

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1983-19

Passed

Rejected
1-17-84

19

AN ORDINANCE CREATING A REQUIREMENT TO OBTAIN A LICENSE AND PERMIT FOR SOLICITATION WITHIN THE MUNICIPALITY OF BROOKVILLE, OHIO, AND RULES GOVERNING SUCH SOLICITATION WITHIN THE MUNICIPALITY OF BROOKVILLE, OHIO.

WHEREAS, it is deemed to be in the best interest of the citizens of the Municipality of Brookville, Ohio, to pass an ordinance to govern solicitation within said Municipality, and whereas, the means of governing said solicitation is best preserved by license and permit requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION 1

That the following ordinance be adopted and placed within the Code of Ordinances of the Municipality of Brookville, Ohio.

1.01 Definitions

a) **Solicitor** - A solicitor shall be deemed to be any person, whether resident of the Village or not, traveling either by foot, automobile, or other conveyance, from place to place, house to house, street to street, or block to block, taking, or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever, for immediate or future delivery, or for services to be performed immediately or in the future of any nature whatsoever, and shall include any person, managing or acting as overseer, of another person or persons engaged in the activities specified in this section, whether or not said manager or overseer himself engages in the actual display of goods, order-taking or promise of service.

b) **Charitable Solicitor** - A charitable solicitor is deemed to be any person, whether resident of the Village or not, traveling from house to house, place to place, or street to street, either by foot, automobile, or other conveyance, soliciting for contributions, or offering for sale goods, merchandise, or property, on behalf of recognized non-profit organization, school or church, or fraternal, civic, or service organization.

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1.02 Permit and License Required; Exceptions

It shall be unlawful for any solicitor as defined in Section 1.01 of this chapter, to engage in such business within the corporate boundaries of Brookville, Ohio without first having obtained a permit and license therefore in compliance with this chapter, except that a charitable solicitor as defined in section 1.01 above shall be required to give notice of such activity only.

1.03 Permit and License Application; Fees

a) Applicants for permit and license under this chapter shall be filed with the Village Clerk, or the Clerk's designated officer, an application in writing which shall contain the following individual items of information, on a form to be provided by the Clerk's Office:

- (1) Name of the individual or business
- (2) Names of all persons to be engaged in solicitation
- (3) Business address and permanent home address of the solicitor, or, in the case of multiple solicitors, the business address and permanent home address of the manager or overseer of the solicitors.
- (4) A brief description of the goods or services to be sold, along with the prices to be charged for said goods and services.
- (5) The length of time for which the right to do business is desired.
- (6) The location(s) where business is proposed to be conducted.
- (7) A statement as to whether the applicant has ever been convicted of any crime, misdemeanor, or violation of municipal ordinances, and the nature of the conviction, or penalty assessed.

b) At the time of filing of such application, a fee of \$ _____ dollars shall be paid to the clerk, and a fee of \$ _____ for each solicitor to be so engaged over and above the initial applicant.

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1.04 Issuance of Permit

The clerk shall cause to be issued to each solicitor who pays the required fees, a permit to do business, on a form to be prescribed by the clerk. In the case of multiple solicitors, a copy of the permit shall be issued to each person engaged in the solicitation.

1.06 Solicitors required to carry permit

Each person engaged in solicitation shall be required to carry the permit to do business at all times while engaged in solicitation and shall be required to display this permit to any citizen or police official requesting to see it.

1.07 Revocation

Permits and/or licenses issued under this ordinance may be revoked by the clerk after proper notice for any of the following causes:

- a) Fraud, misrepresentation, or false statement in the application.
- b) Fraud, misrepresentation, or false statement made in the course of carrying on business as a solicitor.
- c) Conducting the business of solicitation in an unlawful manner or in such a manner so as to constitute a menace to the health, safety, or general welfare of the public.

1.08 Business Hours

The time during which solicitors may carry on business within the Village shall be limited to the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday, inclusive, and on Saturday from 9:00 a.m. to 4:00 p.m.

1.09 Duty of Police to Enforce Chapter

It shall be the duty of any police officer employed by the municipality to require any persons seen soliciting to produce his permit to solicit and to enforce the provisions of this chapter against any person found to be violating same.

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1.10 Penalty

Any person found to be soliciting in violation of this chapter shall upon notice of first violation be ordered to cease all solicitation until provisions of this chapter are complied with.

Whoever violates this section after having been warned a first time, shall be guilty of a minor misdemeanor and shall also forfeit all right to solicit within the corporate boundaries of Brookville.

SECTION II

That this ordinance shall be enforced by the police department of the Municipality of Brookville, Ohio, on and after the effective date of said ordinance.

SECTION III

This ordinance shall take effect and be enforced from and after the earliest period allowed by law.

PASSED THIS _____ day of _____, 1983.

ATTEST:

E. EUGENE ROESER, Clerk

ROBERT N. APGAR, Mayor

RULES PERTAINING TO SOLICITATION WITHIN
THE VILLAGE OF BROOKVILLE, OHIO

1. All solicitors must obtain a permit to do business within the corporate limits of Brookville, Ohio.
2. A fee of \$ _____ shall be collected for each permit issued as well as an additional fee of \$ _____ per solicitor over and above the person applying for the permit.
3. Solicitation may be conducted only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Friday, and on Saturday from the hours of 9:00 a.m. until 4:00 p.m.
4. Each person involved in solicitation shall be required to carry their permit to solicit on their persons at all times while soliciting business and are required to display this permit to any citizen or police official requesting to see it.
5. Permits may be revoked for the following reasons:
 - a) Fraud, misrepresentation or false statement in the application
 - b) Fraud, misrepresentation or false statement made in the course of doing business as a solicitor.
 - c) Conducting the business of solicitation in an unlawful manner so as to constitute a menace to the health, safety, or general welfare of the public.
6. Permits shall be good for a period of one month (30 days) and must be renewed after that time period has elapsed.

Penalties for violation:

First Offense: Forfeiture of right to solicit within the Village of Brookville

Second Offense: Arrest on misdemeanor charge

VILLAGE OF BROOKVILLE, OHIO

SOLICITATION PERMIT

APPLICATION

Applicants name _____

Home Address _____ City _____ State _____

Business Name _____

Business Address _____ City _____ State _____

Business Phone _____

List a brief description of the goods or services to be offered as well as the rate structure for said goods or services:

For what locations is this permit desired _____

List the times and dates during which solicitations shall be conducted within the Municipality:

List the names of all persons to be engaged in actual solicitations for business:

I hereby certify that I have not been convicted of any crime, misdemeanor, or violation of municipal ordinance. I further certify that I have familiarized myself and/or my agents with the rules pertaining to solicitation within the Municipality of Brookville, Ohio, as adopted by ordinance.

Signature _____

WITNESS _____

Date _____