

*Not completed
No action*

ORDINANCE NO. 331 AC CMS

AN ORDINANCE AMENDING CHAPTER 31 OF THE
CODIFIED ORDINANCES OF THE CITY OF OBERLIN

WHEREAS: There has been reported to Council instances of invasion of rights of privacy of inhabitants of this city by solicitors, canvassers and peddlers invading, without invitation or permission, and entering against their wishes into the homes of said inhabitants; and

WHEREAS: It is the further opinion of this Council that under the guise of soliciting, canvassing and peddling, it is possible for persons bent upon the commission of crimes and misdemeanors to seek out occasions and opportunities for such activities while ostensibly conducting legitimate business; and that it is a reasonable exercise of the police power of this municipality to provide for a fair and reasonable method of investigation into the background and record of persons seeking to canvass, peddle, solicit within Oberlin and to keep a record of such persons, and to assure a method of identification of them.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, LORAIN COUNTY, OHIO, a majority of the members elected thereto concurring:

SECTION 1. LICENSE.

No person shall sell or offer for sale, barter or exchange, or go from door to door soliciting the purchase of, or gift of any goods, wares, merchandise or other articles of value or money, in any place, in, upon, along, or through the streets, avenues, alleys or other public places within the municipality, unless he is the holder of a license which is in full force and effect and issued pursuant to the provisions of this chapter, which license said person shall, at all times, have with him while exercising such calling; and shall exhibit said license to any police officer or official of this municipality upon demand.

SECTION 2. APPLICATION.

Applicants for permit and license under this ordinance must file with the City Manager a sworn application in writing (in duplicate) on a form to be furnished by the City Manager, which shall give the following information:

- (a) Name and description of the applicant;
- (b) Permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold, or the solicitation to be made;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right to do business or solicit is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;

- (g) Reasonable proof of their identity, permanent business and/or home address, authority to act for his principal or employer, if any, financial responsibility, ownership or rights to sell the articles or other such data as is reasonably necessary to prevent deception upon the residents or inhabitants of Oberlin by said applicant;
- (h) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Lorain, State of Ohio, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate such character and business responsibility.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (j) A photograph of the applicant on a size as proscribed by the City Manager.

SECTION 3. INVESTIGATION AND ISSUANCE.

(a) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as is deemed necessary for the protection of the public good.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the City Manager shall endorse on such application his disapproval and his reasons for same, and notify the applicant that said application is disapproved and that no permit or license will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the City Manager shall endorse on the application his approval for the carrying on of the business applied for, and upon payment of the prescribed license fee, a license will be issued. A permanent record shall be kept of all licenses issued.

(d) Said license shall be in the form of a permit with a plastic container showing the photograph of the applicant.

SECTION 4. LICENSE FEE

Upon the issuance to an applicant of a license as provided, the applicant shall be given authorization in such form as shall be prescribed by the City Manager. Upon each of the applications for licenses, the City Manager shall receive a fee of

For (1) one day	\$ 5.00
For (1) one week	10.00
For (1) one month	15.00
For (3) three months	20.00
For (6) six months	25.00
For (1) one year	30.00

SECTION 5. EXCEPTIONS.

The following persons are declared exempt from the payment of any license fee for the license hereinabove mentioned, to-wit:

Any person selling the products of his own raising, a manufacturer selling any articles manufactured by him, a person selling newspapers, a duly authorized solicitor soliciting the purchasing of goods, wares, merchandise, or gifts for or on behalf of any recognized educational, civic, religious, or charitable organization, and all other persons otherwise exempted by law provided, however, it shall be unlawful for any such person to engage in the operation of selling or soliciting, as more fully described in Section 1, in the city without first obtaining a permit from the city so to do, which permit shall be issued without fee and shall be revocable for cause and shall expire by limitation on the thirty-first (31) day of December following the date of its issuance.

SECTION 6. TIME LIMITATIONS.

It shall be unlawful for any person to sell or offer for sale, barter, or exchange, and/or to solicit from door to door the purchase or gift of any goods, wares, merchandise, or other articles of value within the city during the period from thirty (30) minutes after sunset any day to thirty (30) minutes before sunrise of the next succeeding day.

SECTION 7. REVOCATION OR SUSPENSION OF LICENSE.

Any license issued hereunder may be revoked or suspended at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation, deception or wrongful act in connection with his business or otherwise, or is found to be a person not fit to be engaged in such business. But in any event, all licenses issued under this chapter shall terminate on the thirty-first (31) day of December following the date of issuance.

SECTION 8. PENALTY.

Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor and fined not to exceed One Hundred Dollars (\$100.00) and in addition, his license may be revoked by the City Manager.

SECTION 9. This ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

ATTEST:

Ruth B. Dragg
CLERK OF COUNCIL

Eric Nord
CHAIRMAN OF COUNCIL

Ruth B. Dragg
Clerk of Council