

ORDINANCE NO. 2023-07

**AN ORDINANCE PROVIDING FOR THE REGULATION OF
PEDDLERS/SOLICITORS IN THE VILLAGE OF ARCANUM, OHIO**

WHEREAS, Council for the Village of Arcanum, Ohio (“Village”) has determined that it is necessary for public safety and security to regulate peddlers/solicitors within the Village of Arcanum; and

WHEREAS, Council of the Village of Arcanum, Ohio desires to adopt permitting procedures and regulations for peddlers/solicitors operating within the Village of Arcanum;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Arcanum, Darke County, Ohio as follows:

SECTION ONE: Definitions

For the purpose of this Ordinance, a peddler/solicitor is defined as any person who attempts to sell any item door to door, solicit future sales, or solicit appointments to demonstrate items for sale.

SECTION TWO: Hours Regulated

All business conducted by peddlers/solicitors shall be conducted solely between the hours of 9:00a.m. and 5:00p.m. Monday – Saturday. No business is to be conducted on Sunday.

SECTION THREE: Permit Fees & Requirements for Peddlers and Solicitors

Every individual who intends to solicit sales door to door within the corporation limits of the Village of Arcanum, Ohio must register with the Mayor or their designee, and pay a **daily permit fee for each individual applicant of \$ 25.00.**

A Village issued vendor’s permit must be obtained before engaging in any solicitation activity and must contain the following information:

- (1) A description and photograph of the applicant;
- (2) A description of any vehicle proposed to be used in the business, including its registration number and state where the registration was issued;
- (3) All applicants submitting for a license that do not own the business which they are soliciting for, must provide a letter from the soliciting business, authorizing applicant to be a representative of said company;
- (4) Any such other information that the Mayor or designee so requires; and
- (5) Local police background check.

SECTION FOUR: When peddler/solicitor permits are not required.

The provisions of this ordinance shall not apply to any of the following:

- (1) Any person who is unable to obtain an Ohio Concealed Carry Weapon (CCW) permit shall be ineligible to obtain a peddler/solicitor permit in the Village of Arcanum;
- (2) Any sale under order of a court having jurisdiction within the Village;
- (3) Any public auction;
- (4) Any wholesale transaction to a retail business located within the Village;

- (5) Any sale by a representative or agent of an organization sponsored by a public school or youth organization;
- (6) Any sale by a representative or agent of a charitable organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 196, as amended from time to time; and
- (7) Any business that has obtained a vendor's license and is attempting to solicit sales at the business location listed on said vendor's license.

SECTION FIVE: Duty of Solicitors

It shall be the duty of every licensed solicitor upon going onto any premise in the municipality upon which a residence is located to determine the effect of a sign conspicuously posted stating, "NO SOLICITORS ALLOWED." If the notice is so stated, the peddler/solicitor shall immediately depart from the premises.

A Peddler/Solicitor must show proof of Peddler/Solicitor permit issued by the Village of Arcanum upon arrival to each premise.

SECTION SIX: Penalties

Whoever violates this Ordinance is guilty of a minor misdemeanor on the first offense. Any person who commits a subsequent violation of this Ordinance shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.

SECTION SEVEN: Conflicting Provisions

This Ordinance shall be read in conjunction with Chapter 112 of the Ohio Basic Code. If any section of this ordinance conflicts with any of the sections set forth in Chapter 112, the sections in this Ordinance shall take precedence over those in Chapter 112 of the Basic Code.

Passed this 28th day of February, 2023



Bonnie L. Millard, Mayor



Jerry L. Boolman, Council President Pro Tem

ATTEST:


Toni M. Stanley, Fiscal Officer

1st Reading: 02/14/2023
2nd Reading: 02/28/2023
3rd Reading:
Three Reading Rule Waived: 02/28/2023
Emergency Declared: