

Number: 26-10-056

Committee: Judiciary and Annexation

AN ORDINANCE AMENDING SECTIONS 115.01, 115.02, 115.03, 115.04, 115.05, 115.06, 115.07, 115.08 AND 115.99 OF THE CITY OF VAN WERT CODE OF ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the council of the City of Van Wert (hereinafter “City Council”) desires to amending sections 115.01, 115.02, 115.03, 115.04, 115.05, 115.06, 115.07, 115.08 and 115.99 of the Van Wert City Code of Ordinances titled Door to Door Sales Persons;

WHEREAS, The Council finds that the Chapter governing door to door sales/solicitations was in need of some updating.

NOW THEREFORE, BE IT **ORDAINED** BY THE COUNCIL of the CITY OF VAN WERT, VAN WERT COUNTY, OHIO, to wit:

Section 1: That Sections 115.01, 115.02, 115.03, 115.04, 115.05, 115.06, 115.07, 115.08 and 115.99 of the Van Wert City Code of Ordinances hereby be amended as set out in the attached Exhibit A:

Section 2: That this Ordinance is hereby declared to be an emergency measure, and necessary for the immediate preservation of the public peace, health, safety, and welfare, and as an emergency measure this Ordinance shall take effect and be in force from and after its passage by City Council and approval by the Mayor.

Passed this _____ day of _____, 2026.

Thad R. Eikenbary
President of City Council

ATTEST: _____
Stephanie R. Phillips
Clerk of Council

Kenneth J. Markward
Mayor, City of Van Wert

CHAPTER 115: DOOR TO DOOR SALESPERSONS; ITINERANT MERCHANTS; PEDDLERS AND SOLICITORS

Section

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§ 115.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOOR-TO-DOOR SALESPERSON. A person who travels from door to door calling on private residents in the city for the purpose of taking orders for future delivery of goods or services.

ITINERANT MERCHANT. One who does not operate from an established place of business, but rather travels from place to place for the purpose of offering for sale and immediate delivery goods, merchandise, or services of any kind or description, or for the purpose of taking orders for future delivery of goods or services.

PEDDLER. Any person who sells or offers for sale and immediate delivery, goods, merchandise or services of any kind or description, other than from a fixed and established place of business, including those who sell from vehicles on the public street or from goods carried from door to door.

SOLICITOR. Any person who calls at residences or places of business without the previous consent of the owner or occupant of the premises for the purpose of taking orders for future delivery of goods, services or subscriptions, or for the purpose of requesting or receiving money, pledges, donations, or gifts for exclusively charitable purposes, including solicitors for funds for medical and social research and other similar purposes.

(1981 Code, § 117.01) (Ord. 6518-92, passed 7-27-1992)

§ 115.02 LICENSE REQUIRED.

No door-to-door salesman, itinerant merchant, peddler or solicitor shall sell or offer for sale in the city, any goods, merchandise, or subscriptions of any kind, or request or receive money, pledges, donations or gifts for charitable purposes, without first having secured a license from the Mayor or his or her representative. The fee for the license shall be \$100 per 12 months from the date of issuance, no part of which shall be prorated. A city permit badge will be issued stating their personal name, recent photograph, organization's name, city permit number, and license expiration date.

(1981 Code, § 117.02) (Ord. 6518-92, passed 7-27-1992) Penalty, see § 115.99

§ 115.03 ESTIMATED TAX PAYMENT REQUIRED.

The Mayor or his or her representative shall not issue the license described in § 115.02 until the applicant posts an estimated income tax payment in the amount of \$100. This estimated tax payment shall be credited against any tax due when the applicant files his or her city income tax return upon the conclusion of his or her business in the city or on the annual due date, whichever comes first.

(1981 Code, § 117.03) (Ord. 6518-92, passed 7-27-1992)

§ 115.04 LICENSE APPLICATIONS.

(A) Any person desiring to secure a door-to-door salesman; itinerant merchant, or solicitor's license shall apply therefor to the Mayor or his or her representative on forms provided by the city, and the application shall require the following information:

- (1) Name and address of the applicant;
- (2) Applicant's date of birth and Social Security number;
- (3) Name and address of the person, partnership, firm, or corporation by whom he or she is employed;
- (4) Length of service with the employer;
- (5) Place of residence and nature of employment of applicant during the last preceding 12 months;
- (6) The nature or character of the goods, wares, merchandise or services to be offered by the applicant;
- (7) Personal description of the applicant and a recent photograph

(B) No person shall be issued a license until a background check has been completed by the Ohio BCI and no person shall be issued a license who has been convicted of any felony or any misdemeanor involving moral turpitude.

(C) The application shall be accompanied by credentials and other evidence of good character and the identity of the applicant as may be reasonably required by the Mayor or his or her representative.

(1981 Code, § 117.04) (Ord. 6518-92, passed 7-27-1992) Penalty, see § 115.99

§ 115.05 LICENSE FEE EXEMPTIONS.

The following persons are hereby declared exempt from the payment of any license fee for licenses under this chapter; any person selling the products of his or her own raising. However, no such person shall engage in the operation of peddling, selling or soliciting, as described in this chapter without first obtaining a license from the Mayor or his or her representative, which shall be issued without fee, shall be subject to all other provisions of this chapter, shall be revokable for cause and shall expire 12 months after issuance.

(1981 Code, § 117.05) (Ord. 6518-92, passed 7-27-1992)

§ 115.06 NON-PROFIT & SCHOOL GROUPS.

Non-profit groups and any school-sponsored groups located within Van Wert County shall be exempt from the provisions of this chapter but shall meet the following requirements: An application shall be filed with the Mayor which includes the name of the organization, name and phone number of the contact person, dates of the proposed operation, nature of the product to be sold or collection to be made, and a list of the people to be involved. There shall be no fee for filing this application.

(1981 Code, § 117.06) (Ord. 6518-92, passed 7-27-1992)

§ 115.07 DUTIES OF LICENSEES.

All holders of licenses issued under this chapter shall be subject to the following:

(A) No license issued under this chapter shall be transferable nor shall it be used by any person other than the licensee.

(B) The license must be exhibited upon request to any law enforcement officer or to any prospective customers.

(C) No licensee shall wear any part of the uniform of any of the armed forces of the United States while actually engaged in peddling or soliciting.

(D) Licensees shall be limited to the hours of 9:00 a.m. to 6:00 p.m. to engage in their soliciting or peddling.

(E) Licensees shall honor any "No Soliciting" or "No Trespassing" signs on the property of any prospective customer.

(F) Licensees shall clearly display the city issued permit badge at all times.

(1981 Code, § 117.07) (Ord. 6518-92, passed 7-27-1992) Penalty, see § 115.99

§ 115.08 LICENSE REVOCATION.

Upon a written complaint being filed with the Mayor or his or her representative that any door-to-door salesperson, itinerant merchant, peddler or solicitor has made himself or herself obnoxious to the public by the use of indecent, profane, insulting language or actions, intimidation, or harassment, an investigation shall be made and if the complaint is found to be true, the license of the individual shall be revoked by the Mayor or his or her representative. In addition, any applicant found to have given false information on the application required in § 115.04 of this chapter shall have the license immediately revoked without refund.

(1981 Code, § 117.08) (Ord. 6518-92, passed 7-27-1992) Penalty, see § 115.99

§ 115.09 EXEMPTIONS

Anyone delivering a good from online services ordered by the resident are exempt from requirements under § 115 unless actively soliciting.

§ 115.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of an unclassified misdemeanor and fined not more than \$500. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(1981 Code, § 117.99) (Ord. 6518-92, passed 7-27-1992)