

REQUESTED BY:
POLIVKA

LAW DEPARTMENT
DRAFT NO. 3670

TITLE

AN ORDINANCE FOR THE PURPOSE OF ENACTING SECTION 735.021 OF CHAPTER 735 ("PEDDLERS, SOLICITORS AND ITINERANT VENDORS") OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12716/17

WHEREAS, this Council deems it to be in the best interests of the City of Warren to update various Sections of Chapter 735 ("PEDDLERS, SOLICITORS AND ITINERANT VENDORS") of the Codified Ordinances of the City of Warren; and

WHEREAS, Section 735.02 of the City of Warren's existing "Peddlers, Solicitors and Itinerant Vendors") Ordinance regulating various types of sales and services was amended in 2016 and provided for the regulation of among others, solicitors and peddlers; and

WHEREAS, the City of Warren now finds that while control of "Peddlers, Solicitors and Itinerant Vendors") is necessary, it can have a negative impact upon citizen's rights to quiet enjoyment of their homestead that is contrary to the public welfare; and

WHEREAS, The Council of the City of Warren wishes to expand the resident prohibition by notice to include a "Do Not Knock Registry"; and

WHEREAS, the City of Warren finds that this Ordinance strikes an appropriate balance between vendors rights to conduct business and the City's right to maintain control of peddlers that might create damage to the residents of the City; and

WHEREAS, this Ordinance acknowledges and promotes the continuing necessity to monitor and control sales within the City of Warren, as well as provide measures that will allow citizens to quiet enjoyment of their property within the City; and

WHEREAS, the City of Warren is empowered to promote the health, safety, welfare and integrity of the residents of the City of Warren, and others; and

WHEREAS, it is therefore necessary to amend the Codified Ordinances of the City of Warren, Chapter 735; and

WHEREAS, this Ordinance is necessary to promote and protect the public health, safety, and welfare of the residents of the City of Warren; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That Sections 735.021 ("Peddlers, Solicitors and Itinerant Vendors") of Chapter 735 of the Codified Ordinances of the City of Warren, be and hereby is enacted.

Section 2: That Chapter 735 ("Peddlers, Solicitors and Itinerant Vendors"), Section 735.021 of the Codified Ordinances of the City of Warren, Ohio is hereby enacted to read as follows:

“CHAPTER 735”
PEDDLERS, SOLICITORS AND ITINERANT VENDORS

735.021 “DO NOT KNOCK REGISTRY”

Notwithstanding any other provision of this Chapter, it shall be unlawful for any solicitor or peddler, to enter any premise and knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City that appears on the “Do Not Knock Registry” or upon which there is posted at the entrance a notice which reads “No Solicitors,” a “Do Not Knock” sticker or words of similar import, which clearly prohibit peddler or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

(a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council (“NOPEC”) shall agree to do so, NOPEC shall establish and maintain for the City a “Do Not Knock Registry” (“Registry”) and is authorized to contact individuals on the Registry to distribute “Do Not Knock” stickers to them at no cost to the City of Warren or the individuals and contact individuals to update the list each year.

(b) The decision of whether to place a residence, house, apartment or other dwelling on the “Do Not Knock Registry” shall be solely that of the lawful possessor and occupant thereof.

(c) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the City may request NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the “Do Not Knock Registry” by submitting a request on form(s) supplied by the City of Warren, Ohio or by submitting a request online at www.blocktheknock.com or at a Block the Knock community event, which shall contain the following information:

- (1) The name and signature of the person completing the form(s), unless the submission is done electronically.
- (2) The complete address of the residence, house, apartment or other dwelling to be placed on the Do Not Knock Registry.
- (3) A valid email address of the person completing the form(s).
- (4) The date the form was completed.
- (5) A statement that “no Solicitors or Peddlers” shall call at this address or words of similar import.

(d) A residence, house, apartment or other dwelling, after being lawfully placed on the “Do Not Knock Registry,” shall remain on said registry until the earliest of any of the following:

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

(e) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling may request the City or NOPEC to remove his or her residence, house, apartment or other dwelling from the “Do Not Knock Registry” by submitting a “Notice of Removal” form(s) supplied by the Director of Public Service and Safety, or by submitting a request online to www.blocktheknock.com which shall contain the following information:

- (1) The name and signature of the person completing the form.
- (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.
- (4) A statement that the residence be removed from the "Do Not Knock Registry."

(f) A copy of the "Do Not Knock Registry" shall be made available for public inspection at all times during normal business hours at the office of the Director of Public Service and Safety of the City of Warren and shall be given to every person who applies for a license Pursuant to Section 735.02 or registers as a solicitor or peddler Pursuant to that Section.

Section 2: That Section 735.02 of the Codified Ordinances of the City of Warren, is hereby amended as provided herein, and all other provisions of Chapter 735 shall remain in full force and effect.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Warren, and for the further reason that this measure is necessary in order to enact this Section in the Codified Ordinances in the near future without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 26th day of April, 2017.

SIGNED: [Signature]
PRESIDENT OF COUNCIL

ATTEST: [Signature]
CLERK OF COUNCIL

FILED WITH THE MAYOR: 4-27-17

DATE APPROVED: 5-1-17

[Signature]
MAYOR, CITY OF WARREN, OHIO