

ORDINANCE NO. 2019-49

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN EMERGENCY ORDINANCE AMENDING EXISTING SOLICITATION SECTIONS 751.01, 751.02, 751.05, 751.06, 751.07, AND 751.99, AND REPEALING SECTION 751.04 OF THE OAKWOOD VILLAGE CODIFIED ORDINANCES.

WHEREAS, Federal courts have found unconstitutional several restrictions on canvassing and solicitation as restraint of the exercise of rights guaranteed by the First Amendment to the United States Constitution; and

WHEREAS, Oakwood Village wishes to ensure compliance with the United States Constitution and all applicable Constitutional Amendments;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1: Section 751.01, Definitions, which currently reads as follows:

751.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) *CANVASSING, CANVASSER, SOLICITATION* or *SOLICITOR*. Includes any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery; or
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- (3) Seeking to obtain subscription to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (4) Seeking to obtain contributions or to sell any goods, articles or services of any kind for the support or benefit of any charitable, religious or nonprofit association, organization, corporation or project; or
- (5) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matter, or
- (6) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or
- (7) Taking of a poll or census by any person, firm or corporation other than a governmental body or agency thereof.

(b) *CANVASSER FOR CHARITABLE OR RELIGIOUS PURPOSES*. Any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of soliciting or receiving contributions or pledges for charitable or religious purposes, or to offer or attempt to sell, or request a donation for, any

advertisement, advertising space, book, card, chance, coupon, device, magazine, merchandise, ticket, token, flag, souvenir, foodstuff, service or any other articles or thing in connection with which any appeal is made for any charitable or religious purpose, or when or where in connection with any such sale, donation or contribution, any statement is made that the whole or any part of the proceeds of any such sale will go to or be donated to any charitable or religious purpose.

(c) *CHARITABLE*. Includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.

(d) *CONTRIBUTION*. Includes the words gift, food, clothing, money, property or donations of any kind, including those made under the guise of a loan of money or property.

(e) *DOOR-TO-DOOR SALESPERSON IN INTERSTATE COMMERCE*. A person who travels from door-to-door calling on private residences or places of business in the Village for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources outside the state and which is not done in connection with any appeal for any charitable or religious purpose.

(f) *DOOR-TO-DOOR SALESPERSON IN INTRASTATE COMMERCE*. A person who travels from door-to-door calling on private residences or places of business in the Village for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources within the state and which is not done in connection with any appeal for any charitable or religious purpose.

(g) *PEDDLER*. Any person who sells or offers for sale and immediate delivery goods or merchandise or services of any kind or description other than from a fixed and established place of business, including those who sell from vehicles on the public streets or from goods carried from door-to-door.

(h) *PERSON*. Any individual, firm partnership, corporation, company, association, joint stock company, church, religious sect, religious denomination, society, organization or league, or any combination of them, and includes any trustee, member, receiver, assignee, agent or other representative thereof.

(i) *RELIGIOUS* and *RELIGION*. As used herein shall not include the word charitable, but shall be given their commonly accepted definitions.

(j) *RELIGIOUS ORGANIZATION*. Any church, body of communicants or group that is not organized or operated for profit that gathers in common membership for regular worship and religious observances.

(k) *RESIDENCE*. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Shall be and hereby is amended to read as follows:

751.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) *CANVASSING, CANVASSER, SOLICITATION* or *SOLICITOR*. Includes any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery; or
 - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
 - (3) Seeking to obtain subscription to books, magazines, periodicals, newspapers and every other type or kind of publication; or
 - (4) Seeking to obtain contributions or to sell any goods, articles or services of any kind for the support or benefit of any charitable, religious or nonprofit association, organization, corporation or project; or
 - (5) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matter, or
 - (6) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or
 - (7) Taking of a poll or census by any person, firm or corporation other than a governmental body or agency thereof.
- (b) *CHARITABLE*. Includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, political, veteran's medical and social research, either actual or purported.
- (c) *CONTRIBUTION*. Includes the words gift, food, clothing, money, property or donations of any kind, including those made under the guise of a loan of money or property.
- (d) *DOOR-TO-DOOR SALESPERSON*. A person who travels from door-to-door calling on private residences or places of business in the Village for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered and is not done in connection with any appeal for any charitable or religious purpose.
- (e) *PEDDLER*. Any person who sells or offers for sale and immediate delivery goods or merchandise or services of any kind or description other than from a fixed and established place of business, including those who sell from vehicles on the public streets or from goods carried from door-to-door, and not done in connection with any appeal for any charitable or religious purpose.
- (f) *PERSON*. Any individual, firm partnership, corporation, company, association, joint stock company, church, religious sect, religious denomination, society, organization or league, or any combination of them, and includes any trustee, member, receiver, assignee, agent or other representative thereof.
- (g) *RELIGIOUS* and *RELIGION*. As used herein shall not include the word charitable, but shall be given their commonly accepted definitions.
- (h) *RESIDENCE*. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SECTION 2: Section 751.02, Notice Prohibiting Canvassing or Solicitation, which currently reads as follows:

