

1 ORDINANCE NO. 2011-205

Late Filing

2
3 SPONSOR Mr. Feeman

4
5 DATE June 20, 2011

COMMITTEE: Rules

6
7 **An amended Ordinance amending Part Seven, Chapter 775 of the Codified Ordinances of**
8 **the County of Summit entitled "Solicitors, Peddlers and Canvassers" by amending Section**
9 **775.03 (b) for the County of Summit Council, and declaring an emergency.**

10
11 WHEREAS, solicitors, peddlers and canvassers are often in close contact with young
12 children and it is the desire of this Council to protect these young people; and

13
14 WHEREAS, keeping the transactions of solicitors, peddlers and canvassers in streets of
15 Summit County as safe as possible for all residents is important to this Council; and

16
17 WHEREAS, this Council has determined by reviewing all pertinent information that it is
18 in the best interest of the County of Summit to amend the Codified Ordinances to expand the
19 regulations for solicitors, peddlers and canvassers; and

20
21 NOW, THEREFORE BE IT ORDAINED by the Council of the County of Summit, State
22 of Ohio, that:

23
24 SECTION 1.

25
26 Section 775.03 of the Codified Ordinances of the County of Summit, entitled "License
27 Application and Requirements," as set forth in Chapter 775, entitled "Solicitors, Peddlers and
28 Canvassers," is hereby amended as follows:

29
30 **775.03 LICENSE APPLICATION AND REQUIREMENTS.**

31
32 (a) Application for licenses for itinerant vendor, hawker, peddler, solicitor, or
33 canvasser shall be filed with the Director of the Office of Consumer Affairs or designee on a
34 form, to be furnished by the Office of Consumer Affairs, which shall require, at least, the
35 following information:

- 36
37 (1) Name of applicant, physical description, date of birth, and telephone
38 number;
- 39
40 (2) Home address of applicant; Social Security number of applicant;
- 41
42 (3) Name, address, telephone number, and Tax ID Number of the company by
43 whom employed or for whom they are soliciting along with name of
44 supervisor;
- 45
46 (4) Length of service with such employer or person for whom they are
47 soliciting;
- 48
49 (5) All places of residence and all employment during the preceding year;
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- 3
- 4 (6) The nature and character of the goods to be sold or services to be sold or
- 5 services to be furnished by the applicant or the purpose for which funds are
- 6 being solicited;
- 7
- 8 (7) Name of the other township/villages/cities/counties in which the applicant
- 9 has recently conducted activities for which license is herein required;
- 10
- 11 (8) Whether the applicant has ever been convicted of a felony.
- 12
- 13 (9) Make, model, year, license plate number, and proof of insurance for any
- 14 vehicle used to solicit.
- 15

16 (b) Applicant shall furnish a valid government ID with a photograph. Such

17 application shall be made at least ten (10) days before the license is issued, and, in no event, shall

18 the license be issued prior to the receipt and review by the Office of Consumer Affairs of the

19 background check required under this section for any Applicant required to submit a background

20 check by this section.

21

22 (c) In the event the Applicant is an itinerant vendor, hawker or peddler operating out

23 of and selling, bartering or exchanging goods from a motor vehicle to consumers, such as an ice

24 cream, treats, and snacks vendor, Applicant shall furnish to the Office of Consumer Affairs a

25 BCI and FBI background checks in the manner set forth herein. Prior to or upon application,

26 applicant shall report to the Summit County Sheriff for fingerprinting and submittal of a request

27 for a BCI and FBI background checks, and shall complete the same. The Summit County Sheriff

28 shall indicate on all applicable forms that the results of the background check are to be submitted

29 by the BCI and FBI to the Office of Consumer Affairs. Applicant shall be responsible for paying

30 all costs associated with the background checks in accordance with the procedures, and in the

31 amount, established by the Summit County Sheriff, including any fee passed through to BCI or

32 FBI for processing the same. The Office of Consumer Affairs shall not issue any license under

33 this Chapter unless and until it has received the results of the BCI and FBI background checks

34 and has confirmed that the same does not include any conviction set forth in subsection

35 755.03(d).

36 (d) No person required to submit a background check pursuant to this Section shall be

37 issued a license under this Chapter if he or she has been convicted of, or pled guilty to, any of the

38 following criminal offenses or former municipal ordinance or law of this or any state or the

39 United States, substantially similar or equivalent to any of the following criminal offenses:

40 (1) Any offense involving a minor victim;

41 (2) Any sexually oriented offense, including, but not limited to, rape, sexual

42 battery, unlawful sexual conduct with a minor or corruption of a minor, gross sexual

43 imposition, sexual imposition, importuning, voyeurism, public indecency, procuring,

44 soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating

45 material harmful to juveniles, deception to obtain material harmful to juveniles,

46 possession of obscene material involving a minor, possession of sexually oriented

47 material involving a minor, possession of nudity-oriented material involving a minor, and

48 displaying matter harmful to juveniles;

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(3) Corrupting another with drugs, unlawful sale, distribution or trafficking, or the intent to unlawfully sell, distribute or traffic any illegal drug, controlled substance or narcotic within seven (7) years of conviction or guilty plea;

(4) Any assault within seven (7) years of conviction or guilty plea; and

(5) Unlawful possession of weapons within five (5) years of conviction or guilty plea; and

(6) Any homicide offense identified in Section ~~2901.01~~ ~~2903.01~~ et seq. of the Ohio Revised Code, or any substantially equivalent homicide offense under and Municipal law of another State.

~~(e)~~(e) No individual shall be allowed to solicit under the provisions of this chapter who has not yet reached the age of eighteen (18).

~~(f)~~(f) No license shall be issued to individuals under the age of eighteen (18).

SECTION 2.

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose to amend the Codified Ordinances to expand the regulations for solicitors, peddlers and canvassers.

SECTION 3.

The Clerk of Council is hereby directed to forward a certified copy of this Ordinance upon adoption to all law enforcement agencies in the County.

SECTION 4.

Provided this Ordinance receives the affirmative vote of six members, it shall take effect thirty (30) days after its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 5.

It is found and determined that all formal actions of this Council, concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

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ORDINANCE NO. 2011-205


PAGE FOUR

INTRODUCED May 16, 2011

ADOPTED June 20, 2011




CLERK OF COUNCIL



PRESIDENT

APPROVED June 21, 2011



EXECUTIVE

June 21, 2011
ENACTED EFFECTIVE

Voice Vote:11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prenice, Rodgers, Roemer, Schmidt, Shapiro,