

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2023- **38**

Introduced By: Mr. Meany
Co-Sponsors: Mr. Ali, Mr. McGregor

AN ORDINANCE AMENDING CHAPTER 709 OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES ENTITLED PEDDLERS, SOLICITORS AND CANVASSERS

WHEREAS, there is a need to provide our residents with a "Do Not Knock" registry for solicitors and peddlers; and

WHEREAS, NOPEC's Do Not Knock program is a free service offered to stop solicitors from knocking on your door.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That a new section "Resident Prohibition by Notice" is hereby enacted within Chapter 709 "Peddlers, Solicitors and Canvassers" of the Middleburg Heights Codified Ordinances to read as follows:

709.xx RESIDENT PROHIBITION BY NOTICE.

(a) If requested by the City, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall manage for the City a "Do Not Knock Registry" ("registry") and is authorized to contact persons on the registry to distribute "Do Not Knock" stickers to them at no cost to the City or to said persons. NOPEC shall further contact persons listed on the registry to update the registry on a quarterly basis each year.

(b) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the City may require NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the Do Not Knock registry by submitting a request on form(s) supplied by the Director of Public Safety, or by submitting a request online at www.blocktheknock.com or at a Block the Knock community event, which shall contain the following information:

(1) The name and signature of the person completing the form(s), unless the submission is done electronically;

(2) The complete address of the residence, house, apartment, or other dwelling to be placed on the Do Not Knock registry;

(3) A valid email address of the person completing the form(s);

(4) The date the form was completed;

(5) A statement that "No Solicitors or Peddlers Shall Call at this Address" or words of similar import; and

(6) The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that peddlers or solicitors not knock at his or her residence, house, apartment, or other dwelling.

(c) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the City may require the City or NOPEC to remove his or her residence, house, apartment, or other dwelling from the Do Not Knock registry by submitting a notice of removal form supplied by the Director of Public Safety, or by submitting a request online to www.blocktheknock.com which shall contain the following information:

(1) The name and signature of the person completing the form;

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

(3) The date the form was completed; and

(4) A statement that the residence, house, apartment, or other dwelling be removed from the Do Not Knock registry.

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

(e) A residence, house, apartment, or other dwelling, after being lawfully placed on the Do Not Knock registry shall remain on said registry until the earliest of any of the following:

(1) The City or NOPEC receives a notice of removal pursuant to division (c) of this section; or

(2) The City or NOPEC receives formal notice that the person who submitted the form pursuant to division (b) of this section is not or is no longer a lawful possessor and occupant of the premises.

(f) A copy of the Do Not Knock registry shall be made available for public inspection during normal business hours at the office of the Director of Public Safety.

(g) Notwithstanding any other provision of this chapter, no peddler, while peddling, or solicitor while soliciting, shall call upon, knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the City which is at that time on the Do Not Knock registry established and maintained pursuant to this chapter or upon which there is posted at the entrance a notice which reads "No Peddlers Allowed," "No Solicitors Allowed," "Do Not Knock" or other words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the lawful possessor and occupant thereof.

Section 2: It is hereby 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 actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 5-9-23

Dward Bortolotto
President of Council

Attest: *m meola*
Clerk of Council

Approved On: 5-11-23

Presented to Mayor: 5-10-23

Matthew Grech
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>ABSENT</u>	

I, *Mary Ann Meola* Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2023-38 adopted by the Council of the City of Middleburg Hts., on 5/9/23 was posted for a period of fifteen days, beginning 5/11/23 and remained so posted for fifteen days at the two posting places as designated by Charter.
Mary Ann Meola
Clerk

CERTIFICATE

I, *Mary Ann Meola* Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2023-38 passed on the 9th day of May 2023 by said Council.

Mary Ann Meola
Clerk of Council