

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20 _____

ORDINANCE 2025-37

AN ORDINANCE TO REPEAL AND REPLACE THE EXISTING CHAPTER 705 PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS OF PART SEVEN-BUSINESS REGULATION CODE OF THE VILLAGE OF DOYLESTOWN CODE OF ORDINANCES

WHEREAS, the Doylestown Safety Committee and Planning Commission have recommended to repeal and replace the existing Chapter 705 in its entirety of Part Seven – Business Regulation Code of the Village of Doylestown Code of Ordinances attached as Exhibit A.

WHEREAS, Council for the health, safety, and welfare of the citizens of Doylestown now wishes to repeal and replace Chapter 705 Peddlers, Itinerant Merchants and Solicitors.

NOW THEREFORE, be it ordained by the Council of the Village of Doylestown, Wayne County, Ohio:

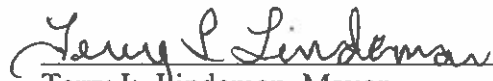
SECTION 1: That the existing Chapter 705 be repealed and replaced in its entirety.

SECTION 2: That all other Chapters of Part Seven – Business Regulation Code remain unchanged.

SECTION 3: This Ordinance shall take effect at the earliest time permitted by law.

PASSED: November 19, 2025

Attest:


Terry L. Lindeman, Mayor


Kristen J. Robison, Clerk of Council

EXHIBIT A

CHAPTER 705

Peddlers, Itinerant Merchants and Solicitors

- 705.01 Definitions.
- 705.02 License requirement.
- 705.03 Application procedure.
- 705.04 Standards for issuance.
- 705.05 Revocation procedure.
- 705.06 Standards for revocation.
- 705.07 Appeal procedure.
- 705.08 Exhibition of identification.
- 705.09 Municipal policy on soliciting.
- 705.10 Notice regulating soliciting.
- 705.11 Duty of solicitors.
- 705.12 Uninvited soliciting prohibited.
- 705.13 Fees by Reference to Schedule.
- 705.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61, 715.63, 715.64

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

705.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Business" means the business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.
- (b) "Canvass," "Canvasser." "Canvass" means going in person upon private property for noncommercial religious, political, or public-issue speech or the distribution of literature, not involving the sale of goods or services; "Canvasser" means a person engaged in such activity.
- (c) "Goods" means merchandise of any description, and includes, but is not limited to, wares and foodstuffs.
- (d) "Itinerant merchant" means any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the Village and who, in the furtherance of such business, uses any building, structure, vehicle or any place within the Village.
- (e) "Local sunset." "Local sunset" means the published sunset time for the Village on a given date as listed by the National Weather Service or U.S. Naval Observatory (or comparable authority).
- (f) "Peddler" means any person, not an itinerant merchant, who:

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(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the Village.

(g) "Solicit" and "Solicitor" mean the act/person of going in person upon private property for the sale of, or taking orders for, goods or services for present or future delivery, including sale-based fundraising; 'Solicitor' does not include noncommercial canvassing.

705.02 LICENSE REQUIREMENT.

(a) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the Village.

(b) The fee for any license under this chapter shall be as set forth in the Miscellaneous Fee Schedule adopted and amended by Council.

(c) No license issued under this chapter shall be transferable.

(d) All licenses issued under this chapter shall expire thirty days after the date of issuance thereof.

(e) A solicitor's license shall be issued on a per-person basis and shall not be transferable to or shared with other persons, employees, or representatives of the same business or organization.

(f) Issuance of a solicitor's license or permit under this Chapter shall not constitute or imply endorsement, guarantee, or verification of the solicitor, their goods, or their services by the Village of Doylestown.

(g) Exemption. This chapter shall not apply to public-service or charitable organizations, including but not limited to churches, schools, recognized civic associations, garden clubs, and other nonprofit entities when acting in furtherance of their charitable or community purpose, provided that no individual receives a commission or personal profit from the activity.

705.03 APPLICATION PROCEDURE.

(a) All applicants for licenses required by this chapter shall file an application with the Clerk or other authorized official. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) A. The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the Village;

B. The local address of such individual;

C. The permanent address of such individual;

D. The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) A. The nature, character, and quality of the goods or services to be offered for sale or delivered;

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B. If goods, their invoice value and whether they are to be sold by sample as well as from stock, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in subsection (a)(2)A. above, or the person identified in subsection (a)(3) has been convicted of any crime or misdemeanor, and, if so, the nature of each offense and the penalty assessed for each offense.

(b) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under subsection (a) above:

(1) A description or photograph of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(c) All applicants for licenses required by this chapter shall attach to their application, if required by the Village, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative. (d) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under subsection (c), a statement from a licensed physician, dated not more than fourteen days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

(e) Completeness. An application is complete when all required information, supporting documentation, and fees are submitted in proper form.

(f) Background check requirement. Each applicant shall, at their own expense, obtain and submit with their application a certified state or national background check conducted by the Ohio Bureau of Criminal Investigation (BCI), the Federal Bureau of Investigation (FBI), or another law-enforcement or investigative agency recognized by the Village Administrator or Safety Committee. The background report must be dated within thirty (30) days of application submission.