751.02 NOTICE PROHIBITING CANVASSING OR SOLICITATION.

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers, solicitors or peddlers shall be given by displaying a weatherproof card, decal or sign not less than three inches by four inches in size nor more than one square foot in total surface area upon or near the main entrance door to the residence or place

of business indicating such determination by the owner or occupant, containing the words “No Solicitors Invited” with letters at least one inch in height. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of Chapter 1185 of the Planning and Zoning Code.

Shall be and hereby is amended to read as follows:

751.02 NOTICE PROHIBITING CANVASSING OR SOLICITATION.

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers, solicitors or peddlers shall be given by displaying a weatherproof card, decal or sign not less than three inches by four inches in size nor more than one and one-half square foot in total surface area upon or near the main entrance door to the residence or place of business indicating such determination by the owner or occupant, containing the words “No Soliciting” with letters at least three-quarters inch in height. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of Chapter 1185 of the Planning and Zoning Code.

SECTION 3. Section 751.03 Canvassing or Solicitation in Violation of Notice, which presently reads as follows:

751.03 CANVASSING OR SOLICITATION IN VIOLATION OF NOTICE.

It is unlawful and shall constitute a trespass for any person to go upon any premises and ring the doorbell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing or soliciting as defined in Section 751.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 751.02.

Shall be and hereby is amended to read as follows:

751.03 CANVASSING OR SOLICITATION IN VIOLATION OF NOTICE.

It is unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing or soliciting as defined in Section 751.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 751.02 unless waived by the owner or the occupant of the premises.

SECTION 4: Section 751.05, Charitable or Religious Purposes; Interstate Commerce, which currently reads as follows:

751.05 CHARITABLE OR RELIGIOUS PURPOSES; INTERSTATE COMMERCE.

(a) Registration required. No person shall act as a canvasser for charitable or religious purposes or as a door-to-door salesperson in interstate commerce in this Village without first having registered as such with the Chief of Police. No fee shall be required. However, the Chief of Police

shall issue a registration certificate to each applicant and such certificate shall be carried on the person of the registrant at all times when engaged in such canvassing, solicitation or sales and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made. Each canvasser or solicitor shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution and the date and shall be signed by the solicitor.

An organization which desires to place a number of canvassers or solicitors for charitable or religious purposes in the Village simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each or, in lieu thereof, a separate information card shall be issued to each canvasser or solicitor by the registered organization. Such information card shall include, at a minimum, the name of the registered organization; a description of the purpose of the solicitation; the period for which the registration was issued; the name of the canvasser or solicitor; a brief description of the canvasser or solicitor, such as age, weight, and height; the signature of the canvasser or solicitor and the signature of a member of the registered organization.

(b) Registration application; contents. Application for a certificate of registration shall be made upon a form provided by the Chief of Police. Each application shall contain, among other information, the name, address and the phone number of the person completing the application; the name, address and telephone number of the organization for which he purports to act; the name of an officer or other official of the organization; the nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied in the case of canvassers for charitable or religious purposes; the nature of the goods or services for which he will take orders in the case of door-to-door salespersons in interstate commerce; the compensation, if any, which he or other canvassers are to receive for their services; and such other information as the Safety Director may require.

(c) One year limitation. In no case shall any registration certificate for canvassers for charitable or religious purposes or door-to-door salespersons in interstate commerce be valid for more than a one year period. The certificate of registration shall state the expiration date thereof.

(d) Exceptions. The provisions of this section shall not apply to solicitations conducted only among the members of the entity or organization conducting the canvassing or to those in the form of collections or contributions at the regular assemblies, meetings or services of any such established charitable or religious organization.

