

TEMPORARY ORDINANCE NO. 38-24

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 751 – PEDDLERS

WHEREAS, currently, criminal background checks for peddlers and solicitors must be no more than thirty (30) days old when submitted with a registration application to the Service Safety Director; and

WHEREAS, peddlers and solicitors for religious and/or charitable organizations are not required to submit criminal background checks with registration applications to the Service Safety Director; and

WHEREAS, fees for peddler and solicitor registration applications are nominal and are not representative of the clerical effort required to process them; and

WHEREAS, the Service Safety Director should retain the ability to specifically authorize street peddlers or their agents or employees to operate beyond the hours of 9:00 a.m. and 8:00 p.m.; and

WHEREAS, additional changes to Chapter 751 Sections 751.02 and 751.06 are necessary for the purposes of clarity and consistency; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part Seven – Business Regulation Code, Chapter 751 – Peddlers, of the Codified Ordinances of the City of Lancaster, is hereby repealed and replaced pursuant to Exhibit “A”, as amended, attached hereto and incorporated herein by reference.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

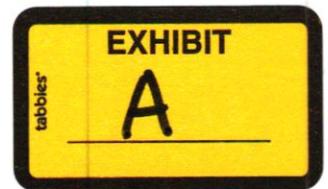
Offered by: _____

Second by: _____

Requested by Law Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 2024 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



CHAPTER 751
Peddlers, Solicitors and Canvassers

- 751.01** Definitions.
- 751.02** Peddling, solicitation or canvassing.
- 751.03** Organizational liability.
- 751.04** Display of registration card.
- 751.05** Reserved.
- 751.06** Street peddler.
- 751.07** Permit to solicit charitable contributions in the roadway.
- 751.99** Penalty.

CROSS REFERENCES

Power to inspect food products - see Ohio R.C. 715.46
Power to regulate - see Ohio R. C. 715.61 et seq.
Frozen desserts - see Ohio R.C. 3717.51 et seq.
Disturbing the peace - see GEN. OFF. 509.02
Trespass - see GEN. OFF. 537.06
Littering - see GEN. OFF. 553.04
Solicitors and canvassers - see BUS. REG. Ch. 761

751.01 DEFINITIONS.

As used in this chapter:

- (a) "Peddler" means any person who travels door to door either by foot, automobile, truck, or any other type of conveyance and calls upon private residents, including any house, apartment or other dwelling within the City, taking or attempting to take orders for profit for 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 and/or performed immediately or in the future.
 - (1) "Street peddler" means a peddler that sells or offers for sale food, beverages, merchandise or service on public property or right of way as further defined in Section 751.06(a). Street peddlers are stationary peddlers and are often referred to as street vendors.
- (b) "Solicitor" means any person who seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck, or any type of conveyance and calling upon private residences including any house, apartment or other dwelling within the City.

- (c) “Canvasser” means any person who obtains or influences the opinions of the residents of the City by traveling door to door either by foot, automobile, truck or other type of conveyance and calling upon private residences including any house, apartment or other dwelling in the City, but does not seek to obtain funds for any cause whatsoever.
- (d) “Charitable” means and includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veterans, medical and social research, either actual or purported.
- (e) “Religious” as used herein for organizations registered with the Secretary of State religious organization and given its community accepted definition. Charitable organizations are excluded from this definition.
(Ord. 34-07. Passed 6-25-07.)

751.02 PEDDLING, SOLICITATION OR CANVASSING.

(a) Registration Required. No peddler or solicitor shall peddle or solicit any item within the City, unless he or she is the holder of a valid registration issued pursuant to this chapter. Canvassers do not need to register but must abide by relevant sections of this chapter.

