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Clerk of Council, City of Westerville

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Re: Solicitation Permits

The City of Westerville enacted an Ordinance that mandates canvassing, door-to-door solicitation, street vendors and peddlers. This includes those wishing to operate an ice-cream truck.

When an individual, or group, expresses a desire to solicit in Westerville, they are required to complete a registration form, and provide me copies of materials that will be shown to residents. In addition, we also follow Ohio Revised Code Section 1345.22, which gives the buyer the right to cancel a home solicitation sale until midnight of the third business day after the buyer signs an agreement, or offer to purchase. This affects purchases in excess of \$25.00. I require the solicitor show me the written notice of cancellation that will be shown and explained to our residents. For those reputable companies, this requirement is never a problem...and then there are others!

There is a waiting period of approximately 1 - 2 weeks. This allows us to do a police background check for Westerville, and to process the application. If approved, the applicant(s) is given a Solicitors Identification Card. They are instructed to carry this card with them at all times and to produce it upon request. The one exception to this are the applications that are approved for the high school band boosters. They normally complete one application from every year that encompasses all of their fundraising projects. Since there are so many students that are selling, I allow them to duplicate identification cards that look very similar to the ones that I issue.

In case of ice cream vendors, they must complete the same application form. Once approved, a permit is issued (signed by the City Manager). The permit is dated and is applicable to one specific person and one specific vehicle (this information is also included on the permit). I tell the vendor this permit must be visible while they are working in Westerville. **PLEASE NOTE: This permit only extends to the jurisdiction of the City of Westerville.**

I have attached copies of the following for your reference:

Ordinance No. 97-63
Ohio Revised Code, Section 1 345.22

Application for Registration (Solicitation)

Solicitation Permit Application

Date:



City of Westerville
 21 S. State Street
 Westerville, Ohio
 United States
 43081
 Phone: 614-901-6402
 Fax: 614-901-6401
 www.westerville.org

I. Application Information:

Name (Last, First, M.I.):	<input type="text"/>			
Social Security No.:	<input type="text"/>			
Street Address:	<input type="text"/>			
State/Province:	<input type="text"/>			
Zip/Postal Code:	<input type="text"/>			
How long at above address?	<input type="text"/>			
Telephone No.:	<input type="text"/>			
Birth Date:	<input type="text"/>			
	mm/dd/yy			
Age:	<input type="text"/>			
Employer:	<input type="text"/>			
Employer Address:	<input type="text"/>			
	Street	City	State	Zip
Occupation:	<input type="text"/>			
Business Phone:	<input type="text"/>			
Email:	<input type="text"/>			

PLEASE ATTACH A PHOTOCOPY OF YOUR DRIVER'S LICENSE WITH THIS APPLICATION

II. Type of Registration or License Requested (Check One):

1.	Canvassing for Charitable or Religious Purposes (Includes both solicitation of contributions and sales where the whole or any part of the proceeds are to be applied to charitable, civic or religious purposes.) Complete only Parts III. and V. below	<input type="checkbox"/>
2.	Door-to-Door Sales of Goods or Services for Future Delivery: a. from source outside of Ohio (Interstate Commerce)..... b. from sources within Ohio (Intrastate Commerce)..... Complete only Parts IV. and V. below	<input type="checkbox"/>
3.	Peddling (Sales of goods or services for immediate delivery) Complete only Parts IV. and V. below	<input type="checkbox"/>

III. Canvassing for Charitable or Religious Purposes:

Organization Represented:	<input type="text"/>			
Local Organization Address:	<input type="text"/>			
	Street	City	State	Zip
Telephone Number:	<input type="text"/>			
Name of Officer, Supervisor, or other Official:	<input type="text"/>			
His or Her Title:	<input type="text"/>			

III. (Continued):

If sales are involved, describe goods to be sold:

Duration of Canvassing

From:

To:

mm/dd/yy

mm/dd/yy

Method of operation in City (describe briefly):

Are any professional fund raisers involved?

