

CITY OF BROADVIEW HEIGHTS, OHIO

ORDINANCE NO. 33-2018

INTRODUCED BY MAYOR AND ENTIRE COUNCIL

AN ORDINANCE AMENDING SECTION 828.07(e)
OF CHAPTER 828 OF THE CODIFIED ORDINANCES OF THE
CITY OF BROADVIEW HEIGHTS, OHIO,
AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 828 of the Codified Ordinances of the City of Broadview Heights involves peddlers and solicitors.

WHEREAS, the City Council has determined that it is in the best interest of the City to amend Section 828.07(e) of Chapter 828.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROADVIEW HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Section 828.07(e) of Chapter 828 of the codified ordinances of the City of Broadview Heights shall be amended as follows:

828.07(e) A residence, house, apartment or other dwelling, after being lawfully placed on the "Peddlers/Solicitors Do Not Call Registry" shall remain on said registry until any of the following apply.

- (1) The City received notice of removal pursuant to Subsection (c) hereof.
- (2) The City receives notice that the person who submitted the form pursuant to Subsection (b) hereof is not or is no longer a lawful possessor and occupant of the premises.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason stated in the Preamble hereof, and provided it receives the affirmative vote of five (5) or more of the members of Council and the signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Oct. 15, 2018

George Stelmashuk
GEORGE STELMASCHUK
COUNCIL PRESIDENT PRO-TEM

DATE FILED
WITH MAYOR: Oct. 15, 2018

APPROVED: Samuel J. Alai
SAMUEL J. ALAI, MAYOR

ATTEST: Helena Dunlap
HELEN DUNLAP, CLERK OF COUNCIL

DATE APPROVED: Oct. 15, 2018

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Copies to: City Clerk
Bldg. Comm.
Police Chief

CITY OF BROADVIEW HEIGHTS, OHIO

ORDINANCE NO. 134-06

INTRODUCED BY MAYOR AND ENTIRE COUNCIL

AN ORDINANCE AMENDING CHAPTER 828 OF THE
CODIFIED ORDINANCES OF THE CITY OF BROADVIEW HEIGHTS
WITH RESPECT TO PEDDLERS AND SOLICITORS
WITHIN THE CITY OF BROADVIEW HEIGHTS
AND DECLARING AN EMERGENCY

WHEREAS, Chapter 828 of the Codified Ordinances of the City of Broadview Heights, Ohio provides for the regulation of peddlers and solicitors; and

WHEREAS, the City Council deems it to be in the best interests of the City to amend Chapter 828.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROADVIEW HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That Chapter 828 of the Codified Ordinances of the City of Broadview Heights shall be amended to read as follows:

828.03 DEFINITIONS

As used in this Chapter:

(a) "Peddler" means any person traveling either by foot, automobile, truck or another type of conveyance from place to place, door to door or street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future; and

(b) "Solicitor" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any other type of conveyance upon the private residences, including any house, apartment or other dwelling, within the City.

828.04 PERMITTED HOURS FOR SOLICITATIONS

(a) No person shall go on upon any residential premises and ring the doorbell, or rap or knock on the door, or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of engaging or attempting to engage in a home solicitation transaction between the hours of 8:00 p.m. and 10:00 a.m.

(b) Subsection (a) hereof shall not apply to a visit to the premises as a result of a request or appointment made by the occupant.

828.05 CALLING AT PREMISES DISPLAYING NO-SOLICITATION SIGNS.

(a) Notwithstanding any other provision of these Codified Ordinances, no person engaged in peddling or soliciting shall call at any residence in the City which displays a no-solicitation sign, or a sign substantially equivalent thereto, giving notice that the residents thereof desire not to be solicited.

(b) All no-solicitations signs, or signs substantially equivalent thereto, erected in the City shall conform to the requirements of Chapter 1479 of the Building and Housing Code with respect to the regulation of signs in the City.

828.06 TRAVERSING PRIVATE PROPERTY

Peddlers and solicitors shall use only residential sidewalks and driveways for ingress to and egress from residences of the City, unless otherwise permitted by a resident of the property involved in the sale and transactions.

828.07 RESIDENT PROHIBITION BY NOTICE

(a) The Director of Public Safety shall establish a "Peddlers/Solicitors Do Not Call Registry".

(b) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City to place and maintain his or her residence, house, apartment or other dwelling on the "Peddlers/Solicitors Do Not Call Registry" by submitting a request on forms(s) supplied by the Director of Public Safety, which shall contain the following information:

- (1) The signature of the person completing the form(s) unless submission is done electronically with a secure password on the City of Broadview Heights Website;
- (2) The complete address of the residence, house, apartment or other dwelling to be placed on the Registry;
- (3) The date the form was completed; and
- (4) A statement that "No Peddlers or Solicitors" shall call at this address or words similar import on the form.

(c) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may require the City to remove his or her residence, house, apartment, or other dwelling from the Peddlers/Solicitors Do Not Call Registry by submitting a "Notice of Removal" on forms(s) supplied by the Director of Public Safety which shall contain the following information:

- (1) The signature of the person completing the form(s) unless the submission is one electronically with a secure password on the City of Broadview Heights Website;

- (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 Peddlers/Solicitors Do Not Call Registry.

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

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

- (1) The City received notice of removal pursuant to Subsection (c) hereof.
- (2) The City receives notice that the person who submitted the form pursuant to Subsection (b) hereof is not or is no longer a lawful possessor and occupant of the premises; or
- (3) The expiration of five (5) calendar years expiring on December 31st from the date of the form submitted pursuant to Subsection (b) hereof.

(f) A copy of the "Peddlers/Solicitors Do Not Call Registry" and a copy of the "Solicitors Do Not Call Registry" shall be made available for public inspection at all times on the internet website of the City of Broadview Heights and during normal business hours at the office of the Director of Public Safety.

(g) Notwithstanding any other provision of this Chapter, no peddler/solicitor, while peddling and 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 "Peddlers/Solicitors Do Not Call Registry" established and maintained pursuant to this Chapter or upon which there is posted at the entrance a notice which reads "No Peddlers of Solicitors Allowed", or words of similar import, which clearly prohibit peddlers and solicitors on the premises, unless such peddler has previously been invited upon the premises by the lawful possessor and occupant thereof.

828.99 PENALTY

(a) Whoever violates any provision of this Chapter shall be guilty of a first degree misdemeanor.

(b) A violation of Section 828.06 of this Chapter in addition to the other penalties provided for in this Chapter is deemed a trespass and shall be punishable as set forth in Section 642.12 et seq. of these Codified Ordinances.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, peace and safety of this City and for the further reason stated in the Preamble hereof, and provided it receives the affirmative vote of six (6) or more of the members of Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: September 18-2006

[Signature]
PRESIDENT OF COUNCIL

DATE FILED
WITH MAYOR: Sept. 19-06

APPROVED: [Signature]
GLENN GOODWIN, MAYOR

ATTEST: [Signature]
CLERK OF COUNCIL

DATE APPROVED: 9-19-06