



## Legislation Details (With Text)

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**Title:** To amend Chapter 523 in the Columbus City Codes pertaining to commercial sales licenses.

**Sponsors:** Michelle M. Mills

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/1/2012	1	CITY CLERK	Attest	
7/31/2012	1	MAYOR	Signed	
7/30/2012	1	COUNCIL PRESIDENT	Signed	
7/30/2012	1	Columbus City Council	Approved	Pass
7/23/2012	1	Columbus City Council	Read for the First Time	

The purpose of this legislation is to update and modernize the Peddler code for the regulation of commercial sales promoters, peddlers, solicitors and canvassers. This legislation will change the name of the code chapter to Commercial Sales License, which better reflects regulating sales on private property and in the public right-of-way. It will also ensure public safety by providing detailed operating restrictions, proper personal identification and require that sales do not obstruct the right-of-way.

### **To amend Chapter 523 in the Columbus City Codes pertaining to commercial sales licenses.**

**WHEREAS**, there is a need to amend Chapter 523 in the Columbus City Codes for the purpose of modernizing and updating the regulation of commercial sales promoters, peddlers, solicitors and canvassers; and

**WHEREAS**, these amendments are necessary for increased public safety and a more vibrant city; and

**WHEREAS**, this ordinance establishes language and authorizes the amendment of Chapter 523 of the Columbus City Codes for the above-described purpose; now, therefore

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Chapter 523 of the Columbus City Codes be and is hereby amended to read as follows:

### **Chapter 523 - ~~PEDDLERS~~ COMMERCIAL SALES LICENSE**

#### **Sections:**

- 523.01 - Definitions.
- 523.02 - License required.
- 523.03 - Exemptions.
- 523.04 - License application.
- 523.05 - Application investigation.
- 523.06 - License issuance, fees, terms.
- 523.07 - License refusal.
- 523.08 - License suspension, revocation.
- 523.09 - License appeals.
- 523.10 - Transfer of license, identification card.
- 523.11 - Display of identification card.
- 523.12 - Street, road, ~~and~~ alley ~~and general~~ operations.
- 523.13 - Sidewalk operations.
- 523.14 - Prohibited acts, hours of operation.
- 523.15 - Obstruction of public right-of-way.
- 523.16 - Enforcement.
- 523.17 - Severability clause.
- 523.99 - Criminal penalties.

### 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) "Peddler" means any individual who "operates". "Peddler" does not include any individual who "operates" in the capacity of a volunteer. "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 promoter" means any corporation, partnership, unincorporated association, individual or organization of any kind, that causes or permits any employee, agent, or independent contractor of such corporation, partnership, unincorporated association, individual or organization, to "operate" as a "peddler". "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 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) "Operates" or "operations" means the act of selling, bartering, offering for sale, exposing for sale at retail or wholesale, any goods, wares, merchandise, chattels, vegetables, fruits, foodstuff of any other description, any drink or other substance for human consumption; or any commodity or service or other article upon any street, road, alley, doorway, sidewalk, or upon vacant lots or other tracts of land, or from place to place, or house to house within the corporate limits of this city. "Peddling or Soliciting or Canvassing" is the activity described in 523.01(b).
- (d) "Section" means license section, department of public safety, and as is further defined in Columbus C.C Sections 501.02 and 501.03 "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.
- (e) (i) “Special event” means any activity or gathering or assemblage of people upon the public right-of-way for which a block party permit or street closure permit has been issued by the eCity 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.

### 523.02 - License required.

- (a) No peddler shall operate in this city without first having procured from the license section, a valid "peddlers" license. No person shall engage in the act of peddling, soliciting, or canvassing as defined in Section 523.01 within the City of Columbus without first obtaining a commercial sales license to peddle, solicit, or canvass in accordance with the provisions of this Chapter.
- (b) No peddler promoter shall cause or permit any peddler to operate in this city, without first having procured from the section, a valid "peddler promoter" license. No corporation, partnership, unincorporated association, organization, or business of any kind, shall cause or permit any employee, agent, volunteer, independent contractor, or subcontractor thereof, to engage in the act of peddling, soliciting, or canvassing as defined in License Section 523.01 within the City of Columbus without first obtaining a commercial sales promoter's license in accordance with the provisions of this Chapter.

