



# CITY OF BRYAN, OHIO

*Carrie M. Schlade, Mayor*



## PERMIT

Driver's License # \_\_\_\_\_ (copy required) DOB \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Product \_\_\_\_\_

Agent For \_\_\_\_\_

Agent Location \_\_\_\_\_ Phone # \_\_\_\_\_

**PROOF OF THE FOLLOWING MUST BE OBTAINED BEFORE PERMIT APPROVAL:**

- Adequate Proof of Business and Workers' Compensation Insurance
- Tax Identification Number Issued by the Internal Revenue Service and the Ohio Department of Taxation

I certify that the above is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Has applicant ever been convicted of any crime, felony or misdemeanor, or violation of any municipal ordinance: If so, the nature of the offense and the punishment assessed: False or misleading information shall be grounds for denial of the permit.

Bryan Police Department Stamp



LICENSE IS HEREBY GRANTED TO: \_\_\_\_\_ SOLICIT CANVAS PEDDLE \_\_\_\_\_

Date From \_\_\_\_\_ To \_\_\_\_\_

License Fee \_\_\_\_\_ Paid \_\_\_\_\_

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

**License may be revoked at any time by Mayor**  
**Valid during daylight hours on weekdays only**

\_\_\_\_\_  
Mayor Carrie M. Schlade

**ORDINANCE NO. \_\_\_\_\_, 2015**

**AN ORDINANCE AMENDING SECTIONS 753.01 – 753.99 OF CHAPTER 753. SOLICITORS, CANVASSERS AND PEDDLERS OF THE CITY OF BRYAN CODIFIED ORDINANCES AND RESCINDING ANY SECTION INCOSISTENT HEREWITH.**

**THEREFORE, BE IT ORDAINED**, by the Council of the City of Bryan, Williams County, Ohio, four-fifths (4/5) of the members thereto concurring:

**SECTION 1:** That Section 753.01 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.01 DEFINITIONS.**

As used in this chapter:

- (a) “Canvasser” or “solicitor” means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, house to house or street to street, without first having an appointment to visit a residence, is taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future. This definition shall not apply to persons selling any agricultural articles, or products offered for sale by the producer.  
(Ord. 5-1962. Passed 2-19-62.)
- (b) “Peddler” means any person who carries with him for the purpose of sale and immediate delivery from house to house, goods, wares and merchandise. Exceptions to this definition of the term “peddler” are the following:
  - (1) A person making delivery of goods, wares or merchandise theretofore sold by an establishment having a permanent place of business.
  - (2) A person making sales of the following items of daily household consumption:
    - A. Baked goods;
    - B. Fruit and vegetables;
    - C. Dairy products except ice cream and frozen desserts.  
(Ord. 1-1959. Passed 1-5-59.)
- (c) “Canvasser” or “solicitor” or “peddler” may be a bona fide educational, religious, fraternal or charitable organization. The license required may be issued in the organization’s name, cover all members of that organization. When the applicant is such an organization, the Mayor shall have the authority to waive any non-applicable provisions of Section 753.03.

**SECTION 2:** That Section 753.02 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.02 PERMIT AND LICENSE REQUIRED.**

No solicitor, canvasser or peddler shall engage in business within the City without first obtaining a permit and license therefore in compliance with the provisions of this chapter. Any permit and license granted under the terms of this chapter shall be valid only during the hours of 10:00 a.m. and 6:00 p.m weekdays.

**SECTION 3:** That Section 753.03 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.03 APPLICATION; FEE.**

Applicants for permits and licenses under this chapter must file with the Mayor a sworn application in writing on a form to be furnished by the Mayor, which shall give the following information:

- (a) Name and description of the applicant;
- (b) Permanent home address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship, and Tax Identification Number issued by the Internal Revenue Service and the Ohio Department of Taxation;
- (e) The length of time for which the right to do business is desired;
- (f) A valid driver's license with a picture of the applicant or a state picture identification issued by the state where the applicant resides;
- (g) Adequate proof of business and workers' compensation insurance;
- (h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

**SECTION 4:** That Section 753.04 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.04 INVESTIGATION AND PERMIT ISSUANCE.**

- (a) Upon receipt of the application, the Mayor shall review the sufficiency of the application and approve or deny it based on the criteria set forth in section 753.03.
- (b) If the application is approved, the Mayor shall endorse the application for approval, execute a permit addressed to the applicant for the carrying on of the business applied for, and shall, upon payment of the prescribed license fee, deliver to the applicant the permit and issue a license. The license shall include the applicant's name, type of business, effective dates, and any such additional information the Mayor deems appropriate. The Mayor shall keep a permanent record of all licenses issued. All licenses shall be nontransferable.

**SECTION 5:** That Section 753.05 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.05 DELIVERY OF LICENSE.**

Licenses issued under this chapter shall be personally obtained by the licensee named therein, and shall be given to no other person. Such licensee must have the license on their person at all times while doing business in The City of Bryan.

**SECTION 6:** That Section 753.06 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.06 LICENSE FEES AND DURATION.**

The following license fees shall be paid:

- (a) For any peddler, solicitor or canvasser there shall be a license fee of fifty dollars (\$50.00) per month, per individual. The fee shall be paid in advance.
- (b) For organizations as defined in 753.01 (c), the fee shall be twenty-five dollars (\$25.00) per year, but may be waived by the Mayor.

**SECTION 7:** That Section 753.07 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.07 REVOCATION OF LICENSE.**

Any license issued pursuant to the provisions of this chapter shall be revoked by the Mayor upon violation by the peddler, solicitor or canvasser of;

- (a) Any provision of this chapter;
- (b) Of any applicable ordinance of this Municipality or any State or Federal Criminal Law;  
(Ord. 1-1959. Passed 1-5-59.)
- (c) The licensee has made one or more material misrepresentations of fact within the application;
- (d) The licensee has altered the information set forth on the face of the license or has used the license with knowledge that it has been altered;
- (e) The licensee has permitted another to use the license;
- (f) The licensee has entered upon the premises of a residence for the purpose of proposing a commercial transaction at hours other than those permitted by the express terms of the license;
- (g) The licensee has failed or refused to exhibit the license to a law enforcement officer or at any time when requested while licensee is engaged in door to door solicitations.

In the case of revocation, no fee will be refunded.

**SECTION 8:** That Section 753.08 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.08 HARRASSMENT.**

No solicitor, peddler or canvasser shall vex, annoy or harass any person by importuning the person to purchase or look at his/her goods or wares.

**SECTION 9:** That Section 753.09 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.09 APPEAL.**

Any applicant for license or any licensee shall have the right to appeal within five days, to a Board of Appeals, from the refusal of the Mayor to grant an application for a license or the revocation by the Mayor of the license. The Board of Appeals shall consist of the President of Council, the Clerk-Treasurer and Chief of Police. Notice of the appeal shall be filed in writing within the time hereinabove specified with the Clerk-Treasurer who shall act as the Secretary of the Board of Appeals. (Ord. 1-1959. Passed 1-5-59.)

**SECTION 10:** That Section 753.10 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.10 ENFORCEMENT.**

It shall be the duty of any police officer of the City to require any person seen soliciting, peddling or canvassing, who is not known by the officer to be duly licensed, to produce his/her license and to enforce the provisions of this Chapter.

**SECTION 11:** That Section 753.99 of the City of Bryan Codified Ordinances shall be amended and read as follows:

**753.99 PENALTY.**

Whoever violates any provision of this Chapter or fails to comply with any provision hereof is guilty of a misdemeanor of the fourth degree, punishable by a fine up to two hundred and fifty dollars (\$250.00) and incarceration not to exceed 30 days, or both.

**SECTION 12:** That any and all existing Ordinances and Resolutions that are inconsistent herewith are hereby repealed.

**SECTION 13:** That this Ordinance shall be in full force and effect at the earliest period provided by law.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President of Council

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Clerk-Treasurer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Suspended  
1<sup>st</sup> Reading  
2<sup>nd</sup> Reading  
3<sup>rd</sup> Reading