

ORDINANCE NO. 06-2020

OFFERED BY: Mayor Alonso

AN ORDINANCE TO REPEAL SECTION 729 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF REMINDERVILLE, ENTITLED “PEDDLERS, SOLICITORS AND TRANSIENT DEALERS” AS CURRENTLY WRITTEN, ENACTING A NEW CHAPTER, AND DECLARING AN EMERGENCY.

WHEREAS, Council has determined that there is a need to amend Section 729 of the Codified Ordinances, and,

NOW, BE IT RESOLVED by the Council of the Village of Reminderville, County of Summit, State of Ohio:

SECTION 1. That Section 729 of the Codified Ordinances of the Village of Reminderville which presently reads as follows:

 **CHAPTER 729**
Peddlers, Solicitors and Transient Dealers

729.01 License; identification tag required.

729.02 Application for license; fee.

729.03 Hours.

729.04 Temporary stores; license and fee.

729.05 Exemptions.

729.06 Revocation or suspension of license.

729.07 Vehicles; noise devices.

729.99 Penalty.

729.01 LICENSE; IDENTIFICATION TAG REQUIRED.

(a) No person shall sell or offer for sale, barter or exchange or go from door to door soliciting the purchase of or gift of any goods, wares, merchandise or other articles of value or money, in any place in, upon, along or through the streets, avenues, alleys or other public places within the Village, unless he is the holder of a license and identification tag which is in full force and effect and issued pursuant to the provisions of this chapter.

(b) Such person shall be required to place a deposit of five dollars (\$5.00) with the Chief of Police for the issuance of an identification tag. Upon return of the identification tag, the five dollars (\$5.00) deposit shall be remitted within thirty days.

(c) Such person shall at all times have with him the required license while exercising such calling and shall exhibit the license and identification tag to any police officer, person being solicited or other official of the Village upon demand. In addition, each licensee shall retain upon his person additional evidence of personal identification to be displayed upon request. (Ord. 7-1991. Passed 3-26-91.)

729.02 APPLICATION FOR LICENSE; FEE.

Any person desiring to sell or offer for sale, barter or exchange or solicit from door to door the purchase of or gift of any goods, wares, merchandise or other articles of value or money within the Village shall make application to the Police Chief who, upon being furnished with sufficient proof that such person is of good moral character, shall issue to the applicant a license and shall charge for the same five dollars (\$5.00) per day per solicitor. Each such person shall also register with the Village Tax Administrator before any license is issued.

(Ord. 6-1990. Passed 4-10-90.)

729.03 HOURS.

No person shall sell or offer for sale, barter, exchange or solicit from door to door, without appointment the purchase of or gift of any goods, wares, merchandise or other articles of value or money within the Village during the period from 8:00 p.m. to 10:00 a.m. of the next succeeding day and on no Sunday.

(Ord. 6-1990. Passed 4-10-90.)

729.04 TEMPORARY STORES; LICENSE AND FEE.

No person shall open or conduct a temporary store or other place including vehicles for the selling of wearing apparel or any other goods, wares or merchandise within the Village on a temporary basis or offer any such article for sale until he has procured from the Police Chief a license to open such temporary store or conduct such temporary sale business. Such license fee shall be paid to the Village in the sum of twenty-five dollars (\$25.00) and such license shall be valid for one week excepting Sundays. Each such person shall first register with the Village Tax Administrator before any license is issued.

(Ord. 6-1990. Passed 4-10-90.)

729.05 EXEMPTIONS.

The following persons are declared exempt from the requirement of obtaining the licenses herein mentioned:

- (1) Any person selling the products of his own raising;
- (2) A manufacturer selling any article manufactured by him;
- (3) A person selling newspapers;
- (4) A duly authorized solicitor soliciting the purchase of goods, wares, merchandise or gifts for or on behalf of any recognized education, civic, religious or charitable organization;
- (5) All vendors who are invited or scheduled upon private premises, who appear by appointment and time schedule arranged with the customer and who are not selling upon a random, casual, door to door basis but rather who have established a definite appointment schedule; and

(6) All other persons otherwise exempted by laws provided, however, that all of such persons conducting any such exempted activities shall nevertheless first register in the Police Department prior to engaging in random sales or solicitations and shall state the name of the organization for whom each of them are conducting such activities and the duration of such activities from beginning to ending dates. No charge shall be made for such registration.

(Ord. 6-1990. Passed 4-10-90.)

729.06 REVOCATION OR SUSPENSION OF LICENSE.

Any license issued hereunder may be revoked or suspended at any time should the person to whom it is issued be guilty of any fraud, false information on the application, misrepresentation, deception or wrongful act in connection with his business or otherwise or is found to be a person not fit to be engaged in such business. Failure to abide by the ordinances of the Village or laws of the State shall be grounds for revocation of a license.
(Ord. 6-1990. Passed 4-10-90.)