(e) Registration revocation. Any registration issued hereunder shall be revoked by the Safety Director if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application.

Immediately upon such revocation, written notice thereof shall be given by the Safety Director to the holder of the registration in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

(f) Fraudulent solicitations prohibited.

(1) No person, canvasser or solicitor shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any charitable purpose.

(2) No person having entered into an agreement to conduct any solicitation in behalf of any person for any charitable purpose shall fail to remit or pay to the party entitled thereto the proceeds

of such solicitation in accordance with the true terms of the agreement.

Shall be and hereby is amended to read as follows:

751.05 FRAUDULENT SOLICITATIONS PROHIBITED.

(a) No person shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any charitable or religious purpose or of any sale of goods or services.

(b) No person having entered into an agreement to conduct any solicitation on behalf of any person for any charitable or religious purpose shall fail to remit or pay to the party entitled thereto the proceeds of such solicitation in accordance with the true terms of the agreement.

SECTION 5: Section 751.06, Intrastate Commerce; Peddlers, which currently reads as follows:

751.06 INTRASTATE COMMERCE; PEDDLERS.

(a) License required; fee.

(1) No person shall act as a door-to-door salesperson in intrastate commerce, calling at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the Chief of Police a license therefor. The fee for such license shall be as follows:

For one day \$5.00
For one week \$10.00
For one year \$50.00

(2) No peddler shall sell or offer for sale in this Village any goods, merchandise or services without first having secured from the Chief of Police a license therefor. The fee for such license shall be as follows:

Nature of Operation	Week	Month	Year
Truck or other street vehicle	\$10.00	\$20.00	\$50.00
Push cart	\$5.00	\$10.00	\$50.00
Carried door-to-door	\$5.00	\$10.00	\$50.00

(b) License application; contents. Application for a license as a door-to-door salesperson in intrastate commerce or as a peddler shall be made upon a form provided by the Chief of Police. Each application shall contain among other information, the name, address and telephone number of the applicant; the name, address and telephone number of his or her employer, if any; the nature of the goods or services for which he or she will take orders or to be offered for sale; the proposed method of operation in the Village and such other information as the Safety Director may require. A separate license shall be required for each individual salesperson or peddler even though there may be a single employer. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license as a door-to-door salesperson in intrastate commerce or as a peddler. Each applicant shall submit to fingerprinting for identification purposes.

(c) Exceptions. No license shall be required of a farmer or producer who is selling the product of his or her own farm, or of a bona-fide representative of a charitable, church or religious organization who is selling exclusively books or tracts published by a religious group or other goods or merchandise sold in connection with an appeal to charitable or religious purposes, such latter class of sales being governed by the registration requirements of Section 751.05.

(d) Duties of licensees. No door-to-door salesperson's or peddler's license shall be transferable nor shall it be used by any person other than the licensee. Such license must be exhibited on request to any law enforcement officer or to any prospective customer.

(e) Investigation; license revocation.

(1) Upon a written complaint being filed with the Police Department that any door-to-door salesperson in intrastate commerce or any peddler is suffering from a communicable disease or has made himself or herself obnoxious to the public by the use of indecent, profane or insulting language, or the unsanitary condition of his or her person or clothing, an investigation shall be made, and if such complaint is found to be true, the license of such door-to-door salesperson or peddler shall be revoked by the Safety Director.

(2) Any license issued hereunder shall be revoked by the Safety Director if the holder thereof is convicted of a violation of any of the provisions of this Chapter, or has made a false material statement in the application.

(3) Immediately upon such revocation, written notice thereof shall be given by the Safety Director to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

Shall be and hereby is amended to read as follows:

751.06 DOOR-TO-DOOR SALESPERSON; PEDDLERS.

(a) License required; fee.

(1) No person shall act as a door-to-door salesperson, calling at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s), or act as a peddler offering for sale in this Village any goods, merchandise or services, without first having secured from the Chief of Police a license therefor. The fee for such license shall be \$50.00 and shall be good for a twelve-month period.

