

Introduced by: Simeone

ORDINANCE NO. 59-18

Referred to: \_\_\_\_\_

1<sup>st</sup> Reading: 8-20-18

2<sup>nd</sup> Reading: 9-4-18

3<sup>rd</sup> Reading: 9-17-18

**AN ORDINANCE AMENDING ALLIANCE CODIFIED  
ORDINANCE SECTION 765 SOLICITORS.**

**WHEREAS**, the Alliance City Council periodically reviews its Ordinances and Laws to make specific provisions for the safety and convenience of its residents; and

**WHEREAS**, certain provisions within the City of Alliance Codified Ordinances Chapter 765 Solicitors should be amended to make the City regulations easier to understand and to permit residents to engage in the “Do Not Knock” program offered by NOPEC; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLIANCE, STARK AND MAHONING COUNTIES, OHIO AS FOLLOWS:**

**SECTION 1.** That Alliance Codified Ordinance Section 765 is hereby repealed and amended as attached in Exhibit “A”.

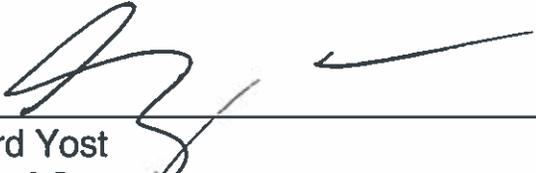
**SECTION 2.** That it is FOUND and DETERMINED that all formal actions of this Council concerning and relating to the adoption of this Ordinance were resolved in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**PASSED**, this 17 day of September, A.D., 2018.

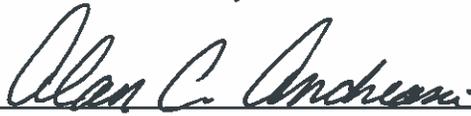


Arthur Garnes  
President of Council

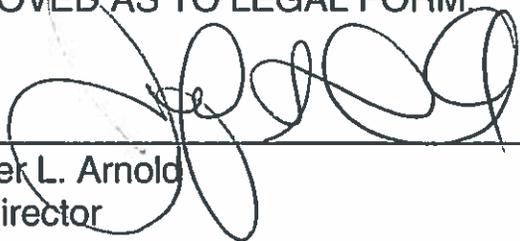
ATTEST:

  
\_\_\_\_\_  
Gerard Yost  
Clerk of Council

APPROVED: September 18, 2018

  
\_\_\_\_\_  
Alan C. Andreani, Mayor

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Jennifer L. Arnold  
Law Director

**765.01 DEFINITIONS.**

As used in this chapter:

(a) "Canvassing" means traveling from residence to residence within the City, without having a previous appointment to visit the residence or residences visited for the purpose of disseminating any lawful message either without soliciting funds or donations or in conjunction with soliciting funds or donations.

(b) "Charitable" means patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.

(c) "Peddling" means either of the following:

(1) Traveling from either residence to residence or door to door within the City, without having a previous appointment, for the purpose of obtaining or attempting to obtain funds or exposing or offering for inspection or sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future whether directly for the resident or on an indirect or "group" basis; or

(2) Means any person who sells, barter, offers for sale, or exposes for sale at retail or wholesale, any goods, wares, merchandise, chattels, vegetables, fruits, foodstuff of any description, any substance for human consumption, or any commodity or other article and/or taking or soliciting orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery, or for services to be performed in the future upon the public streets or alleys, sidewalks, or in the entrances to buildings or other premises, or upon vacant lots or other tracts of land, or from place to place within the corporate limits of the City.

(d) "Political" shall not include the word "charitable", but shall be given its commonly accepted definition.

(e) "Religious" or "religion" shall not include the word "charitable", but shall be given their commonly accepted definitions.

(f) "Soliciting" means traveling from residence to residence within the City, without having a previous appointment to visit the residence or residences visited for the sole purpose of obtaining or attempting to obtain funds or other things of value.

**765.02 LICENSE REQUIRED.**

(a) No person shall solicit or peddle within the City without first obtaining a license from the Safety Director or authorized representative. A separate license must be obtained for every solicitor, agent or employee soliciting or peddling within the City.

