

**CHAPTER 737**  
**Peddlers, Solicitors and Canvassers**

- 737.01** Definitions.
- 737.02** License required.
- 737.03** Exemptions.
- 737.04** Organizational liability.
- 737.05** License application.
- 737.06** Application investigation.
- 737.07** License issuance, fees, terms.
- 737.08** License refusal.
- 737.09** License suspension, revocation.
- 737.10** Transfer of license, identification card.
- 737.11** Display of identification card.
- 737.12** Street, road, and alley operations.
- 737.13** Sidewalk operations.
- 737.14** Prohibited acts, hours of operation.
- 737.15** Obstruction of public right-of-way.
- 737.16** Severability clause.
- 737.17** License appeals.
- 737.99** Penalty.

**CROSS REFERENCES**

- Power to inspect food products - see Ohio R.C. 715.46
- Power to regulate - see Ohio R.C. 715.61 et seq.
- Home solicitation sales - see Ohio R.C. 1345.21 et seq.
- Charitable solicitations - see Ohio R.C. Ch. 1716
- Frozen desserts - see Ohio R.C. 3717.51 et seq.
- Trespassing - see GEN. OFF. **541.05**
- Littering - see GEN. OFF. **521.08**

**737.01 DEFINITIONS.**

For the purpose of this Chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(a) "Commercial Sales Promoter" shall mean any corporation, partnership, unincorporated association, organization, business, or trade of any kind that causes or permits any employee, agent, volunteer, independent contractor or sub-contractor thereof, to engage in peddling, soliciting or canvassing.

(b) "Charitable" includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, veterans, medical and social research (either actual or purported).

(c) "Charitable organization" means an organization that has received from the Internal Revenue Service (IRS) a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(c)(3) of the "Internal Revenue Code".

(d) "Peddler or Solicitor or Canvasser" shall mean and include any person, either as principal or agent, volunteer, independent contractor or sub-contractor, who goes from place to place, selling or offering to sell, barter, or carry for sale or barter, or exposing therefore, upon any street, road, alley, doorway, sidewalk, vacant lot(s) or other tract of land, any goods, wares, merchandise, samples, food or drink for human consumption, services or other commodity, carried by hand, from portable stands, tables, containers, display stands or any other materials brought to the location, to the consuming public whether or not the material is actually delivered at the time of sale.

(e) "Peddling or Soliciting or Canvassing" is the activity described in Section [737.01](#)(d).

(f) "Consumer goods or services" shall mean goods or services purchased, leased or rented primarily for personal, family or household purposes.

(g) "Goods or Wares or Merchandise" shall mean tangible commodities such as products or materials that are intended to satisfy the want or need of a consumer or any skill or service that one seeks to sell.

(h) "Religious organization" means 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.

(i) "Services" is the duty or labor to be rendered by one person to another.

(j) "Consumer Services" shall mean any kind of services offered to the public.

(k) "Place to Place" shall mean, progressing from one (1) street address to another street address to peddle, solicit or canvass.

(l) "Special Event" means any activity or gathering or assemblage of people upon the public right-of-way for which a permit has been issued by the City of Mansfield.

(m) "Business" shall mean dealings or transactions of an economic nature or enterprise or persons engaged in an occupation, business or industry.

(n) "Trade" shall mean the business or work in which one engages regularly.

(Ord. 14-018. Passed 2-4-14.)

### **737.02 LICENSE REQUIRED.**

(a) No person shall engage in the act of peddling, soliciting, or canvassing as defined in Section [737.01](#) within the City of Mansfield without first obtaining a commercial sales license to peddle, solicit, or canvass in accordance with the provisions of this Chapter.

(b) No corporation, partnership, unincorporated association, organization, or business of any kind, shall cause or permit any employee, agent, volunteer, independent contractor, or subcontractor thereof, to engage in the act of peddling, soliciting, or canvassing as defined in Section [737.01](#) within the City of Mansfield without first obtaining a commercial sales promoter's license in accordance with the provisions of this Chapter.

(Ord. 14-018. Passed 2-4-14.)

### **737.03 EXEMPTIONS.**

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales promoter license under this section:

(a) State and local governmental departments, agencies and subdivisions, including public schools;

- (b) State accredited private schools and academies;
- (c) Civic, patriotic, and political groups, recreational, fraternal, charitable, religious or cultural organizations;
- (d) Special events as defined in Section [737.01](#)(1);
- (e) A person who does not go place to place and who sells items they grow, raise or manufacture on private property. However, this person must be able to prove, preferably in writing, that he/she has permission from the property owner to sell.

Any law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption.

(Ord. 14-018. Passed 2-4-14.)

#### **737.04 ORGANIZATIONAL LIABILITY.**

The organization sponsoring or employing individuals violating any of the provisions of Chapter [737](#) may be prosecuted and held liable for the criminal penalties contained herein.