(b) License application; contents. Application for a license as a door-to-door salesperson or as a peddler shall be made upon a form provided by the Chief of Police. Each application shall contain among other information, the name, address and telephone number of the applicant; the name, address and telephone number of his or her employer, if any; the nature of the goods or services for which he or she will take orders or to be offered for sale; the proposed method of operation in the Village and such other information as the Safety Director may require. A separate license shall be required for each individual salesperson or peddler even though there may be a single employer. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license as a door-to-door salesperson or as a peddler. Each applicant

shall submit to fingerprinting for identification purposes.

(c) Exceptions. No license shall be required of a farmer or producer who is selling the product of his or her own farm or production, or of a bona-fide representative of a charitable, church or religious organization who is selling exclusively books or tracts published by a religious group or other goods or merchandise sold in connection with an appeal to charitable or religious purposes.

(d) Duties of licensees. No door-to-door salesperson's or peddler's license shall be transferable nor shall it be used by any person other than the licensee. Such license must be exhibited on request to any law enforcement officer or to any prospective customer.

(e) Investigation; license revocation.

(1) Upon a written complaint being filed with the Police Department that any door-to-door salesperson or any peddler is suffering from a communicable disease or has made himself or herself obnoxious to the public by the use of profane or insulting language or the unsanitary condition of his or her person or clothing, an investigation shall be made, and if such complaint is found to be true, the license of such door-to-door salesperson or peddler shall be revoked by the Safety Director.

(2) Any license issued hereunder shall be revoked by the Safety Director if the holder thereof is convicted of a violation of any of the provisions of this Chapter, or has made a false material statement in the application.

(3) Immediately upon such revocation, written notice thereof shall be given by the Safety Director to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

SECTION 6: Section 751.067, Supplemental Regulations Governing Peddlers Using Public Streets, which currently reads as follows:

751.07 SUPPLEMENTAL REGULATIONS GOVERNING PEDDLERS USING PUBLIC STREETS.

(a) This section shall not be construed to prohibit the sale or offering for sale of the products set forth in subsection (b) hereof or to prohibit the use of reasonable sound producing devices to attract trade, but shall be construed solely to regulate the sale of such products so as to provide for the protection of the children and other persons of this community whose attraction to these products outweighs their sense of precaution.

(b) No peddler who uses a motor vehicle, pushcart or tricycle for the sale of ice cream, popsicles, ice sherbets and other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and all other products shall use or operate a sound producing device while such vehicle is in motion.

(c) No peddler who uses a motor vehicle, pushcart or tricycle for the sale or offering for sale of any products shall sell or offer for sale any such products to any person when such person is on or within the traveled portion of any public street, thoroughfare or right-of-way normally used by motor vehicles.

(d) No peddler who uses a motor vehicle to move from place to place upon the streets of the Village while selling any products shall fail to have such motor vehicle inspected by the

Police Department under the jurisdiction of the Chief of Police or his or her appointee, or shall fail to first obtain a safety inspection permit for such vehicle. Such inspection shall concern the mechanical safety of the vehicle and shall be conducted at the Police Department, and a safety inspection permit fee of ten dollars (\$10.00) for each vehicle shall be paid to the Village. No vehicle which has not been so inspected and approved shall be employed in such business. Each such permit shall expire on December 31 next following its issuance and shall be displayed as set forth in subsection (j) hereof.

(1) No peddler who uses a motor vehicle to sell ice cream, popsicles, ice sherbets and other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and all other products shall fail to have such vehicle inspected by the Police Department as provided in this subsection.

(2) No peddler shall fail to post evidence of public liability insurance with the Village in the minimum amounts of twenty-five thousand dollars (\$25,000) for personal injury to one person, fifty thousand dollars (\$50,000) for such injury to two or more persons, and one hundred thousand dollars (\$100,000) for property damage, provided that the Village shall not be liable for any claim made against such peddler as the result of personal injury or property damage.

(e) When a peddler obtains a permit or at any other time, the Police Department will inform such peddler of major thoroughfares that cannot be used for vending due to reasons of public safety concerning motorists, inhabitants and the peddler.

(f) No peddler shall fail to be clean and neatly dressed.

(g) No peddler shall fail to display yellow warning lights continuously, day or night, when such peddler stops for sales and when his or her vehicle slows down to five miles per hour or less for selling. No peddler shall fail to turn off such lights when traveling to and from his or her route.

(h) No peddler shall fail to designate his or her name and telephone number on his or her vehicle.

(i) No person who is not employed by a peddler licensed pursuant to the provisions of this Chapter shall ride with such peddler.

