

ORDINANCE NO. 58-18

**AN ORDINANCE AMENDING SECTION 836.04(a) 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 Law Department for the City of Avon, after reviewing this section of the Business Regulation and Taxation Code determined that amendments to certain sections were in order; and

WHEREAS, Council, considering the recommendation of the Law Department, finds that the proposed amendments to Chapter 836 to be reasonable and that adoption of same to be 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 836.04(a), which presently reads as follows:

836.04 RESIDENT PROHIBITION BY NOTICE.

(a) Notwithstanding any other provision of this chapter, no peddler, solicitor or canvasser while peddling, soliciting or canvassing shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed" or words of similar import, which clearly prohibits peddlers, solicitors or canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof. (Ord. 28-08. Passed 5-5-08.)

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

(a) Notwithstanding any other provision of this chapter, no peddler, solicitor or canvasser while peddling, soliciting or canvassing shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City **where:**

(1) upon which there is posted at the entrance **to said premises** a notice which reads "No Peddlers, Solicitors or Canvassers Allowed" or words of similar import, which clearly prohibits peddlers, solicitors or canvassers on the premises, **or**

(2) the address of the premises is registered on the City of Avon's "Do Not Knock Registry" maintained by the City pursuant to Section 836.031 and available at City Hall, the City Police Department or on the City's website (www.cityofavon.com).

There is no violation of this section if unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof. (Ord. 28-08. Passed 5-5-08.)

Section 2 - 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 3 - 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 836.04(a) of the Avon Codified Ordinances to increase protections to the citizens of Avon by proscribing certain activities of 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: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

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