(b) Registration Application; Contents. Application for a registration as a ~~solicitor or as a peddler~~ **peddler or solicitor** shall be made upon a form provided by the Service-Safety Director. Each application shall contain among other information, the name, address, and telephone number of the applicant; the name, address, and telephone number of his or her employer, if any; the nature of the goods or services for which he or she will take orders or to be offered for sale; proof of motor vehicle insurance; a valid operator’s license; the proposed method of operation in the City; a written commitment that such person(s) shall comply with Chapter 751 of the Codified Ordinances; and such other information as the Service-Safety Director may require.

(c) Criminal Background Checks.

(1) Required. All peddlers and solicitors ~~not exempt in subsection (c)(2) hereof~~ are required to provide a criminal background check ~~completed~~ that is no more than ~~30 days old~~ **1 (one) year old**. Said background check must be presented at the time a registration application is completed.

(2) ~~Exempt.~~ All charitable or religious solicitors or peddlers are exempt from the criminal background checks.

(d) Registration Prohibition.

(1) No person who has been convicted of **one or more of the following shall be registered as a peddler or solicitor in the City:**

A. Any felony; or

B. Any misdemeanors involving false statements, dishonesty, theft, offenses of violence, offenses against juveniles, or violations of Ohio Revised Code Chapter 2907, shall be issued a registration.

(e) Registration Expiration. All registrations issued under this chapter shall be valid for not more than **1 (one) year** from date of issue or as otherwise designated by the Service-Safety Director.

(f) Group Registration. An organization which desires to place a number of solicitors or peddlers for charitable or religious purposes at residences or on public property in the City may make a group application to cover all of them, even if such application is for more than one fund raising event during the period for which the certificate is valid; however, a separate information card shall be issued to each solicitor or peddler by the registered organization. Such information card shall include, at a minimum, the name of the registered organization; description of the purpose of the solicitation; the period for which the registration was issued, and the name of the solicitor or peddler. The organization shall keep a record of each solicitor or peddler and his or her social security number and date of birth which shall be made available to law enforcement upon request. **However, each individual covered under a group registration must provide a criminal background check and must not have a registration prohibition as provided above.**

(g) Exceptions.

- (1) The provisions of this section shall not apply to solicitations conducted only among the members of the entity or organization conducting the soliciting or to solicitations in the form of collections or contributions at the regular assemblies, meetings or services of any such established charitable or religious organization.
- (2) No registration shall be required of a farmer or producer who is selling the product of his own farm.
- (3) Street peddlers must comply with Section 751.06.

(h) Registration Revocation.

- (1) Any registration issued hereunder shall be revoked by the Service-Safety Director if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application. Any conviction for a violation of this chapter shall be cause for rejection of future registrations.
- (2) Immediately upon such revocation, written notice thereof shall be given by the Service-Safety Director to the holder of the registration in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the registration shall become null and void.

(i) Fraudulent Solicitations Prohibited.

- (1) No solicitor or peddler shall make or perpetrate any misstatement, deception, or fraud in connection with any solicitation of any contribution for any charitable purpose.
- (2) No person having entered into an agreement to conduct any solicitation on behalf of any person or any charitable purpose shall fail to remit or pay to the party entitled thereto the proceeds of such solicitation in accordance with the true terms of the agreement.