### 523.03 - Exemptions.

- (a) This chapter shall not apply to:
  - (1) Individuals or organizations selling by sample only;
  - (2) Agricultural articles or products sold, battered, offered or exposed for sale by their producer;
  - (3) Owners or their agents who sell, barter, offer or expose for sale products of their own raising;
  - (4) Individuals who sell handiwork where the item as a whole is produced by that individual's single effort, nor to the agents of such individuals;
  - (5) Peddler promoters who are registered with the holder of a block party permit to operate within the perimeter of a special event, or who hold a valid show, circus, or carnival license issued by the city;
  - (6) Peddlers who operate for a registered peddler promoter within the perimeters of a special event, or the holder of a valid show, circus, or carnival license issued by the city.
- (b) The following organizations and their representatives shall also be exempt from this chapter if all profits from sales go to such organization:
  - (1) Any organization holding a valid charitable solicitations permit as provided in Columbus C.C. Chapter 525
  - (2) Any bona fide, publicly recognized evangelical, missionary or religious organization;
  - (3) Any college, university or school accredited by a regional accrediting association or approved by the Ohio Department of Education;

- (4) ~~Any bona fide, publicly recognized, national or regional scouting organization.~~
- (e) ~~sThe license supervisor may require individuals or organizations claiming any exemption to appear in order to present evidence in support of such claimed exemption.~~

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 organization's bona fide officer or employee that holds a valid charitable solicitation license pursuant to CCC 525.03;
- (f) A person who does not go place to place and who sell 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.

Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption. The above organizations or individuals shall otherwise comply with all applicable requirements of Columbus City Code 525 and any state or federal regulations.

#### **523.04 - License application.**

Application for peddler or peddler promoter licenses shall be made on forms provided by the section and in addition to the general licensing requirements contained in Columbus C.C. Chapter 501, shall be made under oath and shall contain the following information and material: 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) Peddler. Commercial Sales.
  - (1) Name, address, telephone number, date of birth, social security number;
  - (2) Business name (~~D.B.A.~~) or DBA, address and telephone number, if different from above;
  - (3) Name, address, telephone number of company or corporation if different from business name; Proof of Ohio Department of Taxation Itinerant Vendors License if required;
  - (4) Proof of obtaining filing number from the Ohio Department of Taxation, if applicable; 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) Peddler Commercial sales promoter.
  - (1) Name, address, telephone number, date of birth, social security number;
  - (2) Business name (~~D.B.A.~~) or DBA, address, and telephone number if different from above;
  - (3) Name, address, telephone number of company or corporation if different from business name; Proof of Ohio Department of Taxation Itinerant Vendors License if required;
  - (4) In the case of a company or corporation, the name, address, date of birth, social security number of a person authorized by such company or corporation, to act in licensing matters; 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) Proof of obtaining filing number from the Ohio Department of Taxation, if applicable;
  - (6)(5) Any other information required or requested by the section.
- (c) At the time of application applicants shall furnish two current photographs suitable for the identification card. 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.

### **523.05 - Application investigation.**

The License Section shall examine all applications filed under this chapter and shall make, or cause to be made, any further investigation as is deemed necessary in order to perform duties prescribed by this chapter, as well as by Chapter 501 of the Columbus City Codes, 1959.

