

CHAPTER 745  
Peddlers and Solicitors

745.01 Purpose.	745.10 Vending equipment.
745.02 Definitions.	745.11 Vending areas.
745.03 Regulations of vendors, peddlers and solicitors; penalties.	745.12 Vending hours.
745.04 Licensing procedure.	745.13 Street sales – general.
745.05 Approval / Rejection of License Applications.	745.14 Trespassing of peddlers or solicitors.
745.06 License fees.	745.15 False representation.
745.07 Non-transferability of licenses.	745.16 Exemptions.
745.08 Visibility of licenses.	745.17 Revocation or suspension of license.
745.09 License renewal.	745.18 Appeals.
	745.19 Severability.
	745.99 Penalties.

---

**745.01 PURPOSE.**

The purpose and intent of this chapter shall be to regulate vending, peddling and soliciting in the City of Kent, Ohio, enabling the authorities to protect the citizens of Kent while not restricting free enterprise.

**745.02 DEFINITIONS.**

For purposes of this chapter, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it appears from their context that a different meaning is intended.

- (a) "Category 'A' License" is a license which enables the holder to vend at authorized locations as specified in Section 745.12, and at times specified in Section 745.13 from licensed vehicles, trailers and/or wagons.
- (b) "Category 'B' License" is a license which enables the holder to vend at authorized locations as specified in Section 745.12, and at times specified in Section 745.13, from handcarts, wagons, or other vehicles that are not licensed and can be moved by hand, in a size that doesn't exceed three feet (3') wide by five feet (5') feet long.
- (c) "Category 'C' License" is a license which enables a peddler or solicitor, 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, from house to house or from street to street, taking or attempting to take orders for 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, and shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of taking orders for future delivery.

- (d) "Employee" is any person hired or paid compensation by or under contract to a licensed vendor, peddler or solicitor.
- (e) "Identification (I.D.) Card" is the card issued by the City to identify those authorized to vend, peddle or solicit.
- (f) "License" is the permit issued by the City of Kent, Ohio, authorizing a person to vend, peddle or solicit within the City boundaries.
- (g) "Peddle" is to move about the City and offer legal goods, wares and/or services for sale or immediate delivery.
- (h) "Peddler" is a person who moves about the City and offers legal goods, wares and/or services for sale or immediate delivery.
- (i) "Person" refers to any individual, stockholder, partner, or entity capable of taking title to vend, peddle, or solicit in the City of Kent, Ohio.
- (j) "Solicit" is to sell, entice for sale or encourage the purchase of offers for sale legal goods, wares or services for future delivery.
- (k) "Solicitor" is a person who sells, entices for sale or encourages the purchase of or offers for sale legal goods, wares or services for future delivery.
- (l) "Vend" is to sell legal goods or wares from vehicles, stands, carts, machines or wagons approved by the City.
- (m) "Vendor" is a person who sells legal goods or wares from approved vehicles, stands, carts, machines or wagons.

**745.03 REGULATION OF VENDORS, PEDDLERS AND SOLICITORS; PENALTIES.**

- (a) All vendors, peddlers and solicitors must be duly licensed by the City of Kent unless otherwise except pursuant to Section 745.19.
- (b) All vendors, peddlers and solicitors must have a retail sales license as directed by Ohio Revised Code Section 5739.17, unless otherwise exempt, and are liable for all pertinent regulations of Section 5739.01 to 5739.99, inclusive, of the Ohio Revised Code.
- (c) Any person vending, peddling or soliciting with a duly issued license found in violation of any provisions of this chapter shall be guilty of an infraction.
- (d) The code enforcement office and/or police officers may issue or cause to have issued citations for violations of this chapter, and the City is empowered to enforce this chapter pursuant to Ohio Revised Code Section 715.24 and 715.61.