(Ord. 05-271. Passed 12-20-05.)

#### **737.05 LICENSE APPLICATION.**

In addition to other provisions of this Chapter, each applicant for a commercial sales or commercial sales promoter license shall file an application on forms provided by the Bureau of Building, Inspections, Licenses, and Permits. Applications shall contain the following information and or material:

##### **(a) Commercial Sales.**

(1) Name, address, telephone number, date of birth, social security number, copy of Sate issued drivers license or other government issued photo identification, if individual does not have a drivers license;

(2) Business name or DBA, address and telephone number, if different from above;

(3) Proof of Ohio Department of Taxation Itinerant Vendors License, if required;

(4) Any change in information required to be submitted by this Chapter must be provided by application within ten (10) calendar days of any such change;

(5) Any other information required or requested by the Bureau.

##### **(b) Commercial Sales Promoter.**

(1) Name, address, telephone number, date of birth, social security number, copy of Sate issued drivers license or other government issued photo identification, if individual does not have a drivers license;

(2) Business name or DBA, address, and telephone number, if different from above;

(3) Proof of Ohio Department of Taxation Itinerant Vendors License, if required;

(4) Any change in information required to be submitted by this Chapter must be provided by application within ten (10) calendar days of any such change;

(5) Any other information required or requested by the Bureau.

(c) In the case where any person applies for a commercial sales promoter license on behalf of any corporation, partnership, unincorporated association, organization, business or trade, such person shall provide the following:

(1) Name, address, telephone number, date of birth, social security number, copy of Sate issued drivers license or other government issued photo identification, if individual does not have a drivers license;

(2) Business name, address and telephone number;

(3) Proof of Ohio Department of Taxation Itinerant Vendors License under the business name, if required;

- (4) A letter on business letterhead authorizing the act of licensing matters;
  - (5) Any change in information required to be submitted by this Chapter must be provided by application within ten (10) calendar days of any such change;
  - (6) Any other information required or requested by the Bureau.
- (Ord. 14-018. Passed 2-4-14.)

#### **737.06 APPLICATION INVESTIGATION.**

The Bureau of Building, Inspections, Licenses, and Permits shall examine all applications filed under this Chapter and shall make, or cause to be made, any further investigation as is deemed necessary in order to perform duties prescribed by this Chapter. This includes, but is not limited to, obtaining a BCI record check from the Richland County Sheriff's Department for each individual or individual acting on behalf of any corporation, partnership, unincorporated association, organization, business or trade, applying for a license under this Chapter. Such record check shall be submitted to the Bureau by the applicant, at the time all other application documents are submitted. This record check will then be reviewed by the Mansfield Police Department.

(Ord. 14-018. Passed 2-4-14.)

#### **737.07 LICENSE ISSUANCE, FEES, TERMS.**

- (a) Licenses required by this Chapter may be issued to applicants who:
  - (1) Have filed a complete application as required by Section [737.05](#) of this Chapter; and
  - (2) Are found to be in total compliance with all other applicable city, state and federal laws including having all other required licenses and permits; and
  - (3) Have made payment of the proper license fees; and
  - (4) Have submitted a BCI record check as required by Section [737.06](#) of this Chapter.
- (b) Yearly licenses issued under this Chapter shall expire on the date one (1) year from the date of issue.
  - (1) Commercial sales license shall have an annual fee of one hundred fifty dollars (\$150.00).
  - (2) Commercial sales promoter license shall have an annual fee of three hundred dollars (\$300.00).
- (c) Tri-annually licenses may be issued for the following periods and not to exceed four (4) months:
  - (1) January through April, May through August, September through December.
  - (2) Commercial sales or commercial sales promoter licenses tri-annually shall have a fee of seventy-five dollars (\$75.00).
- (d) An applicant may submit an application for a license no earlier than thirty (30) days in advance of the period during which a license is renewable.
- (e) In addition to all fees referenced above, all applicants must pay all applicable fees in obtaining a BCI record check from the Richland County Sheriff's Department.

(Ord. 14-018. Passed 2-4-14.)

#### **737.08 LICENSE REFUSAL.**

The Bureau Building, Inspections, Licenses, and Permits may refuse to issue licenses required by this Chapter to any person or person acting on behalf of any corporation, partnership, unincorporated association, organization, business or trade:

- (a) Who has made any false statement on the application; or
- (b) Who is under the age of eighteen (18) years of age; or
- (c) Who has not complied with all applicable provisions of this Chapter; or

(d) Who has been convicted of a felony, misdemeanor or code violation involving a sex offense, traffic in controlled substances, or any offense of violence, such conviction being entered within the seven (7) years preceding the date of application; or

(e) Whom a judgment based upon, fraud, deceit, misrepresentation, or has been convicted of a theft offense within seven (7) years preceding the date of application; or

(f) Who has been denied a license under this Chapter within the immediate past year; unless the applicant can and does show to the satisfaction of the Bureau that the reasons for such earlier denial no longer exist; or

(g) For any other reason to protect the public peace, health, safety, and welfare of the City of Mansfield.

