

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 47-2020

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING CHAPER 836 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 836.01(d) of the Codified Ordinances is hereby established to read as follows:

“(d) “Frozen desserts” includes ice cream, frozen custard, water ices, sherbet, imitation ice cream, and any and all other similar frozen desserts.”

SECTION 2: That Section 836.03 of the Codified Ordinance is hereby amended to read as follows:

“(a) Applications for licenses for peddlers or solicitors shall be filed with the ~~Chief of Police~~City Manager’s office or his designee on a form to be furnished ~~by the Chief of Police~~ which shall require at least the following information:

- (1) The name of the applicant and the applicant's physical description.
- (2) The home address of the applicant, social security number or driver's license number and the tax identification number of the employer.
- (3) The name and address of the person by whom the applicant is employed or for whom they are soliciting.
- (4) The length of the applicant's service with such employer or person for whom they are soliciting.
- (5) All places of residence of the applicant and all employment during the preceding year.
- (6) The nature and the character of the goods to be sold or services to be furnished by the applicant or the purpose for which the funds are being collected.
- (7) The City income tax form must also be filled out and filed with the registration.

(b) The Applicant shall furnish a recent photograph. Such application shall be made at least ten days before the license is issued.

(c) A B.C.I. and F.B.I Webcheck must be completed through the Medina County Sheriff’s Office and provided with the original application.

(de) If the Chief of Police determines after an investigation that the applicant proposes to engage in a lawful commercial or professional enterprise and neither the applicant nor the enterprise upon which the applicant proposes to engage

constitutes a clear and present danger to the residents of the City, the City Manager or his designee shall issue a license to the applicant.”

SECTION 3: That Section 836.04 of the Codified Ordinances is hereby amended to read as follows:

“For the license to be issued under the provisions of this Chapter, each applicant shall pay to the City ~~twenty-five~~fifty dollars (~~\$25~~50.00) per each individual application. All licenses issued hereunder shall be for a period of ninety (90) days from the date of issuance.”

SECTION 4: That Section 836.08 of the Codified Ordinances is hereby amended to read as follows:

“No solicitation shall be conducted before 9:00 am or after 7:00 pm on weekdays, or before 11:00 am or after 7:00 pm on Saturdays and Sundays, or any time on a state or national holiday.”

SECTION 5: That Section 836.09 of the Codified Ordinances is hereby amended to read as follows:

“Notice by the owner or occupant of any premises of the determination to refuse to receive any uninvited solicitors or peddlers shall be given by displaying a ~~weatherproof~~ card, decal or sign, not less than 2" x 3" in size, not more than one square foot in total surface area, upon or near the main entrance to the premises indicating such determination by the owner or occupant containing the words "No Solicitors Invited," or words of similar import, with letters at least one- third of an inch in height. Any sign that complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of these Ordinances, including but not limited to the Planning and Zoning Code.”

SECTION 6: That Section 836.12 of the Codified Ordinances is hereby established to read as follows:

“836.12 FROZEN DESSERT PEDDLERS AND VEHICLES.

(a) All persons employed and/or entities operating as frozen dessert peddlers shall:

- (1) Register with the City for a solicitor’s permit and display the permit by wearing it at all times while peddling within the City;
- (2) Be eighteen years of age or older;
- (3) Wear clean, washable outer garments or uniforms disclosing the name of the employer thereon;

- (4) Maintain themselves in a clean and personable condition and free from contagious disease;
- (5) Possess a valid Ohio driver's license if operating a motor vehicle;
- (6) Quarterly file a revenue report with the City of Brunswick Finance Department for any income generated in the City. Reports must be filed within thirty days of quarter end;
- (7) Maintain all necessary food services licenses as required by law; and
- (8) Comply with all food service and/or health guidelines as required by law.

(b) No person shall sell frozen desserts within the City who has been convicted of or pled guilty of any of the following criminal offenses:

- (1) Any offense involving a minor;
- (2) Any sexually-oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually-oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
- (3) Any assault within ten (10) years after conviction or guilty plea;
- (4) Unlawful possession of weapons within ten (10) years after conviction or guilty plea;
- (5) Any felony drug abuse or trafficking in drugs within ten (10) years after conviction or guilty plea;
- (6) Any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law; and
- (7) Any other felony within ten (10) years after conviction or guilty plea.
- (8) A B.C.I. and F.B.I. Webcheck must be completed through the Medina County Sheriff's Office and provided with the application.

(c) All vehicles used for the peddling of frozen desserts shall:

- (1) Be clearly marked with the company name and phone number on both sides in letters at least four inches high;
- (2) Carry a minimum of three hundred thousand dollars (\$300,000) bodily injury and property damage insurance. A copy of this insurance coverage policy must be filed with the original application to the City.

- (3) Be safety inspected annually with certification by a mechanic that the vehicle is in safe operating condition. A copy of this inspection must be filed with the City Manager's office.
- (4) Be issued an annual "Food Service Mobile License" by the Medina County Department of Health. A copy of this license must be filed with the City Manager's office.
- (5) Any violations or complaints will be reviewed and investigated by the Division of Police.

(d) Frozen dessert peddling is permitted each day between noon and 8:30 p.m. or dusk, whichever comes first.

(e) Music on frozen dessert vehicles must not be audible in excess of fifty feet from the vehicle and must be turned off while the vehicle is stopped for sales.

(f) No peddler of frozen desserts shall sell, attempt to sell or offer for sale any wares:

- (1) Within 100 feet of any street intersection.
- (2) Within 1,000 feet of any school premises, day care center, playground, church or place of worship unless these entities or facilities request the service.

(g) The following actions, without limitation, by a peddler of frozen desserts are hereby declared to be nuisances and are prohibited in the City:

- (1) The frequent and repeated canvassing in any area or upon any street by representatives of the same organization.
- (2) Failure to keep and maintain the vehicles and containers used for the sale of frozen desserts in a clean and sanitary condition.
- (3) The sale of frozen desserts by a peddler with a communicable disease.
- (4) The sale of frozen desserts to any person under the age of twelve years who has crossed the street to the peddler's vehicle unless under the supervision of a police officer, a parent/guardian or adult in charge of such minor.
- (5) The failure to maintain a lookout for children under twelve years on the opposite side of the street from the place where the peddler's vehicle stops and to instruct them against crossing without supervision.
- (6) The failure to supervise any person under the age of twelve years who has crossed the street to purchase a frozen dessert when such person thereafter attempts to recross the street.
- (7) The departure the peddler's vehicle from the place where a sale is made before any person under twelve years of age who has made a

purchase or attempted to make a purchase has reached a place of safety.

(8) Any other violation of this Section or this Chapter.”

SECTION 7: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading July 13, 2020

2nd Reading July 27, 2020

3rd Reading September 14, 2020

ADOPTED: September 14, 2020 AYES 7 NAYS 0

ATTEST:


Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 7/13/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 47-2020:** An ordinance amending Chapter 836 of the City of Brunswick Codified Ordinances. - 1st Reading (To be brought from Committee-of-the-Whole, Administration/Ken Fisher)

BACKGROUND:

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE:

Three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

ADDITIONAL INFORMATION: