

VILLAGE OF HARTVILLE

Solicitors, Peddlers and Canvassers Information Sheet

The following information will guide you through the process of obtaining a Solicitor's/Transient Permit. Included in this packet is the current applicable ordinance.

Each individual/vendor must complete, sign and return the application. Each individual/vendor must be fingerprinted and a background check by FBI prior to soliciting in the village.

For your convenience, a list of "web-check" fingerprint locations is attached. You can also find other locations by logging onto the Attorney General's website at www.ohioattorneygeneral.gov. Have the web-check operator send the fingerprints directly to:

Hartville Police Department
202 W. Maple Street
Hartville, OH 44632
Attn: Office of the Chief of Police

OR

Fax to: Hartville Police Department
234-281-0003

Once the completed background checks have been received and approved, you will be issued your permit and given a Vendor ID card; valid for 30 days.

If you have any questions, you may contact the office at 330-877-9222.

VILLAGE OF HARTVILLE
STARK COUNTY, OHIO

APPLICATION FOR TRANSIENT VENDOR'S PERMIT

Permit No. _____	Date: _____
Fee: <u>\$100.00</u>	Exp. 30 days: _____

Applicant's Information

Individual Sales Representative Information:

Applicant's Full Name: _____ Phone: _____

Permanent Address of Applicant: _____

City: _____ State/Zip _____

Address while conducting business in the Village of Hartville: _____

City: _____ State/Zip _____

Phone Number: _____ Email Address: _____

Social Security No. _____ Date of Birth: _____

Driver's License No. _____ State of Issuance: _____

Year/Make of Vehicle being used: _____ License Plate#: _____

Have you ever been arrested or convicted of a felony or misdemeanor for violation of any federal, state or local ordinance other than minor traffic: _____ Yes _____ No

List the names of other Municipalities where vending has taken place (if applicable)

City Name	State	Name and Phone of Contact Person
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City Name	State	Name and Phone of Contact Person
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Have you ever had a previous permit, license denied or revoked? _____ Yes _____ No

If yes, state the name of the city or governmental group that issued the permit and the reason for the revocation: _____

Applicant's Company Information

Business/Organization Information:

Business or Organization Name: _____

Home/Office Address: _____

City: _____ State/Zip: _____

Supervisor Name: _____

Phone Number: _____

Application is hereby made to vend: (Describe articles to be sold) _____

If applicant is applying for a permit as an exempt entity, the following questions must be answered:

(a) Is your organization operated exclusively for religious, charitable, scientific, literary, health, hospital, education or other public purposes operated exclusively for the prevention of cruelty to children or animals, or exclusively for a home for the aged, or exclusively for contributing financial support to any of the within named purposes? _____ Yes _____ No

If so, please designate which purpose is applicable: _____

Please attach a copy of the Department of Taxation's approval of tax-exempt status for your organization.

Applicant's Affirmation of Application

I do hereby swear that, I, the undersigned affirm that all information contained in this application is true, to the best of my knowledge, I further authorize the Village of Hartville, and its agents, to make inquiries relative to my background and character, and my company's character and reputation, relative to this application and permit.

Signature of Applicant

Date

**ORDINANCE NO. 1-22.10
VILLAGE OF HARTVILLE
STARK COUNTY, OHIO**

ORDINANCE NO. 1-22.10, amending Chapter 112 of the Hartville Ordinances known as the Basic Code 2022 Edition, related to Canvassing and Soliciting, effective as of the passage date of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STATE OF OHIO:

Section 1. Findings and Determinations. This Council finds and determines the following matters:

- (a) It is necessary and prudent to update Ordinance 1-14.08, to ensure compliance with the law.
- (b) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

Section 2. Amendment. Chapter 112 of the Hartville Ordinances known as the Ohio Basic Code 2022 Edition is hereby amended as follows.

**Chapter 112
Canvassing and Soliciting**

112.01 Definitions.

As used in this Chapter:

(a) "Canvasser" means any person who obtains or seeks to obtain or influence the opinions of the residents of the Village by traveling door to door either by foot, automobile, truck or any type of conveyance upon the private residences, including any house, apartment or other dwelling within the Village, but does not obtain or seek to obtain funds for any cause whatsoever;

(b) "Peddler" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future. This also includes any person who sells or offers for sale goods, merchandise or services of any kind or description other than from a fixed and established place of business, including those persons who sell from vehicles on the public streets; and

(c) "Solicitor" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance upon the private residences, including any house, apartment or other dwelling within the Village.