(b) While a license is not required for canvassing for political, charitable or religious groups, canvassers are encouraged to register their activities with the City and notify the Police Department the times and dates during which they will be engaging in canvassing activities.

**765.03 UNAUTHORIZED SALES FROM PUBLIC AND PRIVATE PROPERTY.**

No person shall sell, barter, or offer or expose for sale, or barter, any goods, wares, merchandise or services, upon any public or private property in the City, without first obtaining permission of the landowner or other person authorized to give such permission.

**765.04 APPLICATION FOR LICENSE.**

(a) Each person, whether principal or agent, who proposes to conduct or engage in the sale of goods, wares, merchandise, property, tangible or intangible, of any nature whatsoever, and services, from a temporary place of business, within the City, shall, before opening same and before offering sale of such goods, wares, merchandise, property and/or services procure a license to do so from the Director of Public Safety and Service, which application shall be made not less than ten days prior to the time such activity is to take place.

(b) The applicant for a temporary business license shall furnish the Director with the following information on forms provided by the City:

- (1) Full name of the applicant.
- (2) Date of birth of the applicant.
- (3) Local address, if any.
- (4) Permanent home address.
- (5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, and sex.
- (6) Social security number, if any.

(7) A description of the nature of the business and the location and the goods, wares, merchandise, property and/or services to be sold. Written consent of the owner of the premises or other duly authorized person shall be provided.

(8) Telephone number of the applicant.

(9) Number of employees.

(10) Dates and hours of operation.

(11) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor.

(12) Such other information as the Director may require.

(c) A nonrefundable fee of one hundred dollars (\$100.00) shall be submitted with the application.

(d) The applicant shall further register with the income tax office providing the income tax office his name, address, person or persons to whom correspondence may be directed and such other information as the income tax administrator may require.

(e) No license shall be valid for a period not to exceed thirty days from the date of issuance unless earlier revoked. Licenses may be renewed for \$50.00 for one additional thirty day period. Any subsequent renewals will require the issuance of a new license. No license issued hereunder shall be assigned or transferred to another person.

(f) The Director shall issue a license to the applicant unless he has determined:

(1) That the applicant has made a false, misleading or deceptive statement in providing the information required under subsection (b) hereof; or

(2) That the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude during the five years preceding the date of application; or

(3) That the proposed location of the temporary business would constitute a hazard to the public health, safety and welfare; or that the applicant has not registered with the income tax office as provided in subsection (d) hereof.

#### **765.05 ISSUANCE OF LICENSE; EXCEPTIONS; REVOCATIONS.**

(A) Issuance of License. Not more than 15 days after completion of the application form provided in Section 765.04, the Safety Service Director or authorized representative, shall, except as otherwise provided herein, issue a license to each applicant unless it is determined by the Safety Director or authorized representative:

(1) That the applicant has misrepresented his identity or intention or made a false, misleading or deceptive statement in providing the information required under Section 765.04.

(2) That the applicant has been convicted, during five years preceding the date of application, of a felony or misdemeanor involving moral turpitude, or force or violence.

(B) Exceptions. A license is not required for:

(1) To a person for and on behalf of a charitable, religious or educational organization which does not come within the definition contained in Ohio R.C. 2915.01(H), (I) or (J); or

(2) Persons under the age of 17.

(C) Revocation. A license issued under this chapter shall be revoked by the Director of Public Safety and Service for any of the following causes:

(1) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section 765.04.

(2) The licensee is convicted of a felony or of a misdemeanor involving moral turpitude.

(3) The licensee is convicted of a violation of any provision of this chapter.

Written notice of such revocation shall be given to the licensee by personal service or by certified mail immediately upon such revocation.

#### **765.06 DISPLAY OF LICENSE; RETURN.**

Each person shall carry the license at all times while engaging in peddling or soliciting in the City and shall exhibit it to any resident or any City official upon request. At the conclusion of the period for which the license was issued, the license shall be returned to the Safety Director, or duly authorized representative.

#### **765.07 RESTRICTIONS.**

(a) Every person to whom a license is issued under the terms of this chapter shall be governed by the following rules and regulations:

(1) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(2) No person subject to the provisions of this chapter shall canvass, solicit or peddle, except between the hours of 9:00 a.m. and dusk. No person shall solicit or peddle on any legal holiday or a Sunday.