(j) No peddler shall fail to display all Village permits on or near the windows of his or her vehicle so as to be clearly discernible by members of the public.

(k) No peddler shall pull to the wrong side of a street to service customers. No peddler shall fail to park on the right side of the street and walk over to service children.

(l) No peddler shall fail to act to protect children when children are coming to and leaving his or her truck. No peddler shall fail to be alert to protect children from oncoming traffic.

(m) No peddler shall sell to customers unless they stand on the curb or berm of the roadway.

(n) Before getting into his or her vehicle after having transacted any business, no peddler shall fail to walk around his or her vehicle to make sure that all children are safely away from such vehicle.

(o) No peddler shall back his or her vehicle unless such movement is completely necessary and, if so, such peddler shall back his or her vehicle as little as possible, after having checked that no one or nothing is behind his or her vehicle.

(p) No peddler shall allow boxes and papers under his or her control to fall upon the public right of way and no peddler shall fail to pick up any papers deposited in the immediate area of sale by his or her customers.

(q) No peddler shall have a police radio. However, standard AM or FM radios or tape players are allowed in any peddler's vehicle but no peddler shall play such devices during the time

when the vehicle is moving in potential sale areas.

(r) No person shall sell or offer for sale any candy, ice cream, confection or any food or beverage for human consumption from any motor vehicle, vehicle or cart of any kind on any public street, sidewalk or public area in the Village, except between the hours of 9:00 a.m. and 9:00 p.m. daily.

Shall be and hereby is amended to read as follows:

751.07 SUPPLEMENTAL REGULATIONS GOVERNING PEDDLERS USING PUBLIC STREETS.

(a) This section shall not be construed to prohibit the sale or offering for sale of the products set forth in subsection (b) hereof or to prohibit the use of reasonable sound producing devices to attract trade, but shall be construed solely to regulate the sale of such products so as to provide for the protection of the children and other persons of this community whose attraction to these products outweighs their sense of precaution.

(b) No peddler who uses a motor vehicle, pushcart or tricycle for the sale of ice cream, popsicles, ice sherbets and other frozen desserts, soft drinks, candy, sandwiches, peanuts, popcorn and all other products shall use or operate a sound producing device while such vehicle is in motion.

(c) No peddler who uses a motor vehicle, pushcart or tricycle for the sale or offering for sale of any products shall sell or offer for sale any such products to any person when such person is on or within the traveled portion of any public street, thoroughfare or right-of-way normally used by motor vehicles.

(d) No peddler who uses a motor vehicle to move from place to place upon the streets of the Village while selling any products shall fail to have such motor vehicle inspected by the Police Department under the jurisdiction of the Chief of Police or his or her appointee, or shall fail to first obtain a safety inspection permit for such vehicle. Such inspection shall concern the mechanical safety of the vehicle and shall be conducted at the Police Department, and a safety inspection permit fee of ten dollars (\$10.00) for each vehicle shall be paid to the Village. No vehicle which has not been so inspected and approved shall be employed in such business. Each such permit shall expire on December 31 next following its issuance and shall be displayed as set forth in subsection (j) hereof.

(e) No peddler who uses a motor vehicle to move from place to place upon the streets of the Village while selling any products shall fail to post evidence of public liability insurance with the Village in the minimum amounts of twenty-five thousand dollars (\$25,000) for personal injury to one person, fifty thousand dollars (\$50,000) for such injury to two or more persons, and one hundred thousand dollars (\$100,000) for property damage, provided that the Village shall not be liable for any claim made against such peddler as the result of personal injury or property damage.

(f) When a peddler obtains a permit or at any other time, the Police Department will inform such peddler of major thoroughfares that cannot be used for vending due to reasons of public safety concerning motorists, inhabitants and the peddler.

(g) No peddler shall fail to be clean and neatly dressed.

(h) No peddler shall fail to display yellow warning lights continuously, day or night, when such peddler stops for sales and when his or her vehicle slows down to five miles per hour or less for selling. No peddler shall fail to turn off such lights when traveling to and from his or

her route.

(i) No peddler shall fail to designate his or her name and telephone number on his or her vehicle.

(j) No person who is not employed by a peddler licensed pursuant to the provisions of this Chapter shall ride with such peddler.

