

RESOLUTION NO. 107-08

ESTABLISHING THE REGULATION AND REGISTRATION OF TRANSIENT VENDORS WITHIN THE UNINCORPORATED AREA OF PERRY TOWNSHIP, FRANKLIN COUNTY, OHIO

WHEREAS, the Ohio Revised Code grants township boards of trustees by resolution the power to enact registration regulations for Transient Vendors under authority of Section 505.94 of the Ohio Revised Code, and

WHEREAS, there are Transient Vendors within Perry Township, Franklin County, Ohio (the "Township") and

WHEREAS, the Township, by and through its duly elected Board of Trustees (the "Board"), seeks to reasonably regulate the TIME, PLACE, AND MANNER in which these Transient Vendors may sell, offer for sale, or solicit orders for future delivery of goods, and

WHEREAS, the Board has determined that the public safety and welfare of the Township would be served by the regulation of Transient Vendors.

RESOLUTION

NOW THEREFORE, upon motion of Trustee James Roper seconded by Trustee Chet Chaney be it resolved by the Board of Trustees of Perry Township, Franklin County, Ohio, that the following Resolution be, and it hereby is, adopted:

THEREFORE, BE IT RESOLVED that the Perry Township Board of Trustees hereby enacts the following Transient Vendor regulations, rules and procedures pursuant to the provisions of Section 505.94 of the Ohio Revised Code:

1. All "Transient Vendors" who do business within the unincorporated area of the Township of Perry, Franklin County, Ohio shall register with the Township, at the Perry Police Department, 7125 Sawmill Road, Dublin, Ohio 43016, between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday except holidays.
2. As used in this Resolution, "Transient Vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the Township, either sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods. "Transient Vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Revised Code, that notifies the Board that its representatives are present in the Township for the

purpose of either selling or offering for sale goods, or soliciting orders for future delivery of goods, and does not include an auction or an auctioneer company licensed under Chapter 4707 of the Revised Code nor does it include newspapers which shall be defined as a publication of a type to which the general public resorts for the passing of events of a political, social and/or religious nature, happenings, announcements, miscellaneous reading matter and other notices. A newspaper must bear a title or name, be regularly issued as frequently as once a week, be published continuously during the immediate preceding one-year period and circulated generally within the Township. As used in this Resolution, "goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

3. The Perry Township Police Department shall maintain a registration log where all Transient Vendors shall register. All Transient Vendors shall register with the Perry Township Police Department and obtain a Transient Vendor permit prior to their coming into the Township to sell, offer for sale, or solicit orders for their goods. All Transient Vendors must complete a Transient Vendor application in order to register and obtain a Transient Vendor permit. The Perry Township Police Department shall, except as otherwise provided herein, within seventy-two (72) hours of the filing of the Transient Vendor application, issue or deny the application for registration and permit. Incomplete Transient Vendor applications will not be accepted. No Transient Vendor shall enter the Township until registered and a permit is issued. If the Transient Vendor submits an application on a Friday, the Transient Vendor will be required to wait until the following Tuesday; or provided that, if the following Monday is a holiday, the Transient Vendor shall be required to wait until Wednesday until the application for registration and permit is either approved or denied by the Perry Township Police Department. No Transient Vendor shall enter the Township until a permit is issued. The application for Transient Vendor registration and permit can be made between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday, at the Perry Township Department, 7125 Sawmill Road, Dublin, Ohio 43016.

4. Transient Vendors shall be permitted to sell, offer for sale, or solicit orders, door-to-door, or location-to-location as follows:
 - (a) Between the hours of 9:00 a.m. to 6:00 p.m. on weekdays.
 - (b) Between the hours of 9:00 a.m. to 4:00 p.m. Saturdays, and no solicitations are to be made Sundays or holidays.

6. Transient Vendors shall make a payment of \$50.00 made payable to Perry Township for their registration fee at the time they submit an application for registration and permit at the Police Department. All payments shall be in cash in the exact amount of \$50.00, or a money order made payable to the Township of Perry for \$50.00 (Also see item 7 for multiple Transient Vendors). If an application is denied the Township shall refund any registration fee made paid by a Transient Vendor.

7. Each individual person who sells, offers for sale, or solicits orders for goods shall be required to submit an application for registration and permit according to this Resolution even though he may be one or more of several Transient Vendors who sell, offers for sale, or solicits orders for goods for the same group, company, or other business entity or entities, or firms. Each separate Transient Vendor shall be required to separately and individually pay the \$50.00 registration fee provided in Item 6 above, even though he is one of several persons who sell, offer for sale, or solicits orders for goods for the same group, company, or other business entity or entities, or firms.

