

ORDINANCE NO. 2022- 10

**AN ORDINANCE ESTABLISHING REGULATIONS FOR PEDDLERS, CANVASSERS, AND SOLICITORS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CASTALIA, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Council had previously established regulations to regulate peddlers, canvassers, and solicitors to protect the citizens of the Village of Castalia from con and scam artists in *Chapter 860 of the Codified Ordinances of the Village of Castalia*; and

**WHEREAS**, Council has recently repealed its Codified Ordinances but has also determined that the regulations as set forth in the above cited chapter of the repealed codified ordinances should remain in effect; and

**WHEREAS**, Council has further determined that it is necessary to adopt the within ordinance as an emergency measure as the prohibition herein is directly related to immediate preservation of the health, safety, and welfare of the Village of Castalia; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CASTALIA, STATE OF OHIO:**

**SECTION 1. DEFINITIONS.**

(a) "Peddler" means any individual, whether or not a resident of this Village, who travels either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, or street to street, taking or attempting to take orders for profit by the sale of goods, wares, merchandise or personal property of any nature whatsoever for immediate or future delivery, or for services to be furnished or performed in the future.

(b) "Solicitor" means any individual, whether a resident of this Village, who obtains or seeks to obtain funds for any cause whatsoever who travels either by foot, motor vehicle, or any other type of conveyance upon the private residences of the village, including any house, apartment, or other dwelling.

(c) "Canvasser" means any individual, whether a resident of this Village, who obtains or seeks to obtain or influence the opinions of the residents of the Village by traveling either by foot, motor vehicle, or any other type of conveyance upon the private residences of the village, including any house, apartment, or other dwelling, but does not obtain or seek to obtain funds for any cause whatsoever.

**SECTION 2. REGISTRATION REQUIRED.**

No person shall canvass, solicit, or peddle within the Village without first registering with the mayor in compliance with the provisions of this chapter.

### **SECTION 3. REGISTRATION REQUIREMENTS.**

Any person desiring to peddle, solicit, or canvass within the Village shall obtain a form from the Village of Castalia Municipal Building and provide the following information:

- (A) Name and address of applicant.
- (B) Name and address of organization, firm or business represented.
- (C) Name, address, and social security number of all persons peddling, soliciting or canvassing within the village.
- (D) A description of the proposed peddling, soliciting, or canvassing activity.
- (E) Dates and times such activities will occur.

### **SECTION 4. REGISTRATION.**

All completed registration forms shall be submitted to the mayor who shall indicate his or her approval unless he finds one or more of the following:

- (A) The applicant has provided false, misleading, or incomplete information.
- (B) The applicant, the organization represented, or any individual peddler, solicitor, or canvasser listed on the application has, within the previous five years, been convicted of a felony, or of a misdemeanor involving fraud or moral turpitude.

Permission to peddle, solicit, or canvass may be revoked or suspended by the mayor for any violation of this Ordinance. Said registration shall be valid for not more than thirty (30) days from the date of approval by the mayor.

### **SECTION 5. REGISTRATION TRANSFER AND USE.**

No registration shall be assigned or transferred in any manner, nor shall any registrant authorize any person, firm, or corporation, other than the one named in the registration, to peddle, solicit or canvass using the registration. Furthermore, no registrant shall peddle, solicit, or canvass using the registration for other than the purpose authorized by the registration.

### **SECTION 6. REGISTRATION REVOCATION.**

Any license issued hereunder may be revoked by the Village at any time should the person to whom it is issued be guilty of any fraud, misrepresentation, or other unlawful act in connection with his business or is found to be a person not fit to engage in such a business or is found to be in violation of this ordinance.

### **SECTION 7. HOURS AND OTHER PEDDLING, SOLICITING, OR CANVASSING RULES.**

(A) No person shall peddle, solicit, or canvass within the Village at any time other than between the hours of 9:00 a.m. and 9:00 p.m.

(B) No person shall enter upon the premises or knock on the door of any residence or business where a "no peddling" or "no soliciting" sign is posted in a conspicuous place.

(C) No peddler, solicitor, or canvasser shall refuse to leave any premises upon being requested to do so by the owner or occupant.

**SECTION 8. EXEMPTIONS FROM REGISTRATION.**

The following persons or organizations are exempt from the registration provisions of this chapter:

(A) Any person peddling, soliciting, or canvassing on behalf of a school or school sanctioned organization located within Erie County.

(B) Any person making sales of baked goods, fruits and vegetables or dairy products for household consumption.

(C) Persons working for charitable or religious organizations registered under section 501(C)(3) of the Internal Revenue Code.

(D) Any person soliciting or canvassing for or against an elective office or ballot issue which will be voted upon by the electors of the Village.

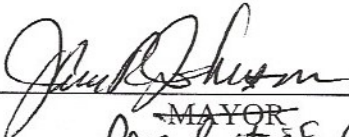
**SECTION 9. PENALTY.**

Whoever violates or fails to comply with the provisions of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than \$150.00. Whoever violates or fails to comply with the provisions of this chapter after having plead to or been found guilty of a violation of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.00 or be imprisoned for not more than thirty (30) days, or both.

**SECTION 10.** That the Fiscal Officer is authorized and directed to provide a certified copy of the foregoing ordinance to the Erie County Sheriff, the Sandusky Municipal Court, and the Sandusky Bay Law Library.

**SECTION 11.** That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including § 21.22 of the Revised Code.

**SECTION 12.** That the Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the Village of Castalia to continue to have these regulations to protect the citizens of the village from con and scam artists. Therefore, this Ordinance shall be adopted as an emergency measure to take effect immediately upon its adoption and due authentication by the Mayor and the Fiscal Officer, respectively.

  
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MAYOR  
President of Council

ATTEST:

  
VILLAGE FISCAL OFFICER

Adopted: June 28, 2022