

ORDINANCE C-77-95

AN ORDINANCE TO RECIND AND REPLACE CHAPTER 719 OF THE CODIFIED ORDINANCES OF GROVE CITY, OHIO, TITLED ITINERANT VENDORS

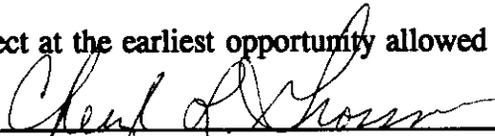
WHEREAS, Grove City's solitation ordinances have not been changed or amended since the early 1960's; and

WHEREAS, based upon the opinion of the Director of Law, revisions to these Ordinances are needed to bring them into compliance with recent case law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Chapter 719, titled Itinerant Vendors is hereby recinded and replaced with Exhibit "A", attached hereto and made a part hereof.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.



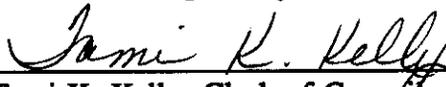
Cheryl L. Grossman, President of Council

Passed: 12-04-95
Effective: 02-09-96



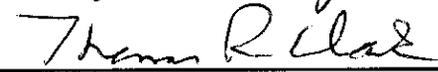
Richard L. Stage, Mayor

Attest:



Tami K. Kelly, Clerk of Council

I Certify that this ordinance is correct as to form.



Thomas Clark, Director of Law

CHAPTER 719

719.01 Definitions.

As used in this Chapter:

a. Itinerant vendors shall include both peddlers and solicitors as hereinafter defined in this chapter.

b. "Peddler" means any person who goes upon the premises of any private residence in the City, not having been requested or invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme to evade the provisions of this Chapter.

c. "Solicitors" means any person who goes upon the premises of any private residence in the City, not having been requested or invited by the occupant thereof, for the purpose of taking or soliciting orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery, or for services to be performed in the future.

d. "Persons" means any person, firm, corporation, association, club, society or other organization.

719.02 Registration and License Required

It shall be unlawful for any person to engage in the business of an itinerant vendor without first registering for a license, pursuant to 719.03; paying a registration fee, pursuant to 719.04; and obtaining a license, pursuant to 719.05. Each person engaged in such business shall be required to register, pay the registration fee, and obtain a license regardless of whether other employees or agents of the same entity have registered.

719.03 Registration Process

Any person seeking to engage in the business of an itinerant vendor within the corporate limits of the City shall register for a license with the City by completing an application form provided by the Administrative Assistant. Said application shall be submitted to the Administrative Assistant or his designee no later than thirty (30) days prior to the commencement of business.

719.04 Registration Fee

The license provided for in Section 719.02 shall be issued by the Administrative Assistant to all applicants who comply with the terms and conditions of this chapter upon payment of a registration fee of Twenty Dollars (\$20.00) to cover the cost to the City of processing the application.

719.05 Issuance of License

A license shall be issued by the Administrative Assistant or his designee, subject to the following conditions:

- (A) All of the statements made in the application are true.
- (B) The applicant has not engaged in any fraudulent transaction or enterprise.
- (C) The business of an itinerant vendor will not be a fraud on the public.
- (D) The applicant has not been convicted of any crime involving moral turpitude.

719.06 License Expiration

All licenses issued under the provisions of this Chapter shall expire one (1) year from date of issuance, unless an earlier expiration date is noted on the permit.

719.07 Permit Exhibition

Every person receiving a permit under the provisions of this Chapter shall exhibit his or her permit when requested to do so by any police officer or any person to whom a solicitation or offer to sell is made.

719.08 Permit Transfer Prohibited

It is unlawful for any person other than the original permit holder to use or exhibit any permit issued under the provision of this Chapter.

719.09 Hours of Itinerant Vending

It is unlawful for any person, while conducting the business of an itinerant vendor to enter upon any private residence between the hours of 9:00 p.m. and 9:00 a.m.

719.10 Soliciting Prohibited at Posted Premises

It is unlawful for any person, while conducting the business of an itinerant vendor in the City, to enter upon the premises of any private residence where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words *No Peddlers, No Solicitors*, or words of similar import.

719.11 Revocation of License

A license to conduct, operate or engage in the business of an itinerant vendor may be revoked by the Administrative Assistant for any one or more of the following reasons:

- (a) Fraud, misrepresentation, or bribery in securing a license or during the course of business.
- (b) The making of any false statement as to a material matter in any application for a license.
- (c) Failure to display the license as provided in this Chapter.

719.99 Penalty

Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor of the fourth degree. The penalty upon conviction of such person shall be imprisonment for a period not to exceed thirty (30) days and/or a fine not exceeding two hundred and fifty dollars (\$250.00).