#### **745.04 LICENSING PROCEDURE.**

Every person desiring a license for vending, peddling or soliciting within the City of Kent, Ohio shall file an application with the City Manager's Office upon a form provided by said office in duplicate. A \$5.00 application fee, deductible from the license fee, the balance of which is due upon receipt of the license, shall accompany the application. The application shall contain the following information:

- (a) The name, description, mailing address, permanent address, telephone number and social security number of the applicant.
- (b) Federal and state employer's identification number and sales tax identification number, if applicable.
- (c) A description of the product or service to be vended, peddled or solicited;
- (d) The names, addresses and telephone numbers of at least three (3) business references to prove applicant's credibility;
- (e) The supplier of the applicant's merchandise, or by whom the services solicited shall be rendered, unless the said applicant shall supply the goods or services.
- (f) The length of time for which the right to do business is desired;
- (g) The place where the goods or property are proposed to be sold, or orders taken for the sale thereof, are manufactured or produced; where such goods or products are located at the time such application is filed and the proposed method of delivery;
- (h) Two (2) photographs of the applicant and everyone who will be vending, soliciting or peddling under the license, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches (2") by two inches (2") showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) A statement as to whether or not the applicant has been convicted of or plead guilty to any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore; and
- (j) Any other information the City Manager's office shall deem necessary.
- (k) Category "A" licensee's shall also need proof of liability insurance from an Ohio insurance company or a company with a "A" rating (or better) with limits of \$1,000,000 with the City named as an additional insured and a thirty (30) day notice of cancellation of the policy.

#### **745.05 APPROVAL / REJECTION OF LICENSE APPLICATION.**

- (a) Upon receipt of such application, the original shall be referred to the Chief of Police or their designee, who shall cause such investigation of the applicant' to be made as he/she deems necessary for the protection of the public good.

- (b) If, as a result of such investigation, the applicant is found to be unsatisfactory, the Chief of Police or their designee shall endorse on such application his/her disapproval and his/her reasons for the same, and return the application to the City Manager, who shall notify the applicant that his/her application is disapproved and that no permit and license will be issued. The Chief of Police or their designee shall have two (2) business days to review the application.
- (c) If, as a result of such investigation, the applicant is found to be satisfactory, the Chief of Police or their designee shall endorse on the application his/her approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application to the City Manager, who shall, upon payment of the prescribed license fee and payment of the bond as described in Section 745.05(d), deliver to the applicant his/her permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of such licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Manager shall keep a permanent record of all licenses issued. The license shall be good for the calendar year for which it was issued.
- (d) Every person vending, peddling or soliciting under the terms of this chapter shall be required to obtain a vendor I.D. card from the City Manager's Office. A valid I.D. card must be in the vendor's, peddlers or solicitors possession and clearly visible while vending, peddling or soliciting. The term of the I.D. card shall correspond with the term of the applicable vending license.
- (e) All peddlers, vendors and solicitors must file with the City's Chief Financial Officer a surety bond in the amount of \$5,000.00 indemnifying the City, on the condition that the said applicant shall comply fully with all the provisions of the ordinances of the City and the statutes of the State of Ohio regulating and concerning the sale of goods, wares, merchandise or services to be performed, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, together with all judgments and costs that may be recovered against him/her by any person or persons for damage growing out of any misrepresentations or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions are made by or practiced by the owners or by the servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated with reference to the goods, wares and merchandise sold, or any part thereof, and further guaranteeing to any citizen of the City that the property purchased will be delivered according to the representation of said solicitor. Action on the bond may be brought in the name of the City to the use of the aggrieved person.
- (f) The City Manager's Office shall reserve the right to deny the applicant a license, should the application, vending equipment, if applicable, or requirement to post a surety bond, if applicable, fail to meet the guidelines of this chapter.