Yes

No

If so, state the name of the fund raising organization and number of professionals taking part:

Compensation to be paid to canvassers, if any:

Charitable or Religious purpose for which the proceeds or contributions will be used:

Person(s) responsible to disburse funds:

IV. Door-to-Door Sales and Peddling:

Company/ Organization Represented:

Business Address:

Street

City

State

Zip

Telephone Number:

Name of Officer, Supervisor, or other Official:

His or Her Title:

Description of Goods or Services to be Sold:

Duration of Soliciting/Peddling

From:

To:

mm/dd/yy

mm/dd/yy

License Desired:

a. (for Intrastate Sales only):

Day

Week

Year

b. (for Peddlers only):

Week

Month

Year

Method of operation in City (describe briefly):

If use of automobile or other vehicle is involved, state:

Make:

Model:

Year:

Lic. No.:

IV. (Continued):

Means of Operation (for Peddlers only):

Truck or other Street Vehicle

Push Cart

Carried Door-to-Door

Other (Specify):

***Please provide a sample of your order form and your cancellation notice.**

V. General Information:

Have you made any previous applications for similar registration or licensing with the City of Westerville?

Yes

No

If so, what type of application(s) made? (Check all that apply):

a. Charitable or Religious Canvassing

b. Door-to-Door Sales

c. Peddling

d. Date of latest prior application:

e. Have you ever had your City of Westerville registration or license revoked?: Yes No

f. If so, when?:

Have you ever been convicted of a criminal offence? Yes No

If so, state:

Nature of Offense:

Date of Conviction:

Place of Conviction:

CERTIFICATION:

I hereby declare that I have read the above application and that all of the statements made therein are true to the best of my knowledge and belief; I understand that the issuance of a registration certificate or license pursuant to this application is not an endorsement by the City of Westerville or by any of its departments, officers, or agents of the activity authorized to be conducted thereby, and I expressly agree that said registration or license certificate shall not be used or represented in any way as such an endorsement. I understand that my license or registration is subject to revocation upon violation of any of the provisions of Chapter 741 of the Codified Ordinances of the City of Westerville.

In addition, I give the City of Westerville permission to obtain a police record check pertaining to me. I understand that any arrest and conviction data obtained is to be used by the City Clerk to determine whether I am eligible to receive a license pursuant to Chapter 741 of the Codified Ordinances of the City of Westerville. I hereby release the City of Westerville, the Westerville Police Department and all officers and employees connected therewith from any liability for such use or any other reasonable use or dissemination of arrest and conviction data.

Signature of Applicant:

Date:

Westerville, OH Code of Ordinances

CHAPTER 741 **Canvassing; Door-To-Door Solicitation**

741.01 Definitions.

741.02 Notice prohibiting canvassing or solicitation.

741.03 Canvassing or solicitation in violation of notice.

741.04 Time limit on canvassing or solicitation.

741.05 Requirements for canvassers soliciting at residences in interstate commerce for charitable or religious purposes.

741.06 Requirements for canvassers engaged in intrastate commerce at residences.

741.07 Street vendors and peddlers.

741.08 Permit to solicit charitable contributions in the roadway.

741.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.

Home solicitation sales - see Ohio R.C. 1345.21 et seq.

741.01 DEFINITIONS.

Whenever used in this chapter, the following words shall be as herein defined unless a different meaning clearly appears from the context:

(a) "Canvassing" or "canvasser" or "solicitation" or "solicitor" includes any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, for either present or future delivery; or

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

(4) Seeking to obtain contributions or to sell any goods, articles or services of any kind for the support or benefit of any charitable, religious or nonprofit association, organization, corporation or project; or

(5) Seeking to obtain from an occupant of any residence an indication of such occupant's belief in regard to any social, political or religious matter; or

(6) Seeking to influence the personal belief of the occupant of any residence in regard to any social, political or religious matter; or

(7) Taking of a poll or census of any person, firm or corporation other than a governmental body or agency thereof.

(b) "Canvasser for charitable or religious purposes" means any person who calls at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of soliciting or receiving contributions or pledges for charitable or religious purposes, or to offer or attempt to sell, or request a donation for, any advertisement, advertising space, book, card, chance, coupon, device, magazine, merchandise, ticket, token, flag, souvenir, foodstuff, service or any other article or thing in connection with which any appeal is made for any charitable or religious purpose,

or when or where in connection with any such sale, donation or contribution, any statement is made that the whole or any part of the proceeds of any such sale will go to or be donated to any charitable or religious purpose.

