

ORDINANCE NO. 35-18

AN ORDINANCE AMENDING SECTION 836.03(b)(2)(B)(4) AND SECTION 836.99 OF
THE CODIFIED ORDINANCES OF THE CITY OF AVON AS IT
PERTAINS TO PEDDLERS, SOLICITORS, AND CANVASSERS
AND DECLARING AN EMERGENCY

WHEREAS, Chapter 836 provides for administrative procedures for the regulation of peddlers, solicitors and canvassers in the City of Avon; and

WHEREAS, the Administration, particularly, the Finance Department for the City of Avon, after reviewing this section of the Business Regulation and Taxation Code determined that amendments to certain permit fees were in order; and

WHEREAS, Council, in considering the recommendation of the Finance Department, finds that the proposed amendments to Chapter 836 to be reasonable and in the best interests of the safety, health and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 836.03(b)(2)(B)(4), which presently reads as follows:

**836.03 PEDDLING OR SOLICITING ON PRIVATE OR PUBLIC PROPERTY;
 PERMIT REQUIRED; PROHIBITED ACTIVITIES; CANVASSING.**

(b) Application; Fee: Permit; Registration.

(4) Each applicant shall pay a non-refundable permit application fee of one dollar (\$1.00), which fee shall be paid to the Director of Public Safety at the time the permit is issued. Juveniles shall be exempt from said fee. No juveniles shall be issued a permit without an adult applicant obtaining said permit and listing all information required in A. through K. above, for each juvenile under his or her charge.

Shall be amended to read as follows: (new language in bold print)

(4) Each applicant shall pay a non-refundable permit application fee. **The fee for peddlers shall be \$250. The fee for solicitors shall be of one dollar (\$1.00) Twenty-Five (\$25.00). These fees which fee** shall be paid to the Director of Public Safety at the time the permit is issued. Juveniles shall **not** be exempt from said fees. **However, the Director of Public Safety may waive registration fees for juveniles soliciting funds for certain causes such as local school events, local athletic events and the like.** No juveniles shall be issued a permit without an adult applicant obtaining said permit and listing all information required in A. through K. above, for each juvenile under his or her charge.

Section 2 – That Section 836.99, which presently reads as follows:

836.99 PENALTY.

Whosoever violates any provision of this chapter shall, on a first offense, be fined not more than one hundred fifty dollars (\$150.00). A second or subsequent offense shall be punishable by a fine of not more than two hundred and fifty dollars (\$250.00) or a jail sentence of not more than 30 days, or both. (Ord. 28-08. Passed 5-5-08.)

Shall be amended to read as follows: (new language in bold print)

836.99 PENALTY.

Whosoever **is convicted of** any provision of this chapter shall **be guilty of a minor misdemeanor** on a first offense **and** be fined not more than one hundred fifty dollars (\$150.00). A second or subsequent **conviction occurring within one year of the date of the previous conviction** shall be **classified as a fourth degree misdemeanor** and be punishable by a fine of not more than two hundred and fifty dollars (\$250.00) or a jail sentence of not more than 30 days, or both. (Ord. 28-08. Passed 5-5-08.)

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Sections 836.03(b)(2)(b)(4) and 836.99 of the Avon Codified Ordinances to increase certain permit fees as it pertains to peddlers, solicitors, and canvassers; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Robert J. Butkowski, Council President Pro Tem

DATE APPROVED BY THE MAYOR: _____

William D. Logan, Acting Mayor

Ordinance No. 35-18 (Con't.)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Gail A. Hayden
Assistant Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director