(g) Outsourced verification. The Village Police Department shall not conduct background checks for solicitor permit applications. The Police Department's role shall be limited to reviewing the submitted background report for completeness and determining whether disqualifying information exists under §705.04.

(h) Processing timeline. The Police Department shall approve or deny the application in writing within forty-eight (48) hours after receipt of a complete application and valid background report. This period is tolled during any necessary verification of authenticity of the report, not to exceed ten (10) business days in total.

(i) No automatic approval; explanation of delay. Failure to act within the period in subsection (h) does not result in approval. The applicant is entitled to expedited review and a written explanation for any delay.

(j) Content-neutral standard. Decisions under this section shall be based solely on the objective criteria of this Chapter and shall not consider the message, viewpoint, or identity of the speaker beyond lawful eligibility factors.

(j) Record. The Police Department shall retain the application, decision, and supporting materials in the permanent file for not less than two (2) years following expiration or denial of the license, in accordance with the Village's public records retention schedule.

705.04 STANDARDS FOR ISSUANCE.

(a) Upon receipt of a completed application and accompanying independent background check report as required by §705.03(f), the Police Department shall review the report and

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verify compliance with the standards below. Upon receipt of an application, an investigation of the applicant's business reputation and character shall be made.

(b) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety or general welfare. In particular, the following tangible evidence will constitute valid reasons for disapproval of an application:

(1) The applicant has been convicted within the last three years of any felony, or convicted within the last three years of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property;

(2) The applicant has made willful misrepresentations in the application;

(3) The applicant has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;

(4) The applicant has committed prior fraudulent acts; or

(5) The applicant has a record of continual breaches of solicited contracts.

(c) Written denial notice. Any denial of a license shall be provided in writing to the applicant and shall include a brief statement of the reason for denial and instructions for filing an appeal under Section 705.07.

705.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk or other designated official after notice and hearing, pursuant to the standards in Section 705.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

705.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(a) Fraud or misrepresentation contained in the license application;

(b) Fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;

(c) Violation of this chapter;

(d) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving a sex offense, a drug trafficking offense, or any offense of violence against persons or property; or

(e) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public, as determined by the Chief of Police, Village Administrator, or their designee. (1997 § 111.06)

705.07 APPEAL PROCEDURE.

(a) Any person aggrieved by a decision under Sections 705.04 or 705.06 shall have the right to appeal to Council. The appeal shall be taken by filing with Council, within fourteen days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. Council shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in Section 705.05.

(b) The order of Council after the hearing shall be final.

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705.08 EXHIBITION OF IDENTIFICATION.

(a) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the Village shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(b) The Clerk or other authorized official shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor", the expiration date of the license, and the number of the license. The license shall be kept with the licensee and displayed visibly upon their person at all times while engaged in soliciting activities so that it is plainly readable by members of the public and law enforcement.

705.09 MUNICIPAL POLICY ON SOLICITING.

It is hereby declared to be the policy of the Village that the residents of the Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

705.10 NOTICE REGULATING SOLICITING.

(a) Notice of the refusal of invitation to solicitors to any residence shall be given on a weatherproof card or sticker, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITING"

(b) The letters shall be at least one-third of an inch in height. For the purpose of uniformity, the Police Chief may provide the cards or stickers to persons requesting, if available.

(c) The card or sticker so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

705.11 DUTY OF SOLICITORS.

(a) It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence is located to first examine the notice provided for in Section 705.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(c) Commercial soliciting. A person holding a solicitor's permit may engage in soliciting only between 9:00 a.m. and local sunset, Monday through Saturday. No commercial soliciting is permitted on Sundays or on state or federal legal holidays.

(d) Noncommercial canvassing. Canvassing may occur between 9:00 a.m. and 9:00 p.m. on any day, subject to all other provisions of this Chapter, including posted sign/no-knock restrictions.

(e) No-knock/posted signs. All persons—solicitors and canvassers—shall not knock or call at any residence displaying a "No Soliciting," "No Canvassing," "Do Not Disturb," or similar sign, and shall comply with any Village "No-Knock" registry provisions.

(f) Local sunset defined. "Local sunset" has the meaning in §705.01.

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- (g) Construction. This section regulates time, place, and manner; it does not require permits for noncommercial canvassing.
- (h) Temporary suspension. The Village Administrator, Chief of Police, or their designee may temporarily suspend soliciting activities within designated areas or for specified periods during declared emergencies, community events, or circumstances that present a demonstrable risk to public safety or traffic flow.

705.12 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of Section 705.10.

705.13 FEES BY REFERENCE TO SCHEDULE

- (a) Fees for permits, inspections, services, and administrative actions under Title 5 shall be as set forth in the Village "Miscellaneous Fee Schedule," as adopted and amended from time to time by Village Council.
- (b) Where a fee is referenced in this Title, the amount shall be determined by the current Miscellaneous Fee Schedule.
- (c) If a conflict exists between an older fee stated in this Code and the Miscellaneous Fee Schedule, the Miscellaneous Fee Schedule controls.

705.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree unless another penalty is specifically provided. Each day on which a violation occurs or continues shall be deemed a separate offense.