(c) "Charitable" includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veterans, medical and social research, either actual or purported.

(d) "Contribution" includes the words gift, food, clothing, money, property or donations of any kind, including those made under the guise of a loan of money or property.

(e) "Door-to-door salesperson in Interstate Commerce" means a person who travels from door-to-door calling on private residences or places of business in the City for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources outside the State and which is not done in connection with any appeal for any charitable or religious purpose.

(f) "Door-to-door salesperson in Intrastate Commerce" means a person who travels from door-to-door calling on private residences or places of business in the City for the purpose of taking orders for future delivery of goods or services to be furnished, supplied or delivered from sources within the State and which is not done in connection with any appeal for any charitable or religious purpose.

(g) "Peddler" means any person who sells or offers for sale and immediate delivery, goods or 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 streets or from goods carried from door-to-door.

(h) "Person" means any individual, firm, partnership, corporation, company, association, joint stock company, religious sect, religious denomination, society, organization or league, or any combination of them, and includes any trustee, member, receiver, assignee, agent or other representative thereof.

(i) "Place of Business" means every separate location occupied by an individual, firm, company or business entity at which one carries on his, her or its business, employment, occupation, profession or commercial activity.

(j) "Religious" and "religion" as used herein shall not include the word charitable, but shall be given their commonly accepted definitions.

(k) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit that gathers in common membership for regular worship and religious observances.

(l) "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(Ord. 97-63. Passed 10-7-97.)

741.02 NOTICE PROHIBITING CANVASSING OR SOLICITATION.

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers, solicitors, peddlers or door to door salesmen shall be given by displaying a weatherproof card, decal or sign not less than three inches by four inches in size nor more than one square foot in total surface area upon or near the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited", with letters at least one-third inch in height. Any such sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of Chapter 1181 of the Codified Ordinances.

(Ord. 97-63. Passed 10-7-97.)

741.03 CANVASSING OR SOLICITATION IN VIOLATION OF NOTICE.

It is unlawful and shall constitute a trespass for any person to go upon any residence or business premises and ring the door bell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing, or canvassing for charitable or religious purposes, or act as a peddler or door-to-door salesperson in either intrastate or interstate commerce, as defined in Section 741.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 741.02.

(Ord. 97-63. Passed 10-7-97.)

741.04 TIME LIMIT ON CANVASSING OR SOLICITATION.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such residence, for the purpose of securing an audience with the occupant(s) thereof and to engage in canvassing as defined in Section 741.01, or otherwise to engage in door-to-door sales or soliciting prior to 9:00 a.m. or after 9:00 p.m. Monday through Sunday or on a State or national holiday.

(Ord. 97-63. Passed 10-7-97.)

741.05 REQUIREMENTS FOR CANVASSERS SOLICITING AT RESIDENCES IN INTERSTATE COMMERCE FOR CHARITABLE OR RELIGIOUS PURPOSES.

(a) Registration Required. No person shall act as a canvasser or a canvasser for charitable or religious purposes or as a door-to-door salesperson in interstate commerce at any residence without the invitation or previous consent of the owners or occupants without first having registered with the City Clerk. No fee shall be required. However, the City Clerk shall issue a registration certificate to each applicant and such certificate shall be carried on the person of the registrant at all times when engaged in such canvassing, solicitation or sales and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made. Such registration shall not be used or represented in any way as an endorsement by the City. Each canvasser or solicitor shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution and the date and shall be signed by the solicitor.

An organization which desires to place a number of canvassers or solicitors for charitable or religious purposes at residences in the City simultaneously may make a group application to cover all of them, even if such application is for more than one fund raising event during the period for which the certificate is valid; however, separate registration certificates shall be issued to each canvasser or solicitor or, in lieu thereof, a separate information card shall be issued to each canvasser or solicitor by the registered organization. Such information card shall include, at a minimum, the name of the registered organization; a description of the purpose of the solicitation; the period for which the registration was issued and the name of the canvasser or solicitor.