- (g) Any applicant denied a license may appeal the decision under Section 745.21 of this chapter.
- (h) These licenses shall not be valid and shall not entitle vendors, peddlers, or solicitors to sell or vend, or solicit, or peddle in areas where streets are closed by the City for special events, such as the Kent Heritage Festival; or when repairs or replacement of utilities, roadways or sidewalks are being undertaken; or by order of the Police Department or other lawful authority.
- (i) The licenses shall be good for one (1) calendar year, or until it is revoked, whichever occurs first.
- (j) The licenses shall only be valid as long as the licensee has a valid insurance policy and or bond in place.

**745.06 LICENSE FEES.**

- (a) The license fees prescribed below shall be paid in full to the City Budget & Finance Department before issuance of any license. The fees shall include a five dollar (\$5.00) application fee applied to the license fee, if approved. The licensing year shall run from January 1 through December 31, prorated on a monthly basis.
- (b) Vending:
  - i) Category "A" License - \$350.00 for Kent residents, \$500.00 for everyone else, effective January 1, 2011.
    - A) The maximum number of Category "A" licenses shall be five (5).
  - ii) Category "B" License - \$100.00 per year.
    - A) These licenses shall allow the license holder to vend from sidewalks in any designated area pursuant to Section 745.12 herein, except during the times listed in 745.05(g) and special situations as may be established by Kent City Council. Only one license shall be issued in each category per person, business or family. Vendors must display their permit while vending.
    - B) There shall be a maximum number of ten (10) category "B" licenses.
  - iii) Category "C" License - \$25.00 per month. These licenses apply to door to door peddlers and solicitors, and vendors.
- (c) There will be a \$5.00 fee for each identification card issued.

**745.07 NON-TRANSFERABILITY OF LICENSES.**

All licenses issued for vending, peddling or soliciting are non-transferable except as otherwise provided herein and may be used only by the applicant individual, stockholders, partners or entities capable of taking title to whom the license was granted. Any change in stockholders, partners, or other entity capable of taking title is a transfer of ownership interest and voids the license, except as noted

below. A license may be transferred one time as a result of the licensee's death to the holder's heirs and assigns provided the transferee intends to continue the business. If the business is to be sold or liquidated, the license is non-transferable at death.

#### **745.08 VISIBILITY OF LICENSES.**

Vending licenses shall be visible at all times at the sales location. Other licensees shall carry their license certificates at all times and shall surrender for inspection said license upon request by any law enforcement officer or citizen.

#### **745.09 LICENSE RENEWAL.**

Any vendor, peddler or solicitor whose license has not been revoked or suspended may, within three (3) months of the expiration of the license, between October 1 and December 31, renew that license upon a renewal-of-license form provided by the City Manager's Office. Category "A" licenses will only be renewed if the applicant is the successful bidder for a location for the following year.

The renewal form shall contain the name and social security number of applicant for renewal, expiration date of license to be renewed, period for which renewal is requested and any appropriate corrections of information provided on the original application. Fees for the renewal period shall accompany the application.

Any vendor, peddler or solicitor whose license has expired for more than three (3) months prior to the attempt to renew the license must reapply for a license in the same manner as the original application under Section 745.04.

The City Manager's Office shall submit to the Kent Police Department a copy of all license renewals issued.

#### **745.10 VENDING EQUIPMENT.**

Vendors for Category "A" licenses may only conduct their business from vending equipment approved by the Kent Police Department and/or the Code Enforcement office and/or the City Health Department. All equipment must be constructed in a safe and professional manner, and the primary purpose of such equipment shall be that of vending. All vending vehicles that dispense food must conform to the requirements of the City of Kent Health Department and the State of Ohio food service laws. Vending equipment to be used on public streets shall be no larger than eight feet (8') wide, ten feet (10') high as measured from the ground and sixteen feet (16') long including the trailer hitch or tow bar. All equipment used by the vendor must be self contained within the vehicle. All generators must exit the exhaust upwards over top of the trailer and the generator must have a muffler to quiet the noise caused by the generator. The equipment must be mobile, non-motorized and have at least one axle with which to move the equipment. All items sold must be contained upon the vending equipment itself. No part of the vending equipment may block, impede or hamper pedestrian movement or cause any hazard to pedestrians.

