

**ORDINANCE NO. 2005-27**

**AN ORDINANCE AMENDING  
CHAPTER 864, ENTITLED  
"PEDDLERS AND  
CONCESSIONAIRES" OF  
THE CODIFIED  
ORDINANCES OF THE CITY  
OF WAPAKONETA.**

FIRST READ	SECOND READ	THIRD READ	SUSPEND ADOPT			
			YES	NO	YES	NO
7-16-05	7-18-05	8-1-05			✓	
					✓	
					✓	
					✓	
					✓	
					✓	
					✓	
					7	0

WHEREAS, the Parks & Recreations Committee of the Council of the City of Wapakoneta has recommended that certain modifications to the Codified Ordinances of the City of Wapakoneta relating to peddlers and concessionaires be made.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wapakoneta, County of Auglaize, State of Ohio, to-wit:

**SECTION ONE**

THAT Chapter 864 of the Codified Ordinances be, and hereby is, amended to read as follows:

**CHAPTER 864  
Peddlers, Solicitors and Concessionaires**

THAT Chapter 864 of the Codified Ordinances be, and hereby is, amended to read as follows:

**864.01 DEFINITIONS.**

As used in this Chapter:

(a) "Peddler", "Solicitor", or "Concessionaire" means any person who solicits funds for any purpose whatsoever, or who sells or offers for sale within the City any goods or chattels of any kind or description by the use of telephone, by going door-to-door, or from place to place through the streets of the City, taking such goods or chattels with them, or 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 or the public streets, or who temporarily rents, leases or has special permission to use a space or site for the purpose of offering products and merchandise for sale. This definition does not apply to: subscription solicitors as regulated by Chapter 880 of the Codified Ordinances; persons selling agricultural articles or products offered for sale by the producer; to milk and dairy product delivery trucks; to local established service, fraternal, non-profit civic organizations, or charitable organizations; to activities conducted on the county fairgrounds; to special events or festivals which have specific prior approval of council; to minors under the age of 18, unless the same are employed by those to whom this definition does apply; to newspapers or general circulation in the City; to political candidates or their representatives; or to public utilities operating in the City.

(b) "Peddler's Permit" means the permit required by §864.02.

**864.02 PERMIT REQUIRED; PERMIT FEE; TERM.**

(a) No person shall engage in the business or activity of peddler, solicitor, or concessionaire, as defined in §864.01 without obtaining a permit from the City.

(b) A permit shall be issued by the Mayor, or his or her designee upon the filing with the office of the Mayor a written request for a permit. The written request shall contain the following information: name of applicant; home address; name and address of the person by whom employed; nature and character of goods, chattels, merchandise, or services to be sold or furnished by the applicant; and a personal description and history of the applicant. The applicant shall further furnish a recent photograph of himself and the Mayor, or his or her designee, may require such further information as he or she deems necessary including, but not limited to, driver's licenses, vehicle registrations, business, bank or personal references, including the names of other towns in which the applicant has recently conducted business, corporate information, copies of health, vendor or other licenses and permits.

(c) The fee for such permit shall be \$100.00 per year or any part thereof, except that, for special events or festivals, and with the prior approval of the Mayor, or his or her designee, the fee shall be \$10.00 per day or any part thereof.

(d) Any permit issued shall expire on December 31 of the year in which the permit is issued.

(e) If, during the period for which a permit is issued, and while the business or activity of peddler, solicitor, or concessionaire is taking place, any facts set forth in the written application is changed in any material way, such change shall be filed with the Mayor, or his or her designee, within one day after such change has taken place. Failure to do so on the part of the applicant shall immediately void the permit and no further permit shall be issued under the original written application.

#### **864.03 SUSPENSION OR REVOCATION OF PERMIT.**

(a) The Mayor may suspend a permit during its effective period upon written complaint furnished by any residents of the City so called upon by the permit holder as to any fraud, misrepresentation, any unlawful act in connection with the permit activity, or undue pressure being applied to resident by the permit holder and the suspension shall continue until such time as such accusation has been investigated. Upon completion of the investigation, the Mayor may permanently revoke the permit if it is found necessary for the safety and protection of the residents of the City.

(b) Any permit issued under the provisions of this chapter may be revoked at any time if the permit holder is guilty of fraud, misrepresentation or any unlawful act in connection with the permit activity or the permit application, or if the permit holder violates any provision of this chapter.

#### **864.04 RESTRICTIONS.**

Every person to whom a permit is issued under the terms of this chapter shall be governed by the following rules and regulations:

(a) No person subject to the provisions of this chapter shall peddle, solicit, or otherwise sell except between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday. In addition, no persons subject to provisions of this chapter shall peddle, solicit, or otherwise sell on any legal state or national holiday.

(b) No person subject to the provisions of this chapter shall enter or attempt to enter the house or apartment of any resident within the City without an express invitation of the occupant of the house or apartment.

(c) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statements during the course of that person's activity within the City.

(d) No person subject to the terms of this chapter shall engage in any business activity other than that specified on the permit.

Ord. 2005-27  
Page 3

(e) No person subject to the provisions of this chapter shall peddle, solicit, or otherwise sell upon any municipally owned or controlled property other than streets without the express written consent of the City Recreation Board.

#### **864.05 INSURANCE.**

Prior to a permit being issued under this chapter, the Mayor, or his or her designee, shall require proof of business liability insurance from and for the applicant, in the amount of no less than One Hundred Thousand Dollars (\$100,000) for injury to one person, Three Hundred Thousand Dollars (\$300,000) for injury to more than one person, and Fifty Thousand Dollars (\$50,000) for property damage. The insurance must be acceptable to and approved by the Director of Law. The policy shall contain a clause obligating the surety or insurance company writing the policy to give ten (10) days written notice to the City before cancellation of the policy. Upon the lapse, expiration or termination of the policy and insurance, the permit issued hereunder shall immediately terminate.

**864.06 REGISTRATION WITH INCOME TAX DEPARTMENT.**

Prior to the permit being issued under this chapter, the applicant must register with the Income Tax Administrator of the City to confirm arrangements for payment of the City Income Tax.

**864.07 EQUIPMENT ON VEHICLES.**

Vehicles used by any person subject to the provisions of this chapter for direct selling or peddling by stopping the same in a roadway or street shall be equipped with four-way hazard flashers or similar devices which shall be operated only when the vehicle is stopped and being used to dispense goods, chattels, products or merchandise.

**864.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

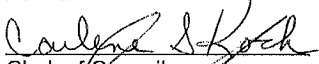
**SECTION TWO**

THAT existing Chapter 864 of the Codified Ordinances is hereby repealed.

**SECTION THREE**

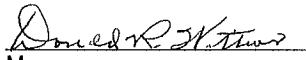
THAT this ordinance shall be in force from and take effect from and after the earliest period allowed by law.

Attest:

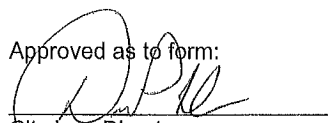
  
Clerk of Council

  
President of Council


Approved:

  
Mayor

Passed this 1<sup>st</sup> day of  
August, 2005

Approved as to form:  
  
City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF 8-4-2005 AND 8-11-2005.

  
CLERK OF COUNCIL