

ORDINANCE NO.: 164-2024

INTRODUCED BY: Mayor Thomas and All of Council

AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE CHAPTER 741 AND ENACTING NEW CHAPTER 741 PERTAINING TO DOOR-TO-DOOR SOLICITORS AND PEDDLERS; AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council wish to repeal existing Codified Ordinance Chapter 741 and enact new Chapter 741 of the Codified Ordinances of the City pertaining to door-to-door solicitors and peddlers for the protection of the public peace, health, safety and wellbeing;

WHEREAS, the Council finds, determines and declares that this Ordinance is promulgated under the general police power of the City under the Ohio Constitution for the preservation of the public peace, health, safety and general welfare and that it is in the best interests of the City and its inhabitants to regulate the activities of door-to-door solicitors and peddlers to deter public nuisances, disturbances of the peace, and other crimes.

NOW, THEREFORE, BE IT ORDAINED by the Council of Richmond Heights, State of Ohio, that:

Section 1: New Chapter 741, Door-to-Door Solicitors and Peddlers, of the Business Regulation Code of the Codified Ordinances of the City of Richmond Heights is hereby enacted to read as follows:

“CHAPTER 741

Door-to-Door Solicitors and Peddlers

741.01 Definitions.

741.02 Hours of solicitation regulated.

741.03 Commercial soliciting and peddling in residential districts.

741.04 Registration of credentials for commercial solicitors; application fee.

741.05 Notice of prohibiting solicitation.

741.06 Solicitation in violation of notice.

741.07 Legal action.

741.08 False information; revocation of registration; appeals.

741.09 Display of credentials upon request.

741.10 Severability.

741.99 Penalty.

741.01 DEFINITIONS.

As used in this chapter, unless a different meaning clearly appears from the context:

(a) "Commercial solicitation" and "commercial solicitor" and "peddling" and "peddler" means any person who calls at residences without the invitation or previous consent of the owner or occupant of such premises for the purpose of any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery;

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other kind or type of publication;

(4) Seeking to sell any goods, articles or services of any kind;

(b) "Non-commercial solicitation" and "non-commercial solicitor" means:

(1) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matters;

(2) Seeking to obtain contributions or sell any goods, articles or services of any kind for the support or benefit of any educational, civic, philanthropic, charitable, religious or non-profit association, organization, corporation or project;

(3) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or

(4) Taking a poll or census by any person, firm or corporation, other than a governmental body or agency thereof.

(c) "Municipality" means the City of Richmond Heights, Ohio.

741.02 HOURS OF SOLICITATION REGULATED.

(a) During standard time, no commercial solicitation or peddling shall be conducted before 9:00 a.m. or after 7:00 p.m. on weekdays and Saturdays, or at any time on Sundays or a State or national holiday. During daylight savings time, no commercial solicitation shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays and Saturdays, or at any time on Sundays or a State or national holiday.

(b) During standard time, no noncommercial solicitation shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays, Saturdays and Sundays or at any time on a State or national holiday. During daylight savings time, no noncommercial solicitation shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays, Saturdays and Sundays, or at any time on a State or national holiday.

741.03 COMMERCIAL SOLICITING AND PEDDLING IN RESIDENTIAL DISTRICTS.

No person shall enter upon the lot or land of any residence situated in any residential district, as established by the Zoning Code, for the purpose of commercial soliciting or peddling as defined in Section 741.01(a)(1), (2), (3) and (4) unless such person has registered their credentials with the Chief of Police or the Chief's designee as provided in Section 741.04.

741.04 REGISTRATION OF CREDENTIALS FOR COMMERCIAL SOLICITORS AND PEDDLERS; APPLICATION FEE.

(a) Whoever desires to engage in commercial solicitation or peddling as defined in Section 741.01(a)(1), (2), (3) or (4) shall be required to register with the Chief of Police, or the Chief's designee, a written application on a form to be provided by the Chief of Police correctly setting forth the following information:

- (1) The full name of the applicant;
- (2) The applicant's address;
- (3) The applicant's birthdate, height, weight and color of eyes and hair;
- (4) Whether or not the applicant uses a motor vehicle in his or her business, and if so, the make, model, year and current registration number thereof;
- (5) The state of issue of the applicant's driver's license and the number thereof;
- (6) The name and address of the applicant's employer and/or the person or entity for which the commercial solicitation is proposed to be conducted;
- (7) A brief description of the goods, wares, merchandise or services involved; and
- (8) Whether or not the applicant has ever been convicted of any crime, other than a traffic offense, and if so, the nature thereof and the penalty therefor. No person who has been convicted of a felony or any misdemeanors involving false statements, dishonesty, theft, offenses of violence, offenses against juveniles, or violations of Ohio Revised Code Chapter 2907 shall be issued a registration.

(b) Concurrently with the filing of the application, the applicant shall pay a fee of thirty dollars (\$30.00) per registration to compensate for the costs incident to the examination, registration and issuance of stamped copies of credentials.

(c) Upon compliance with the foregoing provisions of this section, the Chief of Police or the Chief's designee shall stamp the original of the application as "Inspected and Registered" and deliver the same to the applicant for identification use as hereinafter provided. Such application shall also be stamped with the date of expiration of the registration which in each case shall be the close of the current calendar year.