#### **745.11 VENDING AREAS.**

All vending on public streets and sidewalks of Kent, Ohio, shall be conducted only in the designated vending areas, upon implementation of this ordinance.

- (a) Category "A" license holders shall only vend in the five (5) spaces designated by the City Service Director on Water Street, Main Street, Depeyster Street and Franklin Avenue.

No other vehicles may park in this area during the approved vendor times. Spaces are to be obtained on an annual basis by auction in December for the following year under guidelines established by the City Service Director. The auctions shall be held at 2:00 p.m. on the first Monday of December, except for the first year, which shall be held at the discretion of the Service Director. Notice of the auction shall be published in the local newspaper at least one week prior to auction.

If not all spaces are sold at auction, remaining spaces will be sold on a first come first serve basis, with the cost being equal to the last price paid by a winning bidder in the same year. The auction for the first year of these regulations may be held whenever the Service Director directs.

- (b) Category "B" license holders shall only vend on the sidewalks on: Main Street between Lincoln Street and the main bridge over the Cuyahoga River; on Water Street between Portage Street and Erie Street; on Franklin Avenue between Main Street and College Street.
- (c) No vending shall take place anywhere else on the public streets in the City of Kent.

#### **745.12 VENDING HOURS.**

- (a) Category "A" license vending may be conducted between the hours of 6:00 p.m. and 3:00 a.m., on Thursdays, Fridays and Saturdays during the months of March through October.
- (b) Category "B" license vending may be conducted between the hours of 7:30 a.m. and 3:00 a.m.
- (c) Vending shall not be conducted between 3:00 a.m. and 7:30 a.m. anywhere in the City of Kent, Ohio.
- (d) Category "C" license peddling may be conducted between the hours of 9:00 a.m. and 6:00 p.m.
- (e) No permitted vending equipment shall be left unattended on the street or sidewalks, at any time during vending hours. Vending equipment must be removed once the vendor has ceased operation. The City may remove any vending equipment left unattended or non-licensed vehicles. It shall be treated as an illegally parked vehicle pursuant to Kent City Code Chapter 356. This right is granted pursuant to Ohio Revised Code Section 723.01.

#### **745.13 STREET SALES – GENERAL**

No person licensed as a peddler or street vendor shall demonstrate, sell or offer for sale or barter any goods, wares, merchandise, food, confection or drink upon any highway or sidewalk or any other City owned property within the City except in accordance with all of the following provisions:

- (a) No merchandise shall be displayed or sold by a peddler or street vendor in any place within the City except a Street Vending District. This section shall not apply to a peddler or street vendor selling prepackaged ice cream, popsicles or frozen desserts of any kind

for purposes of retail sale, or offered for retail sale, while operating a motor vehicle within the City.

