



Community Development Dept.  
 7 Richmond St., Painesville, OH 44077  
 Phone 440 392-5931, Fax 440 392-0981

## APPLICATION FOR PEDDLERS, CANVASSERS & SOLICITORS

**Requirements:**

- Attach a copy of current **Lake County Vendor's License**. A **Vendor's License** is required for the sale of any tangible personal property unless a casual sale as defined in ORC 5739.01(4). Contact the **Lake County Auditor's Office** at (440) 350-2532 for information.
- Attach credentials establishing authority to act as representative, if the applicant represents another person, firm or organization.** In addition, for the protection of the public good, the Building Official/Zoning Administrator may request information as to the identity or character of the person named in the application or the method of doing business within the city.
- Date, State of Issuance, and number of **driver's license or State issued identification**
- Make, model, year, and current registration of **motor vehicle** used in this business
- Within two (2) working days of the receipt of the application, the Building Official/Zoning Administrator shall either issue to the applicant the requested permit or issue a written notice of denial and the reason(s) therefore.
- Fee = \$25.00**

<b>Applicant:</b>			
Address:			
City:		State:	Zip Code:
Phone:		Cell Phone:	
SSN:	Birthday:	Height:	Weight:

Vehicle Year:	Make:	Model:	Registration Number:

Drivers Info:	State:	License No.:	Expires:

<b>Company Information:</b>			
Address:			
City:		State:	Zip Code:
Phone:		Cell Phone:	
Business Type:		Federal ID:	
Types of Goods/Services:		Manner in which business shall be conducted:	

Have you been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, other than traffic offense(s)?  
 **YES** or  **NO** . If **YES**, describe the offense and punishment assessed below, or on attached sheet (if necessary): \_\_\_\_\_

**What dates will business be conducted?** \_\_\_\_\_ to  \_\_\_\_\_ or  End of calendar year.

**Hours (Check One):** From \_\_\_\_\_  A.M.  P.M. to \_\_\_\_\_  A.M.  P.M. (Must be compliance with 735.02a)

By signing below, the applicant hereby swears for himself/herself that the information contained herein is true and correct. The applicant further states that he/she has received and read the copy attached of Chapter 735 of the Painesville City Codified Ordinances and will abide by all regulations established herein.

<b>Applicant Signature &amp; Title</b>	<b>Date of Submittal</b>
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<i>* Internal Use Only *</i>	
<b>Approved by:</b>	<b>Date:</b>

# Ordinance

## **735.01 DEFINITIONS.**

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

- (a) Commercial solicitation" and "commercial solicitor" means any person who calls at residences without the invitation or previous consent of the owner or occupant of such premises for the purpose of any one or more of the following activities:
- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery;
  - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
  - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other kind or type of publication;
  - (4) Seeking to obtain contributions or to sell goods, articles or services of any kind;
- (b) Non-commercial solicitation" and "non-commercial solicitor" means:
- (1) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matters;
  - (2) Seeking to obtain contributions or sell any goods, articles or services of any kind for the support or benefit of any educational, civic, philanthropic, charitable, religious or non-profit association, organization, corporation or project;
  - (3) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or
  - (4) Taking a poll or census by any person, firm or corporation, other than a governmental body or agency thereof.
- (c) Non-profit entity" means churches, schools, recognized charities, or other non-profit organizations.
- (d) Yard, garage, porch sale" means the displaying of used household items, furniture, clothing, toys, tools, etc., either on the yard, porch or in the garage of a residential property, for the purpose of sale at that location.

## **735.02 HOURS OF SOLICITATION REGULATED.**

- (a) During standard time no commercial solicitation shall be conducted before 9:00 a.m. or after 7:00 p.m. on weekdays and Saturdays, or at any time on Sundays or a State or national holiday. During daylight savings time no commercial solicitation shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays, Saturdays and Sundays, or at any time on a State or national holiday.
- (b) During standard time no noncommercial solicitation shall be conducted before 9:00 a.m. or after 7:00 p.m. on weekdays, Saturdays or Sundays or at any time on a State or national holiday. During daylight savings time no noncommercial solicitation shall be conducted before 9:00 a.m. or after 9:00 p.m. on weekdays, Saturdays and Sundays, or at any time on a State or national holiday.

## **735.03 COMMERCIAL SOLICITING IN RESIDENCE DISTRICTS.**

No person shall enter upon the lot or land of any residence situated in any residence district, as established by the Zoning Code, for the purpose of commercial soliciting as defined in Section [735.01](#)(a) unless such person has registered his credentials with the City Manager, or the Manager's designee, as provided in Section [735.04](#).

## **735.04 REGISTRATION OF CREDENTIALS FOR COMMERCIAL SOLICITORS; APPLICATION FEE.**

- (a) Whoever desires to solicit for commercial purposes as defined in Section [735.01](#)(a) shall have his credentials registered and shall file in duplicate with the Manager, or the Manager's designee, a written application on a form to be provided by the Manager correctly setting forth the following information:
- (1) The full name of the applicant;
  - (2) His or her home address;
  - (3) His or her birth date, height, weight or color of eyes and hair;
  - (4) Whether or not he or she uses a motor vehicle in his or her business, and if so, the make, model, year and current registration number thereof;
  - (5) The state of issue of his or her driver's license and the number thereof;
  - (6) The name and address of his or her employer;
  - (7) A brief description of the goods, wares, merchandise or services involved; and
  - (8) Whether or not he or she has ever been convicted of any crime, other than a traffic offense, and if so, the nature thereof and the penalty therefore.
- (b) Concurrently with the filing of the application, the applicant shall pay a fee of twenty-five dollars (\$25.00) to compensate for the costs incidental to the examination, registration and issuance of stamped copies of credentials.
- (c) Upon compliance of the foregoing provisions of this section, the Manager shall forthwith stamp the original of the application as "Inspected and Registered" and deliver the same to the applicant for identification use as hereinafter provided. Such application shall also be stamped with the date of expiration of the registration which in each case shall be the close of the current calendar year.