(k) No peddler shall fail to display all Village permits on or near the windows of his or her vehicle so as to be clearly discernible by members of the public.

(l) No peddler shall pull to the wrong side of a street to service customers. No peddler shall fail to park on the right side of the street and walk over to service children.

(m) No peddler shall fail to act to protect children when children are coming to and leaving his or her truck. No peddler shall fail to be alert to protect children from oncoming traffic.

(n) No peddler shall sell to customers unless they stand on the curb or berm of the roadway.

(o) Before getting into his or her vehicle after having transacted any business, no peddler shall fail to walk around his or her vehicle to make sure that all children are safely away from such vehicle.

(p) No peddler shall back his or her vehicle unless such movement is completely necessary and, if so, such peddler shall back his or her vehicle as little as possible, after having checked that no one or nothing is behind his or her vehicle.

(q) No peddler shall allow boxes and papers under his or her control to fall upon the public right of way and no peddler shall fail to pick up any papers deposited in the immediate area of sale by his or her customers.

(r) No person shall sell or offer for sale any candy, ice cream, confection or any food or beverage for human consumption from any motor vehicle, vehicle or cart of any kind on any public street, sidewalk or public area in the Village, except between the times of sunrise and sunset, as set by the National Weather Service for Cleveland, Ohio.

SECTION 7: Section 751.99, Penalty, which currently reads as follows:

751.99 PENALTY.

(a) Whoever violates any provision of this Chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor.

(b) Whoever violates Section 751.05(f) is guilty of a misdemeanor of the fourth degree.

(c) Whoever violates Section 751.06(a) is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense.

(d) Whoever violates Section 751.07 is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the second degree for any subsequent offense.

Shall be and hereby is amended to read as follows:

751.99 PENALTY.

(a) Whoever violates any provision of this Chapter for which no penalty is otherwise

provided is guilty of a minor misdemeanor.

(b) Whoever violates Section 751.05 is guilty of a misdemeanor of the fourth degree.

(c) Whoever violates Section 751.06(a) is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense.

(d) Whoever violates Section 751.07 is guilty of a misdemeanor of the fourth degree for the first offense and a misdemeanor of the second degree for any subsequent offense.

SECTION 8: Section 751.04, Time Limit on Canvassing or Soliciting, enacted June 28, 2005, is hereby repealed.

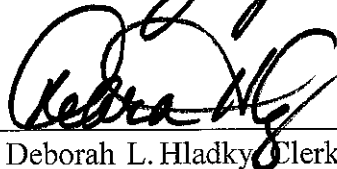
SECTION 9: The existing version of Oakwood Codified Ordinance Sections 751.01, 751.02, 751.05, 751.06, 751.07, and 751.99 be and hereby are repealed.

SECTION 10: The Codifier is hereby instructed to substitute the adopted versions of Codified Ordinance 751.01, Codified Ordinance 751.02, Codified Ordinance 751.05, Codified Ordinance 751.06, Codified Ordinance 751.07, and Codified Ordinance 751.99 in place of the previous versions of said Codified Ordinance 751.01, Codified Ordinance 751.02, Codified Ordinance 751.05, Codified Ordinance 751.06, Codified Ordinance 751.07, and Codified Ordinance 751.99 in the Oakwood Codified Ordinances.

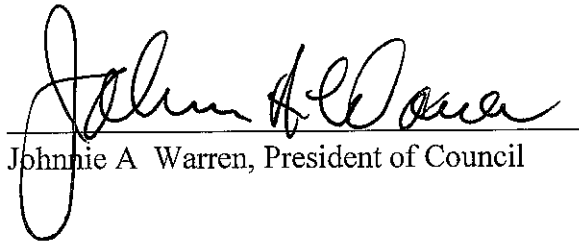
SECTION 11: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department and the need to ensure that Oakwood continues to operate in compliance with the Constitution, therefore, provided it receives two-third of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:

July 30, 2019



Deborah L. Hladky, Clerk of Council



Johnnie A. Warren, President of Council

Presented to the
Mayor

July 31, 2019

Approved: July 31, 2019

Gary V. Gottschalk
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2019 - 49 was duly and regularly passed by this Council at the meeting held on the 30 day of July, 2019.

Debra L. Hladky
Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2019 - 49 was duly posted on the 30 day of July, 2019, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Debra L. Hladky
Debra L. Hladky, Clerk of Council