

# City of Seven Hills

Amended Ordinance No. 143-2007

Revised 5-21-2008

Mayor Bentkowski, Councilpersons Dell'Aquila  
Introduced By Lecznar, Barth, Tripi, Littlepage, Draganic, Petro

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**AN ORDINANCE TO AMEND CHAPTER 167, PEDDLERS, TRANSIENT DEALERS AND SOLICITORS, AS CONTAINED IN TITLE NINE, BUSINESS REGULATIONS, OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS, OHIO, BY ADDING A NEW SECTION 167.09, "RESIDENT PROHIBITION BY NOTICE".**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEVEN HILLS, OHIO:**

**Section 1.** That Chapter 167, Peddlers, Transient Dealers and Solicitors, as contained in Title Nine, Business Regulations, of Part One, Administrative Code, of the Codified Ordinances of the City of Seven Hills, Ohio, be and the same is hereby amended and supplemented by adding thereto a new Section 167.09 entitled "Resident Prohibition by Notice", which shall read as follows:

**"167.09 RESIDENT PROHIBITION BY NOTICE**

- a. The Mayor's Office shall separately establish and maintain each of the following:
  1. a Peddlers Do Not Call Registry; and
  2. a Solicitors Do Not Call Registry.
  
- b. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City to place and maintain his or her residence, house, apartment or other dwelling on the Peddlers Do Not Call Registry and/or the Solicitors Do Not Call Registry by submitting a separate request for each registry on form(s) supplied by the Mayor's Office, each of which shall contain the following information:
  1. The signature of the person completing the form(s), unless the submission is done electronically with a secure password on the City of Seven Hills website;
  2. The complete address of the residence, house, apartment or other dwelling to be placed on the registry;
  3. The date the form was completed;
  4. a statement that No Peddlers Shall Call at this Address or words of similar import on the form for the Peddlers Do Not Call Registry and/or a statement that No Solicitors Shall Call a this Address or words of similar import for the Solicitors Do Not Call Registry; and
  5. The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that Peddlers or Solicitors not call at his or her residence, house, apartment or other dwelling.
  
- c. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the city may require the City to remove his or her

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- residence, house, apartment or other dwelling from the Peddlers Do Not Call Registry and/or the Solicitors Do Not Call Registry by submitting a separate Notice of Removal from either or both said registries on form(s) supplied by the Mayor's Office, each of which shall contain the following information:
1. The signature of the person completing the form(s), unless the submission is done electronically with a secure password on the City of Seven Hills website;
  2. The complete address of the residence, house, apartment or other dwelling to be removed from each registry;
  3. The date the form was completed; and
  4. A statement that the residence, house, apartment or other dwelling be removed from the Peddlers Do Not Call Registry and/or the Solicitors Do Not Call Registry.
- d. The decision whether to place a residence, house, apartment or other dwelling on the Peddlers Do Not Call Registry and/or the Solicitors Do Not Call Registry shall be solely that of the lawful possessor and occupant thereof and no official, agent or employee of the City of Seven Hills shall interfere with said decision.
- e. A residence, house, apartment or other dwelling, after being lawfully placed on the Peddlers Do Not Call Registry and/or the Solicitors Do Not Call Registry shall remain on said registry until the earliest of any of the following:
1. The City receives a Notice of Removal pursuant to subsection (c) hereof;
  2. The city receives notice that the person who submitted the form pursuant to subsection (b) hereof is not or is no longer a lawful possessor and occupant of the premises; or
  3. The expiration of five (5) calendar years, expiring on December 31<sup>st</sup>, from the date of the form submitted pursuant to subsection (b) hereof.
- f. A copy of the Peddlers Do Not Call Registry and a copy of the Solicitors Do Not Call Registry shall be made available for public inspection at all times on the internet website of the City of Seven Hills
- g. and during normal business hours at the office of the Director of Public Safety.
- h. Notwithstanding any other provision of this Chapter, no peddler, while peddling, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City which is at that time on the Peddlers Do Not Call Registry established and maintained pursuant to this Chapter or upon which there is posted at the entrance a notice which reads "No Peddlers Allowed", or words of similar import, which clearly prohibit peddlers on the premises, unless such peddler has previously been invited upon the premises by the lawful possessor and occupant thereof.
- i. Notwithstanding any other provision of this Chapter, no solicitor, while soliciting, shall call upon, knock at the door or ring the doorbell of any residence, house,