112.02 Permit Required.

(a) No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid permit issued pursuant to this Chapter.

(b) No canvasser shall obtain or seek to obtain or influence the opinions of the residents of the Village until he or she is registered pursuant to this Chapter, except that a canvasser who is engaged in religious proselytizing or anonymous political speech shall not be required to be so regulated.

112.03 Application for Permit Procedure.

(a) Each applicant for a permit shall, not less than forty-eight (48) hours nor more than five (5) days prior to the commencement of peddling, soliciting or canvassing, furnish the Chief of Hartville Police with the following information on forms provided by the Village:

- (1) Name, age, and physical description of applicant
- (2) Complete permanent and local address of applicant
- (3) Name and address of the person, firm, corporation or association for whom the canvassing or solicitation is presently being made and any other person, firm, corporation, or association for whom the applicant has canvassed or solicited during the past three (3) years.
- (4) 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 soliciting in which the applicant will engage
- (5) The names of all other municipalities in which the applicant has conducted soliciting activities in the past year.
- (6) Whether the applicant has complied with the requirements of the Ohio Revised Code Chapter 1716 pertaining to charitable solicitations if applicable.
- (7) Whether the applicant has ever been denied a permit of permit to solicit or had such permit or permit revoked, including the time and place of such denial or revocation.
- (8) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude and the time and place of such convictions.
- (9) The proposed dates and times of the solicitation and routes to be followed in conducting the same.
- (10) The make, model, year, and permit plate number of automobiles used by the applicant during the period of solicitation within the Village, and the number of the applicant's driver's permit and state of issuance.

(b) Each applicant shall prior to receiving a permit, pay a registration fee of \$100.00 for each canvasser or solicitor.

(c) Applicants who are agents for nonprofit, charitable, religious, civic or educational organizations that meet the definition thereof as contained in Ohio R.C. 2915.01(H), (I), or (J), or have duly registered with the State of Ohio under the provisions of Ohio R.C. Chapter 1716, shall be exempt from the requirements of this section upon submittal of: (a) the Internal Revenue Service Federal Income Tax Exemption Letter and/or the State of Ohio Letter of Registration under Ohio R.C. Chapter 1716 in effect at the time of application by such organization; and (b) a written statement from such organization listing the individuals representing such organization in the Village.

(d) Children eighteen (18) years of age and under shall be exempt from the registration requirements set forth in this Chapter when engaging in any of the following:

- (1) Soliciting or peddling on behalf of a non-profit school or government organization;
- (2) Soliciting on behalf of a non-profit or neighborhood organization for either donations to, or membership in such organization;
- (3) Peddling donated merchandise on behalf of a non-profit organization where the proceeds of the sale are under for charitable purposes;
- (4) Peddling, canvassing, or soliciting on behalf of a religious organization where the proceeds of the sale are used to support such organization or for a charitable purpose.

(e) Candidates for political office and those endorsing or opposing political issues and candidates shall be exempt from the registration requirements set forth in this Chapter.

112.04 Standards for the Issuance of a Permit.

(a) Upon receipt of an application, an investigation of the person(s) and matters set out in the application shall be made.

(b) (1) All permit application shall be referred to the Chief of the Hartville Police Department who shall, within five (5) business days after receipt of the completed application, issue permits to the applicant unless the investigation discloses that the applicant would pose a discernible threat to public health, safety, or general welfare. The following, among any other discernible threats to public health safety and welfare will constitute a valid reason for disapproval of the application for a permit:

(A) The applicant has provided false, misleading, or deceptive information in his or her application; and/or

(B) The applicant or any solicitor or peddler name on the permit application has been convicted of a felony violation, sex offense, a drug trafficking offense, or a misdemeanor violation involving weapons, theft, moral turpitude within the last five (5) years.

(C) The applicant has committed prior violations of ordinances or codes pertaining to canvassers or solicitors.

(2) Any permit issued under this subchapter shall be valid for not more than thirty (30) days after its date of issue.

(3) In the event a permit application is not approved or in the event any permit issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant by personal service or by certified mail. The applicant shall, after the receipt of such notice, the opportunity to appeal such refusal or revocation. Such appeal shall be brought before Village Council at its next regularly scheduled meeting. The Village Council shall have the power to either affirm, modify, or overrule the decision of the Chief of the Police Department.

(c) Any canvasser not involved in religious proselytizing or anonymous political speech shall register with the Chief before obtaining or seeking to obtain or influencing the opinions of the residents of the Village. Any canvasser shall provide the Chief in writing with his or her name, address and telephone number, the name, address and telephone number of the organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the registration of any canvasser. Any registration hereunder shall be valid for not more than 90 days.