(3) No canvasser, solicitor or peddler shall enter or attempt to enter the house, dwelling or apartment of any resident in the City without an express invitation from the owner, lessee or an adult occupant of the house, apartment or dwelling.

(4) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's canvassing, soliciting or peddling activity within the City.

(5) No canvasser, solicitor or peddler shall engage in or transact any type of business or solicitation other than that specified on the license application, if one is required under this chapter.

(6) At no time shall any canvasser, solicitor or peddler obstruct any street, alley, public right-of-way, sidewalk or driveway.

#### **765.08 DO-NOT-KNOCK REGISTRY.**

Notwithstanding any other provision of this Chapter, it shall be unlawful for any solicitor or peddler to enter any premise and knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City that appears on the "Do Not Knock Registry" or upon which there is posted at the entrance a notice which reads "No Solicitors," a "Do Not Knock" sticker or words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

While canvassers are not required to follow the restrictions contained herein, they are encouraged to obtain a copy of the "Do No Knock" list and abide by the "Do Not Knock" restrictions herein which recognize a resident's right to prevent unwanted contact.

- 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 and to update the Registry annually at no cost to the City or the individuals.
- 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 and maintain his or her residence, house, apartment or other dwelling on the "Do Not Knock Registry" by submitting a request on form(s) supplied by the City, via city website,

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 completing the form(s), unless the submission is done electronically;
  - 2) The complete address of the residence, house, apartment or other dwelling to be placed on the Do Not Knock Registry;
  - 3) A valid email address of the person completing the form(s);
  - 4) The Date the form was completed; and
  - 5) A statement that "No Solicitors or Peddlers" shall call at this address or words of similar import.
- 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 may request the City or NOPEC to remove his or her residence, house, apartment or other dwelling from the "Do Not Knock Registry" by submitting a "Notice of Removal" form(s) supplied by the Director of Public Safety, or by submitting a request online at [www.blocktheknock.com](http://www.blocktheknock.com) which shall contain the following information:
- 1) The name and signature of the person completing the form;
  - 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 be removed from the "Do Not Knock Registry."
- 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 Director of Public Safety of the City and shall be given to every person who applies for a license pursuant to Section 765.04 or registers as a solicitor or peddler pursuant to that section.

#### **765.09 MOBILE FOOD VENDING; PERMIT.**

- (a) The application for the mobile vending permit required by subsection (b) below shall be made to the Safety Service Director on forms prescribed by the Director. The application shall contain such information as the Director may require, including, but not limited to, the following information:
- (1) The vendor's name, address, and vendor's license number;
  - (2) The permit or food vendor's license issued by the Department of Health;
  - (3) A description of the highways or streets that the mobile vendor intends to vend upon.

(4) A description of the mobile vending device or truck from which the applicant intends to vend, including its size.

(b) On receipt of a completed application and a permit fee of one hundred dollars (\$100.00), the Safety Service Director shall issue a permit which shall cover the period beginning January 1 and ending December 31 of the following year.

(c) The permit shall be kept upon the mobile vending device or truck at all times during which the vendor is engaged in vending and shall contain the following information:

(1) The vendor's name and address;

(2) A description of the mobile vending device or truck from which vending is authorized including its size; and

(3) The permit number and permit expiration date.

(d) No mobile vendor shall operate on a public street in a location where on-street parking is prohibited.

(e) No mobile vendor shall operate at the site or within five hundred (500) feet of a special event or community event except with authorization to participate in the event.

(f) Vendors who have a permit from a civic organization to participate in a specific civic or community event are not required to purchase a permit under this section.

(g) Vendors permitted under this section may not remain stationary for the purposes of vending for more than 24 hours.

(h) The Safety Service Director is authorized to promulgate additional rules and regulations necessary for the administration of this section.

(Ord. 43-15. Passed 9-8-15.)

#### **765.99 PENALTY**

A violation of this chapter shall be punishable as follows:

(a) A first violation of this section within any one year period shall be a minor misdemeanor.

(b) A second and subsequent violation of this section within any one year period shall be a fourth degree misdemeanor.

(Ord. 10-15. Passed 2-7-15).

