

ORDINANCE NO. 267

**AN ORDINANCE ADOPTED TO REGULATE HAWKERS, PEDDLERS, AND
ITINERANT VENDORS.**

To protect the safety, health, and welfare of the general public and not to protect the personal or property interests of any individual.

Definitions:

Hawkers and Peddlers – The terms “Hawkers” and “Peddlers” shall mean and include any person, either principal or agent, who:

- I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot or vehicle.
- II. Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building.
- III. Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.

Itinerant Vendors – The term “itinerant vendor” means all persons, principals and agents, including those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, motel, storeroom, building, part of a building, tent, vacant lot, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

Policy:

- I. Every **Hawker and/or Peddler, and Itinerant Vendor**, before making any sale of goods, wares, merchandise, or services in the Village of North Lewisburg, shall apply to the Village Administrator for a permit (15) fifteen days prior to the event. Failure to file an application at least (15) fifteen days prior to the event may result in the denial of the application. Furthermore, the mere acceptance of an application for processing does not guarantee the issuance of a permit. Each application must be processed and must comply with the minimum standards set forth in Paragraph II of this ordinance.

- II. In granting any permit authorized pursuant to this ordinance, the Village Administrator shall be governed by the following minimum standards and the applicant for a permit shall be governed by the following general restrictions, however, the provisions of this section shall not be construed to limit any other standards that may be established for specific activities pursuant to the provisions hereinafter imposed.
- a. No person shall hawk or vend without having first been issued a permit by the Village of North Lewisburg, Village Administrator and also authorized by the Police Department.
 - b. All permits shall be issued for specific times, dates and locations, which shall be set forth in writing by the Village Administrator on each permit issued.
 - c. The Village of North Lewisburg Hawkers and Peddlers Permits shall bear the date on which they are issued and unless sooner revoked, shall expire 30 days from the date of approval unless an earlier expiration date was established.
 - d. It is hereby declared to be unlawful and shall constitute a nuisance for any person 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 other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 6:00 p.m.
 - e. Operation on Weekends and Holidays shall be by appointment only and follow the designated hours in II (d).
 - f. Permit applications shall be made to the Village Administrator on a form provided by the Village Administrator. For public safety purposes, the Village Administrator is permitted to obtain certain personal information regarding, but not limited to, age, social security number, date of birth, driver's license and motor vehicle registration information. An applicant must submit the following with the application:
 1. A copy of their Hawkers and Peddlers License.
 2. An application fee of (\$50.00) must be submitted at the time of application unless exempt. If the application is submitted less than (15) fifteen days prior to the event, the application fee is (\$75.00). Payment must be made by bank check, cash or certified check made payable to the Village of North Lewisburg.
 3. A copy of the applicant's criminal record from the State that they reside in as well as from the State of Ohio at the request of the Police Department.

4. A copy of the principal and any agent's criminal record from the State that they reside in as well as from the State of Ohio at the request of the Police Department.
 5. A copy of the principal's and any agent's driver's license or other State issued picture identification card.
 6. A valid certificate of insurance coverage in an amount no less than \$500,000, must be provided at the time of application, and will remain in effect during the term of the permit.
 7. An applicant must identify agents who would be working under applicants permit and each agent must provide their name, social security number, date of birth and current driver's license or valid state identification card.
- g. The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, or general welfare. In particular, the following tangible evidence will constitute valid reasons for disapproval of an application:
1. The applicant has been convicted of any felony, or convicted of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property;
 2. The applicant has made willful misrepresentations in the application;
 3. The applicant has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
 4. The applicant has committed prior fraudulent acts; or
 5. The applicant has a record of continual breaches of solicited contracts.
- h. No applicant who is issued a permit shall allow any employee to work as an agent of the applicant who has been convicted of any felony, or convicted of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property.

III. The permit fee provisions of this section shall not apply to any non-profit corporation, churches, charitable organizations or Village approved farmers market provided that any officer of such corporation supplies the Village Administrator with official proof of such organization. In addition, the permit fee provisions of this ordinance shall not apply to youth groups officially sanctioned by the Village of North Lewisburg, nor to "lemonade stands" or other similar

enterprises operated solely by children aged 16 years or less for a period of two consecutive days a week.

- IV. Any itinerant vendor, hawker or peddler who sells, offers or exposes for sale, any goods, wares, merchandise or services in such a manner in the opinion of the Police Department, so as to impede the flow of vehicular or pedestrian traffic, or to create a health or safety hazard or a public nuisance, shall be prohibited from operating within the Village of North Lewisburg until the situation warranting suspension of the permit is appropriately abated in the opinion of the Police Department and the permit has been reinstated by the Village Administrator.

- V. Any Village of North Lewisburg Itinerant Vendor Permit or Village of North Lewisburg Hawkers and Peddlers Permit granted by the Village Administrator may be revoked at any time for cause sufficient in law. Any person whose permit has been revoked under this section shall be ineligible to be permitted as a hawker or peddler in the Village of North Lewisburg.

- VI. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor of the third degree and subject to a fine of up to \$500, per the Ohio Basic Code (110.99) and possible incarceration of up to (60) sixty days in the county jail. A separate incident shall be deemed to have occurred for each day a person violates this ordinance. Any property owner who allows an unpermitted itinerant vendor, hawker or peddler to operate on his/her private property shall be subject to a \$500 fine for each day the unpermitted itinerant vendor, hawker or peddler is allowed to operate on his/her property.

- VII. Every Village of North Lewisburg Itinerant Vendor Permit or Village of North Lewisburg Hawkers and Peddlers Permit shall be exhibited by the permitted on his/her person in full public view.

- VIII. Any person whose permit is revoked under this chapter shall have the right of appeal to the Village of North Lewisburg, Council.

- IX. This Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. The reason for such necessity arises from recent criminal activities occurring in the Village of North Lewisburg.

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

THEREFORE, be it ordained by the Council of the Village of North Lewisburg, County of Champaign and State of Ohio upon affirmative vote of all elected members of said Council, that the Council of the Village of North Lewisburg, County of Champaign, State of Ohio adopts the foregoing Ordinance.

This ordinance passed and adopted by the Council of the Village of North Lewisburg, OH, Champaign County, this 13th day of June, 2017.

ATTEST:

DAINE DAVIS SS
FISCAL OFFICER

CHERYL HOLLINGSWORTH SS
MAYOR

CERTIFICATE

I, Diane Davis, Fiscal Officer of the Village of North Lewisburg, OH in said County, and in whose custody the Files, Journals and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is a correct copy of said Ordinance now on file with said Village; that the foregoing is true and correct copy thereof.

WITNESS MY SIGNATURE, THIS DATE: June 13th, 2017

Diane Davis, Fiscal Officer

Cheryl Hollingsworth, Mayor