



City of Hillsboro, Ohio

Drew Hastings, Mayor

Todd Wilkin, Safety/Service Director

APPLICATION FOR SOLICITOR'S LICENSE

Name _____ SSN _____

Address _____

Height _____ Weight _____ Color of Eyes _____ Hair Color _____

Do you wear glasses? _____ Do you have a mustache? _____ Are you a citizen of the U.S.? _____

Make of car _____ Year _____ Type _____

Have you ever been convicted of an offense other than a minor traffic violation? If so, give dates.

Are you addicted to narcotics or alcohol? _____

Have you ever been licensed to solicit anywhere in Highland County, Ohio? If yes, give dates and municipality names.

Have you been refused a license to solicit? If yes, give municipalities name and dates. _____

Have you ever had a license revoked? If yes, give dates and issuing authorities' name. _____

EMPLOYER INFORMATION

Name _____

Address _____

Supervisor's Name _____ Phone _____

Explain the nature of your business. _____

How long do you plan to solicit in Hillsboro? _____

Where are you planning to solicit in Hillsboro? _____

I DO SOLEMNLY SWEAR THAT THE ANSWERS AS GIVEN HEREIN HAVE BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE ARE TRUE, CORRECT AND COMPLETE.

Applicant Signature

Date

OFFICE USE

Date application was received _____ Fingerprints taken by: _____

License denied? If yes, explain why. _____

Chief of Police

Safety Service Director

SOLICITOR PERMIT CHECKLIST

- Fill out application**
- Driver's License for Police check**
- Ohio Vendor's License**
(Service businesses usually don't have sales tax and would not have this... but you need to call County Auditor Office to make sure 937-393-1915)
- Liability Insurance**
- State of Ohio Certificate**
(Letter of Registration)
- IRS Federal Income Tax Exemption Letter Employee ID #**
- Transient Market Bond**
(You would get this through your insurance company, must be 50% of wholesale value of Merchandise being sold)
- License Fee \$100.00**
(Make payable to the City of Hillsboro)

CHAPTER 114: PEDDLERS AND SOLICITORS

Section

- 114.01 Definitions
- 114.02 License or registration required
- 114.03 Application; fee; license; registration 114.04 Street peddling; adult attendant required 114.05 Restrictions; hours; conduct
- 114.06 Resident prohibition by notice
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§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER. Any person who obtains or seeks to obtain or influences the opinions of the residents of the city by traveling door to door either by foot, automobile, truck or other type of conveyance upon the private residences, including any house, apartment or other dwelling in the city but does not obtain or seek to obtain funds for any cause whatsoever.

PEDDLER. Any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profits by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future.

SELLER. Any person who establishes or settles at a location upon property within the city for the exhibition or sale of goods or services that is (a) temporary, (b) for less than six months, (c) without permission of the owners, or (d) upon a public right-of-way or public property.

SOLICITOR. Any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance upon the private residences, including any house, apartment or other dwelling within the city.
(Ord. 2002-20, passed 2-3-03)

§ 114.02 LICENSE OR REGISTRATION REQUIRED.

(A) No peddler, solicitor or seller shall peddle, solicit or sell within the city, unless he or she is the holder of a valid license issued pursuant to this chapter.

(B) No canvasser shall obtain or seek to obtain or influence the opinions of the residents of the city until he or she is registered pursuant to this chapter.
(Ord. 2002-20, passed 2-3-03) Penalty, see § 114.99

§ 114.03 APPLICATION; FEE; LICENSE; REGISTRATION.

(A) (1) Any person wanting a license shall obtain an application for same from the office of the Director of Public Safety-Service or Police Department, and shall submit the completed application, along with the appropriate fee, to such office on a form supplied by the Director, which shall contain the following information:

- (a) Name and address of the applicant;
- (b) Name and address of the organization represented;
- (c) Names, addresses and social security numbers of all individual peddlers, solicitors or sellers;
- (d) A description of the proposed peddling, soliciting or selling activities; and
- (e) Dates, times and particular locations where the peddling, solicitation or selling is to be performed.

(2) Such application shall be accompanied by a copy of the Internal Revenue Service Federal Income Tax Exemption Letter and State of Ohio Letter of registration under R. C. Chapter 1716 in effect at the time of application hereunder, if the applicant and/or organization represented has been issued either or both of said letters.

(B) (1) All license applications shall be referred to the Director who shall, within 15 days after receipt of the completed application, issue licenses to the solicitors or peddlers, unless he or she finds that:

- (a) The applicant has provided false, misleading or deceptive information in his or her application; and/or
- (b) The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or a misdemeanor violation involving fraud or moral turpitude within the past ten years.

