

ORDINANCE NO. 00-05

AN ORDINANCE REGULATING THE LICENSING AND
ACTIVITIES OF PEDDLERS, SOLICITORS, ETC.

SEC. 1. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler: Any person who shall sell or offer for sale, barter, or exchange at retail books, pictures, photographs, goods, wares, merchandise, magazines, oil, wood, fruits, vegetables, butter, poultry, fish, or country produce, traveling from place to place on, along, or upon the streets, alleys, of the city, town, or at the doors of houses or apartments or who shall sell or deliver such articles from any vehicle going from place to place, or who shall go about in the city or town selling and delivering such articles or offering the same for sale and carrying the articles offered with him.

Salesman: Any person who demonstrates any automobile, article, merchandise, mechanical devise, or other article or thing, or who offers for sale any insurance,

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stocks, bonds, or other tangible or intangible item without having made a definite appointment for that purpose with the customer previously to the time of going, either by telephone, letter or at the request of the customer. This definition is not intended to include a "wholesale salesman."

Solicitor: Any person who goes about the city or town offering for sale or taking orders for any books, magazines, photographs, pictures, goods, wares or mechanical devises, furniture, hardware or any other article or thing whatsoever.

SEC. 2. Prior Invitation Required to Approach Private Residences.

The practice of going in and upon private residences in the city or town, by solicitors, salesmen, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or occupant of the private residence, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and an offense.

SEC. 3. Hours of Operation.

No person shall operate as a salesman, peddler or

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6:00³

solicitor between ~~9:00~~ p.m. and 9:00 a.m.

SEC. 4. No-solicitation Signs.

- (a) It shall be illegal for any salesman, peddler or solicitor to enter upon the premises of any property where a sign "No Solicitors" is displayed.
- (b) Such sign must be plainly visible from the point of entry onto the premises.
- (c) Any person entering upon the premises where such a sign is displayed shall be guilty of a misdemeanor and shall be fined in an amount not less than twenty-five dollars (~~\$25.00~~^{75.00}) nor more than one hundred dollars (~~\$100.00~~^{150.00}) in addition to having his license revoked.

SEC. 5. License Required.

No person shall operate as a salesman, peddler or solicitor without a license issued by the city or town.

SEC. 6. Application and Issuance of License.

- (a) Every person desiring the license required by this ordinance shall make application in writing therefor to the clerk-treasurer, and state full name, residence, age type of work applicant expects to engage in, for

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whom applicant is selling and a character reference.

(b) The applicant shall deposit a license fee as required for the particular form of license issued. Before the license shall be issued, the applicant must go to the Clerk-Treasurer of the city or town, giving the same information to the department, together with a current photograph to be furnished by the applicant. Upon satisfactory evidence being submitted to the law enforcement of police that applicant is of good moral character and upon the payment of the required fee, there shall be issued to the applicant a license in a form to be approved by the clerk-treasurer and the chief of police, which form shall bear the signatures of these officers and a photograph of the person to whom the license is issued.

(c) The appropriate law enforcement agent may make such investigations of each applicant as he may deem proper and no license shall be issued until such investigation is completed.

SEC. 7. Moral Character of Licensee.

(a) No license shall be issued pursuant to this article to any person who is not of good moral character.

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- (b) The phrase "good moral character" shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.
- (c) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability to, and is likely to serve the public in a fair, honest, and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.
- (d) The following criminal records shall not be used, examined, or requested by the city or town in a determination of good moral character:
 - (1) Records of an arrest not followed by a conviction.
 - (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.

- (3) Records of an arrest or conviction for a misdemeanor, felony or an offense unrelated to the person's likelihood to serve the public in a fair, honest, and open manner.
- (4) Records of an arrest or conviction for a misdemeanor or an offense for the conviction of which a person may not be incarcerated in a jail or prison.
- (e) When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the clerk-treasurer with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the clerk-treasurer if he has relevant evidence not previously considered regarding his qualifications.

SEC. 8. Fee.

The fee to be paid to the city or town for the license required by this article shall be the sum of \$25.00 per day for each day the applicant intends to operate.

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SEC. 9. Term.

A license issued pursuant to the provisions of this article shall be valid for the length of time stated on the license.

SEC. 10. Display.

Every holder of a license issued pursuant to this article shall exhibit the same at the request of any police officer or any citizen of the city or town, and shall immediately upon making contact with a prospect in the city or town, exhibit such license and properly identify himself.

SEC. 11. Group Licenses Prohibited.

An individual license shall be issued for each person; each applicant must appear in person under his own signature.

SEC. 12. Revocation.

Licenses issued under the provisions of this article, may be revoked by the Town Board after notice and hearing, for any of the following reasons and causes:

- (1) Fraud, misrepresentation or false statements contained in the application for license;
- (2) Fraud, misrepresentation or false statements made

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in the course of carrying on his business as
peddler, solicitor or salesman;

(3) Any violation of this Ordinance;

(4) Conducting the business of peddling, soliciting or
selling in an unlawful manner as to constitute
breach of the peace or to constitute a menace to
the health, safety or general welfare of the
public.

APPROVED AS TO FORM AND LEGALITY:

Julie L. Pottenger
City Attorney

Lon Burns
Town Board President

First Reading: 6-8-00

Second Reading: 9-19-00

Effective Date: Oct. 12, 2000

Quincy J. Harris
Clerk of Town of Sharpsville

Distributed to Council: _____