

## CHAPTER 832

### Peddlers and Solicitors

832.01	Door to door selling; public opinion polls.	832.04	Retail sale of food items from mobile, non-permanent, food carts.
832.02	Annoying building occupants.	832.99	Penalty.
832.03	Sales from or adjacent to public property.		

### CROSS REFERENCES

Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
 Charitable solicitations - see Ohio R.C. Ch. 1716  
 Parking for advertising purposes - see TRAF. 452.15  
 Sales from vehicles - see TRAF. 452.16  
 Crying one's wares- see GEN. OFF. 648.11(b)(10)  
 Littering - see GEN. OFF. 660.03  
 Distribution of handbills - see GEN. OFF. 660.14  
 Garage and yard sales - see B.R. & T. Ch. 824  
 Transient dealers - see B. R. & T. Ch. 840

#### 832.01 DOOR TO DOOR SELLING; PUBLIC OPINION POLLS.

(a) No person shall engage in door to door selling or solicitation or public opinion polls with questions in the City unless such person has first obtained a license under the provisions of this section. Persons engaged in public opinion polling are not exempt from this section.

(b) The provisions of this section except (i) shall not apply to volunteer solicitors for any church or synagogue located in the City of Bexley, or for any charity approved by the Mayor of the City of Bexley.

(c) Each applicant for a license shall pay a filing fee of twenty-five dollars (\$25.00), shall furnish a current, front head photograph without head coverage or sunglasses, not more than two and one-half inches by three and one-half inches and shall complete and execute an application, the form and questions of which shall be prepared by the Chief of Police. A license is required and must be visibly displayed on each person who will be engaging in door to door solicitation. The fee is waived for persons engaged in public opinion polls, but all other provisions in this section (b) remain in force.

(d) The Chief or officer in charge may withhold the issuance of the license for a reasonable time if he has reason to believe an investigation should be made prior to such issuance.

(e) The Chief or officer in charge may issue a license to such applicant after consideration of the application and the results of any investigation, if such applicant is of full age, has a good reputation, has no criminal record, is not and has not been engaged in fraudulent activities and will comply with the laws of the State of Ohio and the City of Bexley. However, no license will be issued to an applicant under eighteen years of age unless such applicant is a resident of the City of Bexley.

(f) The term of any license issued hereunder shall be for the balance of the calendar year. The renewal of any license issued hereunder shall be processed in the same manner as the original.

(g) Any such license may be suspended indefinitely and without notice by the Police Department, the Director of Public Safety or the Mayor, if it is found that the application contains a false statement or upon complaint that such licensee has engaged in unreasonable sales techniques, used improper language, failed or refused to leave any premises upon request or violated any law of the City of Bexley, the State of Ohio, or the United States. Such suspension may be appealed to the Mayor's Court of the City of Bexley.

(h) No person shall engage in door to door sales or solicitations or conduct any public opinion poll when his license has been suspended or has expired.

(i) No person shall engage in door to door sales or solicitations or public opinion polls before 9:00a.m. No person shall engage in door to door sales or solicitations after 8:00 p.m. or sundown, whichever is earlier. No person shall engage in door to door public opinion polling after 9:00 p.m. (Ord. 19-12. Passed 4-24-12.)

#### 832.02 ANNOYING BUILDING OCCUPANTS.

No person engaged in door to door solicitation or selling or public opinion poll questioning (removed: sale of any article, goods or merchandise, or for the subscription to any book, magazine or other literature,) upon the premises of another in the City shall disturb or annoy the occupant of such premises, or refuse to leave such premises upon the request of such occupant, or gain admittance to such premises other than by the consent of invitation of the occupant thereof. (Ord. 19-12. Passed 4-24-12.)

#### 832.03 SALES FROM OR ADJACENT TO PUBLIC PROPERTY.

No person shall sell, barter, offer for sale or expose for sale, at retail or wholesale, any goods, wares, substance for human consumption or any commodity or other article, upon public streets or alleys, or in entrances to buildings or other premises, or upon vacant lots or other tracts of land within 500 feet of the property line of any school, between the hours of 8:00 a.m. and 4:30 p.m. on days when the school is in session, except at events conducted by or authorized by the school authorities. (Ord. 15-76. Passed 4-13-76.)

#### 832.04 RETAIL SALE OF FOOD ITEMS FROM MOBILE, NON-PERMANENT, FOOD CARTS.

(a) No person shall be permitted to sell retail food items from a mobile, non-permanent cart, except as set forth in this section:

- (1) No person shall operate a said business without first obtaining a permit from the City. The fees for such permit from the City shall be determined by City Council, which upon its discretion shall set the fees dependent upon the hours of operation of said cart.



- (2) No person shall operate said business unless it is in compliance with all regulations for the sale of food as provided in Chapter 820 and the Revised Code of Ohio.
  - (3) No persons shall operate said business on public property within the City. The hours of operation shall be determined by City Council.
  - (4) No person shall be permitted to sell any alcoholic beverages from mobile or non-permanent food carts.
  - (5) No pushcart shall be left unattended on a public right-of-way for longer than thirty (30) minutes.
  - (6) Pushcart owners shall be responsible for the cleaning and repair of any public right-of-way soiled, stained or damaged by the placement and operation of their pushcarts. Such cleaning or repair shall be done in such a manner so as to return the area to its original state, and shall be at the expense of the pushcart owner. The License Section may conduct an inspection of any such areas to determine if the repair or cleaning is satisfactory.
  - (7) Pushcarts are prohibited from operating on any public right-of-way where public safety is jeopardized;
    - A. Any pushcart found to cause consistent, justified complaints from the general public in the area where operating, shall be prohibited from operating in that area. This shall include, but not be limited to failing to maintain a clean working area, damaging sidewalks or buildings with foodstuff and wrappers, spilling of grease on the sidewalk, or failing to respect the rights of building occupants.
    - B. Propane tanks on pushcarts shall not be changed while resting on any public right-of-way.
    - C. No pushcart shall be placed within ten (10) feet of any fire hydrant. (Ord. 44-11. Passed 12-13-11.)
  - (8) The provisions of Section 832.04, including (a)(1) through (7) hereof may be waived at the request of the organizing event and by written permission of the Mayor for the purpose of allowing food service at community events. (Ord. 24-12. Passed 5-22-12.)
- (b) Pushcart standards as follows will apply and be enforced:
- (1) Generators on pushcarts powered by gasoline are prohibited. Only generators powered by propane are acceptable. Generators shall not be placed on the ground, or placed so as to extend the allowable dimensions of the cart.
  - (2) The braking mechanism on a pushcart shall be affixed in such a manner that it is not readily removable. The use of ropes and chocks as the sole braking mechanism is prohibited.
  - (3) Unsecured weather guards on pushcarts are prohibited. Weather guards shall be included as part of the allowable measurements of the cart.
- (c) Reserved.
- (d) With the exception of merchandise or food items to be sold, pushcarts presented for inspection shall be exactly as they will appear when operating on a public right-of-way or private property, including any food rack.

(e) No modification even if such modification does not violate measurement requirements, shall be made to a pushcart that violates any health or safety regulation or law.

(f) Umbrellas, canopies, or other covers used on pushcarts shall be clean and well maintained, with no holes or tears. Pushcart owners shall have ninety (90) days to comply with this requirement where it is necessary to replace the umbrella or canopy. Pushcart owners shall have a period of five (5) days to comply with this requirement where it is necessary only to repair or clean an umbrella or canopy. These time frames shall not apply where holes, tears and cleanliness are found to be a violation of the Health Code.

(g) Pushcarts shall be maintained in such a manner that prevents the spilling or splattering of grease, water, food or trash on any public right-of-way or private property, where the cart is placed.

(h) A three foot by five foot (3' x 5'), National Sanitation Foundation (NSF) approved mat shall be used with pushcarts from which foodstuff is sold. The mat shall be placed flush with the pushcart beneath the food preparation area in such a manner to prevent any foodstuff or grease spillage.

(i) Pushcarts shall have a clean appearance at all times.  
(Ord. 44-11. Passed 12-13-11.)

#### 832.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred and fifty dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.  
(Ord. 29-08. Passed 3-18-08.)