

**City of Macedonia, Ohio  
Codified Ordinances**

**CHAPTER 761  
Peddlers, Solicitors and Canvassers**

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**CROSS REFERENCES**

- Power to inspect food products - see Ohio R.C. 715.46
- Power to regulate - see Ohio R.C. 715.61 et seq.
- Home solicitation sales - see Ohio R.C. 1345.21 et seq.
- Charitable solicitations - see Ohio R.C. Ch. 1716
- Frozen desserts - see Ohio R.C. 3717.51 et seq.
- Littering - see GEN. OFF. 521.08
- Trespassing - see GEN. OFF. 541.05

**761.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

(a) "Peddling" means any person who travels door to door either by foot, automobile, truck, or any other type of conveyance and calls upon business places, or private residences, including any house, apartment or other dwelling within the Municipality taking or attempting to take orders for profit for the sale of goods, wares, merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future.

(b) "Soliciting" means any person seeking to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance in calling upon business places or private residences including any house, apartment or other dwelling within the Municipality. Specifically, included in this definition of soliciting shall be any persons soliciting the consent of any owner of property to an oil and gas lease by traveling door to door either by foot, automobile, truck or any type of conveyance in calling upon business places or private residences including any house, apartment or other dwelling within the municipality. The solicitation by a minor for a charitable or non-profit organization, local school district fundraising drives, ice cream trucks and newspaper carriers of customers of newspaper which are regularly delivered or will be regularly delivered shall not be included in this definition.

(c) "Canvassing" means any person who calls at business places or private residences without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:

- (1) Seeking to obtain from the occupant of any business place or residence an indication of such occupant's belief in regard to any social, political, religious or similar matters; or
  - (2) Seeking to influence the personal belief of the occupant of any business place or residence in regard to any social, political, religious or similar matters; or
  - (3) Taking of a poll or census of any person, firm or corporation other than a governmental body or agency thereof.
- (Ord. 15-2017. Passed 3-9-17.)

761.02 REGISTRATION REQUIRED. PEDDLING AND SOLICITING PROHIBITED.

No person shall peddle or solicit within the Municipality as the terms are defined in Section 761.01 without first registering with the Mayor, or designee of the Mayor. A separate registration must be made for every peddler or solicitor, agent or employee peddling or soliciting within the Municipality. (Ord. 15-2017. Passed 3-9-17.)

761.03 APPLICATION FOR CERTIFICATE OF REGISTRATION.

Each applicant for a certificate of registration shall, not less than five nor more than fifteen days prior to the commencement of peddling or the solicitation, furnish the Mayor, or designee, with the following information, in person, on forms provided by the Municipality.

- (a) Name, age and physical description of applicant.
- (b) Complete permanent and local address of applicant and phone number.
- (c) Name, address and twenty-four hour phone number of the person, firm, corporation or association for whom the peddling or solicitation is presently being made, and the name of at least one officer or other official of such organization, and any other person, firm, corporation or association for whom the applicant has peddled or solicited during the past three years.
- (d) A list identifying the name and Social Security Number(s) of each and every employee, agent, contractor, representative or other individual who will be soliciting in the City ("Permitted Solicitors List") prior to solicitation by such individual(s). No individuals other than those on the Permitted Solicitors List shall be permitted to solicit.
- (e) Advance copies of all printed materials the applicant may distribute.
- (f) 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 or soliciting in which the applicant will engage.
- (g) The names of all other municipalities in which the applicant has conducted peddling or soliciting activities during the past six months.
- (h) Whether the applicant has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations, if applicable.
- (i) Whether the applicant has ever been denied a license or permit revoked, including the time and place of such denial or revocation.
- (j) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude including the time and place of such conviction.
- (k) The proposed dates and times of the peddling or solicitations and the routes to be followed in conducting same, and the nature of the goods or services for which he will take orders for the sale thereof.
- (l) The make, model, year, color and license plate number of automobiles used by the applicant during the period of peddling or solicitation within the Municipality, and the number of the applicant's driver's license and state of issuance.
- (m) Such other information as the Mayor Police Chief may require.

Such application shall be accompanied by a fee of twenty dollars (\$20.00). Any person, group of persons or organizations acting on behalf of a tax exempt organization as defined by Section 501 of the Internal Revenue Code shall be exempt from such application fee. (Ord. 15-2017. Passed 3-9-17.)

