

**CODIFIED ORDINANCES OF HIRAM**  
**PART SEVEN - BUSINESS REGULATION CODE**

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Chap. 715. Peddlers and Solicitors.



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**CHAPTER 715**  
**Peddlers and Solicitors**

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**CROSS REFERENCES**

Municipal power to regulate - see Ohio R.C. 715.61, 715.63 and 715.64

Revocation of licenses for conviction of certain fraud and theft offenses - see Ohio R.C. 2961.03

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**715.01 DEFINITIONS.**

For the purposes of this chapter, certain words are defined as follows:

- (a) **Solicitor.** A solicitor is any person traveling from place to place, house to house, or in or along the streets, within the Village of Hiram, taking or attempting to take 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, whether or not such individual carries or exposes for sale a sample of the subject of the sale, or whether or not such vendor is collecting advance payment on the sales.

- (b) Peddler. A peddler is any person traveling from place to place, house to house or in or along the streets, within the Village, carrying, conveying, or transporting goods, wares, merchandise or personal property of any nature, offering and exposing them for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. The word "peddler" shall include the words "hawker" and "huckster".  
(Ord. 2002-11. Passed 9-10-02.)

#### **715.02 LICENSE REQUIRED.**

It is unlawful for any person to engage in the business of peddler or solicitor within the Village, without having an unrevoked license from the Village to do so, valid and in effect at the time. (Ord. 2002-11. Passed 9-10-02.)

#### **715.03 EXEMPTIONS.**

The provisions of this chapter shall not apply to:

- (a) Any person having a bakery route or milk and dairy products route; or  
(b) Any person engaged in soliciting or taking orders exclusively from retail dealers, for the delivery of goods, wares, or merchandise by wholesale.  
(Ord. 2002-11. Passed 9-10-02.)

#### **715.04 APPLICATION FOR LICENSE.**

Applications for licenses by solicitors and peddlers shall be made to the Chief of Police, shall be sworn and in writing, and shall contain the following information:

- (a) Name and physical description of applicant;  
(b) Address of applicant;  
(c) A brief description of the nature of the business to be conducted and the goods to be sold, and, if the goods are farm or orchard products, a statement whether they are produced or grown by the applicant;  
(d) The name and address of the person, firm or corporation which the applicant represents;  
(e) The names and addresses of at least two (2) references as to the applicant's moral character, honesty and integrity;  
(f) The length of time for which the right to do business is desired;  
(g) If a vehicle is to be used, a description of the vehicle, together with the state vehicle license number or other means of identification;  
(h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, and if so, the nature of the offense, and the punishment or penalty assessed;  
(i) Such other information as the Chief of Police may deem necessary for the proper police protection of the Village.

An applicant of a solicitor's or peddler's permit shall also be fingerprinted by the Police Department and shall supply the Chief of Police with a photograph of the applicant with the filing of the application, which photographs shall be minimum 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.  
(Ord. 2002-11. Passed 9-10-02.)

#### **715.05 FEES.**

The fee for solicitors and peddlers shall be:

- (a) Normal three (3) day permit: \$10.00;  
(b) Special permit \$25.00. Special permits allows for an extended period of time not to exceed three (3) months or allows for a different time frame.  
(Ord. 2002-11. Passed 9-10-02.)

**715.06 ISSUANCE OR DENIAL OF LICENSE.**

The Police Department shall investigate the application and shall issue or deny the license in writing within ten (10) days after the application has been made. If the license is denied, the reasons for the denial shall be given in writing.  
(Ord. 2002-11. Passed 9-10-02.)

**715.07 RIGHT OF APPEAL FOLLOWING DENIAL.**

If a license is denied, the applicant may appeal the denial to the Village Council using the procedure set forth in Section 715.10.  
(Ord. 2002-11. Passed 9-10-02.)

**715.08 TRANSFER OF LICENSE.**

Licenses issued under this chapter shall not be assigned or transferred, nor shall they be used by any person other than the person to whom they were issued.  
(Ord. 2002-11. Passed 9-10-02.)

**715.09 SUSPENSION AND REVOCATION OF LICENSE.**

Licenses issued under this chapter may be suspended or revoked for any of the following reasons:

- (a) Fraudulent obtaining of the license by giving false information on any substantial matter in the application for the license;
  - (b) Any violation of the provisions of this chapter;
  - (c) Conviction of the license holder of any felony or crime involving moral turpitude;
  - (d) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute breach of the peace or to be a menace to the health, safety or general welfare of the people of the Village;
  - (e) Failure to maintain any required state and county permits (i.e., health permits, etc.).
- (Ord. 2002-11. Passed 9-10-02.)

**715.10 RIGHT OF APPEAL FOLLOWING SUSPENSION OR REVOCATION.**

Any licensee having his or her license suspended or revoked under this chapter may appeal to the Village Council. Such appeal shall be taken by filing with the Village Council a written statement of the grounds for appeal within ten (10) days after notice of such suspension or revocation.

The Village Council shall set the time and place for hearing such appeal and notice of the time and place shall be given at least 10 days prior to the date set for the hearing. The Council shall hear the appeal within 30 days after receipt of the written statement of grounds for appeal.  
(Ord. 2002-11. Passed 9-10-02.)

**715.11 LICENSE TO BE CARRIED.**

Every peddler or solicitor, at all times while engaged in peddling or soliciting, shall carry the license issued to him or her under this chapter, together with any other license required of him or her by the provisions of this Code.  
(Ord. 2002-11. Passed 9-10-02.)

**715.12 VEHICLE TAG.**

Every vehicle used for peddling or soliciting shall display, in a conspicuous place on the vehicle, a windshield tag or sticker furnished by the Chief of Police.  
(Ord. 2002-11. Passed 9-10-02.)

**715.13 REGULATIONS.**

The following rules and regulations shall be complied with by every peddler or solicitor.

- (a) It is unlawful for any peddler or solicitor to sell or attempt to sell any goods, wares, or merchandise by means of any shout, outcry, sound, speaker or amplifier, or any instrument or device which can be heard for a distance greater than twenty-five (25) feet, on any of the streets, alleys, parks, or other public places of the Village or on any private premises in the Village.
- (b) A peddler or solicitor shall not have any exclusive right to any location in the public streets, shall not be permitted a stationary location, and shall not be permitted to operate in any congested area where his or her operations might impede or inconvenience the public. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.  
(Ord. 2002-11. Passed 9-10-02.)
- (c) It is unlawful for any person to solicit or peddle before the hour of 8:00 a.m. of any day, or after the hour of 8:00 p.m. of any day. A waiver may be granted to adjust these time frames for special types of businesses (i.e., food trucks and ice cream sales etc). (A.O.)
- (d) It is unlawful for any peddler or solicitor for the purpose of peddling or soliciting to ring the bell or knock at the door of any building when a sign has been posted on the building stating "No solicitors or peddlers" or words to that effect.
- (e) It is unlawful to solicit within the Village for a contribution of funds for a charitable, religious, educational, community, recreational, or similar nonprofit purpose by means of calling on places of residence or by means of direct personal contact in public places or on public property without obtaining a permit as provided by this chapter. Any peddling or soliciting as defined in this chapter by means of representation that all or a portion of the proceeds are to be used for a charitable or similar nonprofit purpose, or are to be transmitted to any person, firm, or corporation for any such purpose, is unlawful unless a permit is first obtained as provided by this chapter.  
(Ord. 2002-11. Passed 9-10-02.)

**715.99 PENALTY.**

Any person violating any provision of this chapter shall be guilty of "Prohibited Solicitation/Peddling" a unclassified misdemeanor and shall be fined not more than one thousand dollars (\$1,000) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(A.O.)