

**ORDINANCE NO. 83-10**

**AN ORDINANCE ESTABLISHING THE REGISTRATION AND LICENSING OF SOLICITORS, CANVASSERS, PEDALLERS, AND OTHER SUCH SALESMEN WITHIN THE VILLAGE OF VERSAILLES, AND DECLARING SUCH ORDINANCE TO BE AN EMERGENCY MEASURE**

**BE IT ORDAINED**, by the Council of the Village of Versailles, County of Darke, State of Ohio:

**SECTION ONE: DEFINITIONS**

A. "Canvasser" or "Solicitor", as used in this ordinance, means any individual, whether a resident of the Village or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future.

B. "Peddler", as used in this chapter, means any person who carries with him for the purpose of sale and immediate delivery from house to house or from place to place, goods, wares and merchandise. Exceptions to this definition of the term "peddler" are the following:

- (1) A person making delivery of goods, wares, or merchandise theretofore sold by an establishment having a permanent place of business within the Village; and
- (2) A person making sales of the following items of daily household consumption:
  - a) Baked goods;
  - b) Fruit and vegetables; and
  - c) Dairy products, frozen desserts and/or allied products

**SECTION TWO:**

No canvasser, solicitor, peddler, owner or operator of any vehicle defined as a tractor, tractor-trailer, or truck, shall use such vehicle or permit the same to be used on the streets of the Village of Versailles for the vending of goods and merchandise.

**SECTION THREE: LICENSE REQUIRED; EXCEPTION**

A. No solicitor or canvasser shall engage in business within the Village limits without first obtaining a license therefor in compliance with the provisions of this ordinance, provided, however, that a license shall not be required of persons excepted above.

B. No peddler shall engage in business within the Village limits without first obtaining a license therefor in compliance with the provisions of this chapter, provided, however, that a license shall not be required of the owner of any product of his own raising, or the manufacturer of any article manufactured by him.

C. Recognized charitable, civic, religious, and philanthropic organizations, and agents or persons employed thereby, shall be required to obtain a license as required herein, but shall be exempt from the payment of any fees required.

#### **SECTION FOUR: APPLICATION FOR LICENSE**

Application for a license shall be made to the Village Administrator who, upon being furnished with sufficient proof that the applicant is of good moral character, shall issue a license.

Such application shall be under oath and shall include the following information on forms to be furnished by the Village:

- A. Full name of applicant;
- B. Permanent address;
- C. Temporary address (if different from permanent address);
- D. Physical information, such as birth date, height, weight, etc.;
- E. If the applicant uses a motor vehicle, the make, model, year, and current registration number thereof;
- F. State of issuance of driver's license and number thereof;
- G. Name and address of employer;
- H. Vendor's license number, if license are required;
- I. Brief description of goods, wares, merchandise, or services involved;
- J. Whether the applicant has ever been convicted of any crime, and, if so, the nature thereof and penalties therefor;
- K. Whether the applicant has previously been employed to conduct solicitations of orders or door-to-door sales and if so, the name of the company represented, the goods, wares, merchandise or services involved;
- L. Whether the applicant has ever been denied a permit or identification card for soliciting orders or door-to-door sales by any other governmental agency or jurisdiction or whether such a permit or card, if issued, has been revoked by such other governmental agency or jurisdiction;
- M. Such other information as the Village Administrator shall reasonably require;
- N. Applicant shall submit to fingerprinting and photographing by the Police Department of the Village in connection with the application for the certificate.
- O. The application shall state that all registrations shall be checked and verified by the Police Department or his designate within a reasonable length of time, not to exceed a maximum of three (3) working days. Working days do not include weekends or holidays.

#### **SECTION FIVE: CANVASSING, SOLICITING OR PEDALING WITHOUT INVITATION**

The practice of going into and upon private or public property, to call at dwellings or other establishments, by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of service, and transient photograph or magazine solicitors, and all other persons calling upon said properties with the intention of influencing the occupant of said place of dwelling to purchase any article, or with the intention of influencing the occupants to take or not to take action for any commercial purchases, without prior appointment or permission from the occupant of the dwelling, or without having been requested or invited to do so by the occupant of the place or dwelling, is declared to be a nuisance, and is hereby prohibited and punishable as such nuisance as a minor misdemeanor.

**SECTION SIX: LICENSE FEES**

Said license shall be issued to all applicants who comply with this ordinance upon payment of fee for said license in the amount of \$50.00. This \$50.00 fee shall be good for one day, with an additional charge of \$10.00 per day to a maximum of 30 consecutive days, excluding Sundays. After the 30 day period, a new license must be applied for under the same terms and conditions as the original license.

**SECTION SEVEN: LICENSE TRANSFER AND USE**

A. No license shall be in any manner assignable or transferable, nor shall any licensee authorize any person other than the one named therein to do business, nor shall a licensee conduct any other business than is named therein to be transferred.

B. The granting if any license as provided for in this ordinance shall not be construed as giving or granting any privilege or right to the licensee of using any public property for the display of such goods, wares, and merchandise.

**SECTION EIGHT: POSSESSION AND EXHIBITION OF LICENSE**

Any licensee engaged in business within the Village shall carry the license and shall produce it for examination whenever requested by any police officer or by any prospective purchaser.

**SECTION NINE: HOURS REGULATED**

All business conducted by canvassers, solicitors and peddlers shall be conducted solely between the hours of 9:00 a.m. and 5:00 p.m. on weekdays. No business shall be conducted on Sunday.