- (j) Fee.
- (1) No person shall act as a peddler or solicitor without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the Service-Safety Director a registration therefor. The fee for each registration shall be as follows:
 - A. For one day: ~~\$1.00~~ 15.00
 - B. For one week: ~~\$5.00~~ 35.00
 - C. For one year: ~~\$15.00~~ 75.00
 - (2) All fees collected shall be paid into the General Fund.
 - (3) Fee exemption. Individuals or corporations soliciting or peddling on behalf of an educational, religious, civic or charitable organization shall not be required to pay registration fees.
- (k) Nontransferable. Once issued a registration may be used only in conformity with the laws of the City and the State of Ohio and may not be assigned or transferred.
- (l) Restrictions; Hours; Conduct. Every person to whom a registration to peddle or solicit is issued and every canvasser shall be governed by the following rules and regulations:
- (1) No person subject to the provisions of this chapter shall peddle, solicit, or canvass except between the hours of 9:00 a.m. and 8:00 p.m. or one-half hour after sunset whichever is earlier, unless specifically authorized by the Service-Safety Director.
 - (2) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the City without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.
 - (3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the registration application.
 - (4) 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 City without the consent of any adult occupant of the residence, house, apartment or other dwelling in the City.
- (m) 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 doorbell of any residence, house, apartment or other dwelling in the City 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 prohibits peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.
- (n) Appeals. Any registrant or applicant may appeal his/her revocation or denial to the City Staff Safety Committee. Said appeal will be heard within 45 days. The Committee shall issue its finding in writing within 10 days of the meeting and shall mail said finding to the appellant at the address on the application.
(Ord. 34-07. Passed 6-25-07.)

751.03 ORGANIZATIONAL LIABILITY.

The organization sponsoring or employing individuals violating any of the provisions of Chapter 751 may be prosecuted and held liable for the criminal penalties contained herein. (Ord. 34-07. Passed 6-25-07.)

751.04 DISPLAY OF REGISTRATION CARD.

Any peddler, street peddler, or solicitor shall, at all times while soliciting or peddling, carry said registration. Upon request of any resident, police officer or City official, a solicitor, peddler or street peddler shall present said registration card for further inspection. (Ord. 34-07. Passed 6-25-07.)

751.05 RESERVED.

(EDITOR'S NOTE: This section is reserved for future legislation.)

751.06 STREET PEDDLER.

(a) Registration Required; Effective Period; Revocation. No peddler shall sell or offer for sale any ice cream, frozen dessert, soft drink, candy, sandwich, nuts, novelty confection or similar foodstuff, food, merchandise, or services on public rights of way within the City without first obtaining a registration from the City prior to engaging in such selling or offering for sale, such registration to be issued by the Service-Safety Director. Any registration issued hereunder shall be valid for a period of one year from the date of issue. Such registration may be revoked for failure of the registrant, or his agents or employees to comply with the terms of this chapter.

(b) Conditions of Registration; Fee. The registration provided in this Section 751.06 shall be issued by the Service-Safety Director upon payment of a fee of ~~twenty-five dollars (\$25.00)~~ **the requisite peddler fee as established in section 751.02**, and upon compliance with the following conditions:

- (1) The applicant shall submit to the City evidence of insurance providing coverage for property damage and bodily injury occasioned by the registrant, his/her agents or employees, the limits of such coverage to be not less than one million dollars (\$1,000,000) combined single limit coverage (property damage and bodily injury).
- (2) The application shall contain a schedule of vehicles to be used by the applicant, and the applicant shall submit evidence that each person required to be licensed to operate such vehicles under the laws of the State has a valid Ohio operator's or chauffeur's license as required by law.
- (3) Each operator shall provide evidence that a valid food handler's permit has been issued by the Fairfield County Department of Health to the operator and his/her agents and employees.
- (4) The applicant shall be the owner.
- (5) Street peddlers requesting registration desiring access to City water and electricity shall comply with additional administrative regulations adopted by the Service-Safety Director. Any additional fee and utility charges may be assessed.
- (6) The Service-Safety Director shall establish Administrative Rules and Regulations and fees as necessary.

(c) Hours of Sale. Street peddlers or their agents or employees, subject to the provisions of this Section 751.06 shall operate only from 9:00 a.m. to 8:00 p.m. **unless otherwise specifically authorized by the Service-Safety Director.**

(d) Location of Sales. The Service-Safety Director maintains management and oversight of the public rights of way and reserves the right to deny a street peddler's request for a location due to health, safety or welfare concern.

(e) Stopping Vehicle for Sales. Solicitors, peddlers and street peddlers, or their agents or employees shall transact business only when the vehicle is stopped at the curbing or, if there is not curbing, when the vehicle is stopped at the right edge of the paved part of the right of way.

