

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 741 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ADA, OHIO.

WHEREAS, Council believes it is in the best interest of the residents of the Village of Ada to amend certain sections of Chapter 741 of the Codified Ordinances to reduce the potential of harm to residents by peddlers, solicitors and itinerant merchants,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF ADA

Section 1: Chapter 741 of the Codified Ordinances of Ada shall be hereby **AMENDED TO READ** as follows:

741.01 REGISTRATION; FEE.

No person shall engage in the business of peddler, solicitor, canvasser or itinerant merchant, as defined in Section [741.03](#) or solicit sales of, sell, offer for sale, barter, or exchange goods, wares or personal services without paying the required fee **set forth in Section 741.02** and registering.

741.02 REGISTRATION, TRANSFER AND USE.

(a) Any peddler, solicitor, canvasser or itinerant merchant may engage in their business after reporting to the Chief of Police, registering and paying a **non-refundable** fee of ~~five dollars (\$5.00)~~ **twenty-five dollars (\$25.00)**. The period of time for which the registration shall be valid shall be recorded by the Chief of Police but in no case shall the registration period last more than one year. All fees shall be paid in advance. Upon payment of the fee, the applicant shall be furnished with a copy of this chapter and a receipt of their registration.

(b) No registration receipt shall be in any manner assignable or transferable. No registration receipt shall authorize any person other than the one named in such receipt to do business, nor shall a registrant conduct any other business than is named therein be transacted.

741.03 DEFINITIONS.

For the purpose of this chapter the following words or phrases shall have the following meanings:

(a) "Itinerant merchant or vendor" means a person with a fixed place of business in the Village, but who on no more than three days in one calendar year offers goods or services for sale at places other than his fixed place of business.

(b) "Peddler" means any person with no fixed place of business in the Village who carries wares or goods with him which he is prepared to sell at the time he solicits business, and who deals primarily with consumers. The word "peddler" includes the words "hawker" and "huckster".

(c) "Solicitor or canvasser" means a person with no fixed place of business in the Village dealing primarily with consumers, who takes orders for goods for future delivery or for personal services to be furnished in the future, whether by telephone, or by house-to-house or business-to-business canvassing.

741.04 EXCEPTIONS.

The requirements of a fee and registering as provided herein shall not apply to:

- ~~(a) A duly authorized solicitor soliciting the sale of goods or wares for or on behalf of any recognized educational, civic, religious or charitable organization.~~
- ~~(b) Agents or salesmen of wholesale houses or firms selling or offering to sell their wares or merchandise by sample to merchants in the Village, nor to farmers selling or offering for sale the products of their own farms.~~

741.05 REGISTRATION REQUIREMENTS.

(a) Applications for registration for peddlers, solicitors and itinerant merchants, as defined in this chapter, must be filed with the Chief of Police **Ada Village Clerk's Office** on a form to be furnished by the Chief of Police. The forms shall contain the following information:

- (1) Name of applicant;
 - (2) Home address;
 - (3) Name and address of the person by whom employed;
 - (4) Length of service with such employer;
 - (5) All places of residence and all employment during the preceding year;
 - (6) The nature and character of the goods to be sold or service to be furnished by the applicant; and
 - (7) Period of time for which registration is valid.
- (b) **Completed BCI/FBI Webcheck.**
- (c) If the Chief of Police determines after an investigation **and review of the registration requirements** that the applicant is of good moral character and proposes to engage in a lawful commercial or professional enterprise, such registration shall be made.

741.06 APPEALS.

Any applicant who has paid their fee and registered in accordance with this chapter and whom the Chief of Police has, after investigation, denied a registration shall be entitled to appeal to Council.

741.07 LIMITATIONS.

(a) No activity permitted under the authority of this chapter shall commence prior to 9:00 a.m., nor continue after **7:00** ~~5:00~~ p.m. Eastern ~~Standard~~ Time, **Monday through Friday** ~~or prior to 9:00 a.m. nor continue after 9:00 p.m. Eastern Daylight Savings Time~~, except for the occasional special event(s) sponsored by Village merchants as noted by the Chief of Police on the registration form.

(b) No peddler, canvasser, solicitor or itinerant merchant shall operate in the War Memorial Park without permission of the Park Board. No peddler, canvasser, solicitor or itinerant merchant shall operate at the Village Pool or in any building owned by the Village with the exception of the Village Auditorium governed by the rules that the Chief of Police from time to time may impose for its use.

741.08 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

No peddler, canvasser, solicitor, or itinerant merchant shall vex, annoy or harass any person by importuning such person to purchase or look at his goods or wares; nor shall any peddler,

canvasser, solicitor or itinerant merchant enter any private house of residence without being invited to come in.

741.09 PEDDLING PROHIBITED WHERE SIGNS POSTED.

No peddler, canvasser, solicitor or itinerant merchant shall knock at the door of or ring the bell of any private home, apartment or apartment building in the Village where there is displayed at the entrance a notice reading "No Solicitors, Peddlers or Canvassers Allowed", or similar language which otherwise clearly purports to prohibit person from doing so, unless such person is or has been invited upon such premises by the owner, lessee or occupant thereof.

741.10 CALLING ATTENTION TO SALES BY CALLING OUT, BLOWING HORNS, ETC.

No peddler, canvasser, solicitor or itinerant merchant in going along the streets, alleys or other public places of the Village shall call out, cry or by the use of any sound producing or sound amplification device, make any loud or objectionable noise, or blow any horn to call attention to the sale of any goods, wares, merchandise or any articles or things whatsoever.

741.11 CARRYING OR EXHIBITING REGISTRATION.

The receipt of registration issued by the Chief of Police shall be carried by any peddler, solicitor, canvasser, or itinerant merchant when operating away from his fixed place of business and shall be exhibited to any person solicited or any police officer on request.

741.12 REVOCATION OF REGISTRATION.

(a) Registration issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or any false statement contained in the application for a registration.
- (2) Fraud, misrepresentation of any false statement made to the Police Department in furnishing the information required by this chapter.
- (3) Any violation of this chapter.
- (4) Conviction of the registrant of any felony or crime involving moral turpitude.
- (5) Conducting the soliciting or peddling in an unlawful manner, or in such a manner as to constitute a breach of peace or to be a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a registration shall be given by the Chief of Police in writing stating the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the registrant at the address given on the application for the registration, at least five days prior to the date set for the hearing.

(c) Any person aggrieved by the decision of the Chief of Police shall have the right to appeal to Council. Such appeal shall be taken by filing with the Fiscal Officer a written statement of the grounds for the appeal within fourteen days after notice of the decision by the Chief of Police has been given. Council shall set the time and place for hearing such appeal and notice of such time and place shall be given by the Fiscal Officer in the manner herein provided for notice of hearing of revocation by the Chief of Police.

741.13 POSTING BILLS.

(a) No person shall post, by attaching in any manner, any bill, advertisement, notice or poster of any kind whatsoever, excluding Municipal, State and Federal Notices, on any tree, fence, telegraph, telephone or cable, broadband or electric power pole, building or other property situated upon any of the streets, alleys or public grounds of the Village.

(b) Whoever violates this section is guilty of posting bills, a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and, in addition, his registration may be revoked. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2: This ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: _____

MAYOR

ATTEST:

VILLAGE FISCAL OFFICER