

CODIFIED ORDINANCES OF CLAYTON
PART SEVEN - BUSINESS REGULATION CODE

Chap. 721. Vendors, Peddlers and Solicitors.

Chap. 723. Unsolicited Written Materials.

Chap. 729. Outdoor Public Entertainment Activity.

CODIFIED ORDINANCES OF CLAYTON
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 721
Vendors, Peddlers and Solicitors

<p>721.01 Definitions.</p> <p>721.02 Itinerant vendor; license fee.</p> <p>721.03 Peddlers by hand.</p> <p>721.04 Peddlers from hand-drawn vehicles.</p>	<p>721.05 Peddlers from other vehicles.</p> <p>721.06 Solicitor; license fee.</p> <p>721.07 Exceptions; when license not required.</p> <p>721.99 Penalty.</p>
--	---

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.
Littering - see GEN. OFF. 521.08
Adulterated food - see GEN. OFF. 537.13
Trespassing - see GEN. OFF. 541.05

721.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (a) "Itinerant vendor" includes any person, natural or artificial, who engages in or conducts a temporary or transient business of selling goods, wares, and merchandise within the Municipality with the intention of continuing in such business in any one location for a period of not more than four months and who for the purpose of carrying on such business hires, leases, or occupies in whole or in part any room, building, or structure for the exhibition and sale of such goods, wares, and merchandise. The term does not apply to hawkers or peddlers; to vendors engaged in the sale of food or food products for human consumption; to commercial travelers or selling agents when making sales in the usual course of business; or to salesmen who sell by sample for future delivery.
- (b) "Peddler" means one who sells tangible commodities from house to house, store to store, or on the streets or in any public place; his sales are not made from one established spot excepting where they are made in a street or other public place and he makes delivery at the time of the sale. Whether or not he collects at the same time is immaterial.

- (c) "Solicitor" means any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future.
(1979 Code 112.01)

721.02 ITINERANT VENDOR; LICENSE FEE.

Every itinerant vendor shall obtain a license before engaging in business, and shall pay therefor a fee of five dollars (\$5.00) for each week that such business is carried on. This license shall terminate automatically with the last day for which a sum shall have been paid.
(1979 Code 112.02)

721.03 PEDDLERS BY HAND.

Every peddler selling goods of any kind carried by hand shall obtain a license before engaging in business and shall pay therefor a fee of twenty-five dollars (\$25.00) per year.
(1979 Code 112.03)

721.04 PEDDLERS FROM HAND-DRAWN VEHICLES.

Every peddler selling fruits, vegetables, or goods of any kind from vehicles drawn by hand shall obtain a license before engaging in business and shall pay therefor a fee of ten dollars (\$10.00) per year for each vehicle used for such purpose.
(1979 Code 112.04)

721.05 PEDDLERS FROM OTHER VEHICLES.

Every peddler selling fruits, vegetables, or goods of every kind from vehicles drawn by means other than hand, shall obtain a license before engaging in business and shall pay therefor a fee of twenty-five dollars (\$25.00) per year for each vehicle used for such purpose.
(1979 Code 112.05)

721.06 SOLICITOR; LICENSE FEE.

Every solicitor shall obtain a license before engaging in business and shall pay therefor a fee of twenty-five dollars (\$25.00) per year.
(1979 Code 112.06)

721.07 EXCEPTIONS; WHEN LICENSE NOT REQUIRED.

The provisions of this chapter shall not apply to an owner of any product of his own raising or to the manufacturer of any article manufactured by him, who by himself or his agent, peddles or vends any such article or product; nor shall the same apply to any person who by State or federal law or constitutional provision, has been exempted from obtaining such license; nor to any sale under order of court or at a bona fide auction; nor to any sale at wholesale to a retail dealer. (1979 Code 112.07)

721.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

723.03 NO SOLICITORS POSTING.

Notwithstanding Section 723.02(b), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises. Where the owner, lessee, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import, no person shall cause to be delivered, placed, or distributed unsolicited written materials to said premises. (Ord. 0-10-18-22. Passed 10-18-18.)

723.04 EVIDENCE.

Timestamped photographic evidence of unsolicited written materials located upon a premises, other than as permitted pursuant to Section 723.02(b), creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent (including but not limited to an independent contractor), or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any. Violation of this Chapter is a strict liability offense and the prosecution of an offense under this section is relieved from proof of any other culpable mental state as defined in Section 501.08 of the Clayton Codified Ordinances. (Ord. 0-10-18-22. Passed 10-18-18.)

723.05 POST OFFICE EXCEPTION.

The provisions of this section do not apply to the United States Postal Service. (Ord. 0-10-18-22. Passed 10-18-18.)

723.06 SEVERABILITY.

If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, that invalidation shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable. (Ord. 0-10-18-22. Passed 10-18-18.)

723.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on a first offense. Any subsequent offense shall be charged as a fourth degree misdemeanor if the defendant has previously been convicted of violating any of the provisions of this section. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty shall be as provided in Section 501.99 of the Clayton Codified Ordinances. (Ord. 0-10-18-22. Passed 10-18-18.)

CHAPTER 729
Outdoor Public Entertainment Activity

729.01 Definitions.
729.02 Registration required by sponsoring agency and operator.

729.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
State licensing of portable amusement devices - see Ohio R.C.
1711.11(H)
County license for public shows - see Ohio R.C. Ch. 3765

729.01 DEFINITIONS.

Unless otherwise expressly stated in this chapter, the following terms shall have the meanings provided in this section.

- (a) "Operator" means the person, firm, partnership, corporation, club, society, or other legal entity that operates or supervises any outdoor public entertainment activity or constructs structures incident to outdoor public entertainment.
- (b) "Outdoor public entertainment" means any carnival, fair, festival or similar enterprise which offers to the public, for a fee, any one or combination of: amusement rides; games of chance for which prizes may be awarded; sales of food or beverages; exposition of or offer for sale of goods; entertainment performance or series of performances; or musical concert.
- (c) "Sponsoring agency" means the person, firm, partnership, corporation, club, society or other legal entity that organizes, funds, promotes or sponsors any outdoor public entertainment.

729.02 REGISTRATION REQUIRED BY SPONSORING AGENCY AND OPERATOR.

- (a) No sponsoring agency other than the City shall conduct or operate or allow to be conducted or operated any outdoor public entertainment within the City without prior approved registration with the City Manager.

(b) No operator shall operate any form of outdoor public entertainment without prior approved registration with the City Manager.

(c) Such registration will be completed to the satisfaction of the City Manager on forms prescribed by the City Manager.

729.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Each day constitutes a separate violation.