## **735.05 NOTICE PROHIBITING SOLICITATION.**

Notice by the owner or occupant of any residence or place of business of the determination to refuse to receive any uninvited solicitors shall be given by displaying a weatherproof card, decal or sign, not less than two inches by three inches in size nor more than one square foot in total surface area, upon or near the main entrance door to the residence or place of business, indicating such determination, by the owner or occupancy, containing the words "No Solicitors Invited," or words of similar import, with letters at least one-third of an inch in height. Any such sign that complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of this chapter, including but not limited to the Planning and Zoning Code.

## **735.06 SOLICITATION IN VIOLATION OF NOTICE.**

It is hereby declared to be unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell upon or near any door, rap or knock upon any door or create any sound in any other manner calculated to attract the attention of any occupant of such residence for the purpose of commercial or noncommercial solicitation in defiance of the notice exhibited at the residence in accordance with the provisions of Section [735.05](#), unless the commercial or noncommercial solicitor has been previously invited upon the premises by the owner, lessee, or any adult occupant thereof.

## **735.07 LEGAL ACTION.**

Notwithstanding any penalty provided for under the terms of this chapter, the Director of Law or any resident of the City, or any other person, firm or corporation, partnership or other entity may commence a civil action in any court of competent jurisdiction against any person, firm, corporation, partnership or other entity who violates the provisions of this chapter. Such relief shall include any preliminary or permanent injunction to abate such nuisance and such other relief as the court may deem appropriate, including, but not limited to, reasonable attorney's fees, expenses and court costs.

## **735.08 FALSE INFORMATION; REVOCATION OF REGISTRATION; APPEALS.**

- (a) No person shall make any false statement or give false or misleading information in the application required by Section [735.04](#).
- (b) Should subsequent information disclose that an applicant has falsified any information required in such application, the Manager shall forthwith revoke such registration and notify the holder thereof either in person or by certified mail of the action so taken. Such remedy shall be in addition to the penalty provided in Section [735.12](#).
- (c) Any person whose registration is so revoked may, within ten days after receipt of the revocation notice, appeal to Council by filing with the Clerk a signed written statement briefly setting forth his ground of appeal. Council shall forthwith set a time and place for hearing such appeal and give the appellant due notice thereof by certified mail. The appellant may appear before Council in person or by an attorney. The decision of Council thereon shall be final.

## **735.09 DISPLAY OF CREDENTIALS UPON REQUEST.**

- (a) It shall be the duty of any police officer of the Municipality to require any person found engaged in commercial soliciting for orders or selling goods, wares, merchandise or services in any residence district established by the Zoning Code who is not known by such police officer to be the holder of registered and stamped credentials as required by Section [735.04](#) to produce his credentials, and to enforce the provisions of this chapter.
- (b) Every holder of registered and stamped credentials, when engaged in soliciting orders for or selling goods, wares, merchandise or services upon any lot or land of any residence in any residential district established by the Zoning Code, shall, upon the request of any owner or occupant of such lot or land, exhibit for examination his credentials issued pursuant to the provisions of this chapter.

## **735.10 REGISTRATION OF GARAGE, YARD, PORCH SALES.**

There shall be no fee for the registration of garage, yard, or porch sales conducted on residential property. However, such activity shall be limited to no longer than three consecutive days and not issued to the same individual or for a sale on the same parcel more than four times in a calendar year.

## **735.11 ROADSIDE STANDS AND SELLING ON STREET PROHIBITED.**

- (a) No person shall keep or maintain any outdoor display area or temporary structure within the City where flowers, vegetables, foodstuffs or any other items or commodities are kept, sold or bartered.
- (b) For the purpose of this section, any motor vehicle or other type of vehicle or cart whether motor propelled or otherwise that parks or remains in, or at one location for the purpose of such activity defined in subsection (a) hereof, shall be considered a roadside stand and in violation of this section.
- (c) No person shall sell or offer to sell in, on or from the street, sidewalks or alleys within the City or from any motor vehicle or other type of vehicle or cart, whether motor-propelled or otherwise, located upon any street, sidewalk or alley within the City, any goods, services, merchandise, foodstuffs or other article or thing of any kind.
- (d) This provision shall not apply to:
- (1) Merchants having a retail establishment within the border of the City provided;
    - A. Registration has been issued pursuant to this chapter for each person and/or location.
    - B. The point of sale is not within 200 feet from a retail establishment offering exclusively the same product or service.
    - C. There is no obstruction to vehicular or pedestrian traffic flow as determined by the issuer of the permit.
  - (2) The owner of a product of his or her own raising or the manufacturer of any articles manufactured by him or her to vend or sell in any way, by himself or herself or his or her agent, any such article or produce on the land on which the product was raised or manufactured.

## **735.12 PENALTY.**

Whoever violates Sections [735.10](#) or [735.11](#) of this chapter is guilty of a minor misdemeanor. Whoever violates any other provision of this chapter shall be guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the first degree for a subsequent offense. Each day's violation shall constitute a separate offense and any additional infraction within the same day after a previous arrest or the same day of notification without arrest shall constitute a separate offense.