741.05 NOTICE PROHIBITING SOLICITATION.

(a) Notice by the owner or occupant of any residence or place of business of the determination to refuse to receive any uninvited solicitors or peddlers shall be given by displaying a weatherproof card, decal or sign, not less than two inches by three inches in size in total surface area, upon or near the main entrance door to the residence, indicating such determination by the owner, lessee, or occupant, containing the words "No Solicitors Invited," or words of similar import, with letters at least 1/3 of an inch in height. Any such sign that complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of this chapter or the Codified Ordinances of the Municipality.

(b) The Municipality, through its Division of Police, may establish a "Do Not Knock Registry" (or similarly named registry) to assist with the enforcement of the provisions of Section 741.06. The decision of whether to place a residence on the Do Not Knock Registry shall be solely that of the lawful owner, possessor, or occupant thereof. The Municipality or its designee may contact individuals on the Registry to distribute standardized signage as set forth in subdivision (a) of this section. A copy of the Registry shall be available for public inspection at all times during normal business hours of the Division of Police and shall be given to every person who applies for a registration pursuant to Section 741.04.

741.06 SOLICITATION IN VIOLATION OF NOTICE.

It is hereby declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the doorbell upon or near any door, rap or knock upon any door or create any sound in any other manner calculated to attract the attention of any occupant of such residence for the purpose of commercial and non-commercial solicitation and peddling in defiance of the notice exhibited at the residence in accordance with the provisions of Section 741.05, unless the commercial or noncommercial solicitor or peddler has been previously invited upon the premises by the owner, lessee, or an adult occupant thereof.

741.07 LEGAL ACTION.

Notwithstanding any penalty provided for under the terms of this chapter, the Director of Law or any resident of the City, or any other person, firm or corporation, partnership or other entity may commence a civil action in any court of competent jurisdiction against any person, firm, corporation, partnership or other entity who violates the provisions of this chapter. Such relief shall include any preliminary or permanent injunction to abate such nuisance and such other relief as the court may deem appropriate, including but not limited to reasonable attorney's fees, expenses and court costs.

741.08 FALSE INFORMATION; REVOCATION OF REGISTRATION; APPEALS.

(a) No person shall make any false statement or give any false or misleading information in the application required by Section 741.04.

(b) Should subsequent information disclose that an applicant has falsified any information required in such application, the Chief of Police shall revoke such registration and notify the holder thereof either in person or by certified mail of the action so taken. Such remedy shall be in addition to the penalty provided in Section 741.99.

(c) Any person whose registration is so revoked may, within ten (10) days after receipt of the revocation notice, appeal to the Director of Public Safety by filing with the Director of Public Safety a signed written statement briefly setting forth the grounds for the appeal. The Director of Public Safety shall forthwith set a time and place for hearing such appeal and give the appellant due notice thereof by certified mail. The appellant may appear before the Director of Public Safety in person and/or by an attorney. The decision of the Director of Public Safety thereon shall be final.

741.09 DISPLAY OF CREDENTIALS UPON REQUEST.

(a) Any police officer of the Municipality may require any person found engaged in commercial soliciting or peddling in any residential district established by the Zoning Code who is not known by such police officer to be the holder of registered and stamped credentials as required by Section 741.04 to produce their credentials pursuant to the provisions of this chapter.

(b) Every holder of registered and stamped credentials, when engaged in commercial soliciting or peddling upon any lot or land of any residence in any residential district established by the Zoning Code, shall, upon the request of any owner, lessee, or occupant of such lot or land, exhibit for examination their credentials issued pursuant to the provisions of this chapter.

741.10 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Municipality's Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

741.99 PENALTY.

Any person, firm, partnership, association, company, corporation, or other entity violating any provision of this chapter shall be guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for a subsequent offense."

Section 2: Existing Chapter 741 of the Codified Ordinances of the City of Richmond Heights is hereby repealed.

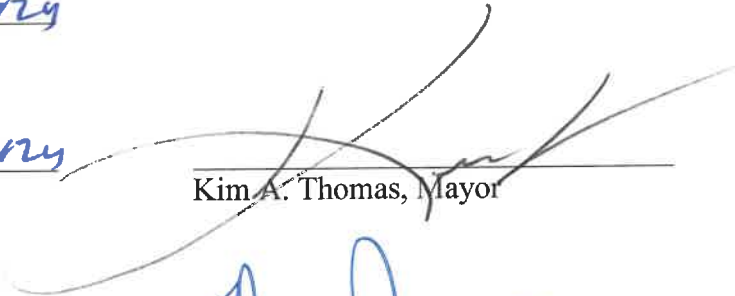
Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants

thereof for the reason that this legislation is necessary to enable the City to effectively reduce the instances of public nuisances, peace disturbances and crime that are a threat to the health, safety and general welfare of persons and to do so at the earliest possible time, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

PASSED: November 26, 2024

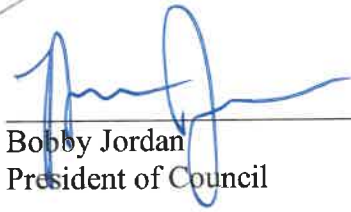
APPROVED: November 26, 2024



Kim A. Thomas, Mayor

ATTEST: Tracey Blair

Tracey Blair
Clerk of Council



Bobby Jordan
President of Council