

APPLICATION FOR CERTIFICATE OF REGISTRATION

Pursuant to Chapter 745 of the Codified Ordinances of the City of Willoughby

Name of Applicant _____
Address _____
Telephone _____ Driver's License # _____
Height _____ Weight _____ Hair Color _____ DOB _____ Sex _____
Place of Residence Preceding Year _____
Name of Organization for which Applicant Purports to Act _____
Address _____ City _____ State _____ Zip _____
Telephone _____
Name of Officer or other Official of Organization _____
Telephone _____
Nature of Goods or Services Offered _____
Compensation to be Paid by Organization to Applicant _____

Applicant must present Photo Identification, i.e., Driver's License for copy.

The Applicant agrees that he/she will comply with all of the requirements of Chapter 745 of the Codified Ordinances of the City of Willoughby and acknowledges that he/she has been provided a copy of Chapter 745 attached hereto.

Per Willoughby Codified Ordinance Chapter 745, no person shall act as a door-to-door salesperson calling at residences without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the Director of Safety a Certificate of Registration. Likewise, no peddler shall sell or offer for sale in this City any goods, merchandise, or services without first having secured from the Director of Public Safety a Certificate of Registration. There shall be no fee for such Certificate. A separate Certificate shall be required for each individual salesperson or peddler, even though there may be a single employer. Please allow three (3) business days for the processing of applications.

Persons calling door to door acting for a political, religious, or charitable organization are exempt from the requirement of obtaining a Certificate.

If you have any questions, please call the Public Safety Director's Office at (440)953-4124, or you may fax the application to (440)953-4167.

CHAPTER 745
Solicitors and Canvassers

745.01	Definitions.	745.04	Unlawful trespass.
745.02	Notice prohibiting canvassing or solicitation.	745.05	Time limit on canvassing or solicitation.
745.03	Canvassing or solicitation in violation of notice.	745.06	Permit required.
		745.99	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.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Disturbing the peace - see GEN. OFF. 509.08
 Littering - see GEN. OFF. 521.08
 Trespassing - see GEN. OFF. 541.05
 Fraudulent advertising - see BUS. REG. 703.01

745.01 DEFINITIONS.

Whenever used in this chapter, the following words shall be as herein defined unless a different meaning clearly appears from the context:

- (a) "Canvasser" means any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:
- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services, for either present or future delivery;
 - (2) Seeking to obtain subscriptions to books, magazines, periodicals, and newspapers
 - (3) Taking of a poll or census by any person, firm, or corporation other than a governmental body or agency thereof.
- (b) "Charitable" means the purpose of an organization that has received a letter of determination approving tax exempt status under Title 26 of the United States Code Section 501(c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

- (c) "Commercial" means the purpose of solicitation that is not noncommercial, as defined in this Section.
- (d) "Corporation" means a legal entity that has a legal personality distinct from those of its members that has filed articles of incorporation with the Ohio Secretary of State.
- (e) "Noncommercial" means the purpose of canvassing or solicitation that is charitable, as defined in this Section, religious or political.
- (f) "Person" means any individual, firm, partnership, joint venture, association, social club, league, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word person shall include the definition of corporation.
- (g) (1) "Solicitation" includes the act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the City either:
- A. Requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
 - B. Taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
 - C. Selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling".
- (2) Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:
- A. A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
 - B. A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
 - C. A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter;
 - D. A person conducting a poll, survey or petition drive in regard to any political matter;
 - E. A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.
- (h) "Solicitor" means any person, whether a resident of the City or not, engaged in solicitation. (Ord. 2009-17. Passed 3-17-09.)

745.02 NOTICE PROHIBITING CANVASSING OR SOLICITATION.

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers or solicitors shall be given by displaying a weatherproof card, decal or sign not less than three by four inches (3" x 4") in size nor more than one (1) square foot in total surface area upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited", with letters at least one-third inch (1/3") in height. Any such sign that complies with the requirements of this section shall be exempt from any additional or different requirements contained in any ordinance regulating signs and sign locations in the City. (Ord. 2009-17. Passed 3-17-09.)

745.03 CANVASSING OR SOLICITATION IN VIOLATION OF NOTICE.

It is unlawful and shall constitute a trespass for any person to go upon any premises and ring the doorbell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing as defined in Section 745.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 745.02. (Ord. 2009-17. Passed 3-17-09.)

745.04 UNLAWFUL TRESPASS.

It is unlawful and shall constitute a trespass for any person to refuse or fail to leave any residence or place of business upon being requested by the occupant of said premises. (Ord. 2009-17. Passed 3-17-09.)

745.05 TIME LIMIT ON CANVASSING OR SOLICITATION.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and attempt to attract the attention of the occupant of such residence for the purpose of talking to the occupant(s) thereof and to engage in canvassing as defined in Section 745.01 prior to the hours of 9:00 a.m. and after 9:00 p.m. on any day. (Ord. 2009-17. Passed 3-17-09.)

745.06 PERMIT REQUIRED.

(a) **Registration Required.** No person shall act as a canvasser or solicitor in this City without first having registered as such with the Director of Public Safety. No fee shall be required. However, the Director of Public Safety shall issue a certificate of registration to each applicant and such certificate shall be carried on the person at all times when engaged in such canvassing, solicitation, or sales and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made. Each canvasser or solicitor shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code, if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution, and the date and shall be signed by the solicitor.

(b) Registration Application; Contents. Application for a certificate of registration shall be made upon a form provided by the Director of Public Safety. Each application shall contain, among other information, the name, address and the telephone number of the person completing the application; the name, address, and telephone number of the organization for which he purports to act; the name of an officer or other official of the organization; the nature of the goods or services for which he will take orders in the case of door-to-door salespersons in interstate commerce; the compensation, if any, which he or other canvassers or solicitors are to receive for their services; and such other information as the Director of Public Safety may require.

(c) Six Month Limitation. In no case shall any certificate of registration for canvassers, solicitors or door-to-door salespersons in interstate commerce be valid for more than a six-month period. The certificate of registration shall state the expiration date thereof.

(d) Registration Revocation. Any certificate of registration issued hereunder shall be revoked by the Director of Public Safety if the holder thereof is convicted of a violation of any of the provisions of this Chapter, or has made a false material statement in the application. Immediately upon such revocation, written notice thereof shall be given by the Director of Public Safety to the holder of the certificate of registration in person or by certified U.S. mail addressed to his residence address as set forth in the application, and if applicable to the firm or organization the holder of the certificate of registration represents. Immediately upon the giving of such notice, the certificate of registration shall become null and void. (Ord. 2009-17. Passed 3-17-09.)

745.99 PENALTY.

(a) Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor.

(b) Whoever violates Sections 745.06(a) is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense. (Ord. 2009-17. Passed 3-17-09.)