

CHAPTER 852: TRANSIENT DEALERS

Section

[852.01](#) License required; application; fee; effective period; appeal

[852.02](#) Exhibiting license; peace disturbances; misrepresentation

[852.03](#) Excess noise; business hours

[852.04](#) Exceptions

[852.05](#) License renewal and revocation

[852.99](#) Penalty

Cross-reference:

Disturbing the peace, see [Ch. 648](#)

Trespassing, see §§ [642.10](#), [642.11](#)

Statutory reference:

Charitable solicitation, see R.C. Ch. 1716

Home solicitation sales, see R.C. §§ 1345.21 et seq.

Power to inspect food products, see R.C. § 715.46

Power to regulate, see R.C. 715.64

Sales of goods and services within right-of-way of interstate and other state highways, see R.C. § 5515.07

§ 852.01 LICENSE REQUIRED; APPLICATION; FEE; EFFECTIVE PERIOD; APPEAL.

(a) No person shall engage in the selling of, offering to sell, contracting to sell or taking orders to sell any goods, merchandise, products, insurance, magazine or newspaper subscription, or any product or service whatsoever, nor shall any person engage in soliciting donations or contributions for any cause, person or organization on the public streets, parks or grounds of the city, or by going from house to house within the city, without first obtaining a license to do so from the Mayor as provided in this chapter

(b) Application for a license shall be made on a form provided by the Chief of Police. Upon receipt of the application and a fee of \$10, the Chief of Police shall make an investigation as to the applicant's moral character and business background. Upon completion of the investigation, the Chief of Police shall recommend to the Mayor whether or not the license should be issued. Such recommendation shall be made within seven days of the date of the application. The Mayor shall thereupon promptly issue the license or advise the applicant that the license has been refused. The license shall be valid for a period of one year from the date of issuance.

(c) Any person aggrieved by the failure of the Mayor to grant a license under this chapter may appeal in writing to the Council within ten days of the refusal. Council shall hear the appeal at its next regular meeting and may, on the evidence presented, reverse or affirm the decision of the Mayor.

§ 852.02 EXHIBITING LICENSE; PEACE DISTURBANCES; MISREPRESENTATION.

The licensee shall exhibit the license to any person on request. He or she shall promptly leave any premises on the request of the occupant and shall not engage in any breach of the peace. The licensee shall not make any false, fraudulent or deceptive statements with respect to the product or service offered for sale or with respect to the cause for which the solicitation is being made.

(Ord. 8-83, passed 3-21-1983)

§ 852.03 EXCESS NOISE; BUSINESS HOURS.

(a) No licensee shall use any whistle, bell, horn or other mechanical device for the purpose of advertising his or her goods, wares and merchandise or services, or attracting customers, nor call his or her goods, wares, foods, merchandise or services in a loud voice for such purposes.

(b) All peddling or soliciting done under authority of a license issued pursuant to this chapter shall be conducted between the hours of 8:00 a.m. and 7:00 p.m. on weekdays and Saturdays. No peddling or soliciting shall be conducted on Sunday.

(Ord. 8-83, passed 3-21-1983)

§ 852.04 EXCEPTIONS.

No license shall be required from the following persons:

(a) Persons who solicit only the purchase of or subscription to newspapers.

(b) Persons who solicit only for wholesale delivery to merchants, manufacturers or other businesspeople at their offices, places of business or profession, businesses or manufacturing establishments.

(c) Persons who act as peddlers or solicitors at the invitation or request of the person contacted.

(d) Persons who solicit or peddle on behalf of any religious, educational, scouting, athletic, charitable, civic, service or governmental organization.

(e) Persons who solicit only the sale of products of their own raising or manufacturing.

(Ord. 24-85, passed 10-21-1985)

§ 852.05 LICENSE RENEWAL AND REVOCATION.

(a) The Mayor may, at his or her option, renew a license previously issued without fulfillment of some or all of the requirements set forth in § [852.01](#).

(b) Any license issued under the provisions of this chapter may be revoked at any time by the Mayor should the person to whom it is issued be guilty of any fraud, misrepresentation or

unlawful act in connection with his or her business or otherwise, be found to be a person not fit to be engaged in that business, or be in violation of any of the provisions of this chapter.

(Ord. 8-83, passed 3-21-1983)

 **§ 852.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than \$100. For each subsequent offense, the person is guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250 or imprisoned not more than 30 days, or both. A separate offense shall be deemed to have been committed each day during or on which a violation occurs or continues.

(Ord. 8-83, passed 3-21-1983)