(d) Once issued, a permit may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the permit holder at all times; and may be revoked or suspended by the Chief of the Police Department for any of the following causes:

(1) The permit holder provided false, misleading or deceptive information in the permit application.

(2) The permit holder is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.

(3) The permit holder violates any provision of this Chapter or peddles or solicits in an unlawful manner.

(4) Upon written complaint being filed with the Police Department, that the permit holder has made himself obnoxious to the public by the use of indecent, profane or insulting language or has made or perpetrated any misstatement, deception or fraud in connection with any solicitation or sale, and if said complaint is found to be true, the permit of such solicitor or peddler shall be revoked.

(5) Calling upon, knocking at the door or ringing the doorbell of any resident on the No Knock List or any resident displaying signage indicating no soliciting as outlined in this Chapter.

(e) No person subject to the provisions of this Chapter shall peddle, solicit, or canvass except between the hours of 10:00 a.m. and 8:00 p.m. or sunset, whichever occurs earlier in time. Monday through Saturday; nor shall such person peddle, solicit, or canvass on Sunday or any legal State or Federal Holiday.

(f) No peddler, solicitor, or canvasser shall enter or attempt to enter a dwelling or apartment of any resident in the municipality without an express invitation from the occupant of the house or apartment, who is 21 years of age or older.

(g) 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 soliciting activity within the municipality.

(h) No person subject to this Chapter shall make any canvas or solicitation on any property when notified by sign that soliciting is prohibited as provided in Section 723.06.

(i) No peddler, solicitor, or canvasser shall engage in or transact any type of business or solicitation other than that specified on the permit.

112.04; 112.05; 112.06; 112.07; 112.08 [Not addressed in Ord. 1-05.11]

112.09 Notice Regulating Canvassing or Soliciting, Prohibitions.

(a) Any dwelling or business may prohibit canvassing or soliciting by posting a sign upon or near the main entrance to the dwelling or business sufficiently describing that canvassing or soliciting is prohibited.

(b) It shall be the duty of the peddler, canvasser, or solicitor upon going onto any premises in the Village to examine a no-canvassing or no soliciting notice. If any property displays such a notice, then the peddler, canvasser, or solicitor shall immediately and peacefully depart from the premises.

(c) Notwithstanding any other provision of this Chapter, no peddler, solicitor or canvasser, or any individual and/or organization exempt from the licensing requirements under this Chapter, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the Village upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibits peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

(d) Any peddler or solicitor shall, at all times while soliciting or peddling, display said permit on the outside of their person in such a manner so as to be clearly visible to residents. Upon request by any resident, police officer or Village official, a solicitor or peddler shall present said permit for further inspection.

(e) Hartville Village residents may contact the Village office and ask to be placed on a "No Knock List". The No Knock List shall be furnished to all peddlers, canvassers or solicitors as outlined in this Chapter. Once furnished this list, all peddlers, canvassers or solicitors shall not call upon, knock at the door or ring the doorbell of any resident on the list.

112.10 Prohibiting of Canvassing or Soliciting in Proximity to Schools.

No person shall canvass or solicit or park for purpose of canvassing or soliciting within 1,000 feet of any school property between the hours of 7:00 a.m. and 4:00 p.m. on school days.

112.11 Prohibition of Canvassing or Soliciting on Streets or Highways.

No person shall stand on or adjacent to a street, roadway or highway for the purpose of peddling, soliciting, or canvassing any occupant of any vehicle.

112.12 Penalty.

Whoever violates any provision in this Chapter is guilty of a misdemeanor of the third degree and shall be imprisoned not more than sixty (60) days and shall be fined not more than \$500.00. Each day's violation of this Chapter shall constitute a separate offense.

Section 3. Chapter 112 of the Hartville Ordinances known as the Ohio Basic Code 2022 Edition is hereby repealed.

Section 4. Any future adoptions to the Ohio Basic Code shall continue to be amended by this Ordinance, covering canvassing, peddling, or soliciting.

Section 5. Repeal of Ordinance 1-14.08. Ordinance No. 1-14.08, is hereby repealed and replaced with this Ordinance effective immediately upon this Ordinance's effective date.

Section 6. Effective Date. Provided that this Ordinance receives the affirmative vote of the members elected or appointed to council, it will take effect and be in force at the earliest period allowed by law.

DATED: September 12, 2022

Cindy Billings, Mayor

Scott K. Varney, Village Fiscal Officer