(b) Registration Application: Contents. Application for a certificate of registration shall be made upon a form provided by the City Manager. Each application shall contain, among other information, the name, address and the phone number of the person completing the application; the name, address and telephone number of the company or organization for which he purports to act; the name of an officer or other official of such company or organization; the nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied in the case of canvassers for charitable or religious purposes; the nature of the goods or services for which he will take orders in the case of door-to-door salespersons in interstate commerce; the compensation, if any, which he or other canvassers are to receive for their services at residences within the City; a written commitment that such person(s) shall comply with Chapter 191 of the Codified Ordinances; and such other information as the City Manager may require.

(c) One Year Limitation. In no case shall any registration certificate for door-to-door salespersons in interstate commerce at residences be valid for more than a one year period. All certificates of registration shall state the expiration date thereof.

(d) Exceptions. The provisions of this section shall not apply to solicitations conducted only among the members of the entity or organization conducting the canvassing or to those in the form of collections or contributions at the regular assemblies, meetings or services of any such established charitable or religious organization.

(e) Registration Revocation.

(1) Any registration issued hereunder shall be revoked by the City Manager if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application.

(2) Immediately upon such revocation, written notice thereof shall be given by the City Manager to the holder of the registration in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

(3) The holder of a revoked registration may seek immediate judicial review by direct appeal to the Franklin County Court of Common Pleas.

(f) Fraudulent Solicitations Prohibited.

(1) No person, canvasser or solicitor shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any charitable purpose.

(2) No person having entered into an agreement to conduct any solicitation on behalf of any person for any charitable purpose shall fail to remit or pay to the party entitled thereto the proceeds of such solicitation in accordance with the true terms of the agreement.

741.06 REQUIREMENTS FOR CANVASSERS ENGAGED IN INTRASTATE COMMERCE AT RESIDENCES.

(a) License Required: Fee.

(1) No person shall act as a canvasser, peddler or as a door-to-door salesperson in intrastate commerce, calling at residences without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the City Clerk a license therefor. The fee for each license shall be as follows:

A. For one day: \$ 1.00

B. For one week: 5.00

C. For one year: 15.00

(2) All fees collected shall be paid into the General Revenue Fund.

(3) The City Clerk shall issue a license upon the applicant's submission of an application and payment of the proper fee.

(b) License Application: Contents. Application for a license as a door-to-door salesperson in intrastate commerce or as a peddler shall be made upon a form provided by the City Manager. Each application shall contain among other information, the name, address and telephone number of the applicant; the name, address and telephone number of his employer, if any; the nature of the goods or services for which he will take orders or to be offered for sale; the proposed method of operation in the City; a written commitment that such person(s) shall comply with Chapter 191 of the Codified Ordinances; and such other information as the City Manager may require. A separate license shall be required for each individual salesperson or peddler even though there may be a single employer. Such license shall not be used or represented in any way as an endorsement by the City. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license as a door-to-door salesperson in intrastate commerce or as a peddler. Each applicant shall submit to fingerprinting for identification purposes.

(c) Exceptions. No license shall be required of a farmer or producer who is selling the product of his own farm, or of a bona-fide representative of a charitable, church or religious organization who is selling exclusively books or tracts published by a religious group or other goods or merchandise sold in connection with an appeal to charitable or religious purposes, such latter class of sales being governed by the registration requirements of Section 741.05.

(d) Duties of Licensee. No door-to-door salesperson's or peddler's license shall be transferable nor shall it be used by any person other than the licensee. Such license must be exhibited on request to any law enforcement officer or to any prospective customer.

(e) Investigation: License Revocation.

(1) Upon a written complaint being filed with the Police Division that any canvasser, door-to-door salesperson in intrastate commerce or any peddler is suffering from a communicable disease; or has made himself obnoxious to the public by the use of indecent, profane or insulting language; or the unsanitary condition of his person or clothing; or that has made or perpetrated any misstatement, deception or fraud in connection with any solicitation, an investigation shall be made, and if such complaint is found to be true, the license of such canvasser, door- to-door salesperson or peddler shall be revoked by the City Manager.

(2) Any license issued hereunder shall be revoked by the City Manager if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application.