**SECTION TEN: CALLING ATTENTION TO SALES BY CALLING OUT, BLOWING HORNS, ETC.**

No person, whether he has a license or not, in going along the streets, alleys, highways, or public places of the Village, shall call out, cry, or by any device make any loud or objectionable noise or blow any horn to call attention to the sale of any goods, wares, merchandise, or any article or things whatsoever.

**SECTION ELEVEN: REVOCATION OF LICENSE**

Any license issued hereunder may be revoked by the Village Administrator for any one of the following reasons:

- A. Violation by the applicant, his employee or agent of the provisions of this ordinance;
- B. Violation by the applicant, his employee or agent of any other ordinances, or parts thereof, of the Village or of any State or Federal law;
- C. Fraud, misrepresentation or false statement contained in the application for license;
- D. Fraud, misrepresentation, false statement or unlawful act made in connection with his business; or
- E. The applicant is found to be a person not fit to be engaged in such business.

**SECTION TWELVE: APPEAL**

Any person aggrieved by the action of the Village Administrator in the denial of a license as provided in Section Four or the action of the Village Administrator in the assessing of the fee as provided in Section Six, or the action of the Village Administrator in revoking a license as provided in Section Eleven, shall have the right to appeal to Council. Such appeal shall be taken by the filing

with Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of Council on such appeal shall be final and conclusive.

**SECTION THIRTEEN: PENALTY**

Whoever violates this ordinance shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars for a first offense. For any subsequent offense, each person shall be fined not less than Twenty-Five (\$25.00) Dollars, nor more than Two Hundred (\$200.00) Dollars or imprisoned not more than sixty (60) days, or both.

**SECTION FOURTEEN:**

All existing ordinances which are inconsistent herewith are hereby repealed, and this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety for the citizens of the Village for the reason that it is immediately necessary to adopt an updated ordinance for soliciting sales, canvassers, pedallers, and others within said Village.

This ordinance shall take effect at the earliest period permitted by law.

Larry J. Subler  
Mayor

ATTEST:

Marie Grogean  
Clerk

APPROVED AS TO FORM:

Michael D. McClurg  
Solicitor

## **CONDITIONS OF SELLING GENERAL MERCHANDISE BY TRANSIENT VENDORS/SOLICITORS**

In order to receive permission to sell general merchandise within the Village corporate limits, the following conditions must be satisfied:

1. A solicitor's permit must be obtained from the Village Administrator.
  - \* Enough time shall be given before permit is actually issued or denied for the Administrator/Police to check out the applicant.
  - \*\* Fingerprints and photographs of each vendor/solicitor shall be taken by the Police Department.
  - \*\*\* A permit fee of \$50.00 for the 1<sup>st</sup> day, plus \$10.00 per each following day, shall be required for each 30 day period such vending/soliciting takes place.
  
2. A Village income tax form shall be completed and placed on file with the Village Tax Office **prior** to receiving a Solicitor's Permit from the Village Administrator.
  - \* A Declaration of Estimated Versailles Income Tax on the estimated profit on such sales shall also be filed with the Village Tax Office, with either the customary minimum amount of \$425.00, or other amount, as recommended by the Tax Administrator, paid to the Village Tax Office **prior** to receipt of a Solicitor's Permit.
  
3. If a temporary sales location is to be established rather than use of a door-to-door type of canvassing technique, such temporary sales location **MUST** be located within a properly zoned commercial district, and shall have access to adequate off-street parking spaces.
  - \* Such sales location shall not be on any public street.
  - \*\* The display of such merchandise shall not be located on any public street or pedestrian walkway (sidewalk).
  
4. Standing on or walking onto a public street for the purpose of soliciting business or contributions from the occupant of any vehicle is strictly prohibited.

**VILLAGE OF VERSAILLES  
APPLICATION FOR SOLICITOR'S IDENTIFICATION**

Name \_\_\_\_\_  
(Last) (First) (Middle)

Permanent Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

Temporary Address (If Different) \_\_\_\_\_  
(Street) (City) (State) (Zip)

Social Security Number: \_\_\_\_\_ Darke Co. Vendor License #: \_\_\_\_\_

Age \_\_\_\_\_ Birthdate \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Birthplace \_\_\_\_\_  
(City) (State)

Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Hair Color \_\_\_\_\_ Eye Color \_\_\_\_\_

Operator's License #: \_\_\_\_\_ State of Issue: \_\_\_\_\_ Date Issued: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Make of Car: \_\_\_\_\_ Year: \_\_\_\_\_ License #: \_\_\_\_\_ State: \_\_\_\_\_

Name of Employer: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Employer: \_\_\_\_\_ Length Employed: \_\_\_\_\_  
(Street) (City) (State)

Have you ever been convicted of any crime? Yes ( ) No ( ) If yes, date? \_\_\_\_\_

Charges \_\_\_\_\_ Disposition \_\_\_\_\_

Have you ever been refused a Solicitor's License or ID Card? Yes ( ) No ( )

Have you ever been licensed to solicit anywhere in the area? Yes ( ) No ( )

Have you ever had a Solicitor's License revoked? Yes ( ) No ( )

If you answered "yes" to any of the above, please explain: \_\_\_\_\_

Describe the nature of your business: \_\_\_\_\_

Name of your immediate superior: \_\_\_\_\_

How long do you expect to solicit in Versailles? \_\_\_\_\_

*I do solemnly swear that the answers given herein have been examined by me and to the best of my knowledge are true, correct, and complete.*

Signed \_\_\_\_\_ Witness \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Do not write below this line. For office use only.

Police Check: \_\_\_\_\_ Better Business Bureau Favorable ( ) Unfavorable ( )

Other: \_\_\_\_\_

Date: \_\_\_\_\_ Approved ( ) Refused ( )

\_\_\_\_\_  
Village Administrator