



## Legislation Details (With Text)

**File #:** 0187-2014      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/15/2014      **In control:** Rules & Reference Committee

**On agenda:** 2/3/2014      **Final action:** 2/6/2014

**Title:** To amend various sections in Chapter 523 of the Columbus City Code, Commercial Sales License, in order to clarify the definition section as it relates to City of Columbus and privately owned properties; to reference the race event permit; and to update the code per the bi-annual review that ensures our code is consistent with the Ohio Revised Code and constitutional.

**Sponsors:** Michelle M. Mills, Zach M. Klein

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/6/2014	1	CITY CLERK	Attest	
2/6/2014	1	MAYOR	Signed	
2/3/2014	1	COUNCIL PRESIDENT	Signed	
2/3/2014	1	Columbus City Council	Approved	Pass
1/27/2014	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This ordinance amends various sections in Chapter 523 of the Columbus City Code in order to incorporate clearer language and updates since the entirety of Chapter 523 was updated in July 2012

This legislation will clarify the definition of “Peddler or Solicitor or Canvasser” as it relates to City of Columbus and privately owned property. It also defines “Privately owned property” as any property that is not owned by the City of Columbus. These definition changes and additions will clarify the private property exemption found later in the chapter. Additionally, it incorporates a reference to the race event permit, created in March 2013, removes references to social security numbers, and changes the hours of operation to end at 8pm instead of 6pm.

**FISCAL IMPACT:** None

To amend various sections in Chapter 523 of the Columbus City Code, Commercial Sales License, in order to clarify the definition section as it relates to City of Columbus and privately owned properties; to reference the race event permit; and to update the code per the bi-annual review that ensures our code is consistent with the Ohio Revised Code and constitutional.

**WHEREAS,** there is a need to amend Section 523.01 of the Columbus City Code in order to incorporate unambiguous language in the definition section as it relates to City of Columbus and privately owned property; and

**WHEREAS,** there is a need to amend various sections in Chapter 523 to update the references to the race event permit and to social security numbers and to adjust the hours of operation since the entirety of Chapter 523 was updated in July

2012; and

**WHEREAS**, this ordinance establishes language and authorizes the amendment of various sections of Chapters 523 of the Columbus City Code for the above-described purpose; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That existing Section 523.01 of the Columbus City Code is hereby amended to read as follows:

**523.01 Definitions**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

- (a) "Commercial sales promoter" shall mean any corporation, partnership, unincorporated association, organization, business or trade of any kind that causes or permits any employee, agent, volunteer, independent contractor or sub-contractor thereof, to engage in peddling, soliciting or canvassing.
- (b) "Peddler or Solicitor or Canvasser" shall mean and include any person, either as principal or agent, volunteer, independent contractor or sub-contractor, who goes from place to place, selling or offering to sell, barter, or carry for sale or barter, or exposing therefore, upon ~~any street, road, alley, doorway, sidewalk, vacant lot(s) or other tracts of land~~ any property owned by the City of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land, and all property that is privately owned, any goods, wares, merchandise, samples, food or drink for human consumption, services or other commodity, carried by hand, from portable stands, tables, containers, display stands or any other materials brought to the location, to the consuming public whether or not the material is actually delivered at the time of sale.
- (c) "Peddling or Soliciting or Canvassing" is the activity described in 523.01(b).
- (d) "Consumer goods or services" shall mean goods or services purchased, leased or rented primarily for personal, family or household purposes.
- (e) "Goods or Wares or Merchandise" shall mean tangible commodities such as products or materials that are intended to satisfy the want or need of a consumer or any skill or service that one seeks to sell.
- (f) "Services" is the duty or labor to be rendered by one person to another.
- (g) "Consumer services" shall mean any kind of services offered to the public.
- (h) "Place to place" shall mean, progressing from one (1) street address to another street address to peddle, solicit or canvass.
- (i) "Special event" shall mean an activity, assemblage or gathering of people upon the public right-of-way for which a block party permit ~~or~~, street closure permit or race event permit has been issued by the City of Columbus.
- (j) "Business" shall mean dealings or transactions of an economic nature or enterprise or persons engaged in an occupation, business or industry.
- (k) "Trade" shall mean the business or work in which one engages regularly.
- (l) "License Section" the License Section of the Division of Support Services under the Department of Public Safety and is further defined in Columbus City Code Sections 501.02 and 501.03.
- (m) "Privately owned property" as used in this Chapter means any property that is not owned by the City of Columbus.