(3) Immediately upon such revocation, written notice thereof shall be given by the City Manager to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

(4) The holder of a revoked license may seek immediate judicial review by direct appeal to the Franklin County Court of Common Pleas.

741.07 STREET VENDORS AND PEDDLERS.

(a) License Required: Effective Period: Revocation. No vendor or peddler shall sell or offer for sale any ice cream, frozen dessert, soft drink, candy, sandwich, nuts, novelty confection or similar foodstuff, on public rights-of-way within the City without first obtaining a license from the City prior to engaging in such selling or offering for sale, such license to be issued by the City Manager. Any license issued hereunder shall be valid for a period of one year from the date of issue. Such license may be revoked for failure of the licensee or his agents or employees to comply with the terms of this chapter.

(b) Conditions of License: Fee. The license provided in this Section 741.07 shall be issued by the City Manager upon payment of a fee of twenty-five dollars (\$25.00) and upon compliance with the following conditions:

(1) License application: contents. Application for a license shall be made on a form provided by the City Manager. Each application shall contain, among other things, the name, address and the telephone number of the applicant completing the application; the name, address and telephone number of his/her employer, if any, for which he purports to act; the name of an officer of such employer; the nature of the goods or services for which he will be offering for sale; the proposed method of operation in the City; a written commitment that such person(s) shall comply with Chapter 191 of the Codified Ordinances; and such other information as the City Manager may require. Such license shall not be used or represented in any way as an endorsement by the City. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license.

(2) The applicant shall submit to the City evidence of insurance providing coverage for property damage and bodily injury occasioned by the licensee, his agents or employees, the limits of such coverage to be not less than one million dollars (\$1,000,000) combined single limit coverage (property damage and bodily injury).

(3) The application shall contain a schedule of vehicles to be used by the licensee and the applicant shall submit evidence that each person required to be licensed to operate such vehicles under the laws of the State has a valid Ohio operator's or chauffeur's license as required by law.

(4) The applicant shall furnish a schedule of items to be sold or offered for sale and, where necessary, a schedule of refrigerator compartments, cooling devices or iceboxes required to safely maintain the foodstuffs to be sold or offered for sale. The City Manager or his agent may require such compartments, devices or boxes to be subjected to an examination to determine their ability to hold temperature at the required level. Such examination may be made prior to the issuance of a license and/or at any time during the license year. In the event that the City Manager or his agent determines that such compartments, devices or boxes are not adequate to maintain temperature at the required level, an application for a license may be rejected or any existing license may be revoked.

(5) Each operator shall provide evidence that a valid food handler's permit has been issued by the Franklin or Delaware County Department of Health to the operator and his agents and employees.

(c) Hours of Sale. Vendors, peddlers or their agents or employees, subject to the provisions of this Section 741.07 shall operate only from 9:00 a.m. to 4:00 p.m. and 6:30 p.m. to 9:00 p.m.

(d) Lights on Vehicles. Every vehicle used by a vendor or peddler subject to the terms of this section shall be equipped with marker lights and flashing signal devices as follows: two red lights six inches in diameter directed to the rear and two yellow or amber lights four inches in diameter directed to the front and so operated as to emit a flashing light when the vehicle is stopped or moving at less than twenty miles per hour. Marker lights shall be situated on the rear and on the cab of the vehicle and shall be constantly lighted.

(e) Stopping Vehicle for Sales.

(1) Vendors, peddlers or their agents or employees shall transact business only when the vehicle is stopped at the curbing or, if there is no curbing, when the vehicle is stopped at the right edge of the paved part of the right-of-way.

(2) Vendors, peddlers or their agents or employees shall not transact business when the vehicle is in a marked parking space in the public right-of-way, unless the marked parking space is specifically designated by the City for such purpose.

(f) Street Vendors Serving Fairs and Festivals.

(1) In order to provide for the health and safety of persons attending a fair or festival authorized by the City, the City Manager shall designate those streets, highways and public rights-of-way adjacent to, or in the area of a fair or festival which shall not be used for the purpose of the sale of foodstuffs pursuant to a license issued under the terms of this chapter or for the purpose of the sale of goods, merchandise or property of any kind.

