

**City of Fairview Park  
20777 Lorain Road  
Fairview Park OH 44126**

APPLICATION FOR SOLICITOR IDENTIFICATION CERTIFICATE

Full Name \_\_\_\_\_ Soc. Sec. No. \_\_\_\_/\_\_\_\_/\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ - \_\_\_\_\_  
Sex Female \_\_\_\_\_ Male \_\_\_\_\_ Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_  
Hair \_\_\_\_\_ Eyes \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

**Have you ever been arrested for any crime other than minor traffic violations: (Detail location, nature offense, and penalty.)** Yes \_\_\_\_\_ No \_\_\_\_\_

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Have ever been denied a license or permit to solicit or canvas? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If Yes, give details) \_\_\_\_\_

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Make of Car \_\_\_\_\_ Model \_\_\_\_\_ Color \_\_\_\_\_

Registration No. \_\_\_\_\_ Plate No. \_\_\_\_\_ State \_\_\_\_\_

Your driver's License if any: \_\_\_\_\_

Company Represented \_\_\_\_\_ Telephone# \_\_\_\_\_ - \_\_\_\_\_

Is your company a Profit \_\_\_\_\_ or Non Profit \_\_\_\_\_ Organization?

Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name of Local Supervisor \_\_\_\_\_

Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Nature of goods to be sold \_\_\_\_\_

Intended period of solicitation \_\_\_\_\_ Profit Org \_\_\_\_\_ Non Profit \_\_\_\_\_

I swear that the above information is correct to the best of my knowledge.

Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature \_\_\_\_\_

***The certificate will be revoked if the bearer violates any provisions of 713 Codified Ordinance #04-28. Permit expires 30 days from issuance date... See Section 2 of chapter 713 for fees...***

**CHAPTER 713**  
**Solicitors**

<b>713.01</b>	<b>Definitions.</b>	<b>713.08</b>	<b>License revocation.</b>
<b>713.02</b>	<b>License required.</b>	<b>713.09</b>	<b>Appeal procedure.</b>
<b>713.03</b>	<b>Application.</b>	<b>713.10</b>	<b>Display of license.</b>
<b>713.04</b>	<b>Issuance of license; duration.</b>	<b>713.11</b>	<b>Receipt for down payment.</b>
<b>713.05</b>	<b>Restrictions.</b>	<b>713.99</b>	<b>Penalty.</b>
<b>713.06</b>	<b>Limitations upon solicitation.</b>		
<b>713.07</b>	<b>Exceptions.</b>		

**CROSS REFERENCES**

Power to regulate - see Ohio R.C. 715.61 et seq.  
 Charitable solicitations - see Ohio R.C. Ch. 1716  
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
 Trespassing- see GEN. OFF. 541.05

**713.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) "Canvassing" or "soliciting", unless expressly provided for otherwise, means traveling from residence to residence within the City, without having a previous appointment, to visit the residence or residences for the purpose of exposing or offering for inspection or sale, goods, wares, merchandise, food stuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, food stuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future whether directly for the resident or on an indirect basis.
- (b) "Canvasser" or "solicitor" means any person who engages in canvassing or soliciting.
- (c) "Sale" or "purchase" have the full meaning of "sale" or "purchase" as applied by or accepted in courts of law or equity, and shall also include an option of sale or purchase, a lease or a rental.  
 (Ord. 85-83. Passed 12-16-85.)

**713.02 LICENSE REQUIRED.**

(a) No person shall canvass or solicit within the City without first being issued a license by the Mayor or a designee thereof. A separate license shall be obtained for every solicitor, canvasser, agent or employee canvassing or soliciting within the City.

(b) No person shall solicit, procure, direct, authorize, or cause any other person to solicit or canvass in violation of any provision of this chapter.

(c) All organizations must register to canvass or solicit with the City of Fairview Park in accordance with the provisions set forth in this chapter regardless of their state of origin. (Ord. 04-28. Passed 6-28-04.)