- (b) No merchandise shall be displayed or sold to the occupants of vehicles stopped on roadways or alleys.
- (c) Each peddler or street vendor selling from a motor or animal drawn vehicle must comply with all traffic regulations at the location the vehicle is parked or standing.
- (d) No merchandise shall be displayed or sold at any sidewalk location where the sidewalk is less than twelve feet (12') in width from the private property line to the curbline.
- (e) No merchandise shall be displayed or sold within twenty feet (20') from the point of intersection of the curblines (except alleys), crosswalks or bus stop or stairway leading to or from any overhead walkway.
- (f) No merchandise shall be displayed or sold within ten feet (10') of a fire hydrant, standpipe, a sprinkler intake, a doorway or other access point to abutting property, a store window or a sidewalk elevator.
- (g) No merchandise shall be displayed or sold at a location which hinders or restricts access to a telephone booth, mailbox, parking meter, fire alarm call box or traffic control box.
- (h) No merchandise shall be displayed or sold within forty feet (40') of the location at which another peddler or street vendor is already displaying or selling merchandise. In the case of a dispute between peddlers or street vendors, the peddler or street vendor who arrived first on the day involved shall be deemed to have the privilege of operating at that location on that day. A peddler must continue to be there in person with wares to claim such privilege. Such distance shall be measured from the end of one display stand, table, cart, container or other appurtenance to the beginning of the next.
- (i) No merchandise or food shall be displayed or sold at a location within fifty feet (50') of an existing entrance of a business that sells food.
- (j) No merchandise shall be displayed or sold in a manner that blocks, obstructs or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.
- (k) All merchandise shall be displayed or sold from portable stands or containers. Each peddler or street vendor shall remove all merchandise, packaging, paper, containers, display stands or tables, or other materials brought to the location at the termination of sales each day. No permanent stands or displays will be permitted.
- (l) No peddler's or street vendor's display stand, cart, container or other appurtenances, paraphernalia, merchandise, supplies or signage shall occupy more than thirty six inches (36") of lateral sidewalk width, nor more than seventy two inches (72") of longitudinal sidewalk area.

- (m) Each peddler or street vendor during the period of selling shall keep the area within ten feet (10') of the location where the peddler or street vendor sells or displays merchandise free from all litter and debris arising from the operations, including the litter which arises from actions of customers in disposing of wrapping or packaging materials on merchandise sold by the peddler or street vendor.
- (n) No peddler's or street vendor's display stand, cart, container, or other appurtenance or paraphernalia shall be set up along street plantings, or street furniture, or on grass, or park areas.
- (o) Peddlers or street vendors shall at all times exercise reasonable care that their merchandise, packaging material, display equipment and other paraphernalia shall not create a safety or health hazard to customers or other persons using the public highways or sidewalks.
- (p) Category "A" license vendors shall only sell and display what they are selling on the sidewalk side of their cart, vehicle, trailer or wagon.
- (q) No food, confection or drink except prepackaged and/or containerized products shall be displayed or sold from any unimproved public property, including unimproved sidewalks or pedestrian walkways.
- (r) Each peddler or street vendor must police their own area and a ten foot (10') radius of same to keep it free from debris and litter.
- (s) No street sales shall be conducted and no peddler's or street vendor's display stand, cart, container or other appurtenance or paraphernalia shall be set up on private property, or on the sidewalks adjacent to private property, without prior written consent of such property owner or without the prior written consent of the owners of any property adjoining or abutting such property.
- (t) Nothing herein shall be construed to prohibit the distribution of noncommercial handbills, cards, leaflets, other literature of the sale of newspapers and magazines on the sidewalks.
- (u) All food sales must be approved by the City of Kent Health Department.

#### **745.14 TRESPASSING OF PEDDLERS OR SOLICITORS.**

No peddler or solicitor shall attempt to peddle or solicit upon any property that has a public display, sign or warning prohibiting peddling or soliciting on the property.

Peddlers or solicitors who violate this section may be charged with trespassing and may have their licenses revoked or suspended.

#### **745.15 FALSE REPRESENTATION.**

No peddler or solicitor shall falsely represent or falsely insinuate employment, partnership or other affiliation with a legitimate enterprise where, in fact, such employment, partnership or affiliation does not exist.

#### **745.16 EXEMPTIONS.**

- (a) The following persons shall be exempt from the licensing procedures outlined in Section 745.04 to 745.10, inclusive:
  - i) Any person soliciting or peddling anything which such person has personally manufactured or produced.
  - ii) Any farmer, poultry man or horticulturist, who is a person, who is soliciting or peddling his own product, but who has not bought goods for resale to sell along with his own product.
  - iii) Any person, eighteen (18) or over soliciting for personal services to be performed by the person so soliciting.
  - iv) The provisions of this chapter shall not apply to the peddling or soliciting of ice, milk, cream, ice cream, butter, eggs, cottage cheese or any dairy products.
  - v) The provisions of this Chapter shall not apply to persons of the age of eighteen (18) or younger selling items for non-profit agencies/schools, nor to salesmen or agents for wholesale houses or firms who solicit orders from or sell to retain dealers for resale or to manufacturers for manufacturing purposes or to bidders for public works or supplies.
  - vi) People distributing or disseminating literature and/or information.
  - vii) Any person who regularly sells food to local employees out of their vehicles, when the caterer/vendor goes to the place of employment of its customers, at the customer's request.
  - viii) Any person, vending, peddling or soliciting under special event authorization of the City and the event sponsor, do not have to register under this chapter. They do have to comply with the event sponsor rules and regulations, tax laws, and health laws, rules and regulations.
- (b) The following persons are exempt from the prohibition against the business, of selling merchandise, wares, produce, fruits, vegetables or products of any kind on public streets or sidewalks in the City:
  - i) Sidewalk sales conducted by charitable and nonprofit organizations, where approved by the adjacent landowner and the City Manager's office.

- ii) Sales conducted in commercial parking lots, where approval of the parking lot owner has been obtained.
  - iii) Periodic sidewalk sales by downtown merchants with presales notice to the City Manager's office.
  - iv) The delivery of merchandise or products of any kind to places of business or residences or the sale of products from house to house.
- (c) Farmers Market: The City of Kent has recognized a portion of the parking lot on the Northwest corner of Summit Street and Franklin Avenue, for the express purpose of maintaining an area for persons to set up a farmer's market. The City shall not require these sellers to be licensed under this chapter.

**745.17 REVOCATION OR SUSPENSION OF LICENSE.**

- (a) The following conditions may allow for the revocation or suspension of a vending, peddling or soliciting license:
- i) Violations of any of the provisions of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license was issued; or upon conviction of a license for any federal, state or city law or ordinance involving moral turpitude;
  - ii) For any conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for the denial of a license application;
  - iii) For any misrepresentation of any information given on the application discovered after the issuance of the license;
  - iv) For any public offense or violation by the licensee relating to the vending, peddling or soliciting activity; and/or
  - v) For any good cause shown.
- (b) Licenses issued for vending, peddling or soliciting may be revoked or suspended by the code enforcement office for any of the causes enumerated in this section, using the following procedure:
- i) The code enforcement office or the Police Department shall issue an order suspending the license, which shall become effective immediately upon service of a written notice to the licensee. Such notice shall specify the reason for termination and may provide for conditions upon which the license may be reinstated, upon compliance with said conditions.
  - ii) Should no conditions be given for the possible reinstatement of the terminated license, the order shall constitute a revocation of the license.

- iii) Appeals may be initiated on any suspension or revocation, following the guidelines in Section 745.18 of this chapter.

**745.18 APPEALS.**

Any person aggrieved by denial, suspension or revocation of license may, within five (5) working days submit to the Clerk of Council an appeal to be heard by the Board of Zoning Appeals.

The hearing shall be held within forty (40) days of the Clerk of Council receiving the Notice of Appeal.

The Clerk of Council or Community Development Department shall notify all members of the Board of the time and place of the appeals hearing, not less than twelve (12) hours in advance thereof. The appellant may appear and be heard in person or by Counsel. If, after the hearing, a majority of the members at such hearing declare in favor of the appellant, the license must be approved or reinstated, as the case may be; otherwise, the order appealed from shall become final.

**745.19 SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or invalid.

**745.99 PENALTIES.**

- a) Any first violation of any provision of this chapter (unless otherwise specified), is a minor misdemeanor. A second or additional violation of a provision of this chapter within a two (2) year period is a misdemeanor of the fourth degree.
- b) Any person found vending, peddling or soliciting without a license will be asked to cease said behavior. Failure to cease vending, peddling or soliciting after a request to do so by a City official is a fourth degree misdemeanor.