(Ord. 14-018. Passed 2-4-14.)

### **737.09 LICENSE SUSPENSION, REVOCATION.**

Licenses issued under this Chapter may be suspended or revoked by the Bureau of Building, Inspections, Licenses, and Permits for one (1) or more of the following reasons:

(a) Commercial Sales.

(1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or

(2) Violation of any provision of this Chapter; or

(3) Failure to display the identification card as is required in this Chapter; or

(4) Failure to notify the Bureau of a change of address within ten (10) days of such change;

or

(5) Failure to have valid permits or licenses required by any other city, local, state or federal agency; or

(6) Conviction of any criminal or traffic offense while operating, or conviction of any criminal offense involving theft or fraud; or

(7) For any of the reasons which could have been grounds for refusing to issue the original license; or

(8) Knowingly operating or working for any unlicensed commercial sales promoter.

(b) Commercial Sales Promoter.

(1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or

(2) Violation of any provision of this Chapter; or

(3) Failure to notify the Bureau of a change of address within ten (10) days of such change;

or

(4) Knowingly allowing employees to operate without having valid permits or licenses required by any other city, local, state or federal agency; or

(5) Conviction of any criminal offense involving theft or fraud; or

(6) For any of the reasons which could have been grounds for refusing to issue the original license; or

(7) Knowingly causing, permitting or allowing any employee, agent, volunteer, independent contractor or subcontractor thereof to operate without a commercial sales license.

(c) Upon the suspension or revocation of any license issued under this Chapter, such license shall immediately be removed from public view and shall be returned to the Bureau within seven (7) days of such suspension or revocation, unless a stay is granted by the Bureau.

(Ord. 14-018. Passed 2-4-14.)

### **737.10 TRANSFER OF LICENSE, IDENTIFICATION CARD.**

No license or identification card issued under this Chapter shall be assigned or transferred by the named licensee to any other individual or organization.

(Ord. 14-018. Passed 2-4-14.)

### **737.11 DISPLAY OF IDENTIFICATION CARD.**

All persons licensed under this Chapter shall display their identification card in a prominent manner so it is visible to the public while conducting activities permitted by this Chapter and, shall be subject to inspection, upon demand, by any member of the Bureau of Building, Inspections, Licenses, and Permits, law enforcement officer or by any person engaged in business with the peddler, solicitor or canvasser. (Ord. 14-018. Passed 2-4-14.)

### **737.12 STREET, ROAD AND ALLEY OPERATIONS.**

Peddlers, solicitors or canvassers shall not sell, offer for sale, barter, or carry for sale or barter, or offer for sale any goods, wares, merchandise, food or drink for human consumption, confectionery, services or other commodity upon a street, road, alley or service road or the public property, or alongside a street, road, alley or service road. Except as otherwise stated in this Chapter or in Chapter [759](#) (Permits for Vending Devices in the Central Business District) or Section [371.06](#) (Use of Highway for Soliciting).

(Ord. 14-018. Passed 2-4-14.)

### **737.13 SIDEWALK OPERATIONS.**

No person licensed as a peddler, solicitor or canvasser shall sell, offer to sell, barter, or carry for sale or barter or expose for sale upon any sidewalk or any other City owned property, except as otherwise stated in the Mansfield Codified Ordinances, or in accordance with all the following provisions:

(a) Merchandise shall be continuously carried physically by a licensed peddler, solicitor or canvasser.

(1) Peddlers, solicitors or canvassers shall not stand or remain stationary unless actively engaged in making a sale.

(2) Merchandise may be placed on the ground when actively engaged in making a sale.

(b) Peddlers, solicitors or canvassers confined to a wheelchair or who have a physical disability, which makes it impractical to physically carry merchandise for sale or barter continuously, may have two (2) containers not larger than twelve (12) inches and may be placed on the ground next to the wheelchair.

