

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 104

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE AMENDING SECTIONS 806.03 AND 806.04 OF CHAPTER 806 OF TITLE TWO OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO INCLUDE FEES FOR LICENSES, AND TO REQUIRE CRIMINAL BACKGROUND CHECKS IN CONNECTION WITH CANVASSERS AND SOLICITORS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Sections 806.03 and 806.04 of Chapter 806 of Title Two of Part Eight of the Codified Ordinances of the City of Strongsville be and are hereby amended in order that Sections 806.03 and 806.04 shall read in their entirety as follows:

CHAPTER 806
Canvassers and Solicitors

806.01	Definitions.
806.02	License and identification badge required.
806.03	License and identification badge application and fee.
806.04	Issuance of licenses and identification badges; effective period; transferability.
806.05	Display and return of licenses and identification badges.
806.06	Restrictions.
806.07	Trespassing in violation of posted signs.
806.08	Revocation of licenses.
806.09	Appeals.
806.10	Signs on streets.
806.99	Penalty.

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806.03 LICENSE AND IDENTIFICATION BADGE APPLICATION **AND FEE.**

Every application for a license and identification badge shall be made on a form furnished by the City, shall be signed by the applicant, **accompanied by a non-refundable license fee of Twenty-Five Dollars (\$25.00),** ~~and shall be made not less than five nor more than fifteen days prior to the commencement of solicitation,~~ and shall contain the following information:

(a) The full name, mailing address, telephone number, age, date of birth, social security number and physical description of the applicant

including the applicant's height, weight, hair color, and eye color. The application form shall state that an applicant is not required to furnish ~~his~~**the applicant's** social security number. Each applicant who does not enter ~~his~~**the applicable** social security number on ~~his~~**the** application form, upon request, shall furnish the Chief of Police or his representative with the applicant's social security number, for purposes of determining whether a license or identification badge has been issued under the same social security number. The Chief of Police or his representative shall not maintain the social security number as a part of the application record or enter it on the application form.

(b) The full name, mailing address and telephone number of the person or organization sponsoring, promoting or conducting proposed activities.

(c) The subject matter of the proposed distribution or communication and the purpose thereof.

(d) A brief description of the proposed activities, indicating the type of communication to be involved.

(e) The proposed dates and times of the solicitation, the routes to be followed in conducting the same and the expected duration of the proposed activities.

(f) The make, model, year, color and license plate number of any vehicle to be used in the solicitation and the number of the applicant's driver's license and the state of issuance.

(g) The names of all other municipalities in which the applicant has conducted soliciting activities during the past six months;

(h) A statement as to whether or not the applicant has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations, if applicable; and

(i) A statement as to whether or not the applicant has ever been denied a license or permit to solicit or had such a license or permit revoked, including the time and place of such denial or revocation.

The applicant shall swear that all information given on the application is true.

Each applicant shall submit two color photographs of the portrait of the applicant which shall be approximately 1 ½ inches x 1 ½ inches in size at the time of filing of the application for license. **In addition, each applicant shall be required to have a fingerprint analysis by the Ohio Bureau of Criminal Identification (BCI) and the Federal Bureau of Investigation (FBI). Each applicant will arrange for fingerprint analysis at any of the available web check locations listed on the Ohio Attorney General's website. The results of said fingerprint analysis shall be sent directly by the web check location to the Chief of Police for the Strongsville Police Department. A fingerprint analysis that is done by any web check location for any other municipality or government agency may be used for the application herein, provided that said fingerprint analysis was**

completed within ninety (90) days of the date of the application filed with the City of Strongsville.

**806.04 ISSUANCE OF LICENSES AND IDENTIFICATION BADGES;
EFFECTIVE PERIOD; TRANSFERABILITY.**

(a) Within ~~five~~**seven (7)** days after receipt of the completed license application form provided for in Section 806.03 **and the fingerprint analysis web check**, the Chief of Police or his representative shall issue a license and identification badge to the applicant unless he finds that:

(1) The applicant has made a false, misleading or deceptive statement in ~~his~~**the** application and has failed to amend or correct the same.

(2) The applicant has been convicted of a felony violation or misdemeanor violation involving fraud, **theft** or moral turpitude within the past ~~five~~**ten (10)** years.

(3) **The applicant has been refused a license or the applicant's license was revoked in another community within the last ten (10) years for a violation of law.**

(b) Each license issued by the Chief of Police or his representative shall be in a form prescribed by the Chief of Police.

(c) Each identification badge issued by the Chief of Police or his representative shall bear a distinguishing number assigned to the licensee and shall contain the following inscription:

"SOLICITOR'S IDENTIFICATION"

(d) Each identification badge shall also contain a color photograph of the licensee, the dates within which the licensee has been licensed to solicit in the City, and such further information or data from the application prescribed by the Chief of Police. The identification badge shall be sealed in a transparent material and shall be designed to prevent its reproduction or alteration.

(e) Each license and identification badge issued under this chapter shall be valid for not more than ninety days. Licenses and identification badges cannot be assigned or transferred to any other person.

~~(Ord. 1996-34. Passed 3-4-96.)~~

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Section 2. That any ordinances or parts thereof inconsistent with this Ordinance be and are hereby repealed.

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

CITY OF STRONGSVILLE, OHIO
ORDINANCE NO. 2016 – 104
Page 4

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to update the City's municipal Code in order to provide for the Police Department to have the capability of utilizing criminal background checks before issuing permits for canvassers and solicitors. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

[Signature]
President of Council

Approved: [Signature]

Mayor

Date Passed: May 16, 2016

Date Approved: May 17, 2016

Yea

Nay

Carbone
Daymut
DeMio
Dooner
Schonhut
Short
Southworth

✓
✓
✓
✓
✓
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✓

Attest: [Signature]

Clerk of Council

ORD. No. 2016-104

Amended:

1st Rdg. 05-16-16

Ref:

2nd Rdg. Suspended

Ref:

3rd Rdg. Suspended

Ref:

Pub Hrg.

Ref:

Adopted: 05-16-16

Defeated: