

TITLE

AN ORDINANCE FOR THE PURPOSE OF AMENDING THE SECTIONS OF 735.01, 735.02, 735.03, AND 735.08 OF CHAPTER 735 ("PEDDLERS, SOLICITORS AND ITINERANT VENDORS") OF THE CODIFIED ORDINANCES OF THE CITY OF WARREN AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12634/16

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, Sections 735.01, 735.02, 735.03 and 735.08 of the City of Warren's existing "Peddlers, Solicitors and Itinerant Vendors") Ordinance regulating various types of sales and services were adopted in 1992 and have not changed since that time, despite changes in State Laws; 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 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, 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 735.01, 735.02, 735.03 and 735.08 ("Peddlers, Solicitors and Itinerant Vendors") of Chapter 735 of the Codified Ordinances of the City of Warren, be and hereby are, amended.

Section 2: That Sections 735.01, 735.02, 735.03 and 735.08 (Peddlers, Solicitors and Itinerant Vendors") of Chapter 735 of the Codified Ordinances of the City of Warren, be and hereby are, enacted as follows:

"CHAPTER 735"  
PEDDLERS, SOLICITORS AND ITINERANT VENDORS

735.01 DEFINITIONS.

(a) "Vendor or Peddler" means and includes all person, both principal or agents, who engage in a temporary or transient business in the City, selling or giving away goods, wares, merchandise or services, including flea markets, and who, for the purpose of carrying on such business hire, lease or occupy any room, building, lot or structure for the exhibition, storage, sale or giving away of such goods, wares, merchandise or services.

## 735.02 LICENSE REQUIRED

(a) No person, either as a principal or agent, shall engage in business or trade, or offer for sale merchandise, services, installation of a product sold by any person as defined under this Ordinance or any article of value within the limits of the City of Warren without having obtained a license in the manner provided for this Chapter.

## 735.03 QUALIFICATIONS OF LICENSE

(a) No vendor's license of installer of products covered under this Ordinance shall be issued except upon satisfactory evidence being presented by the applicant to the licensing authority, that the applicant is a proper person to be so licensed and identification of such person be known to the City and that the vendor or installer provide a certified background report from an agency qualified to make such background checks and must contain information readily confirmable. A copy of such proof of identification and background check shall be provided as part of the licensing procedure.

## 735.08 LICENSE ISSUANCE; FEES(S); TERMS.

No person shall individually, or by the use of carts, wagons, telephone, vehicles or other conveyance by going place to place upon the streets of the City or by standing temporarily in one place upon any portion of a street, or any other premises owned by the City, or temporarily or transiently open any store or other place for the purpose of; bargain to sell, expose for sale, give away or solicit orders for merchandise, or services, without first obtaining a license from the licensing authority.

Applicants for licenses under this Chapter must file a completed application, be in total conformance with all other applicable City, State and Federal laws, rules and regulations, including those which require licenses and permits; and had made payment for one of the following licenses:

- (a) Food service/establishment licenses must be obtained from the City of Warren Health Department where any products, sold or given away, are foodstuffs.
- (b) Flea market licenses may be granted by the licensing authority to organizations or individuals who, by the nature of their business, allow individual vendors or itinerant vendors to sell, or give away, merchandise under one roof or in one contiguous area upon payment of a license fee of two hundred-fifty dollars (\$250.00) per year.
- (c) Organizational vendor's licenses may be granted by the licensing authority to organizations, companies, businesses and individuals transporting, selling or giving away merchandise and/or services upon payment of a license fee of two hundred fifty dollars (\$250.00) per year. Associate licenses may be issued for all agents, individuals, salesmen, solicitors, itinerant vendors or employees of such organizations and shall pay an additional license fee of twenty-five dollars (\$25.00) per year for each associate(s) engaged in the bartering process.
- (d) Special use licenses may be granted by the licensing authority to organizations, companies, businesses and individuals who transport, sell or give away goods upon payment of a license fee of twenty-five dollars (\$25.00) per year. Those qualifying for the special use license are as follows:
  - (1) Those who qualify under Section 735.04(a) of this Chapter.

(2) Those organizations which are described in Subsection 501(c)(3) and are tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986, "100 Stat. 2085, 26 USCA 1, as amended. Those who claim this exemption must exhibit proof of such status.  
(Ord. 10447/92. Passed 11-12-92

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 without undue delay. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 10<sup>TH</sup> day of February, 2016.

SIGNED: James Graham ATTEST: Brenda Smith  
PRESIDENT OF COUNCIL CLERK OF COUNCIL

FILED WITH THE MAYOR: 2-10-16

DATE APPROVED: 2-10-16

[Signature]  
MAYOR, CITY OF WARREN, OHIO