729.07 VEHICLES; NOISE DEVICES.

(a) It is not the intention of this chapter to prohibit the sale or offering for sale of the products set forth in subsection (b) hereof nor is it the intention to prohibit the use of reasonable sound producing devices to attract trade but for the sole purpose of regulating the sale of the above mentioned products to provide for the protection of the children and other persons of this community whose attraction to these products outweighs their sense of precaution.

(b) The use or operation of notice producing devices employed by vendors or peddlers using motor vehicles, push carts or tricycles for the sale of ice cream, popsicles, ice sherberts, other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and any and all other products is hereby prohibited when such vehicles are not in motion.

(c) Vendors or peddlers employing motor vehicles, push carts or tricycles for the sale or offer for sale of any products are hereby prohibited from selling or offering for sale any products to any person or persons when such person or persons are on or within the traveled portion of any public street, thoroughfare or right of way normally used by motor vehicles.

(d) (1) Each vendor desiring to sell any products, by virtue of which such vendors shall move from place to place upon the streets of this Village, shall first have each and every motor vehicle, inspected by the Police Department under the jurisdiction of the Chief of Police or his appointee and shall first obtain a safety permit for each of such vehicles. Such inspection shall be as to the mechanical safety of the vehicle and shall be conducted at the Police Department and an inspection permit fee of ten dollars (\$10.00) for each and every vehicle shall be paid unto the Village. No vehicle which has not been so inspected and approved shall be employed in such business. Each vehicular permit shall expire on December 31, next following its issuance and shall be displayed as set forth in subsection (j) hereof.

(2) Vendors using a motor vehicle to sell ice cream, popsicles, ice sherberts, other frozen desserts, soft drinks, candy, sandwiches, peanuts or popcorn shall first have each and every such vehicle inspected by the Police Department as provided above. The seasonal permit fee in addition to the inspection fee above shall be twenty-five dollars (\$25.00) for each and every vehicle so inspected and no vehicle which has not been so inspected and approved shall be used in such business. A permit shall be issued and displayed as provided above.

(3) Provided further that each and every such vendor shall post indicia of public liability insurance with the Village in minimum amounts of five hundred thousand dollars (\$500,000) combined single limit for public liability insurance, for injuries, including, but not limited to, those resulting in death, resulting from any one occurrence and on account of any one accident, and it being understood that there attaches no liability upon the Village to pursue claims for the neglect of any such vendor.

(e) On obtaining a permit or at any other time, the Police Department will inform the vendor concerned of major thoroughfares that cannot be used for vending due to reasons of public safety concerning motorists, inhabitants and the vending company itself.

(f) Vendors must be clean and neatly dressed.

(g) During the day or night, yellow warning lights shall be operated continuously when vendor is stopped for sales and when the vehicle has slowed down to five miles per hour or less for selling. Lights must be off when traveling to and from route.

(h) Vendors shall designate their name and telephone number on vehicles.

(i) No riders except those who are employees of the vendor; who are licensed by the Village shall be allowed.

(j) Vendors shall display all Village permits on or near windows so as to be clearly discernible.

(k) Vendors shall not pull to the wrong side of a street to service customers. Vendors shall park on the right side and walk over to service children.

(l) Vendors shall act to protect children when children are coming to and leaving the vehicle. They shall be alert to protect children from oncoming traffic.

(m) Vendors shall not sell to customers unless they stay on the curb or berm.

(n) Vendors shall circle the vehicle to make sure that all children are safely away from such vehicle before getting into the cab after sales.

(o) Vendors shall not back up unless completely necessary and than as little as possible after they have checked that no one or thing is behind them.

(p) Vendors shall refrain from allowing boxes and papers to fall upon the public right of way and shall pick up any papers deposited in the immediate area of sale by their customers.

(q) Vendors shall have no police radios. However, standard AM or FM radios or tape players are allowed in their vehicles but shall not be played during the time when the vehicles are moving in potential sale areas.

(r) Vendors shall not sell upon Village owned property other than streets, unless given permission to do so in writing by the Mayor.

(Ord. 6-1990. Passed 4-10-90.)

729.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). In addition, his license may be revoked by the Mayor or Police Chief.

(Ord. 6-1990. Passed 4-10-90.)

Shall be amended to read as follows:

 **CHAPTER 729**
Peddlers, Solicitors, and Transient Dealers

- 729.01 License; identification tag required.**
- 729.02 Application for license; fee.**
- 729.03 Hours.**
- 729.04 Transient dealers.**
- 729.05 Registration required; exemptions.**
- 729.06 Revocation of license; expiration.**
- 729.07 Vehicles; noise devices.**
- 729.07 Resident prohibition by notice.**
- 729.99 Penalty.**

729.01 LICENSE; IDENTIFICATION TAG REQUIRED.

(a) No person shall sell or offer for sale, barter, or exchange or go from door to door soliciting the purchase or gift of any goods, wares, merchandise, or other articles of value or money, in any place in, upon, along, or through the streets, avenues, alleys, or other public places within the Village of Reminderville, unless he is the holder of a license and identification tag which is in full force and effect and issued pursuant to the provisions of this chapter.