(2) Any license issued under this chapter shall be valid for not more than 30 days.

(C) Each applicant shall pay a fee of \$100, which fee shall be paid at the time the application is submitted. Applicants who are agents for charitable, religious or educational organizations that meet the definition thereof as contained in R. C. § 2915.01(H), (I) or (J), or have duly registered with the State of Ohio under the provisions of R.C. Chapter 1716, shall be required to obtain a license, but shall be exempt from the payment of any fee as required hereunder.

(D) Once issued, a license may be used only in conformity with the laws of the city and the state of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Director of Public Safety-Service 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 is indicted on a felony or charged with a misdemeanor involving fraud or moral turpitude.

(3) The licensee violates any provision of this chapter or peddles, solicits or sells in an unlawful manner.

(E) 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 personal service or by certified mail. The applicant or licensee shall have ten days after the receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a notice of the appeal with the Board of Zoning and Building Appeals. Thereupon, the applicant shall have not has than ten days notice of the date and place of the hearing. The Board of Zoning and Building Appeals shall have the power, after such hearing, to either affirm or overrule the decision of the Director of Public Safety-Service.

(F) Any canvasser shall register with the Director of Public Safety-Service before obtaining or seeking to obtain or influencing the opinions of the residents of the city. Any canvasser shall provide the Director in writing with his or her name and address, the name and address of the organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the registration of any canvasser. Any registration hereunder shall be valid for not more than 90 days.

(G) The form of application for license as a solicitor, seller or peddler, as set forth in the Appendix at the end of this chapter, shall be used by all applicants hereunder.
(Ord. 2002-20, passed 2-3-03) Penalty, see § 114.99

§ 114.04 STREET PEDDLING; ADULT ATTENDANT REQUIRED.

No person shall vend or peddle from a vehicle in public streets and public places in the city without a license issued under this chapter, and in pursuit of such business or activity when children under age 18 collect, congregate, assemble or gather about such vehicle for the purpose of making purchases therefrom or in response to such person's actions, such person so vending or peddling shall be required to be accompanied by an adult attendant whose sole duty and occupation shall be to protect and safeguard such children from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard children from injury therefrom.

(Ord. 2002-20, passed 2-3-03) Penalty, see § 114.99

§ 114.05 RESTRICTIONS; HOURS; CONDUCT.

Every person to whom a license to peddle, solicit or sell is issued and every canvasser registered under the terms of this chapter shall be governed by the following rules and regulations:

(A) No person subject to the provisions of this chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday; nor shall such person peddle, solicit or canvass on Sunday or any legal state or federal holiday.

(B) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the city without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(C) No peddler, solicitor or seller shall engage in any peddling, solicitation or selling other than that specified in the license application, and without proper display of the license required herein.

(D) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the city without the consent of an adult occupant of the residence, house, apartment or other dwelling in the city.

(Ord. 2002-20, passed 2-3-03) Penalty, see § 114.99

§ 114.06 RESIDENT PROHIBITION BY NOTICE.

Notwithstanding any other provision of this chapter, no peddler, solicitor, seller or canvasser, while soliciting, selling or canvassing, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the city upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

(Ord. 2002-20, passed 2-3-03) Penalty, see § 114.99

§ 114.07 LIMITATION OF YARD SALES.

Any person establishing a yard sale in the city shall be deemed to be operating a business for the purposes of the zoning laws, second hand dealers laws, sales tax laws and city income tax laws if any of the following apply:

(A) Any person other than a resident of the property conducts the sale;

(B) Any sale lasts for more than five consecutive days;

(C) There are more than two sales in one calendar year;

(D) Goods offered for sale are items other than of a kind or quantity reasonably found in a household;

or

(E) Goods offered for sale are originally purchased free of state sales tax for the purpose of resale.

(Ord. 1990-17, passed 8-6-90)

§ 114.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a first degree misdemeanor punishable by up to six months in jail or up to a \$1,000 fine, or both. In addition to the penalties provided herein, the vehicles, inventories and money involved in the peddling, soliciting, selling or canvassing shall be subject to forfeiture to the city as contraband. The proceeds of the sale of such forfeited property shall be deposited in the city General Fund. The city is hereby authorized to set up a restitution fund, to be administered by the Law Director, and make appropriations to such fund in amounts not to exceed the value of the forfeited property for the previous year, which may be paid to the victims of violators of this chapter as their interests appear upon recommendation of the Law Director and approval by Council.

(Ord. 2002-20, passed 2-3-03)