~~Upon request, applicants shall make available to the Section any or all of such applicant's books, records and papers, within a reasonable time, before a license is granted or while a license is in effect.~~

### **523.06 - License issuance, fees, terms.**

- (a) Licenses required by this chapter may be issued to applicants who:
  - (1) Have filed a complete application as required by Section 523.04 of this chapter; and
  - (2) Are found to be in total ~~conformance~~ compliance with all other applicable city, state and federal laws including having all other required licenses and permits; and
  - (3) Have made payment of the proper license fees. ~~The annual license fees shall be as follows:~~
    - (a) ~~Peddler's license—Fifty dollars (\$50.00);~~
    - (b) ~~Peddler promoter license—One hundred dollars (\$100.00).~~
    - (c) ~~Each license issued under this chapter shall expire on the date one year from the date of issue.~~
- (b) Yearly licenses issued under this chapter shall expire on the date one (1) year from the date of issue.
  - (1) Commercial sales license: One hundred fifty dollars \$150.00
  - (2) Commercial sales promoter: Three hundred dollars \$300.00
- (c) Tri-annually licenses may be issued for the following periods and not to exceed four (4) months:
  - (1) Jan - April, May - August, September - December
  - (2) Commercial sales tri-annually: Seventy-five dollars \$75.00
- (d) An applicant may submit an application for a license no earlier than thirty (30) days in advance of the period during which a license is renewable.

### **523.07 - License refusal.**

~~The section may refuse to issue licenses required by this chapter if any of the following is found to be true:~~

- ~~(a) The applicant had made a false statement as to any matter in the application;~~
- ~~(b) The applicant or his prospective employer has knowingly violated any provision of this chapter within the last three (3) years;~~
- ~~(c) The applicant is under fourteen years of age;~~
- ~~(d) The applicant has not complied with all applicable regulations of this or any other city agency, as well as those of the state and federal governments.~~
- ~~(e) Any other reason for which a license may be refused as provided in Chapter 501 of the Columbus City Codes, 1959.~~

As provided under Chapter 501.05 the license section may refuse to issue licenses required by this chapter to any person:

- (a) Who has made any false statement on the application; or
- (b) Who is under the age of eighteen (18) years of age; or
- (c) Who has not complied with all applicable provisions of this Chapter; or
- (d) Convicted of a felony, misdemeanor or code violation involving a sex offense, traffic in controlled substances, or any offense of violence as defined in Columbus City Code 2301.01, such conviction being entered within the seven (7) years preceding the date of application; or
- (e) Whom a judgment based upon, fraud, deceit, misrepresentation, or has been convicted of a theft offense as defined in Columbus City Code 2313.01 within seven (7) years preceding the date of application; or
- (f) Who has been denied a license under this chapter within the immediate past year; unless the applicant can and does show to the satisfaction of the license section that the reasons for such earlier denial no longer exist; or
- (g) For any other reason for which a license may be refused under Chapter 501 of the Columbus City Codes, 1959.

### 523.08 - License suspension, revocation.

Licenses issued under this chapter may be suspended or revoked by the license supervisor for one or more of the following reasons:

- (a) Peddler Commercial sales.
  - (1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or;
  - (2) Violation of any provision of this chapter or Chapter 573; or
  - (3) Failure to display the identification card as is required in Section 523.11 of this chapter; or
  - (4) Failure to notify the section of a change of address within ten (10) days of such change; or
  - (5) Failure to have valid permits or licenses required by the Columbus health department or any other city, state or federal agency; or
  - (6) Conviction of any criminal or traffic offense while operating, or conviction of any criminal offense involving theft or fraud; or
  - (7) For any of the reasons which could have been grounds for refusing to issue the original license; or
  - (8) Knowingly operating or working for any unlicensed peddler commercial sales promoter; or
  - (9) Knowingly operating from or with any unlicensed pushcart as defined in Section 573.01 of Chapter 573, Columbus City Codes, 1959.
- (b) Peddler Commercial sales promoter.
  - (1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or
  - (2) Violation of any provision of this chapter or Chapter 573; or
  - (3) Failure to notify the section of a change of address within ten (10) days of such change; or
  - (4) Knowingly allowing employees to operate without having valid permits or licenses required by the Columbus health department or any other city, state or federal agency; or
  - (5) Conviction of any criminal offense involving theft or fraud; or
  - (6) For any of the reasons which could have been grounds for refusing to issue the original license; or
  - (7) Knowingly causing, ~~or permitting or allowing~~ any employee, agent, ~~or volunteer,~~ independent contractor or ~~other person~~ subcontractor thereof to operate without a peddler commercial sales license; or
  - (8) Knowingly causing, ~~or permitting or allowing~~ a peddler commercial sales licensee or other person to operate from or with an unlicensed pushcart as defined in Section 573.01 of Chapter 573, Columbus City Codes, 1959.
- (c) Upon the suspension or revocation of any license issued under this chapter, such license shall immediately be removed from public view and shall be returned to the section within seven (7) days of such suspension or revocation, unless a stay is granted as provided in Chapter 505 of the Columbus City Codes, 1959.