(b) Such person shall at all times have with him the required license while exercising such calling and shall exhibit the license and identification tag to any police officer, person being solicited, or other official of the Village of Reminderville upon demand. In addition, each licensee shall retain upon his person additional evidence of personal identification to be displayed upon request.

729.02 APPLICATION FOR LICENSE; FEE.

Any person desiring to sell or offer for sale, barter, or exchange or solicit from door to door the purchase of or gift of any goods, wares, merchandise, or other articles of value or money within the Village of Reminderville shall make application to the Chief of Police who, upon being furnished with sufficient proof that such person is of good moral character, shall issue to the applicant a license and shall charge for the same five dollars (\$5.00) per day, twenty dollars (\$20.00) per week or fifty dollars (\$50.00) per month per solicitor. Each such person shall also register with the Village Tax Administrator before any license is issued.

729.03 HOURS.

No person including duly authorized solicitors of recognized educational, civic, religious, or charitable organizations shall sell or offer for sale, barter, exchange, or solicit from door to door, without appointment the purchase of or gift of any goods, wares, merchandise or other articles of

value or money within the Village of Reminderville during the period from 7:00 p.m. to 10:00 a.m. of the next succeeding day, nor shall such person peddle, solicit, or canvass on Sunday or any legal State or Federal holiday.

729.04 TRANSIENT DEALERS.

No person shall open or conduct a temporary store or other place including vehicles for the selling of wearing apparel or any other goods, wares, or merchandise with the Village of Reminderville on a temporary basis or offer any such article for sale until he has procured from the Mayor a license to open such temporary store or conduct such temporary sale business. Such license fee shall be paid to the Mayor in the sum of twenty-five dollars (\$25.00) and such license shall be valid for one week excepting Sundays. Each such person shall first register with the Village Tax Administrator before any license is issued.

729.05 REGISTRATION REQUIRED; EXEMPTIONS.

(a) The following persons are declared exempt from the requirement of obtaining the licenses herein mentioned:

- (1) Any person selling the products of his own raising;
- (2) A manufacturer selling any article manufactured by him;
- (3) A person selling newspapers;
- (4) A duly authorized solicitor soliciting the purchasing of goods, wares, merchandise, or gifts for or on behalf of any recognized educational, civic, religious, or charitable organizations;
- (5) All vendors who are invited or scheduled upon private premises, who appear by appointment and time schedule arranged with the customer and who are not selling upon a random, casual, door to door basis but rather who have established a definite appointment schedule; and
- (6) All other persons otherwise exempted by law provided, however, that all of such persons conducting any such exempted activities shall nevertheless first register in the Police Department prior to engaging in random sales or solicitations and shall state the name of the organization for whom each of them are conducting such activities and the duration of such activities from beginning to ending dates. No charge shall be made for such registration.

729.06 REVOCATION OF LICENSE; EXPIRATION.

Any license issued hereunder may be revoked or suspended at any time should the person to whom it is issued be guilty of any fraud, false information on the application, misrepresentation, deception, or wrongful act in connection with his business or otherwise or is found to be a person not fit to be engaged in such business. Failure to abide by the ordinances of the Village of Reminderville or laws of the State shall be grounds for revoking of a license.

729.07 VEHICLES; NOISE DEVICES.

(a) It is not the intention of this chapter to prohibit the sale or offering for sale of the products set forth in subsection (b) nor is it the intention to prohibit the use of reasonable sound producing devices to attract trade but for the sole purpose of regulating the sale of the above mentioned products to provide for the protection of the children and other persons of this community to whose attraction to these products outweighs their sense of precaution.

(b) The use or operation of noise producing devices employed by vendors or peddlers using motor vehicles, push carts, or tricycles for the sale of ice cream, popsicles, ice sherbets, other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn, and any and all other products is hereby prohibited when such vehicles are not in motion.

(c) Vendors or peddlers employing motor vehicles, push carts or tricycles for the sale or offer for sale of any products are hereby prohibited from selling or offering for sale any products to any person or persons when such person or persons are on or within the traveled portion of any public street, thoroughfare or right of way normally used by motor vehicles.

