

ORDINANCE NO. 09-17

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Seer ON THE 17th DAY OF April, 2017.

AN ORDINANCE AMENDING SECTION 836.04, LICENSE APPLICATION, FOR PEDDLERS, VENDORS, CANVASSERS, AND CHARITABLE SOLICITATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CENTERVILLE.

WHEREAS, the City had enacted Chapter 836 of the Codified Ordinances of Centerville, titled "Peddlers, Vendors, Canvassers, and Charitable Solicitations" to establish regulations for uninvited solicitors and peddlers on private residences; and

WHEREAS, the purpose of Chapter 836 is to protect the health, safety, and welfare of the citizens of Centerville; and

WHEREAS, it is in the best interests of the City to provide for regulations; and

WHEREAS, the purpose of Section 836.04 is to set forth the requirements for the license application; and

WHEREAS, the City Council has determined that it would be in the best interests of the City to amended Section 836.04 to allow the City to confirm that the applicant is in compliance with all Federal, State and local laws and ordinances; and

WHEREAS, Ohio requires vendor's licenses for any person or business making retail sales of tangible personal property or taxable services in the State of Ohio; and

WHEREAS, the City Council desires to protect its citizenry from crime, through the efficient use of its limited law enforcement resources, utilizing proactive policing methods, and simultaneously fulfilling its mandatory obligations to balance its budget under Ohio Revised Code §5705.39 and otherwise responsibly conserve fiscal taxpayer resources; and

WHEREAS, the City Council desires to protect its citizenry from crime and fraud perpetrated by criminals posing as door-to-door solicitors or canvassers, as well as protecting its citizenry from criminal activity in general through the use of proactive policing methods and the efficient use of its limited law enforcements resources; and

WHEREAS, Council finds that this change, will reduce crime and opportunities for crime, will optimize the allocation of limited public safety resources, and will provide a means for citizens to protect their privacy and family time, while balancing and respecting the rights of commercial and non-commercial entities to engage in activities within the scope of protection afforded under the First Amendment to the United States Constitution; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Section 836.04 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

836.04 LICENSE APPLICATION


An application for a license to peddle, vend, solicit, or request contributions other than in conjunction with canvassing activity, shall be made on forms provided by the City. The license shall be issued only if the City Manager finds the following facts to exist:

- (a) All of the statements made in the application are true.
- (b) The applicant had provided a valid photographic identification card.
- (c) The applicant has a good character and reputation for honesty and integrity, or if the application is not an individual person, every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity, as evidences by the absence of prior convictions of any felony or misdemeanor involving an offense of violence as defined in R.C. 2901.01(A)(9), or has committed a sexually oriented offense as defined in R.C. 2950.01 or conviction of any other crime, other than a traffic offense, which was in any way connected with the act of peddling, canvassing, vending, or soliciting.

- (d) The control and supervision of the solicitation will be under responsible persons who meet the qualifications specified in subsection (c) hereof.
- (e) The applicant has not engaged in any fraudulent transaction or enterprise as evidenced by the absence of civil or criminal convictions or pending investigations by any governmental agency.
- (f) The solicitation, vending, peddling, or request for contribution other than in conjunctions with canvassing activity, will not be a fraud on the public.
- (g) *The applicant is in compliance with all federal, state and local laws, statutes and ordinances, including, but not limited to the requirement to have an Ohio vendor's license.*

Section 2: This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 17th day of April, 2017.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

09-17, passed by the Council of the City of Centerville, Ohio on the 17th day of April, 2017.

Caia R. Andrew
Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney