

CHAPTER 717 Peddlers

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CROSS REFERENCES

- Power to regulate - see Ohio R. C. 715.61 et seq.
- Home solicitations sales - see Ohio R. C. 1345.21 et seq.
- Charitable solicitations - see Ohio R. C. Ch 1716; BUS. REG. Ch. [711](#)
- Trespassing - see GEN. OFF. [541.05](#)
- Littering - see GEN. OFF. [521.08](#)

717.01 DEFINITIONS.

As used in this chapter the following words shall have the meaning ascribed herein, unless otherwise provided.

(a) "Person" includes the singular and the plural and means any person, firm or corporation, association, club, copartnership, society or any other organization.

(Ord. 574. Passed 8-7-78.)

(b) "Peddler" means any person, whether a resident of the Municipality or not, traveling by foot, wagon, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or taking orders for the purchase of goods, wares or merchandise by sample, lists or catalogue, or subscriptions for books and magazines from a person not a dealer therein or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car or other vehicle or conveyance.

Peddler includes "hawker", "huckster" and "solicitor".

(Ord. 02-150. Passed 10-17-02.)

717.02 LICENSE REQUIRED.

No person shall engage in the business of a peddler as defined in Section [717.01](#) within the Municipality without first obtaining a license therefor.

(Ord. 574. Passed 8-7-78.)

717.03 APPLICATION FOR LICENSE; INVESTIGATIONS.

(a) Applicants for licenses under this chapter must file with the Mayor a sworn application in writing and in duplicate, on a form to be furnished by the Mayor which gives the following information:

- (1) Name and description of the applicant.
- (2) Both legal and local address.

(3) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(5) The length of the time for which the right to do business is desired.

(b) Upon receipt of the application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(c) If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and his reasons therefor. The application shall then be returned to the Mayor, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(d) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return the permit, along with the application to the Mayor, who shall deliver the license to the applicant. The license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Mayor shall keep a permanent record of all licenses issued.

(Ord. 574. Passed 8-7-78.)

717.04 LICENSE FEE; DURATION.

(a) A fee of twenty-five dollars (\$25.00) for processing such application shall be paid after approval of the application. Such fee is not refundable. No further fee will be required for issuance of license.

(b) Such license shall be for a term of seven days.

(Ord. 574. Passed 8-7-78.)

717.05 LOUD NOISES AND SPEAKING DEVICES.

No peddler, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, parks or other public places of the Municipality or upon any private premises in the Municipality where sound of sufficient volume is emitted or produced capable of being plainly heard upon the streets, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

(Ord. 574. Passed 8-7-78.)

717.06 USE OF STREETS

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section, the good faith judgment of a police officer shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. 574. Passed 8-7-78.)

717.07 EXHIBITION OF LICENSE.

Peddlers are required to exhibit their licenses at the request of any resident or police officer.
(Ord. 574. Passed 8-7-78.)

717.08 ENFORCEMENT.

The police shall require any person seen peddling, who is not known by the officer to be duly licensed, to produce his peddler's license. The police shall cite any person found to be violating any provision of this chapter.

(Ord 574. Passed 8-7-78.)

717.09 REVOCATION OF LICENSE.

Licenses issued under this chapter may be revoked by the Mayor for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or any false statement made in the course of carrying on his business as a peddler.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.

(Ord. 574. Passed 8-7-78.)

717.10 APPEAL.

Any person aggrieved by the action of the Chief of Police or the Mayor in the denial of an application for license as provided in Section [717.03](#) or in the decision with reference to the revocation of a license as provided in Section [717.09](#) shall have the right of appeal to Council. The appeal shall be taken by filing with Council, within fourteen days after notice of rejection or revocation, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on the appeal and notice of the hearing shall be given to the appellant. The decision and order of Council on the appeal shall be final.

(Ord. 574. Passed 8-7-78.)

717.11 ADDITIONAL REQUIREMENTS FOR CHARITABLE ORGANIZATIONS.

(a) In the event the person or organization seeking a peddler's license herein claims to be acting for a charitable, religious or benevolent organization, then such person or organization shall be required to meet the provisions of Chapter [711](#) of the Business Regulation Code, regulating solicitation of charitable contributions in addition to the requirements of this chapter. However, in such case there shall be only the fee set forth in this chapter.

(b) In those instances in which an organization seeks or receives licenses for more than one peddler, all such licenses may be refused or revoked if one peddler's license is revoked.

(Ord. 574. Passed 8-7-78.)

717.99 PENALTY.

Any person or organization who violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each subsequent offense.

(Ord. 574. Passed 8-7-78.)