### 523.09 - License appeals.

Any individual or organization who has been refused a license or renewal of a license under this chapter or has had a license issued under this chapter suspended or revoked, may appeal such decision as provided by Chapter 505 of the Columbus City Codes, 1959.

### 523.10 - Transfer of license, identification card.

No license or identification card issued under this chapter shall be assigned or transferred by the named licensee to any other individual or organization.

### 523.11 - Display of identification card.

Each peddler shall conspicuously wear on the outside of their clothing, at all times while operating, the identification card furnished with such peddler license. All persons licensed under this chapter shall display their identification card in a prominent manner so it is visible to the public while conducting activities permitted by this chapter and, shall be subject to inspection, upon demand, by any license officer, law enforcement officer or by any person engaged in business with the peddler, solicitor or canvasser.

### 523.12 - Street, road, and alley and general operations.

Peddlers, solicitors or canvassers shall not:

- (a) Sell, barter, offer or expose for sale any goods or service to occupants of vehicles which may be located upon any street, road or alley, whether such vehicle is stopped or moving unless such vehicle is legally parked; and
- (b) Operate from any motor or animal-propelled vehicle or triecyle as defined in Chapter 573 of the Columbus City Codes, 1959, upon any street, road or alley, unless all applicable traffic regulations are obeyed, including parking or standing regulations if such vehicle is stopped or parked;
- (c) Operate from or with any hand-propelled vehicle or cart except a triecyle as defined in Chapter 573 of the Columbus City Codes, 1959, upon any street, road or alley which is open to all other vehicular traffic.
- (d) Display, use, advertise or store any merchandise or services from, in or on any telephone or other utility pole, tree, planter, trash container, parking meter, or any sidewalk fixtures.
- (e) Display, use, advertise or store merchandise or services from, in or on any box, bucket, cooler, tub or other container unless attached or carried on a pushcart licensed under Chapter 573 of the Columbus City Codes, 1959, or from any table, chair, bench, cabinet or other furniture of any kind, or from any rack, dolly, wheelbarrow, grocery cart, baby carriage, stroller, easel, hand cart or blanket, except on private or public property which is not a street, road, alley or sidewalk and when the owner of such property has given the peddler express written permission to do so. Peddlers shall exhibit such written permission upon request by any city license or law enforcement officer; and
- (f) Peddlers shall be responsible for keeping the area within twenty-five (25) feet of their operation free and clear of any litter caused by such operation. When two (2) or more peddlers occupy overlapping areas of litter control, they shall be jointly responsible for the overlapping area.
- (g) No person shall operate upon a service road or upon the public property alongside a service road.

- (a) Sell, offer for sale, barter, or carry for sale or barter, or offer for sale any goods, wares, merchandise, food or drink for human consumption, confectionery, services or other commodity upon a street, road, alley or service road or the public property (except as stated in Section 523.13 in regards to sidewalks) alongside a street, road, alley or service road.
- (b) Park any vehicles, pushcarts or concession trailers of any type, for the purpose of selling, offering to sell, barter, or expose for sale any goods, wares, merchandise, food or drink for human consumption, confectionery, services or other commodity, on-street metered parking spaces.