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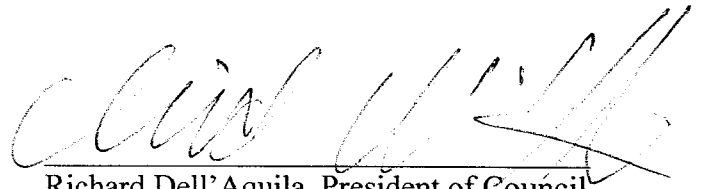
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apartment or other dwelling in the City which is at that time on the Solicitors Do Not Call Registry established and maintained pursuant to this Chapter or upon which there is posted at the entrance a notice which reads No Solicitors Allowed, or words of similar import, which clearly prohibit solicitors on the premises, unless such solicitor has previously been invited upon the premises by the lawful possessor or occupant thereof.”

**Section 2.** That except as herein amended and supplemented, all the provisions of Chapter 167, Peddlers, Transient Dealers and Solicitors, as contained in Title Nine, Business Regulation, of Part One, Administrative Code, of the Codified Ordinances of the City of Seven Hills, Ohio, shall remain in full force and effect.

**Section 3.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

First Reading December 10, 2007

  
Richard Dell'Aquila, President of Council

Second Reading December 26, 2007

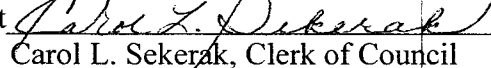
Filed with  
The Mayor May 28, 2008

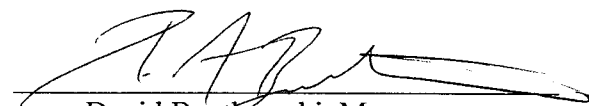
Tabled: 1/14/08

Third Reading May 27, 2008

Approved May 28, 2008

Passed May 27, 2008

Attest   
Carol L. Sekerak, Clerk of Council

  
David Bentkowski, Mayor

**CHAPTER 167**  
**Peddlers, Transient Dealers and Solicitors**

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| <p>167.01 License required; display; personal identification.</p> <p>167.02 Application for license; fee; registration.</p> <p>167.03 Hours.</p> <p>167.04 Transient dealers; license required; fee; registration.</p> | <p>167.05 Exemptions; registration required.</p> <p>167.06 Revocation of license; expiration.</p> <p>167.07 Supplemental regulations governing vendors using public streets.</p> <p>167.99 Penalty.</p> |
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**CROSS REFERENCES**

- Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
Charitable solicitations - see Ohio R.C. Ch. 1716  
Frozen desserts - see Ohio R.C. 3717.51 et seq.  
Criminal trespass - see GEN. OFF. 541.05

**167.01 LICENSE REQUIRED; DISPLAY; PERSONAL IDENTIFICATION.**

(a) No person shall sell or offer for sale; barter or exchange or go from door to door soliciting the purchase or gift of any goods, wares, merchandise or other articles of value, money or services in any place in, upon, along or through the streets, avenues, alleys or other public places within the Municipality without first having obtained a license under Section 167.02.

(b) No licensee shall fail to have such license with him or her at all times while exercising such calling, or shall fail to exhibit such license to any person being solicited, police officer or other official of the Municipality upon demand.

(c) No such licensee shall fail to retain upon his or her person additional evidence of personal identification, which shall be so displayed upon request.  
(Ord. 22-2003. Passed 5-12-03.)