**713.03 APPLICATION.**

(a) Every applicant for a license shall furnish the Mayor or a designee thereof a written application on a form to be provided, correctly containing the following information:

- (1) Full name of the applicant.
- (2) Date of birth of applicant.
- (3) Local address, if any.
- (4) Permanent home address.
- (5) A physical description of the applicant, setting forth age, height, weight, color of hair and eyes, sex, and a recent photograph.
- (6) Motor vehicle registration number, if any.
- (7) Social security number, if any.
- (8) Name and address of the person, firm, corporation or association for whom the solicitation or canvassing is presently being made and any other person, firm, corporation or association for whom the applicant has solicited or canvassed during the past three years.
- (9) A description of the nature of the business and the goods, services, merchandise, wares, foodstuffs or other property to be sold or otherwise offered sufficient to identify the subject matter of the soliciting or canvassing in which the applicant will engage.
- (10) The proposed dates and times of the solicitations or canvassing and the routes to be followed in conducting same.
- (11) Telephone number of the applicant.
- (12) Whether the applicant has ever been denied a license or permit to solicit or canvass or had such license or permit revoked, including the time and place of such denial or revocation.
- (13) A specimen of the applicant's signature.
- (14) Whether the applicant has ever been convicted of any crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor.
- (15) Such other information as the Police Chief may require.  
(Ord. 85-83. Passed 12-16-85.)

(b) A nonrefundable registration fee in the amount of twenty-five dollars (\$25.00) shall be submitted with each application, as well as a five dollar (\$5.00) per day licensing fee for each organization. The license is good for a maximum of thirty (30) days at which time a new registration must be applied for.

(c) The applicant shall register with the Finance Department providing their name, address, person or persons to whom correspondence may be directed, and such other information as the Director may require.  
(Ord. 04-28. Passed 6-28-04.)

#### **713.04 ISSUANCE OF LICENSE; DURATION.**

(a) The Mayor or a designee thereof shall issue a license to the applicant unless he has determined that:

- (1) The applicant has made a false, misleading or deceptive statement in providing the information required under Section 713.03; or
- (2) The applicant has been convicted of a felony or of a misdemeanor involving moral turpitude during the five years preceding the date of application; or  
(Ord. 85-83. Passed 12-16-85.)
- (3) The applicant has not registered with the Finance Department as provided in Section 713.03. (Ord. 04-28. Passed 6-28-04.)

(b) Such license shall be valid for a period not to exceed thirty days. No license issued hereunder shall be assigned or transferred to any other person.  
(Ord. 85-83. Passed 12-16-85.)

#### **713.05 RESTRICTIONS.**

Every person to whom a license to solicit and/or canvass is issued under the terms of this chapter shall be governed by the following rules and regulations:

- (a) No person subject to the provisions of this chapter shall canvas or solicit, except between the hours of 9:00 a.m. and the earlier of sunset or 8:00 p.m., Monday through Saturday. In addition, no person shall canvas or solicit on any legal holiday. (Ord. 99-32. Passed 4-19-99.)
- (b) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the City without an express invitation from the occupant of the house or apartment.
- (c) No canvasser or solicitor shall engage in or transact any type of business or solicitation or canvassing other than that specified on the license application.
- (d) No person shall canvass or solicit at any residence in the City upon which there is posted a sign which reads, "No Peddlers or Solicitors Allowed", or words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee, or occupant thereof.
- (e) No canvasser or solicitor shall vex, annoy or harass any person.  
(Ord. 87-23. Passed 12-7-87.)

#### **713.06 LIMITATIONS UPON SOLICITATION.**

(a) No person shall sell or offer for sale, barter, exchange or solicit the purchase or gift of any goods, wares, merchandise, food stuffs or other articles of value, or offer services for hire within the City in any area in which an authorized outdoor public show is being held as defined in Section 709.01, except as authorized by the outdoor public show permit holder.

(b) No person licensed pursuant to this chapter shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations impede and inconvenience the public. (Ord. 85-83. Passed 12-16-85.)

**713.07 EXCEPTIONS.**

(a) The provisions of Sections 713.02, 713.03 and 713.04 shall not apply to a duly authorized person soliciting the purchase of goods, wares, merchandise, food stuffs, gifts, property or services on behalf of any recognized nonprofit, educational, civic, philanthropic, religious, political or charitable organization, nor shall the prohibition against Sunday solicitation or canvassing apply to such organizations, provided that such solicitation or canvassing is limited to between the hours of 11:00 a. m. and the earlier of sunset or 7:00 p. m. The aforementioned organization or a person on its behalf shall register with the Mayor or a designee thereof, stating the name of the organization, the nature of the activity being conducted, the duration of such activity and shall furnish any other information deemed necessary by the Mayor or a designee thereof. The Mayor or a designee thereof shall issue a license for a period not to exceed thirty days which may be renewed to the organization or duly authorized person on its behalf provided that the Mayor or a designee thereof is satisfied that the organization is a recognized nonprofit, educational, civic, philanthropic, religious, political or charitable organization and that the person requesting the license has, in fact, been duly authorized to act on its behalf. Nonprofit organizations must show proof of last tax filing period to receive license as a nonprofit solicitor. (Ord. 04-28. Passed 6-28-04.)

(b) The solicitation by a newspaper carrier of customers for a newspaper for which he regularly delivers or will regularly deliver shall not be subject to the provisions of this chapter.

(c) A candidate for political office or his or her committee or representative or person conducting a political survey or obtaining or influencing public opinion shall not be subject to the provisions of this chapter.

(d) No license fee shall be required of persons selling by sample only or of persons offering or exposing for sale agricultural articles or products other than pursuant to subsection (a) hereof but such persons shall, in all other respects, comply with the provisions of this chapter. As used herein, agricultural articles or products means commodities used as food or nonalcoholic drink for human consumption. (Ord. 85-83. Passed 12-16-85; Ord. 99-33. Passed 4-19-99.)

**713.08 LICENSE REVOCATION.**

(a) A license issued under this chapter shall be revoked by the Mayor or a designee thereof for any of the following causes:

- (1) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section 713.03 or in providing the information required pursuant to Section 713.07.
- (2) The licensee violates any of the provisions of Section 713.05.
- (3) The licensee is convicted of a felony or of a misdemeanor involving moral turpitude.
- (4) The licensee is convicted of a violation of any provision of this chapter.
- (5) The licensee canvasses or solicits in an unlawful manner or in such manner so as to constitute a menace to the health, safety or general welfare to the public.

(b) Written notice of such revocation shall be given to the licensee by personal service or by certified mail immediately upon such revocation.  
(Ord. 85-83. Passed 12-16-85.)

**713.09 APPEAL PROCEDURE.**

In the event an application for a license is not approved or in the event any license issued pursuant to the provisions of this chapter is revoked, written notice shall be given to the applicant or licensee by personal service or by certified mail. The applicant or licensee shall have the right to appeal such disapproval or revocation to a Board of Appeals consisting of the President of Council, the Law Director and the Finance Director. The Board of Appeals after full hearing shall have the power to affirm, modify or reverse the decision of the Mayor or a designee thereof. Any decision made by the Board shall be final.  
(Ord. 85-83. Passed 12-16-85.)

**713.10 DISPLAY OF LICENSE.**

Any person soliciting or canvassing within this City who has obtained a license in accordance with the provisions of this chapter shall, upon demand, exhibit such license to any police officer, other City official or private residential owner or occupant upon whose premises he is soliciting or canvassing.  
(Ord. 85-83. Passed 12-16-85.)

**713.11 RECEIPT FOR DOWN PAYMENT.**

When any person soliciting or canvassing within the City takes a down payment, he shall give a written receipt for the order, which receipt shall be signed by the solicitor or canvasser and shall set forth a brief description of the goods, wares, merchandise food stuffs or other property or services ordered, the total purchase price thereof and the amount of the down payment received by the solicitor or canvasser from the purchaser.  
(Ord. 85-83. Passed 12-16-85.)

**713.99 PENALTY.**

(a) Whoever violates any provision of this chapter where another penalty is not otherwise provided shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. Each day's continued violation shall constitute a separate offense.

(b) Whoever violates Section 713.02(a) is guilty of a minor misdemeanor for a first offense, and for a second or subsequent offense, shall be guilty of a misdemeanor of the fourth degree. Whoever violates Section 713.02(b) is guilty of a minor misdemeanor for a first offense and for each subsequent offense shall be guilty of a misdemeanor of the third degree.  
(Ord. 85-83. Passed 12-16-85.)