

CHAPTER 828
Peddlers and Solicitors

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828.01 DEFINITIONS.

- (a) As used in this chapter, unless a different meaning clearly appears from the context:
 “Commercial solicitation” and **“commercial solicitor”** means any person who calls at residences without an 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, investments or products or services of any kind, character or description whatever for either present or future delivery;
 - (2) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other kind or type of publication;
 - (3) 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 and/or support in regard to any social, political or religious matters;
 - (2) Seeking to obtain contributions or purchase of 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, pursuant to a federal, state or local government statute or ordinance.

828.02 HOURS OF SOLICITATION REGULATED.

- (a) No commercial solicitation shall be conducted before 9:00 a.m. or after sunset on weekdays and Saturdays, or at any time on Sundays or a state or national holiday.
- (b) No non-commercial solicitation shall be conducted before 9:00 a.m. or after sunset or at any time on a state or national holiday.

828.03 COMMERCIAL SOLICITING IN RESIDENTIAL DISTRICTS.

- (a) No person shall enter upon the lot or land of any residential property situated in any residential district for the purpose of commercial solicitation as defined in Section 828.01(a) unless such person has registered with the Chief of Police as provided in Section 828.04.

828.04 REGISTRATION OF CREDENTIALS FOR COMMERCIAL SOLICITORS; APPLICATION FEE.

(a) Whoever desires to solicit for commercial purposes as defined in Sections 828.01(a) shall register with the Chief of Police or his designee, during normal business hours, a written application on a form to be provided by the Chief correctly setting forth the following information:

- (1) The full name of the applicant;
- (2) His or her current address and all residences within the immediate prior two (2) years;
- (3) His or her birth date, demonstrating the person is at least 18 years of age, height, weight and color of eyes and hair;
- (4) Whether or not he or she 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 his or her driver's license and the number thereof;
- (6) Two (2) one (1) inch square photographs of applicant's face
- (7) The name, address and phone of his or her employer, and a contact person therein;
- (8) A brief description of the goods, wares, merchandise, investments, products or services involved; and
- (9) Whether or not he or she has ever been convicted of any crime, other than a minor misdemeanor traffic offense, and if so, the nature thereof and the penalty therefore.

(b) Concurrently with the filing of the application, the applicant shall pay a fee of thirty-five dollars (\$35) to compensate for the costs incident to the background investigation, registration and issuance of stamped copies of credentials.

(c) Within twenty (20) days of compliance of the foregoing provisions of this section, the Chief shall forthwith stamp the original of the application as "Inspected" and, if approved, deliver credentials of approval 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, or 6 months whichever is later.

(d) Possession of such stamped application shall not entitle the applicant to enter upon any lot or land specified in Section 828.05 or between the hours of sunset and 9:00 a.m. on weekdays and Saturdays or at any time on a state or national holiday or Sundays nor shall such credentials be valid for the solicitation or sale of any goods or services not disclosed in the original application.

(e) Any applicant who has not reach 18 years of age shall be required to have a parent, guardian or employer co-sign on the application.

(f) Any applicant who is discovered to have been convicted of, or who has plead guilty to any criminal offense of the Ohio Revised Code, United States Code, or any other substantially similar state or local code provisions that constitutes any theft or fraud offense, any offense of burglary, any offenses of violence or any offenses of a sexual nature shall be prohibited from commercial solicitation within the City of Fairlawn.

828.05 NOTICE PROHIBITING SOLICITATION.

(a) Notice by the owner or occupant of any residence or place of business of its determination to refuse to receive any uninvited solicitors shall be given by displaying a card, decal or sign, not less than three (3) inches by six (6) inches in size nor more than one square foot in total surface area, upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited," or words of similar import, with letters at least one (1) 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 code, including but not limited to the Planning and Zoning Code.

(b) In addition to subsection (a) herein, the owner or occupant of any residence or place of business cause to register, during normal business hours, their residence or place of business on the "City of Fairlawn- Do Not Solicit" list which shall be maintained by the Chief and provided to each registered solicitor.

828.06 SOLICITATION IN VIOLATION OF NOTICE.

(a) It is hereby declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell 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 or place of business for the purpose of commercial or non-commercial solicitation in defiance of the notice exhibited at the residence in accordance with the provisions of Section 828.05 (a), or the "Do Not Solicit" list as contained in 828.05(b) unless the commercial or non-commercial solicitor has been previously invited upon the premises by the owner, lessee, or an adult occupant thereof.

828.07 LEGAL ACTION.

(a) Notwithstanding any penalty provided 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.

828.08 FALSE INFORMATION; REVOCATION OF REGISTRATION; APPEALS.

(a) No person shall make any false statement or give any false or misleading information or omit any information requested in the application required by Section 828.04.

(b) Should subsequent information disclose that an applicant has falsified any information required in such application, the Chief shall forthwith revoke such registration and notify the holder thereof either in person or by certified mail of the actions so taken. Such remedy shall be in addition to any penalty provided in Section 828.99.

(c) Any person whose registration is so revoked may, with ten (10) days after receipt of the revocation notice, appeal to the Mayor by filing with the Mayor a signed written statement briefly setting forth his ground of appeal. The Mayor 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 Mayor in person or by an attorney. The decision of the Mayor thereon shall be final.

828.09 DISPLAY OF CREDENTIALS UPON REQUEST.

(a) Any police officer of the City may require any person found engaged in commercial solicitation for orders or selling goods, wares, merchandise, investments or services to produce his or her credentials, and to enforce the provisions of this chapter.

(b) Every holder of registered and stamped credentials, when engaged in soliciting orders for or selling goods, wares, merchandise, investments or services, shall, upon the request of any owner or occupant of such lot or land, exhibit for examination his credentials issued pursuant to the provisions of this chapter.

(c) Every holder of registered and stamped credentials, when engaged in soliciting orders for or selling goods, wares, merchandise, investments or services, shall prominently display his or her credentials in a conspicuous place upon his or her person at all times while soliciting pursuant to this section.

828.99 PENALTY.

(a) Any person, firm, partnership, association or corporation violating any provision of this chapter shall be guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for a subsequent offense.