761.04 ISSUANCE OF CERTIFICATE; DURATION.

(a) Not more than fifteen days after completion of the application form provided in this chapter, the Mayor, or designee, shall issue a certificate of registration 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 this chapter.
- (2) That the applicant has been convicted of a felony violation or misdemeanor violation involving moral turpitude during the past five years.

(b) Such registration shall be valid for a period of ninety days. No registration certificate issued hereunder shall be assigned or transferred to any other person.  
(Ord. 15-2017. Passed 3-9-17.)

#### 761.05 DISPLAY OF REGISTRATION CERTIFICATE; RETURN.

Each registrant shall carry the registration certificate at all times when in the Municipality and shall exhibit it to any resident or Municipal official upon request. At the conclusion of the period for which the registration certificate was issued, the registration certificate shall be returned to the Mayor.  
(Ord. 15-2017. Passed 3-9-17.)

#### 761.06 RESTRICTIONS.

Every peddler, solicitor or canvasser to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

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

(b) No person subject to the provisions of this chapter shall peddle, canvass or solicit, except during the reasonable business hours of 9:00 a.m. and one half-hour after sunset (as established by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration) Monday through Saturday. In addition, no person shall peddle, canvass or solicit on any legal holiday.

(c) No peddler, canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.

(d) 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 peddling, soliciting or canvassing activity within the Municipality.

(e) No person subject to this chapter shall peddle, canvass or make any solicitation where peddlers, canvassers or solicitors are notified by sign that peddling, canvassing and/or soliciting is prohibited as provided in this chapter.

(f) When soliciting within the City, employees agents, contractors, representatives and other individuals soliciting on behalf of applicant shall wear a badge clearly identifying the individual's name and the name of the business or organization for whom they are soliciting, as may be applicable.

(g) No peddler or solicitor shall engage in or transact any type of business or solicitation other than that specified on the registration application.

(Ord. 15-2017. Passed 3-9-17.)

#### 761.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No peddler, canvasser or solicitor shall knock at the door or ring the bell of any place of business or residence in the Municipality upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed", or which otherwise clearly purports to prohibit peddlers, canvassers or solicitors on the premises, unless such peddler, canvasser or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof. Such notice shall be no less than three inches by four inches nor more than one square foot in total surface area and is exempt from any additional requirements of the Planning and Zoning Code.

(Ord. 15-2017. Passed 3-9-17.)

#### 761.08 REVOCATION OF CERTIFICATE.

(a) A certificate of registration issued under this chapter may be revoked by the Mayor Police Chief, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for a certificate of registration/permit;

(2) The registrant is convicted of a felony violation or misdemeanor violation involving moral turpitude;

- (3) Fraud, misrepresentation, or false statement made in the course of carrying on the business of solicitor, canvasser, or agent as provided in this chapter;
- (4) Any violation of this chapter;
- (5) Conducting the business of solicitor, canvasser, or agent, as provided in this chapter, in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for the revocation of certificate of registration/permit shall be given in writing setting forth the time and place of the hearing. The notice shall be mailed to the registrant of the address listed on the certificate of registration at least five days prior to the date set for the hearing. Personal service of the notice upon the registrant may be given instead of, or in addition to, the notice by mail. The hearing shall be conducted by the Mayor, or the Mayor's designee. At the hearing, the registrant shall be given specific notice of the grounds for the revocation of the certificate of registration/permit. The registrant will be then given an opportunity to respond. (Ord. 15-2017. Passed 3-9-17.)

#### 761.09 DO NOT SOLICIT REGISTRY.

The City will maintain a list of residences and business places that request not to be solicited, peddled or canvassed. This list will be maintained at the Police Department and will be provided to every applicant for a permit. This list will be updated on a yearly basis. In order to be included on the Do Not Solicit Registry an application shall be filed with the Police Chief. The Police Chief will adopt and publicize procedures for the filing of this application. The application must be signed by at least one owner of the property, include the street address of the property and phone number for contact purposes. Inclusion on the Do Not Solicit Registry shall not in any way be deemed a waiver of the requirements set forth in Section 761.07 Trespassing in Violation of Posted Signs. (Ord. 15-2017. Passed 3-9-17.)

#### 761.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the second degree. (Ord. 15-2017. Passed 3-9-17.)