

RECORD OF ORDINANCES

Ordinance No.: 2020-69

Passed: September 28, 2020

AN ORDINANCE TO REPEAL ORDINANCE NO. 2010-21 TITLED "AN ORDINANCE ESTABLISHING A PERMIT TO SOLICIT BUSINESS INSIDE THE VILLAGE OF WEST LAFAYETTE," AND TO ADD TO AND AMEND CHAPTER 112, TITLED "PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS," OF THE VILLAGE OF WEST LAFAYETTE MUNICIPAL CODE OF ORDINANCES (OHIO BASIC CODE), AND DECLARING AN EMERGENCY

WHEREAS, on June 28, 2010, the Council for the Village of West Lafayette passed Ordinance No. 2010-21, titled "An Ordinance Establishing A Permit to Solicit Business Inside The Village of West Lafayette;"

WHEREAS, on January 27, 2020, the Council for the Village of West Lafayette passed Ordinance No. 2020-07, titled "An Ordinance Approving, Adopting, and Enacting The American Legal Publishing's Ohio Basic Code, 2020 Edition, As The Code Of Ordinances For The Village Of West Lafayette, Ohio; Repealing Ordinances In Conflict Therewith, And Declaring An Emergency;"

WHEREAS, the Village of West Lafayette Ordinance No. 2020-07 states that Ordinance No. 2010-21 was not affected by passage of Ordinance No. 2020-07 and the adoption of the Ohio Basic Code as the Code Of Ordinances for the Village of West Lafayette, Ohio;

WHEREAS, the Ohio Basic Code includes provisions regulating Peddlers, Itinerant Merchants, and Solicitors, at Chapter 112;

WHEREAS, Village Council, upon recommendations from Council's Ordinance Committee, finds it in the best interest of the Village to solely regulate Peddlers, Itinerant Merchants, and Solicitors as set forth in Chapter 112, titled "Peddlers, Itinerant Merchants, and Solicitors," of the Village of West Lafayette Municipal Code of Ordinances (Ohio Basic Code), with certain amendments and additions as set forth herein; and

WHEREAS, based on the foregoing, Ordinance No. 2010-21 should therefore be repealed.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL of the Village of West Lafayette, Coshocton County, Ohio that:

Section 1: Village of West Lafayette Resolution No. 2010-21 is hereby repealed.

Section 2: Section 112.02(B) of the Municipal Code of Ordinances is amended to read as follows: "The fee for the license required by this Chapter 112 of

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the Municipal Code of Ordinances shall be \$50.00. Such fee shall be paid by the applicant for a license when the applicant files his or her application with the Village Clerk or other authorized official."

Section 3: Section 112.02(D) of the Municipal Code of Ordinances is amended to read as follows: "All licenses issued under this chapter shall expire 30 days after the date of issuance thereof."

Section 4: Section 112.04(C) of the Municipal Code of Ordinances is amended to read as follows: "Any license granted pursuant to an application submitted in accordance with Chapter 112 of the Municipal Code of Ordinances shall be effective no sooner than ten (10) days after the next regular meeting of the Council of the Village of West Lafayette."

Section 5: Section 112.10(B) of the Municipal Code of Ordinances is amended to read as follows: "The letters shall be at least one-third to an inch in height. For the purpose of uniformity, the Police Chief may provide the cards to persons requesting, at the cost thereof, if available. In addition, the Village Administrator may provide the cards to persons requesting, at the cost thereof, if available, or the cards may be created by the occupant of the residence at the occupant's own expense."

Section 6: Section 112.11(C), which is to be added to and amends the Municipal Code of Ordinances, reads as follows: "Any person who is a minor and acting as an itinerant merchant, peddler, or solicitor shall be accompanied by an adult when engaging in such activities within the Village."

Section 7: Section 112.13 of the Municipal Code of Ordinances is amended to read as follows: "It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting or peddling, prior to 9:00 a.m. or after 6:00 p.m., and at any time on Sundays and on any State or Federal holiday."

Section 8: Section 112.14, titled "EXCEPTIONS TO LICENSE REQUIREMENT; WHEN LICENSE AND/OR LICENSE FEE MAY BE WAIVED," which is to be added to and amends the Municipal Code of Ordinances, reads as follows: "The municipality shall not require a license for the owner of any product of his or her own raising, or the manufacturer of any article manufactured by him or her, to vend or sell, by himself, herself, or his or her agent, any such article or product, including but not limited to agricultural articles or products offered or exposed for sale by the producer. In addition, the municipality shall not require a license for any person

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who by state or federal law or constitutional provision has been exempted from obtaining such license. The Mayor may, in his or her discretion, waive the license or license fee requirement provided by Chapter 112 for itinerant merchant, peddler, or solicitor activities supporting or relating to charitable or civic interests of the municipality where a substantial part of the funds derived from such activities is expended for charitable or civic purposes."

Section 9: 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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

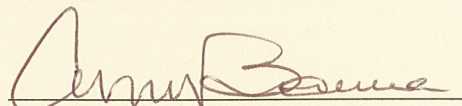
Section 10: This Ordinance is hereby declared to be an emergency measure in the best interest of the residents of the Village of West Lafayette, Ohio, and more particularly to protect the health and welfare and safety of the citizens of the Village and the general public because the Ordinance provides additional regulations in furtherance of preventing uninvited soliciting and nuisance activities within the Village. This Ordinance shall take effect immediately upon passage.

PASSED IN COUNCIL THIS 28 DAY OF September 2020.



Stephen R. Bordenkircher, Mayor

ATTEST:



Amy Bourne, Fiscal Officer