(2) No license issued pursuant to Section 741.07, shall authorize or permit or be valid for the purpose of the sale of foodstuffs from the streets, highways or rights-of-way so designated by the City Manager during the hours of operation of any such fair or festival.

(3) Any person, firm, corporation, group or agency which has secured a permit under Section 311.02 of the Codified Ordinances for the purpose of sponsoring a fair or festival may authorize the sale of foodstuffs within the public rights-of-way subject to such permit, provided that such public rights-of-way are not open to vehicular traffic and provided that the vendor shall have complied with all applicable health regulations. Such vendor shall not be required to secure a permit authorized by this Section 741.07.

(g) License Revocation.

(1) Any license issued hereunder shall be revoked by the City Manager if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the license application.

(2) Immediately upon such revocation, written notice thereof shall be given by the City Manager to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the license. Immediately upon the giving of such notice the license shall become null and void.

(3) The holder of a revoked license may seek immediate judicial review by direct appeal to the Franklin County Court of Common Pleas.

741.08 PERMIT TO SOLICIT CHARITABLE CONTRIBUTIONS IN THE ROADWAY.

(a) The City Manager or his designee may shall issue a permit to solicit contributions on a street, highway or roadway from the driver or occupant of a vehicle when all of the requirements of subsection (b) hereof have been met.

(b) Charitable organizations may apply for and obtain a permit to solicit contributions in the street, highway or roadway but not on a freeway as provided in Ohio R.C. 4511.051 when a permit is issued by the City Manager or his designee as follows:

(1) The City Manager or his designee shall prescribe a form and receive applications to solicit contributions on a street, highway or roadway.

(2) An application may be made only by a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 502(c)(3) of the Internal Revenue Code as amended. The Internal Revenue Service ruling or determination shall be attached to the application prescribed by the City Manager and/or the City Manager's designee.

(3) An application to solicit in the street, highway or roadway shall state the date and times for which the permit is sought. A permit under this section shall not be issued to a charitable organization for more than one day each calendar year between the hours of 8:00 a.m. and 5:00 p.m. on such date.

(4) The application to solicit in the street, highway or roadway shall specify the locations and shall be approved for not more than three (3) intersections during any time for which the permit is sought. The application shall list the names and addresses of all agents authorized to solicit on behalf of the organization.

(5) The application shall be accompanied by a paid up liability insurance policy or certificate of insurance in the amount of not less than one million dollars (\$1,000,000) that insures the charitable organization for any and all claims that may arise as a result of soliciting contributions in the street, highway or roadway and which insurance policy contains a clause that names the City and its officers, agents or employees as an additional insured under such policy.

(6) The application shall be accompanied by a signed waiver of liability from each person soliciting on behalf of the organization for any and all claims that may arise as a result of soliciting contributions in the street, highway or roadway.

(7) Prior to the issuance of a permit, the City Manager and/or the City Manager's designee shall verify that the proposed solicitation in the street, highway or roadway at the specified locations on the date stated in the permit does not conflict with a previously issued parade permit or scheduled public event. No more than one permit shall be issued for the use of any intersection during any calendar day, nor shall more than one charitable organization be permitted to solicit on the same calendar day.

(8) The Chief of the Division of Police shall be provided a copy of the application, permit and names of the members of an organization issued a permit to solicit under this section. All agents soliciting contributions pursuant to a permit issued under this section shall possess a copy of such permit with them at all times during the period of such solicitation.

(9) All agents soliciting contributions pursuant to the permit shall wear light colored clothing and/or safety vests and shall prominently display an organization identification.

(10) The City Manager and/or the City Manager's designee shall have the authority to revoke the permit to solicit contributions, and the City Manager, his designee or the Police Chief may order any and all of the agents to cease all activity, if conditions become hazardous and/or inclement, in their sole discretion, or if the agents fail to comply with the requirements of this section. The holder of a revoked permit may seek immediate judicial review by direct appeal to the Franklin County Court of Common Pleas.

741.99 PENALTY.

(a) Whoever violates Section 741.05(f) shall be guilty of a misdemeanor of the fourth degree.

(b) Whoever violates Section 741.06(a) is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for any subsequent offense.

(c) Whoever violates any provision of this chapter for which no penalty is otherwise provided is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 97-63. Passed 10-7-97.)