**SECTION 2.** That existing Section 523.03 of the Columbus City Code is hereby amended to read as follows:

**523.03 Exemptions.**

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales promoter license under this section:

- (a) State and local governmental departments, agencies and subdivisions, including public schools.
- (b) State accredited private schools and academies.
- (c) Civic, patriotic, religious and political groups, recreational, fraternal or cultural organizations.
- (d) Special events as defined in Section 523.01(i)

- (e) Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption.
- (f) Any organizations bona fide officer or employee that holds a valid charitable solicitation license pursuant to CCC 525.03.
- (g) A person who does not go place to place and who sells items they grow, raise or manufacture on private property. However, this person must be able to prove, preferably in writing, that they have permission from the property owner to sell.
- (h) A person selling items on private property that he or she owns. To qualify for an exemption under this provision, a person claiming this status must submit proof of ownership in the form of a legally recorded deed.

The above organizations and/or individuals shall otherwise comply with all applicable requirements of Columbus City Code 525 and any state or federal regulations.

**SECTION 3.** That existing Section 523.04 of the Columbus City Code is hereby amended to read as follows:

**523.04 License application, update.**

In addition to other provisions of this chapter and in addition to the general licensing requirements contained in Columbus City Code 501; each applicant for a commercial sales or commercial sales promoter license shall file an application on forms provided by the License Section. Applications shall be made under oath and shall contain the following information and or material:

- (a) Commercial sales
  - (1) Name, address, telephone number, date of birth, ~~social security number~~.
  - (2) Business name or (DBA), address and telephone number if different from above.
  - (3) Proof of Ohio Department of Taxation Itinerant Vendors License if required.
  - (4) Any change in information required to be submitted by this chapter, must be provided by application within ten (10) calendar days of any such change.
  - (5) Any other information required or requested by the section.
- (b) Commercial sales promoter
  - (1) Name, address, telephone number, date of birth, ~~social security number~~.
  - (2) Business name or (DBA), address and telephone number if different from above.
  - (3) Proof of Ohio Department of Taxation Itinerant Vendors License if required.
  - (4) Any change in information required to be submitted by this chapter, must be provided by application within ten (10) calendar days of any such change.
  - (5) Any other information required or requested by the section.
- (c) In the case where any person applies for a commercial sales promoter license on behalf of any corporation, partnership, unincorporated association, organization, business or trade, such person shall provide the following:
  - (1) Name, address, telephone number, date of birth, ~~social security number~~.
  - (2) Business name, address and telephone number.
  - (3) Proof of Ohio Department of Taxation Itinerant Vendors License under the business name if required.
  - (4) A letter on business letterhead authorizing the act of licensing matters.
  - (5) Any change in information required to be submitted by this chapter, must be provided by application within ten (10) calendar days of any such change.
  - (6) Any other information required or requested by the section.

**SECTION 4.** That existing Section 523.14 of the Columbus City Code is hereby amended to read as follows:

**523.14 Prohibited acts, hours of operation.**

In addition to other provisions of this chapter, no peddler, solicitor or canvasser shall:

- (a) Not operate between the hours of 6:00 p.m. and 9:00 a.m. when engaged in peddling, soliciting or canvassing door-to-door in areas zoned as residential.
- (b) Enter a private residence under pretenses other than for peddling, soliciting or canvassing.

- (c) Fail, or refuse to leave peacefully private property immediately after the owner, occupant, landowner's agent or representative has requested to do so.
- (d) Enter upon the land of a private residence or multi-unit property to peddle, solicit or canvass when the owner or occupant thereof has displayed a "no peddling", "no soliciting" or "no canvassing" sign on such premises.
- (e) Peddle, solicit or canvass on a street or within an area which has been closed by the City of Columbus for a "special event" without the written permission from the event organizers.
- (f) Peddle, solicit or canvas in city parks, to the extent that these activities are regulated under Title 9, Chapter 919 of the Columbus City Code.
- (g) Sell, offer for sale, barter, or carry for sale or barter or expose for sale any merchandise or services on private property unless express written permission has been granted by the property owner or agent authorized to do so. Written permission shall be furnished upon application or at the request of any license officer or police officer.

**SECTION 5.** That existing Sections 523.01, 523.03, 523.04 and 523.14 of the Columbus City Code are hereby repealed.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.