable, religious or nonprofit association, organization, corporation or project;
- (5) Seeking to obtain from an occupant of any residence an indication of such occupant’s belief in regard to any social, political or religious matter;
- (6) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or
- (7) Taking a poll or census by any person, firm or corporation, other than a governmental body or agency thereof.

715.02 PROHIBITION OF DOOR TO DOOR SOLICITATION.

The practice of going in and upon private residences in the Village, by solicitors, otherwise than as permitted under this chapter, is hereby declared to be a nuisance and punishable as provided in Section 715.99.

715.03 REGISTRATION REQUIRED.

Registration is required for every person who desires to engage in solicitation by means of calling upon places of residence. A registration certificate shall be obtained by an organization to cover each individual solicitor for the organization. Any solicitation is unlawful unless prior registration has been complied with as required herein.

715.04 APPLICATION.

Application for a certificate to solicit shall be made to the Chief of Police, or his or her designee, by the prospective solicitor prior to the proposed effective date of the certificate. The application shall contain the following information:

(a) The name, current address and date of birth of each individual applying for the certificate.

(b) The name and business address of the individual applicant's employer, and the length of the individual's employment by same.

(c) 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 solicited, including the name and addresses of the persons to whom the proceeds will be sent if applicable.

(d) A statement to the effect that if a certificate is granted, it will not be used or represented in any way as an endorsement by the Village or by any department or officer thereof.

(e) A photograph of the individual applying for the certificate, approximately 3" X 3" square, taken less than one year prior to the date of application.

In the case of an organization for which numerous persons will solicit, one application may be made; however, all individualized information must be provided for each proposed solicitor, whether by attachment of such information to the application, or otherwise.

715.05 CERTIFICATE FEES

For each registration certificate application pursuant to Section 715.04 there shall be a fee of ten dollars (\$10.00), but no organization shall be required to pay more than thirty dollars (\$30.00).

715.06 CERTIFICATE ISSUED

Upon completion of the application, the individual engaged in soliciting shall be furnished a registration certificate which shall be valid for one year from the date of issuance. The certificate shall contain at least the following:

(a) The name of the individual solicitor;

- (b) The name of the organization on behalf of which the solicitation is conducted;
- (c) The purpose of the solicitation activity;
- (d) The date of issuance; and
- (e) The date of expiration.

This certificate shall be displayed upon the request of any individual being solicited and, upon request, to any police officer.

715.07 HOURS OF SOLICITATION REGULATED.

No solicitation pursuant to a certificate issued under this chapter shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays. Further, no solicitation pursuant to a certificate issued under this chapter shall be conducted on Saturdays and Sundays, or at any time on a state or national holiday.

715.08 NOTICE PROHIBITING SOLICITATION.

Notice by the owner or occupant of any residence or place of business of the determination to refuse to receive any uninvited solicitors shall be given by displaying a weatherproof card, decal or sign, not less than three inches by four inches in size nor more than one square foot in total surface area, upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited," or words of similar import, with letters at least one-third of an inch in height. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of these Ordinances, including but not limited to the Planning and Zoning Code.

715.09 SOLICITATION IN VIOLATION OF NOTICE.

It is hereby declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell upon or near any door, 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 for the purpose of solicitation in defiance of the notice exhibited at the residence in accordance with the provisions of Section 715.08, unless the solicitor has been previously invited upon the premises by the owner, lessee, or an adult occupant thereof.

715.10 REVOCATION OF CERTIFICATE.

Any certificate issued hereunder shall be revoked by the Chief of Police, or his or her designee, if the holder of the certificate violates any provision of this chapter, or has made a false statement in the application, or is guilty of any fraud, misrepresentation or unlawful act in connection with his business or otherwise, or in any other way becomes disqualified for the issuance of a certificate under the terms of this chapter. Immediately upon revocation, written notice thereof shall be given by the Chief of Police or his or her designee to the holder of the certificate in person or by U.S. mail addressed to his or her residence as set forth in the application, evidenced by certificate of mailing or by certified U.S. mail return receipt.

Immediately upon the giving of such notice, the certificate shall become null and void.

715.11 APPEAL.

(a) Any person who has applied for and been granted a certificate in accordance with this chapter may, should said certificate be revoked as provided in Section 715.10, appeal such revocation to the Safety Director. Notice of such appeal must be received in the office of the Safety Director within five days after revocation of the certificate. The Safety Director shall, upon appeal, uphold or reverse the revocation within twenty-one (21) days of the receipt of the notice of appeal.

(b) Subject to the provisions of Section 715.12, in the case of an appeal of the revocation of a certificate issued pursuant to this chapter, the holder of the certificate may continue to solicit in accord with the provisions of this chapter during the pendency of the appeal.

715.12 LEGAL ACTION.

Notwithstanding any penalty provided for under the terms of this chapter, the Director of Law or any resident of the Village, or any other person, firm or corporation, partnership or other entity may commence a civil action in any court of competent jurisdiction against any person, firm, corporation, partnership or other entity who violates the provisions of this chapter. Such relief shall include any preliminary or permanent injunction to abate such nuisance and such other relief as the court may deem appropriate, including, but not limited to reasonable attorney's fees, expenses and court costs.

715.99 PENALTY.

Any person, firm, partnership, association or corporation violating any provision of this chapter shall be guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for a subsequent offense."

SECTION 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 18, 2000

Michael J. Lyons
President of Council

Donald H. Larsen
Mayor

ATTEST:
Carole Gilson
Clerk of Council

Dated: 4/19/2000