

ORDINANCE NO. 080-2018

AMENDING 745 VENDORS AND SOLICITORS OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall will implement a citizen "no-knock" registry for informing vendors and solicitors of those citizens desiring to minimize vendor visits and solicitation efforts at their residence ; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

SECTION 1: Authorizing the amendment of 745 Vendors and Solicitors of the codified ordinances of the City of Whitehall in the following manner:

CHAPTER 745 VENDORS AND SOLICITORS

745.10

DO NOT KNOCK REGISTRY.

(a) The Chief of Police shall establish and maintain a Vendors and Solicitors "Do Not Knock Registry". A current registry shall be available on the City's website that may be printed and/or downloaded by the public.

(b) Any person in lawful possession and occupancy of any business, residence, house, apartment or other dwelling in the City may require the City to place or maintain the address of his or her business, residence, house, apartment or other dwelling on the Vendors and Solicitors Do Not Knock Registry, to be maintained by the City, by submitting an online request on the website of the City of Whitehall, which shall contain the following information:

(1) The name of the person(s) completing the form;

(2) The complete address of the business, residence, house, apartment, or other dwelling to be placed on the Registry;

(3) The date the form was completed;

(4) A statement that in regards to the subject address, no vendors or solicitors shall knock, ring the doorbell, make noise or otherwise call for the attention of occupants at the subject address, in any manner; and

(5) Such other information that verifies the identity of the person(s) completing the form.

(c) Any person in lawful possession and occupancy of any business, residence, house, apartment or other dwelling in the City may require the City to remove his or her business, residence, house, apartment or other dwelling from the Vendors and Solicitors "Do Not Knock Registry" by submitting a separate Notice of Removal from said Registry, which shall contain the following information:

(1) The name of the person(s) completing the form;

(2) The complete address of the business, residence, house, apartment, or other dwelling to be removed from the Registry;

(3) The date the form was completed;

(4) A statement that the business, residence, house, apartment or other dwelling be removed from the Vendors and Solicitors Do Not Knock Registry, or words of similar import; and

(5) Such other information that verifies the identity of the person(s) completing the form as a lawful possessor and occupant as may be required by the Chief of Police.

(d) The decision whether to place a business, residence, house, apartment or other dwelling on the Vendors and Solicitors Do Not Knock Registry shall be solely that of the lawful possessor and occupant thereof, and no official, employee or other agent of the City shall interfere with that decision.

(e) The City will send a notice to each registered address on the Registry, in the form of a sticker, that the occupant must display on or near the main entrance door or window, so that it is conspicuously visible to those approaching the premises.

(f) A business, residence, house, apartment, or other dwelling, after being lawfully placed on the Vendors and Solicitors Do Not Knock Registry shall remain on such Registry until the earlier of any of the following.

(1) The City receives a Notice of Removal pursuant to subsection (c) above;

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(2) The City receives notice that the person who submitted the form pursuant to subsection (b) above is not, or is no longer, a lawful possessor or occupant of the premises.

(3) The expiration of five (5) calendar years, expiring on December 31st of the fifth full calendar year, from the date submitted pursuant to subsection (b) above.

(g) A copy of the Do Not Knock Registry shall be made available to the public during normal business hours of the City at the Whitehall Police Department and shall be provided to every vendor or solicitor that is required to obtain a permit from the Chief of Police or required to register with the City pursuant to this Chapter.

(h) By enacting this Vendors and Solicitors are on notice that a Vendors and Solicitors Do Not Knock Registry exists. Each is responsible for obtaining a copy of the Registry from the City prior to Door to Door sales or Soliciting in the City of Whitehall, which Registry shall also be made available on the City's website.

(i) Vendors and Solicitors are prohibited from knocking on the door of any residence, house, apartment, or other dwelling that is listed on the Registry and for which a Do Not Knock sticker is conspicuously displayed on the premises pursuant to Section 745.11(e) above. A violation of this Section does not occur if the residence, house, apartment, or other dwelling does not display the sticker as required in subsection (e).

(j) Provisions of the Do Not Knock Registry do not apply to persons invited onto the property by the occupant of those premises, for the purposes of peddling, soliciting or canvassing.

The last SECTION should include one of the following:

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason this registry will assist vendors and solicitors in determining which businesses and residences to approach and enable businesses and residences to minimize unwanted disruptions; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

PASSED this 18 day of September, 2018.

ATTEST:

Mary Freimark
Clerk of Council

Jim Graham
President of Council

APPROVED this 19 day of September, 2018.

Kim Maggard
Mayor

Requested by: Kim Maggard, Mayor

Prepared by: Kim Maggard, Mayor

Approved as to form: Michael T. Bivens, City Attorney MTB 8/14/2018