### 523.13 - Sidewalk operations.

- (a) ~~Peddlers shall not operate on a sidewalk:~~
  - (1) ~~Within twenty (20) feet of an intersection with a street, road or alley; or~~
  - (2) ~~Within ten (10) feet of a pedestrian crosswalk or intersecting sidewalk; or~~
  - (3) ~~Within ten (10) feet of a taxicab stand, sidewalk elevator or tunnel; or~~
  - (4) ~~So as to obstruct any loading zone, fire hydrant, telephone booth, traffic control box, fire alarm, parking meter, any other sidewalk fixture, a legally parked vehicle, or bus stop; or~~

- (5) So as to obstruct the display windows or doorways of any merchant without such merchant's permission.
- (b) Peddlers shall not sell, barter, offer, store or expose for sale any items on any sidewalk except from a pushcart licensed under Chapter 573 of the Columbus City Codes, or unless the items to be sold or bartered or the materials used to provide a service are continuously carried physically by the peddler. A peddler physically carrying items for sale or barter or the materials used to provide a service may set such items or materials on the ground when actively engaged in making a sale or providing a service.

Peddlers confined to wheelchairs or who have a physical disability which makes it impractical to physically carry items for sale or barter continuously may sell or barter such items from a maximum of two containers not larger than twelve (12) inches in diameter which rest on the ground.

No person licensed as a peddler, solicitor or canvasser shall sell, offer to sell, barter, or carry for sale or barter or expose for sale upon any sidewalk or any other city owned property except from a licensed pushcart under Chapter 573 of the Columbus City Codes or when in accordance with all the following provisions:

- (a) Merchandise shall be continuously carried physically by a licensed peddler, solicitor or canvasser.
- (1) Peddlers, solicitors or canvassers shall not stand or remain stationary unless actively engaged in making a sale.
- (2) Merchandise may be placed on the ground when actively engaged in making a sale.
- (b) Peddlers, solicitors or canvassers confined to a wheelchair or who have a physical disability, which makes it impractical to physically carry merchandise for sale or barter continuously, may have two containers not larger than twelve (12) inches and may be placed on the ground next to the wheelchair.
- (c) Peddlers, solicitors or canvassers:
- (1) Shall maintain a distance of five (5) feet of sidewalk space from the sidewalk curb;
- (2) Shall maintain a distance of twenty (20) feet from an intersection with a street, road or alley;
- (3) Shall maintain a distance of ten (10) feet from a pedestrian crosswalk or intersecting sidewalk;
- (4) Shall maintain a distance of ten (10) feet from a taxi stand, sidewalk elevator, tunnel or mailbox;
- (5) Shall maintain a distance of ten (10) feet from a fire hydrant;
- (6) Shall not obstruct in any way a loading zone, telephone booth, traffic control box, fire alarm box, parking meter, any sidewalk fixture or furniture, bus stop or a legally parked vehicle;
- (7) Shall not obstruct any display windows or doorways of any merchant;
- (8) Shall not use a power generator of any type or a power cord of any type;
- (9) Shall not obstruct in any way or interfere with or prevent the free flow of pedestrian or vehicular traffic;
- (10) Shall not obstruct in any way or interfere with public works or construction project;
- (11) Shall during the period of selling keep the area within twenty-five (25) feet of that location free from all litter and debris arising, including the litter which arises from actions of customers in disposing of wrapping or packaging materials sold by the peddler, solicitor or canvasser. When two (2) or more peddlers, solicitors or canvassers occupy overlapping areas they shall each be jointly responsible for the overlapping areas;
- (12) Shall not display or advertise any merchandise or services from any utility pole, sign, tree, planter, trash container, parking meter, bridge, newspaper stand, sidewalk fixtures or furniture, portable signs of any type, traffic control box, motor vehicle, bicycle or any other type of motorized conveyance, or any other criteria deemed reasonably inappropriate by a license officer or police officer, for the public health, welfare and safety;
- (13) Shall not use or store merchandise or services from any box, bucket, cooler, tub, or any other container, table, chair, bench, cabinet or any other furniture of any kind, racks, dolly, wheelbarrow, grocery cart, baby carriage, stroller, easel, handcart or any other criteria deemed reasonably inappropriate by a license officer or police officer, for the public health, welfare and safety;
- (14) Shall not use any signage upon the public right-of-way of any street, road, alley, sidewalk or bikeway except within the boundaries of a special event.