(d) (1) Each vendor desiring to sell any products, by virtue of which such vendors shall move from place to place upon the streets of this Village, shall first have each and every motor vehicle, inspected by the Police Department under the jurisdiction of the Chief of Police or his appointee and shall first obtain a safety permit for each of such vehicles. Such inspection shall be as to the mechanical safety of the vehicle and shall be conducted at the Police Department and an inspection permit fee of ten dollars (\$10.00) for each and every vehicle shall be paid unto the Village of Reminderville. No vehicle which has not been so inspected and approved shall be employed in such business. Each vehicular permit shall expire on December 31, next following its issuance and shall be displayed as set forth in subsection (j) hereof.

(2) Vendors using a motor vehicle to sell ice cream, popsicles, ice sherbets, other frozen desserts, soft drinks, candy, sandwiches, peanuts, or popcorn shall first have each and every such vehicle inspected by the Police Department as provided above. The seasonal permit fee in addition to the inspection fee above shall be twenty-five dollars (\$25.00) for each and every vehicle so inspected and no vehicle which has not been so inspected and approved shall be used in such business. A permit shall be issued and displayed as provided above.

(3) Provided further that each and every such vendor shall post indicia of public liability insurance with the Village of Reminderville in minimum amounts of five hundred thousand dollars (\$500,000) combined single limit for public liability insurance, for injuries, including, but not limited to, those resulting in death, resulting from any one occurrence and on account of any one accident, and it being understood that there attaches no liability upon the Village of Reminderville to pursue claims for the neglect of any such vendor.

(e) On obtaining a permit or at any other time, the Police Department will inform the vendor concerned of major thoroughfares that cannot be used for vending due to reasons of public safety concerning motorists, inhabitants and the vending company itself.

(f) Vendors must be clean and neatly dressed.

(g) During the day or night, yellow warning lights shall be operated continuously when vendor is stopped for sales and when the vehicle has slowed down to five miles per hour or less for selling. Lights must be off when traveling to and from route.

(h) Vendors shall designate their name and telephone number on vehicles.

(i) No riders except those who are employees of the vendor, who are licensed by the Village of Reminderville shall be allowed.

(j) Vendors shall display all Village permits on or near windows so as to be clearly discernible.

(k) Vendors shall not pull to the wrong side of a street to service customers. Vendors shall park on the right side and walk over to service children.

(l) Vendors shall act to protect children when children are coming to and leaving the vehicle. They shall be alert to protect children from oncoming traffic.

(m) Vendors shall not sell to customers unless they stay on the curb or berm.

(n) Vendors shall circle the vehicle to make sure that all children are safely away from such vehicle before getting into the cab after sales.

(o) Vendors shall not back up unless completely necessary and then as little as possible after they have checked that no one or thing is behind them.

(p) Vendors shall refrain from allowing boxes and papers to fall upon the public right of way and shall pick up any papers deposited in the immediate area of sale by their customers.

(q) Vendors shall have no police radios. However, standard AM or FM radios or tape or CD players are allowed in their vehicles but shall not be played during the time when the vehicles are moving in potential sale areas.

(r) Vendors shall not sell upon Village owned property other than streets, unless given permission to do so in writing by the Mayor.

729.08 RESIDENT PROHIBITION BY NOTICE.

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 Village of Reminderville 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.

(a) If requested by the Village of Reminderville, and for as long as the Northeast Ohio Public Energy Council (“NOPEC”) shall agree to do so, NOPEC shall establish and maintain for the Village of Reminderville 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 Village of Reminderville 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 Village of Reminderville may request NOPEC to place and maintain his residence, house, apartment, or other dwelling on the “Do Not Knock Registry” by submitting a request on form(s) supplied by the Village of Reminderville, or by submitting a request online to 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 Village of Reminderville or NOPEC receives notice of removal pursuant to subsection (e) hereof; or

(2) The Village of Reminderville 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 Village of Reminderville or NOPEC to remove his residence, house, apartment, or other dwelling from the “Do Not Knock Registry” by submitting a “Notice of Removal” form(s) supplied by the Police Department, or by submitting a request online at 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 Police Department and shall be given to every person who applies for a license pursuant to Section 729.02 or registers as a solicitor or peddler pursuant to that section.

729.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a fourth-degree misdemeanor on the first offense and shall be guilty of a first-degree misdemeanor for the second or subsequent offenses. In addition, his license shall be revoked by the Mayor.

SECTION 3. The Council finds and determines that all formal action by this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, comfort, convenience, and general welfare of the inhabitants of the Village of Reminderville, to wit: said amendment is for the benefit of the residents of the Village of Reminderville, and if this Resolution receives the necessary number of votes, it shall take effect and be in force after its passage; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed:

Sam Alonso, Mayor

Attestation:

Stacey Task
Clerk of Council

I, Stacey Task, Clerk of Council of the Village of Reminderville, Summit County, Ohio do hereby certify that the foregoing **Ordinance 06-2020** was duly and regularly passed by the Council of the Village of Reminderville at a regular meeting of Council on the _____ day of _____, 2020.

Stacey Task
Clerk of Council