

ORDINANCE NO. 2024-9

Introduced by Sam Artino

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 711 (PEDDLERS) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

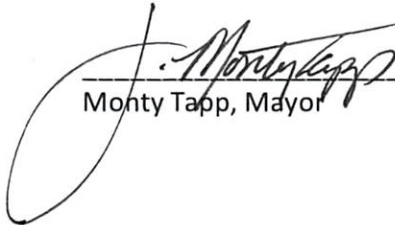
SECTION 1. That Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 711 (Peddlers) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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 O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

ATTEST: 
Clerk of Council


Monty Tapp, Mayor

ADOPTED: 23 APR 2024

CHAPTER 711**Peddlers**

- 711.01 Preamble.**
- 711.02 Definitions.**
- 711.03 License required.**
- 711.04 Application for license.**
- 711.05 Hours regulated.**
- 711.06 License transfer and use.**
- 711.07 Possession and exhibition of license.**
- 711.08 Harassing or annoying prospective customers; trespass.**
- 711.09 Revocation of license.**
- 711.99 Penalty.**

CROSS REFERENCES

- Power to regulate - see Ohio R.C. 715.61 et seq.
- Charitable solicitations - see Ohio R.C. Ch. 1716
- License revocation for receiving stolen property - see Ohio R.C. 2961.03; GEN. OFF. 545.18
- Frozen desserts - see Ohio R.C. 3717.51 et seq.
- Disturbing the peace - see GEN. OFF. 509.03, 509.08
- Littering - see GEN. OFF. 521.08
- Trespassing- see GEN OFF. 541.05
- Temporary stores - see BUS. REG. Ch. 731

711.01 PREAMBLE.

This chapter is passed for the sole purpose of regulating peddlers within the incorporated limits of the City of Huron. The City's interest in regulating peddlers and their wares is limited to the prevention of invasion of privacy of its citizens and the prevention of crime. It is the intent of the City to regulate only the commercial aspects of peddling and not the free speech interests of solicitors or canvassers in the religious, political, charitable, or other protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.02 DEFINITIONS.

(a) As used in this chapter, "peddler" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future; provided, that this definition shall not apply to persons selling by sample only nor to any agricultural articles or products offered for sale by the producer. Exceptions to this definition of the term "peddler" are the following:

- (1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.
- (2) A person making sales of the following items of daily household consumption:
 - A. Baked goods;
 - B. Fruit and vegetables;
 - C. Dairy products.

(b) This chapter is inapplicable to individuals who are exercising their right of free speech in the areas of organized or unorganized religion; political advocacy; appeals for charitable contributions; or other forms of protected speech.

(Ord. 2010-9. Passed 4-13-10.)

711.03 LICENSE REQUIRED.

No peddler shall engage in business within the City limits without first obtaining a license therefor in compliance with the provisions of this chapter. Recognized charitable, civic, religious and philanthropic organizations, and agents or persons employed thereby, are not required to obtain a license. (Ord. 2010-9. Passed 4-13-10.)

711.04 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager who, upon being furnished with sufficient proof that the applicant is involved in a legitimate exercise of selling goods or services with a reputable and established firm in this State or another state, shall issue a license for which no fee shall be charged. (Ord. 2010-9. Passed 4-13-10.)

711.05 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment. (Ord. 2010-9. Passed 4-13-10.)

711.06 LICENSE TRANSFER AND USE.

No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named therein to do business, nor shall a licensee conduct any other business than is named therein to be transacted. (Ord. 2010-9. Passed 4-13-10.)

711.07 POSSESSION AND EXHIBITION OF LICENSE.

Any licensee engaged in business within the City shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser. (Ord. 2010-9. Passed 4-13-10.)

711.08 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

No peddler shall vex, annoy or harass any person by importuning such person to purchase or to look at his goods or wares; nor shall any peddler enter any private house or residence without an invitation from the homeowner or homeowner's designee (Ord. 2010-9. Passed 4-13-10.)

711.09 REVOCATION OF LICENSE.

Any license issued hereunder may be revoked at any time, should the person to whom it is issued be guilty of violating any applicable State law or any provisions of this chapter or of any fraud, misrepresentation or unlawful act in connection with his business. (Ord. 2010-9. Passed 4-13-10.)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each sale or attempted sale made by any person in violation of the provisions of this chapter shall be deemed a separate offense. (Ord. 2010-9. Passed 4-13-10.)

**CHAPTER 711
Peddlers**

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| 711.1 Preamble. | 711.8 License transfer and use. |
| 711.2 Definitions. | 711.9 Possession and exhibition of license. |
| 711.3 License required. | 711.10 Harassing or annoying prospective customers; trespass. |
| 711.4 Application for license. | 711.11 Revocation of license. |
| 711.5 License Fee. | 711.99 Penalty. |
| 711.6 Expiration of Licence. | |
| 711.7 Hours regulated. | |

CROSS REFERENCES

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711.3 LICENSE REQUIRED.

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(Ord. 2010-9. Passed 4-13-10.)

711.4 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Manager, or his authorized designee, on application forms furnished by the City. Each application shall contain the following information, and such other information the City may deem necessary:

- (a) The name, address and telephone number of the corporation or firm which the applicant proposes to represent, and the name, telephone number and email of the person in direct supervision of the solicitor(s).
- (b) The name(s), address(es), telephone number(s) and email address(es) of the person(s) who shall solicit within the City.
- (c) A copy of a valid photo ID provided by each solicitor.
- (d) The make, model and license plate number of the vehicle(s) that solicitors will be using when soliciting within the City.
- (e) Disclosure from each solicitor of having been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of the offense, and the punishment assessed therefor.
- (f) Consent for the City to perform a search of any outstanding warrants and/or a criminal background check.
- (g) A brief description of the nature of the business and the kinds of goods, services or property to be solicited or offered for sale.
- (h) A Certificate of Liability Insurance demonstrating a minimum combined bodily and property damage coverage in the amount of \$300,000 and naming the City as an additional insured. Liability insurance shall be maintained in full force and effect without interruption, and a copy of any policy changes, including renewal, must be forwarded to the City throughout the term of the registration.

(Ord. 2024-9. Passed 4-23-24.)

711.5 HOURS REGULATED.

A nonrefundable license fee of Fifty Dollars (\$50) shall be paid upon application for a solicitor's license. If a solicitor's license is granted by the City, an additional fee of Ten Dollars (\$10) shall be paid for each person other than the applicant who shall solicit within the City under the authority of such solicitor's license.

(Ord. 2024-9. Passed 4-23-24.)

711.6 EXPIRATION OF LICENSE.

Solicitor licenses issued under the provisions of this Chapter shall expire six (6) months from the date of issuance.

(Ord. 2024-9. Passed 4-23-24.)

711.7 HOURS REGULATED.

All business done under a license issued by virtue of this chapter shall be conducted between regular business hours of any given day of the week. This section shall not prohibit any licensee under this chapter from conducting business during non-business hours when calling at the residence of a customer by appointment.

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