(f) Street Vendors Serving Fairs and Festivals.

- (1) In order to provide for the health and safety of persons attending a fair or festival authorized by the City, the Service-Safety Director shall designate those streets, highways and public rights of way adjacent to, or in the area of, a fair or festival which shall not be used for the purpose of the sale of foodstuffs pursuant to the registration issued under the terms of this chapter or for the purpose of the sale of goods, merchandise or property of any kind and under terms of the right of way permit.
- (2) The Service-Safety Director shall approve the layout of the festival and number of approved street peddlers at the time the right-of-way permit is drawn by the festival. The Service-Safety Director shall establish administrative rules governing said use of right of way for fairs and festivals.
- (3) Any person, firm, corporation, group or agency which has secured a permit for the purpose of sponsoring a fair or festival may promulgate its own rules, regulations and fees to oversee its function in addition to those established by the Service-Safety Director, as long as said rules are consistent with those established by the Service-Safety Director.

(g) Registration Revocation. Any registration issued hereunder shall be revoked by the Service-Safety Director if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the registration application.

(h) Nontransferable. Once issued, a registration may be used in conformity with the laws of the City and the State of Ohio and may not be assigned or transferred.
(Ord. 34-07. Passed 6-25-07.)

751.07 PERMIT TO SOLICIT CHARITABLE CONTRIBUTIONS IN THE ROADWAY.

(a) The Service-Safety Director or his/her designee may issue a permit to solicit contributions on a street, highway or roadway from the driver or occupant of a vehicle when all of the requirements of subsection (b) hereof have been met.

(b) Charitable organizations may apply for and obtain a permit to solicit contributions in the street, highway or roadway but not on a freeway as provided by Ohio R.C. 4511.051 when a permit issued by the Service-Safety Director or his/her designee as follows:

- (1) The Service-Safety Director or his/her designee shall prescribe a form and receive applications to solicit contributions on a street, highway or roadway.
- (2) An application may be made only by a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(c) of the Internal Revenue Code with a local charitable organization meeting within Fairfield County. The Internal Revenue Service ruling or determination shall be attached to the application prescribed by the Service-Safety Director and/or his/her designee.
- (3) Collections shall be made only at Center Alley, Main Street between Broad and Columbus Street. A permit shall be obtained from the Service-Safety Director.
- (4) Collections shall not commence before thirty minutes after sunrise and shall not continue beyond thirty minutes before sunset.
- (5) Collections shall not exceed thirty hours on three continuous days, and shall be one time only, per calendar year.
- (6) All persons collecting in the streets shall be eighteen years of age or older.
- (7) All collectors shall be neatly attired and wear orange safety vests when working in the street collecting moneys.
- (8) Only four people may be in the same location at one time for street collections.
- (9) A one million dollar (\$1,000,000) personal liability insurance policy for any occurrence shall be carried by the collector and proof of such insurance shall be provided to the Service-Safety Director.
- (10) A collector shall sign a release of liability form for the City, relieving the City from all liability and agreeing to indemnify the City for all damages.
- (11) The supervisor of all organizations engaged in street collections shall list all workers who will collect at a specific time. Each worker shall sign the release liability mentioned in subsection (a)(10) hereof, and the supervisor shall sign for the organization.
- (12) Orange cones and orange vests shall be furnished by the Lancaster Street Department. A plan showing where collectors are recommended to stand shall be given to each organization.
- (13) Two temporary signs shall be displayed that shall notify motorists of street collections ahead.
- (14) The Service-Safety Director shall be given fourteen days notice prior to requesting the street collection permit.
(Ord. 34-07. Passed 6-25-07.)

751.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and, in addition, may have his or her registration revoked by the Service-Safety Director. A second offense shall be enhanced to a misdemeanor of the fourth degree.
(Ord. 34-07. Passed 6-25-07.)