#### 523.14 - Prohibited acts, hours of operation.

Peddlers shall not:



- (a) ~~Operate between the hours of 6:00 p.m. and 9:00 a.m., when operating door-to-door in areas zoned as residential.~~
- (b) ~~Operate in violation of Columbus City Code, Section 729.05(5) as it relates to hawking of merchandise.~~

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

- (a) 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 Codes;
- (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.

#### **523.15 - Obstruction of public right-of-way.**

In addition to other provisions of this chapter, Ppeddlers, solicitors or canvassers shall not obstruct pedestrian or vehicular traffic upon any sidewalk, driveway, street, road, alley or other public right-of-way. Peddlers, solicitors or canvassers leaving less than five (5) feet of space available for pedestrian traffic on a sidewalk shall be considered obstruction of pedestrian traffic.

#### **523.16 - Enforcement.**

When any police or auxiliary police officer, license officer or other law enforcement officers authorized to enforce this chapter, find any peddler, solicitor or canvasser in violation of any portion of this chapter, the officer may lawfully order such peddler, solicitor or canvasser to cease operating until the violation is corrected.

If the peddler, solicitor or canvasser fails to obey the lawful order to cease within a reasonable time, the officer may make a written complaint to the license supervisor in addition to any other remedy provided by law. Absent extraordinary circumstances, a reasonable time shall normally be considered five (5) minutes.

Upon receipt of such complaint, the supervisor shall schedule a hearing. The peddler, solicitor or canvasser shall be notified either in person or by mail, directed to the last known address of the peddler, solicitor or canvasser, setting forth the date, time and place of such hearing and that private counsel may be present. The complaining officer shall also be present.

If, after a hearing, the supervisor determines that the peddler, solicitor or canvasser did fail to obey such lawful order, the supervisor may suspend or revoke the license of that peddler, solicitor or canvasser.

#### **523.17 - Severability clause.**

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

**523.99 - Criminal penalties.**

- (a) ~~Whoever violates or fails to comply with C.C. 523.02(a) or (b) shall be deemed guilty of the following penalties:~~
  - (1) ~~A first violation shall be deemed a misdemeanor of the fourth degree;~~
  - (2) ~~A second and subsequent violation shall be deemed a misdemeanor of the first degree;~~
- (b) ~~A violation of any other section of this chapter shall be as follows:~~
  - (1) ~~A first violation shall be deemed a minor misdemeanor;~~
  - (2) ~~A second violation within five (5) years of the first conviction shall be deemed a misdemeanor of the fourth degree;~~
  - (3) ~~A third violation within five (5) years of the first conviction shall be deemed a misdemeanor of the third degree; and~~
  - (4) ~~Fourth and subsequent violations within five (5) years of the first conviction shall be deemed misdemeanors of the first degree.~~
- (a) Whoever violates section 523.02 (a) of this chapter is guilty of failing to obtain a commercial sales license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this chapter, a violation of this section is a misdemeanor of the second degree.
- (b) Whoever violates 523.02 (b) of this chapter is guilty of failing to obtain a commercial sales promoter license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this chapter, a violation of this section is a misdemeanor of the second degree.
- (c) Whoever violates any other section of this chapter is guilty of a misdemeanor of the fourth degree. If the offender has a prior conviction for a violation of this chapter, a violation of any other section of this chapter is a misdemeanor of the third degree.
- (d) A person made not be found guilty of violating Columbus City Codes 523.02(a) or 523.02(b) if the person proves as an affirmative offense that the person falls within the exceptions delineated in Columbus City Code 523.03.

**SECTION 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.