



City of Fostoria, Ohio

Date _____

APPLICATION FOR CERTIFICATE OF REGISTRATION

Name of applicant: _____

Age of applicant: _____

Physical description of applicant: _____

Applicants complete permanent address: _____

Applicant's local address if different from permanent: _____

Applicant is peddling on behalf of: _____

Name _____
(Individual, Firm, Corporation or Association)

Please list all Individuals, Firms, Corporations or Associations applicants have peddled for in past three (3) years.

Description of business and the goods, services or wares to be sold:

Names of other municipalities applicant has solicited/peddled in past twelve (12) months:

Is applicant peddling for a charity?

Yes _____

No _____

If so, has applicant complied with Chapter 1716 of the Ohio Revised Code?

Yes _____

No _____

Has applicant been denied a license or had a permit of any kind revoked?
If yes, explain where, when and why?

Has applicant ever been convicted of a felony or misdemeanor?
If yes, when and where:

Proposed dates and times of solicitations/peddling and the routes to be followed.

Applicant's automobile to be used during period of solicitation or peddling.

_____ Make	_____ Model	_____ Year
_____ Color	_____ License Plate #	

Has applicant been fingerprinted by the Fostoria Police Department?

_____ yes	_____ no
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Has applicant:

1) Paid non-refundable \$50.00 application fee? _____
yes no

2) Provided two (2) photographs of 2 inches by 2 inches?

_____ yes	_____ no
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By City Auditor:

Approved

Denied

CHAPTER 729

Peddlers and Solicitors

- 729.01** Definitions.
- 729.02** Registration required.
- 729.03** Application for certificate.
- 729.04** Issuance of certification; duration; duties of the City Auditor.
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- 729.09** Unauthorized sales from public and private property; compliance with Zoning Code.
- 729.99** Penalty.

CROSS REFERENCES

Home solicitation sales - see Ohio R.C. 1345.21 et seq.

Charitable solicitations - see Ohio R.C. Ch. 1716

Trespassing - see GEN. OFF. 541.05

Littering - see GEN. OFF. 521.08

Door to door sales activity, minors restricted - see Ohio R.C. 4109.21

729.01 DEFINITIONS.

As used in this chapter:

- (a) "Canvassing" means traveling from residence to residence within the City without having a previous appointment to visit the residence or residences visited for the purpose of disseminating any lawful message either without soliciting funds or donations or in conjunction with soliciting funds or donations.
- (b) "Charitable" means patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.
- (c) "Peddling" or "peddle" means traveling from residence to residence within the City without having a previous appointment to visit the residence or residences visited for the purpose of obtaining or attempting to obtain funds or exposing or offering for inspection or sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future whether directly for the resident or on an indirect or "group" basis.
- (d) "Political" shall not include the word "charitable", but shall be given its commonly accepted definition.
- (e) "Religious" or "religion" shall not include the word "charitable", but shall be given their commonly accepted definitions.
- (f) "Soliciting" or "solicit" means traveling from residence to residence within the City, without having a previous appointment to visit the residence or residences visited for the sole purpose of obtaining or attempting to obtain funds.
- (g) "Political speech" is the same as political conduct, and is given a commonly accepted definition. (Ord. 2009-77. Passed 10-20-09.)

729.02 REGISTRATION REQUIRED.

- (a) No person shall solicit or peddle within the City without first registering with the City Auditor or his authorized representative. A separate registration must be made for every solicitor, agent or employee

soliciting or peddling within the City.

(b) No registration shall be required of:

- (1) Any individual who has not reached the age of majority and is canvassing, peddling or soliciting on behalf of an educational group defined by Section 2915.01(J) of the Ohio Revised Code;
- (2) Any individual or group of individuals engaged in political speech;
- (3) Any individual belonging to a group or a group defined by Section 2915.01(H), (I), (J) of the Ohio Revised Code.

(Ord. 2009-77. Passed 10-20-09.)

729.03 APPLICATION FOR CERTIFICATE.

(a) Each applicant for a certificate of registration shall, not less than five nor more than 15 days prior to the commencement of soliciting or peddling, furnish the City Auditor or his authorized representative with the following information on forms provided by the City.

- (1) Name, age and physical description of applicant.
- (2) Complete permanent and local address of applicant.
- (3) Name and address of the person, firm, corporation or association for whom the soliciting or peddling is presently being made and any other person, firm, corporation or association for whom the applicant has solicited during the past three years.
- (4) A general description of the nature of the business and the goods, services or wares to be sold, or otherwise sufficient to identify the subject matter of the soliciting or peddling in which the applicant will engage.
- (5) The names of all other Municipalities in which the applicant has conducted soliciting or peddling activities during the past 12 months.
- (6) Whether the applicant has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations if applicable.
- (7) Whether the applicant has ever been denied a license or had a permit revoked, including the time and place of such denial or revocation.
- (8) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude including the time and place of such conviction.
- (9) The proposed dates and times of the solicitations or peddling and the routes to be following in conducting the same.
- (10) The make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation or peddling within the City, and the number of the applicant's driver's license and state of issuance.
- (11) Two photographs of the applicant of appropriate size (approximately two inches by two inches), one of which shall be attached at all times to the certificate and the other for the records of the Police Department.
- (12) Submission to fingerprinting by the Police Department for local police files and for the purpose of determining the criminal record, if any, of the applicant.