(c) Peddlers, solicitors or canvassers:

(1) Shall maintain a distance of five (5) feet of sidewalk space from the sidewalk curb;

(2) Shall maintain a distance of twenty (20) feet from an intersection with a street, road or alley;

(3) Shall maintain a distance of ten (10) feet from a pedestrian crosswalk or intersecting sidewalk;

(4) Shall maintain a distance of ten (10) feet from a taxi stand, tunnel or mailbox;

(5) Shall maintain a distance of ten (10) feet from a fire hydrant;

(6) Shall not obstruct in any way a loading zone, traffic control box, fire alarm box, parking meter, any sidewalk fixture or furniture, bus stop or a legally parked vehicle;

(7) Shall not obstruct any display windows or doorways of any merchant;

(8) Shall not use a power generator of any type or a power cord of any type;

(9) Shall not obstruct in any way or interfere with or prevent the free flow of pedestrian or vehicular traffic;

(10) Shall not obstruct in any way or interfere with public works or construction projects;

(11) Shall during the period of selling keep the area within twenty-five (25) feet of that location free from all litter and debris arising, including the litter which arises from actions of customers in disposing of wrapping or packaging materials sold by the peddler, solicitor or canvasser. When two (2) or more peddlers, solicitors or canvassers occupy overlapping areas they shall each be jointly responsible for the overlapping areas;

(12) Shall not display or advertise any merchandise or services from any utility pole, sign, tree, planter, trash container, parking meter, bridge, newspaper stand, sidewalk fixtures or furniture, portable signs of any type, traffic control box, motor vehicle, bicycle or any other type of motorized conveyance, or any other criteria deemed reasonably inappropriate by any member of the Bureau of Building, Inspections, Licenses, and Permits or a police officer, for the public health, welfare and safety;

(13) Shall not use or store merchandise or services from any box, bucket, cooler, tub, or any other container, table, chair, bench, cabinet or any other furniture of any kind, racks, dolly, wheelbarrow, grocery cart, baby carriage, stroller, easel, handcart or any other criteria deemed reasonably inappropriate by any member of the Bureau of Building, Inspections, Licenses, and Permits or a police officer, for the public health, welfare and safety;

(14) Shall not use any signage upon the public right-of-way of any street, road, alley, sidewalk or bikeway.

(Ord. 14-018. Passed 2-4-14.)

#### **737.14 PROHIBITED ACTS, HOURS OF OPERATION.**

In addition to other provisions of this Chapter, no peddler, solicitor or canvasser shall:

- (a) Operate between the hours of 6:00 p.m. and 9:00 a.m. when engaged in peddling, soliciting or canvassing door-to-door in areas zoned as residential;
- (b) Enter a private residence under pretenses other than for peddling, soliciting or canvassing;
- (c) Fail, or refuse to leave peacefully private property immediately after the owner, occupant, landowner's agent or representative has requested to do so;
- (d) Enter upon the land of a private residence or multi-unit property to peddle, solicit or canvass when the owner or occupant thereof has displayed a "no peddling", "no soliciting" or "no canvassing" sign on such premises;
- (e) Sell, offer for sale, barter, or carry for sale or barter or expose for sale any merchandise or services on private property unless express written permission has been granted by the property owner or agent authorized to do so. Written permission shall be furnished upon application or at the request of any member of the Bureau of Building, Inspections, Licenses, and Permits or a police officer.

(Ord. 14-018. Passed 2-4-14.)

#### **737.15 OBSTRUCTION OF PUBLIC RIGHT-OF-WAY.**

In addition to other provisions of this Chapter, peddlers, solicitors or canvassers shall not obstruct pedestrian or vehicular traffic upon any sidewalk, driveway, street, road, alley or other public right-of-way, unless otherwise provided in the Mansfield Codified Ordinances. Peddlers, solicitors or canvassers leaving less than five (5) feet of space available for pedestrian traffic on a sidewalk shall be considered obstruction of pedestrian traffic.

(Ord. 14-018. Passed 2-4-14.)

#### **737.16 SEVERABILITY CLAUSE.**

If any particular portion of this Chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared

invalid. This declaration of invalidity shall not affect or impair the remainder of this Chapter, and to this end, the provisions are severable.

(Ord. 14-018. Passed 2-4-14.)

**737.17 LICENSE APPEALS.**

Any individual or organization who has been refused a license or renewal of a license under this Chapter or has had a license issued under this Chapter suspended or revoked, may appeal such decision to the Mansfield Safety-Service Director, whose decision shall be final.

(Ord. 14-018. Passed 2-4-14.)

**737.99 PENALTY.**

(a) Whoever violates Section [737.02\(a\)](#) of this Chapter is guilty of failing to obtain a commercial sales license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this Chapter, a violation of this Section is a misdemeanor of the second degree.

(b) Whoever violates [737.02\(b\)](#) of this Chapter is guilty of failing to obtain a commercial sales promoter license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this Chapter, a violation of this Section is a misdemeanor of the second degree.

(c) Whoever violates any other section of this Chapter is guilty of a misdemeanor of the fourth degree. If the offender has a prior conviction for a violation of this Chapter, a violation of any other section of this Chapter is a misdemeanor of the third degree.

(d) A person may not be found guilty of violating Sections [737.02\(a\)](#) or [737.02\(b\)](#) if the person proves as an affirmative defense that the person falls within the exceptions delineated in Section [737.03](#). (Ord. 14-018. Passed 2-4-14.)