

CITY OF BROOK PARK, OHIO

P/C 2-27-18 SAFETY
CA 2-27-18
1st R 3-6-18 AS Amended
2nd R _____
3rd R _____
P/C _____
CAUCUS PRICE 3/6/18
AS Amended

ORDINANCE NO: 11016-2018

INTRODUCED BY: COUNCILMAN ORCUTT, COUNCIL AS A WHOLE and
MAYOR GAMMELLA

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 715
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED PEDDLERS, SOLICITORS, AND CANVASSERS'
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to provide our residents with a "Do Not Knock Registry for solicitors and peddlers; and

WHEREAS, this Council and Administration feel that the City should help safeguard our children while in our neighborhoods by adding a requirement of adult presence while selling merchandise in our City; and

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Chapter 715.03 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

715.03 SALES ON PRIVATE PROPERTY.

(a) License or Registration Required. No peddler or solicitor shall peddle or solicit within the City, unless he or she is the holder of a valid license issued pursuant to this chapter.

(b) Application; Fee; License; Registration.

(1) Any person seeking a license in conformity with this chapter shall obtain an application for the same from the Chief of Police and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Chief, which shall contain the following information:

- A. Full name of applicant;
- B. Date of birth of the applicant;
- C. Local address, if any;
- D. Permanent home address;
- E. A physical description of the applicant, setting forth age, height, weight, color of hair and eyes and sex;
- F. Social Security number;
- G. A description of the nature of the business and the goods, wares, merchandise, property and/or services to be sold;
- H. Telephone number of the applicant;
- I. Name and address of organization the peddler or solicitor represents;

J. Whether the applicant has ever been convicted of a crime, and if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any;

K. Such other information as the Chief may require in order to protect the public health, safety and/or general welfare.

(2) All license applications shall be referred to the Chief who shall, within five days after receipt of the completed application, issue a license unless he or she finds that:

A. The applicant has provided false, misleading or deceptive information in his or her application; and/or

B. The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving weapons, theft, moral turpitude or violence within the past five years.

All licenses issued under this chapter shall be valid for not more than 180 days. A separate license shall be required for each individual solicitor or peddler even though there may be a single employer.

(3) Each applicant shall pay a nonrefundable license application fee of fifteen dollars (\$15.00), which fee shall be paid at the time the application is submitted.

(4) Once issued, a license may be used only in conformity with the laws of the City and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Chief of Police for any of the following causes:

A. The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.

B. The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.

C. The licensee violates any provision of this chapter or peddles or solicits in any unlawful manner.

D. Upon written complaint being filed with the Police Department, that the licensee has made himself obnoxious to the public by use of indecent, profane, or insulting language or has made or perpetrated any misstatement, deception, or fraud in connection with any solicitation or sale, and if said complaint is found to be true, the license of such solicitor shall be revoked.

(c) Individuals or corporations soliciting or peddling on behalf of an educational, religious, civic or charitable organizations and minors soliciting or peddling on behalf of youth organizations, such as the Scouts of America or the 4H Club, are not required to apply for a license.

(d) Restrictions; Hours; Conduct. Every person to whom a license to peddle or solicit is issued and every canvasser shall be governed by the following rules and regulations:

(1) No person subject to the provision of this chapter shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 8:00 p.m.

(2) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house or apartment or other

dwelling in the City without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(3) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(4) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment, or other dwelling in the City without the consent of any adult occupant of the residence, house, apartment or other dwelling in the City.

(e) Resident Prohibition by Notice. Notwithstanding other provisions of this chapter, no peddler, solicitor or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the City upon which there is posted at the entrance a notice which reads "No Soliciting," or "No Trespassing" or words of similar import, which clearly prohibits peddlers, solicitors and/or canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

(f) The City will make available placards or stickers that state either "No Trespassing" or "No Soliciting" to residents and make them available at the Police Department.

SECTION 2: Existing Section 715.03 of the City's Codified Ordinances and all other Ordinances inconsistent herewith are hereby repealed.

SECTION 3: Section 715.06 of the Codified Ordinances of the City of Brook Park is hereby enacted to read as follows:

715.06 RESIDENT PROHIBITION BY NOTICE.

(a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall manage for the City a "Do Not Knock Registry" ("Registry") and is authorized to contact persons on the Registry to distribute "Do Not Knock" stickers to them at no cost to the City or to said persons. NOPEC shall further contact persons listed on the Registry to update the Registry on a quarterly basis each year.

(b) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the Do Not Knock Registry by submitting a request on form(s) supplied by the Director of Public Safety, or by submitting a request online at www.blocktheknock.com or at a Block the Knock community event, which shall contain the following information:

(1) The name and signature of the person completing the form(s), unless the submission is done electronically;

(2) The complete address of the residence, house, apartment, or other dwelling to be placed on the Do Not Knock Registry;

(3) A valid email address of the person completing the form(s);

(4) The date the form was completed;

(5) A statement that "No Solicitors or Peddlers Shall Call at this Address" or words of similar import; and

(6) The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that peddlers or solicitors not knock at his or her residence, house, apartment or other dwelling.

(c) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City or NOPEC to remove his or her residence, house, apartment or other dwelling from the Do Not Knock Registry by submitting a Notice of Removal form supplied by the Director of Public Safety, or by submitting a request online to www.blocktheknock.com which shall contain the following information:

(1) The name and signature of the person completing the form;

(2) The complete address of the residence, house, apartment or other dwelling to be removed from the registry;

(3) The date the form was completed; and

(4) A statement that the residence, house, apartment or other dwelling be removed from the Do Not Knock Registry.

(d) The decision whether to place a residence, house, apartment or other dwelling on the Do Not Knock Registry shall be solely that of the lawful possessor and occupant thereof and no official, agent or employee of the City of Brook Park shall interfere with said decision.

(e) A residence, house, apartment or other dwelling, after being lawfully placed on the Do Not Knock Registry shall remain on said registry until the earliest of any of the following:

(1) The City or NOPEC receives a Notice of Removal pursuant to division (c) of this section; or

(2) The City or NOPEC receives formal notice that the person who submitted the form pursuant to division (b) of this section is not or is no longer a lawful possessor and occupant of the premises.

(f) A copy of the Do Not Knock Registry shall be made available for public inspection during normal business hours at the office of the Director of Public Safety.

(g) Notwithstanding any other provision of this chapter, no peddler, while peddling, or solicitor while soliciting, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City which is at that time on the Do Not Knock Registry established and maintained pursuant to this chapter or upon which there is posted at the entrance a notice which reads "No Peddlers Allowed," "No Solicitors Allowed," "Do Not Knock" or other words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the lawful possessor and occupant thereof.

SECTION 4: 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.

SECTION 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Chapter 715 of the Brook Park Codified Ordinances; therefore, provided this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: March 6, 2018

M. J. P. Kubi
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council
as amended

APPROVED: [Signature]
MAYOR

3/9/18
DATE

I HEREBY APPROVE THE WITHIN DOCUMENT AS TO LEGAL FORM AND CORRECTNESS
[Signature]
DIRECTOR OF LAW

CERTIFICATE
Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11016-2018 passed on the 6th day of March 2018 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing March 13, 2018
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindeexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>