(b) The registrant shall make a non-refundable application fee of fifty dollars (\$50.00) to the City of Fostoria, except that no fee shall be required for those persons excluded herein or a charitable, religious or educational organization as defined in Ohio R.C. 2915.01(H), (I), (J).

(Ord. 2009-77. Passed 10-20-09.)

729.04 ISSUANCE OF CERTIFICATION; DURATION; DUTIES OF THE CITY AUDITOR.

(a) Issuance of Certificate. Not more than five days after completion of the application form provided in

Section 729.03, the City Auditor or his authorized representative shall, except as otherwise provided herein, issue a certificate of registration to each applicant unless it is determined by the City Auditor or his authorized representative:

(1) That the applicant has misrepresented his identity or intention or made a false, misleading or deceptive statement in providing the information required under Section 729.03.

(2) That the applicant has been convicted, during five years preceding the date of application, of a felony or misdemeanor involving moral turpitude, force or violence.

(b) Duration. The certificate of registration issued hereunder shall not be transferred or assigned or used by any person other than the one to whom issued and shall be valid for a period not to exceed 90 days.

(c) Duties of the City Auditor. The City Auditor or his authorized representative shall take all steps to ensure that a holder of a certificate of registration shall pay applicable City of Fostoria taxes, and shall furnish a copy of the registration to the Chief of Police.

(Ord. 2009-77. Passed 10-20-09.)

729.05 DISPLAY OF REGISTRATION CERTIFICATE; RETURN.

Each registrant shall carry the registration certificate at all times when in the City and shall exhibit it to any resident or Municipal official upon request. At the conclusion of the period for which the registration certificate was issued, the registration certificate shall be returned to the City Auditor, or his duly authorized representative.

(Ord. 2009-77. Passed 10-20-09.)

729.06 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

(a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(b) No person subject to the provisions of this chapter shall solicit or peddle, except between the hours of 10:00 a.m. and 8:00 p.m. Eastern Standard Time and between the hours of 10:00 a.m. and 9:00 p.m. Daylight Savings Time. No person shall solicit or peddle on any legal holiday.

(c) No canvasser, solicitor or peddler shall enter or attempt to enter the house or apartment of any resident in the City without an express invitation from the occupant of the house or apartment.

(d) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's canvassing, soliciting or peddling activity within the City.

(e) No canvasser, solicitor or peddler shall engage in or transact any type of business or solicitation other than that specified on the registration application, if one is required under this chapter. (Ord. 2009-77. Passed 10-20-09.)

729.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No person while engaged in any canvassing, solicitation or peddling, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the City upon which is displayed at the entrance a notice which reads "No Canvassers, Solicitors or Peddlers Allowed," or which otherwise clearly purports to prohibit canvassers, solicitors or peddlers on the premises, unless such canvasser, solicitor or peddler is, or has been invited upon the premises by the owner, lessee or occupant thereof.

(Ord. 2009-77. Passed 10-20-09.)

729.08 REVOCATION OF CERTIFICATE.

(a) A certificate of registration issued under this chapter shall be revoked by the City Auditor for any of the following causes:

(1) It is subsequently determined that the registrant provided false, misleading or deceptive information in completing the application set forth in Section 729.03, or has violated the provisions of this chapter.

(2) The registrant is convicted of a felony violation or misdemeanor violation involving moral turpitude or violence.

(3) The registrant is convicted of a violation of any provision of this chapter.

(b) Written notice shall be given to the registrant in person or by certified mail immediately upon such revocation. (Ord. 2009-77. Passed 10-20-09.)

**729.09 UNAUTHORIZED SALES FROM PUBLIC AND PRIVATE PROPERTY;
COMPLIANCE WITH ZONING CODE.**

(a) No person shall sell or offer or expose for sale, or barter or offer or expose for barter, any goods, wares, merchandise or services, upon any street, sidewalk or other public way, in any public parks, or on or from any other public property in the City. The City of Fostoria is exempt from this provision.

(b) No person shall sell or offer or expose for sale, or barter or offer or expose for barter, any goods, wares, merchandise or services, upon any private property in the City, without first obtaining permission of the owner or lessee of such property, or other person authorized to give such permission, and then only if the activity permitted, including goods, wares, merchandise or services, is in compliance with the Zoning Code of the City.

(Ord. 2009-77. Passed 10-20-09.)

729.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the second degree. (Ord. 2009-77. Passed 10-20-09.)