**167.02 APPLICATION FOR LICENSE; FEE; REGISTRATION.**

(a) No person who desires to sell or offer for sale, barter or exchange, or to solicit from door to door the purchase or gift of any goods, merchandise or other articles of value, money, or services within the Municipality shall fail to make application to the Chief of Police who, upon being furnished with sufficient proof that such person is of good moral character, shall issue to the applicant a license therefor.

(b) The fee for such license shall be five dollars (\$5.00) per day, per person.

(c) Good moral character shall be defined as a person who has not been convicted of a felony and not convicted of a misdemeanor crime of moral turpitude or dishonesty such as theft, fraud, passing bad checks, extortion, embezzlement, receiving stolen property, or a criminal misdemeanor of violence such as domestic violence, assault, menacing, and resisting arrest. (Ord. 22-2003. Passed 5-12-03.)

#### 167.03 HOURS.

No person shall sell or offer for sale, barter or exchange, or shall solicit from door to door, without appointment, the purchase or gift of any goods, wares, merchandise or other articles of value, money or services within the Municipality during the period from 7:00 p.m. to 9:00 a.m. of the succeeding day or at any time on Sunday. (Ord. 22-2003. Passed 5-12-03.)

#### 167.04 TRANSIENT DEALERS; LICENSE REQUIRED; FEE; REGISTRATION.

(a) No person, whether principal or agent, shall open or conduct a temporary store or other place, including vehicles, for the selling of wearing apparel or any other goods, wares or merchandise within the Municipality on a temporary basis, or offer any such article for sale, without first obtaining a license therefor from the Chief of Police.

(b) The fee for such license shall be twenty-five dollars (\$25.00) and shall be paid to the Chief of Police. Such license shall be valid for one week, except on Sundays. (Ord. 22-2003. Passed 5-12-03.)

#### 167.05 EXEMPTIONS; REGISTRATION REQUIRED.

The following persons are hereby declared exempt from paying the fees required in Sections 167.01 and 167.04, but must obtain a no-fee license, as provided for in such sections: Any person selling the products of his or her own raising; a manufacturer selling any article manufactured by him or her; a person selling newspapers; all vendors who are invited or scheduled upon private premises, who appear by appointment and time schedule arranged with the customer and who are not selling, therefore, upon a random, casual, door-to-door basis, but who have, rather established a definite appointment schedule; persons engaged in the taking of surveys or polls where donations are not being solicited from residents; and all other persons otherwise exempted by law. However, all persons conducting any such exempted activities shall nevertheless first register with the Police Department and obtain no-fee license prior to engaging in the random sales or solicitations and shall state the name of the organization for whom they are conducting such activities and the duration of such activities from beginning to ending dates. No charge shall be made for such registration. (Ord. 22-2003. Passed 5-12-03.)

**167.06 REVOCATION OF LICENSE; EXPIRATION.**

Any license issued pursuant to the provisions of this chapter may be revoked or suspended at any time, if the person to whom it is issued is guilty of any fraud, falsification of information on the application for such license, misrepresentation, deception or wrongful act in connection with his or her business or otherwise, or is found to be a person not fit to be engaged in such business. Failure to abide by the laws and ordinances of the City or the laws of the State shall be grounds for revoking such license.  
(Ord. 22-2003. Passed 5-12-03.)

**167.07 SUPPLEMENTAL REGULATIONS GOVERNING VENDORS USING PUBLIC STREETS.**

(a) This section shall not be construed to prohibit the sale or offering for sale of the products set forth in subsection (b) hereof or to prohibit the use of reasonable sound-producing devices to attract trade, but shall be construed solely to regulate the sale of such products so as to provide for the protection of the children and other persons of this community whose attraction to these products outweighs their sense of precaution.

(b) No vendor or peddler who uses a motor vehicle, pushcart or tricycle for the sale of ice cream, popsicles, ice sherbets and other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and all other products shall use or operate a sound-producing device while such vehicle is in motion.

