

**ORDINANCE NO. 43-2020**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 741 OF THE REYNOLDSBURG CODIFIED ORDINANCE ON SOLICITORS**

WHEREAS, the Council of the City of Reynoldsburg, Ohio, has determined that it is necessary to update Chapter 741 Solicitors.

NOW, THEREFORE; BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO, that:

SECTION 1. That Chapter 741 shall be repealed and replaced to the Reynoldsburg Code of Ordinances to require registration of solicitors in the City of Reynoldsburg be and is hereby attached as Exhibit A.

SECTION 2. That upon adoption by Council, this Ordinance shall be in effect thirty days following the signature of the Mayor.

Passed this 6<sup>th</sup> day of June, 2020.

Leanora Jenkins

Leanora Jenkins, Council President

ATTEST:

Mollie Prasher  
Mollie Prasher, Clerk of Council

APPROVED:

Joseph Begeny  
Joseph Begeny, Mayor

DATE

6-8-2020

## **CHAPTER 741 SOLICITORS**

### **§741.01 Intent**

The City of Reynoldsburg finds that persons and organizations have been visiting and continue to visit private residential properties for purposes of soliciting or for the peddling of goods, wares, merchandise or services. Some residents find these activities to be intrusive upon their privacy. The City Council further finds that a variety of misrepresentations and other frauds are or could be employed in such activities. As such, the City Council wishes to enact this Chapter for the purposes of protecting the privacy of residents and minimizing fraudulent practices by persons representing themselves as peddlers, solicitors or canvassers.

### **§741.02 Definitions**

As used in this Chapter, the words and terms below shall have the following meanings respectively prescribed to them in this Chapter:

- A. "Solicitor" shall include any person or organization that sells, offers for sale, or solicits orders for any goods, property, merchandise, periodicals, or services by going from door to door within the City.
- B. "Person" means any individual, firm, partnership, corporation, company, association, joint stock company, or any combination of them, and includes any trustee, member, receiver, assignee, agent or other representative thereof
- C. "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

### **§741.03 Notice Prohibiting Solicitation**

- A. An owner or occupant of any residence or place of business located within the City may refuse to receive any uninvited solicitors by displaying a weatherproof card, decal or sign not less than three (3") inches by four (4") inches in size nor more than one (1') 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 language "No Soliciting per Rey. Ord. 741.02", with letters at least one-third (1/3") inch in height.
- B. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of Section 1105.03 of the Codified Ordinances.

- C. The Service Department of the City of Reynoldsburg shall design and provide decals that comply with the requirements of this Section with a fee of five (\$5.00) dollars or less per decal. Such decals may be of varying color.
- D. An owner or occupant is not required to obtain or utilize the decals sold and/or provided by the Service Department of the City of Reynoldsburg and may create or purchase any decal which meets the requirements of Section 741.03(A).

#### **§741.04 Solicitation in Violation of Notice**

- A. No Solicitor, acting in such capacity, shall go upon any premises and ring the doorbell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such premises for the purpose of securing an audience with the occupant thereof if there is displayed at the premises a notice in accordance with the provisions of Section 741.02.
- B. Whoever violates this Section shall be in violation of Reynoldsburg Codified Ordinance 541.05(a)(1) for Criminal Trespass, a misdemeanor of the fourth degree.

#### **§741.05 Time Limit on Solicitation**

It is unlawful and shall constitute the offense of criminal trespass for any Solicitor to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such residence, for the purpose of securing an audience with the occupant(s) thereof during the following times:

1. Before 9:00 a.m. and
2. After 9:00 p.m. or 30 minutes prior to sunset, whichever is earlier.

#### **§741.06 Permit Required**

- A. No person shall act as a Solicitor in the City without first having registered as such with the Division of Police.
- B. The Chief of Police or his designee shall issue a registration permit to each applicant and such permit shall be carried on the person of the registrant at all times when engaged in such solicitation and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made.
- C. Application for a Solicitor permit shall be made upon a form promulgated jointly by the Division of Police and the City Attorney. Each application shall contain:

1. The name, address and the telephone number of the person completing the application;
  2. The name of the entity for which the person or organization intends to sell, offer for sale, or solicit orders, or the name of the cause for which the person intends to solicit contributions.
- D. Each applicant shall provide to the Division of Police evidence of personal identification in the form of any of the following:
1. Valid drivers' license;
  2. Certified copy of a birth certificate;
  3. Valid United States passport;
  4. An official organization photo containing the following information: name, address, and telephone of the organization and the individual's name, address, and social security number;
  5. Current State of Ohio Bureau of Motor Vehicles identification card.
- E. Each applicant shall provide the Division of Police evidence of organizational identification in the form of any of the following:
1. Vendor's license;
  2. I.R.S. identification number;
  3. Corporation identification number;
  4. Any other identification acceptable to the Division of Police.
- F. Each applicant shall pay an administrative fee to the Division of Police with checks or money orders made out to the "City of Reynoldsburg" and such fees shall be in accordance with the below fee schedule:
1. For a permit with a duration of fourteen (14) calendar days, the fee shall be twenty-five dollars (\$25.00).
  2. For a permit with a duration of thirty (30) calendar days, the fee shall be thirty-five dollars (\$35.00).
  3. For a permit with a duration of six (6) months, the fee shall be seventy-five dollars (\$75.00).

4. For a permit with an expiration date of December 31 of the calendar year in which the permit is issued, the fee shall be one-hundred dollars (\$100.00).
- G. Background Investigation Required. All engaged in solicitation activities within the City operating under the provisions of a permit issued pursuant to this section must provide results of a background investigation completed within 30 days of the date of application. The requestor of a permit must provide copies of all background investigation results of each member of the group or employee at time of application. The only accepted form of background investigation is a completed Federal Bureau of Investigation (FBI) and Ohio Bureau of Criminal Identification and Investigation (BCI) Webcheck® otherwise known as a BFBI check.
- H. Within five (5) days after receipt of the completed application and background check, the Division of Police shall issue solicitation permits to the applicant, unless:
1. The applicant has provided false, misleading or deceptive information in the application; and/or
  2. The applicant, or any solicitor named on the application, has been convicted of a felony violation within his/her lifetime, or misdemeanor violation involving fraud or moral turpitude within the past five years.
- I. Once issued, a permit may be used only in conformity with the laws of the City and the State of Ohio; it may not be assigned or transferred; it must be carried by the licensee at all times; and it may be revoked or suspended by the Division of Police for any of the following causes:
1. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.
  2. The licensee charged or convicted of a felony or of misdemeanor involving fraud or moral turpitude.
  3. The licensee violates any provision of this Chapter or solicits in an unlawful manner.
- J. In the event a license application is not approved or in the event any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the applicant or licensee by regular U.S. mail service at the address provided on the application.
- K. The applicant may appeal the denial/revocation of a permit to City Council by submitting a notice of appeal to the Clerk of City Council within thirty (30) days of the denial or revocation and City Council will set a hearing on the appeal within thirty (30) days of receipt of the notice of appeal.
- L. The Division of Police shall prepare and maintain a List of Solicitors that is made available to the public upon request. This List shall include the name of any active permit holder, the

name of the entity for which the permit holder intends to sell, and the expiration date of the permit.

#### **§741.07 Activities exempt from permit; Waiver of permit fee**

- A. Persons engaging in the following activities do not need a permit and are exempt from the requirements in Section 741.06:
  - 1. Any person authorized to act on behalf of a non-profit organization whose primary objective is to support school-related activities and youth programs such as, but not limited to, youth sports, music, arts, and scouting-related activities.
  - 2. Any person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
- B. Those persons who are exempt under this section are still required to comply with the requirements set forth in Section 741.05.
- C. The permit fee may be waived if the applicant is a charitable organization. As used in this section, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing tax-exempt status of the organization pursuant to Internal Revenue Code 501(c)(3).
- D. If the application for a waiver is denied, the applicant may appeal the denial to City Council by submitting a notice of appeal to the Clerk of Council within thirty (30) days of the denial of the waiver and City Council will set a hearing on the appeal within thirty (30) days of the receipt of the notice of appeal.

#### **§741.08 Regulation of Painting House Numbers on Street Curbs**

- A. All persons and/or companies which desire to conduct the business of painting street numbers within the corporate limits of the City shall have an FBI and BCI background check completed and apply to the Division of Police for a permit to paint house numbers on street curbs.
- B. All companies which apply for a permit to paint house numbers on street curbs shall pay an annual fee of \$50.00.

### **§741.99 Penalty**

- A. Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a misdemeanor of the fourth degree.
- B. Whoever violates Section 741.05(A) is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the third degree for any subsequent offense.
- C. Any person who provides false information in the registration described in Section 741.05 is guilty of a 4<sup>th</sup> degree misdemeanor for the first offense and a misdemeanor of the third degree for any subsequent offense.