(c) No vendor or peddler who uses a motor vehicle, pushcart or tricycle for the sale or offering for sale of any products shall sell or offer for sale any such products to any person when such person is on or within the traveled portion of any public street, thoroughfare or right of way normally used by motor vehicles.

(d) (1) No vendor who uses a motor vehicle to move from place to place upon the streets of the City while selling any products shall fail to have such motor vehicle inspected by the Police Department under the jurisdiction of the Chief of Police or his or her appointee, or shall fail to first obtain a safety inspection permit for such vehicle. Such inspection shall concern the mechanical safety of the vehicle and shall be conducted at the Police Department, and a safety inspection permit fee of ten dollars (\$10.00) for each vehicle shall be paid to the City. No vehicle which has not been so inspected and approved shall be employed in such business. Each such permit shall expire on December 31 next following its issuance and shall be displayed as set forth in subsection (j) hereof

- (2) No vendor who uses a motor vehicle to sell ice cream, popsicles, ice sherbets and other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and all other products shall fail to have such vehicle inspected by the Police Department as provided in this subsection. The seasonal permit fee, which is in addition to the safety inspection permit fee provided for in this subsection, shall be twenty-five dollars (\$25.00) for each vehicle so inspected. No vehicle which has not been so inspected and approved shall be used in such business. The seasonal permit shall be issued, expire and be displayed as is provided in this subsection.
- (3) No vendor shall fail to post evidence of public liability insurance with the City in the minimum amounts of one hundred thousand dollars (\$100,000) for personal injury to one person, three hundred thousand dollars (\$300,000) for such injury to two or more persons, and ten thousand dollars (\$10,000) for property damage, provided that the City shall not be liable for any claim made against such vendor as the result of personal injury or property damage.
- (e) When a vendor obtains a permit, or at any other time, the Police Department will inform such vendor of major thoroughfares that cannot be used for vending due to reasons of public safety concerning motorists, inhabitants and the vendor himself or herself.
- (f) No vendor shall fail to display yellow warning lights continuously, day or night, when such vendor stops for sales and when his or her vehicle slows down to five miles per hour or less for selling. No vendor shall fail to turn off such lights when traveling to and from his or her route.
- (g) No vendor shall fail to designate his or her name and telephone number on his or her vehicle.
- (h) No person who is not employed by a vendor licensed pursuant to the provisions of this chapter shall ride with such vendor.
- (i) No vendor shall fail to display all City permits on or near the windows of his or her vehicle so as to be clearly discernible.
- (j) No vendor shall pull to the wrong side of a street to service customers. No vendor shall fail to park on the right side of the street and walk over to service children.
- (k) No vendor shall fail to act to protect children when children are coming to and leaving his or her truck. No vendor shall fail to be alert to protect children from on-coming traffic.
- (l) No vendor shall sell to customers unless they stand on the curb or berm of the roadway.

(m) Before getting into his or her cab after having transacted any business, no vendor shall fail to walk around his or her vehicle to make sure that all children are safely away from such vehicle.

(n) No vendor shall back his or her vehicle unless such movement is completely necessary and, if so, such vendor shall back his or her vehicle as little as possible, after having checked that no one or nothing is behind his or her vehicle.

(o) No vendor shall allow boxes and papers under his or her control to fall upon the public right of way and no vendor shall fail to pick up any papers deposited in the immediate area of sale by his or her customers.

(p) No vendor shall have a police radio. However, standard AM or FM radios or tape players are allowed in any vendor's vehicle but no vendor shall play such devices during the time when the vehicle is moving in potential sale areas.

(q) In accordance with Recreation Board rules and other enactments of Council, no vendor shall engage in such business upon City-owned property other than streets.  
(Ord. 22-2003. Passed 5-12-03.)

**167.99 PENALTY.**

(a) Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) and face a potential jail sentence up to six months (180 days).

(b) In addition to the penalty provided in subsection (a) hereof, the Chief of Police may remove any license issued by him or her pursuant to the provisions of this chapter.  
(Ord. 22-2003. Passed 5-12-03.)