8. The Transient Vendor registration and permit shall be valid for one (1) year and shall commence on the issuance of the permit.

9. All companies, corporations, businesses, business entities or firms shall provide to their Transient Vendors a written statement signed by a duly authorized representative of the company, corporation, business or firm, that the Transient Vendor is in fact authorized to sell, offer for sale, or solicit orders for its goods within the Township for the company, corporation, business or firm, or under its authority or agency. An original of this written statement shall be provided to the Perry Township Police Department at the time of application for the Transient Vendor registration and permit.

10. Any Transient Vendor, company, corporation, business or firm submitting or supplying false, misleading or untrue information on or in connection with any Transient Vendor application, registration or permit shall be subject to prosecution under Section 505.99 of the Ohio Revised Code.

11. All Transient Vendors working at a fixed location who sell, offer for sale, or solicit orders for future delivery of goods where payment is required prior to delivery of the goods, and/or who establish a temporary place of business within the Township, shall in addition to the other requirements mandated herein:

- (a) establish a temporary place of business in an area zoned for the same provided that no temporary place of business shall be established in areas zoned for residential purposes; and
- (b) not violate any Township Zoning Regulations in regards to signage; and
- (c) not sell, offer for sale, or solicit orders for future delivery of goods from the temporary place of business between 9:00 p.m. and 7:00 a.m.

12. Any Transient Vendor, company, corporation, business or firm who violates any of the terms, conditions, or requirements of this Resolution shall give the Township grounds to cancel the registration and it shall be grounds for prosecution under Section 505.99 of the Ohio Revised Code.

13. The Perry Township Board of Trustees, or the Chief of the Perry Township Police Department, or his designated officer in charge during his absence or being otherwise unavailable, shall have the authority to take actions to terminate, revoke and/or cancel registrations and permits, an/or initiate prosecution under Item 10 and 12 above.

14. Should any one or more parts of this Resolution be adjudged unconstitutional or otherwise unenforceable by any Court or other body or person empowered to so rule, this adjudication shall not invalidate those other parts or sections herein.

15. The term "he" as used herein shall refer to both the female and male gender.

16. No Transient Vendor shall together with, or in combination with, twelve (12) or more persons who are Transient Vendors, operate within the Township at any one time, whereby they are all selling, offering for sale, or soliciting the same goods.

17. No Transient Vendor shall open a temporary place of business that is derogation or violation of the Township Zoning Resolution.

18. All Transient Vendors shall appear in person at the Perry Township Police Department or otherwise notify the Police Department when activity under their registration is completed and terminated. Any Perry Police Department employee who receives this information shall so note it in the registration log of Transient Vendors in the proper place that the Transient Vendor has completed and terminated its activities in the Township

19. The Transient Vendors log shall be a public record open for inspection.

20. Those in violation of the regulations contained in this Resolution are subject to the penalties of Section 505.99 of the Ohio Revised Code. The Perry Township Chief of Police shall establish the administrative mechanism to implement this Resolution, including but not limited to, briefing Township employees, establishing a registration log and preparing an application for registration and permit.

21. Informational brochures, pamphlets, fliers or any other written materials distributed by a Transient Vendor shall not be placed and/or left on the ground, including but not limited to, any driveway, yard, lawn, curb or sidewalk, of any property located in the Township, including any individual parcel and/or lot. Placement of any informational brochures, pamphlets, fliers or other written materials upon the front porch or stoop of a dwelling, building or structure is permitted. Transient Vendors are also specifically prohibited from placing or affixing any informational brochures, pamphlets, fliers or any other written materials on or in the actual mailbox.

22. Transient Vendors shall not sell, offer for sale, or solicit orders for goods where the owners and/or occupants of a dwelling, building, or other structure has posted a notice by means of a sign that its owners and/or occupants do not want

Transient Vendors to enter upon the property, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. By way of example and not limitation, a sign stating “NO SALESMAN” or “NO SOLICITATIONS” posted in a conspicuous place near the primary entrance to the dwelling, building or structure shall be sufficient to notify Transient Vendors of the owner’s and/or occupant’s intent.

23. The Township Fiscal Officer shall notify the Franklin County Prosecutor of this Resolution and its conditions pursuant to Section 505.94 of the Ohio Revised Code. The Board hereby establishes and recommends a thirty five (\$35) dollar fine plus any court costs for a violation of this Resolution. The Fiscal Officer is authorized to request that fine amount be placed on the Franklin County Municipal Court’s payable schedule of fines pursuant to Local Court Rule 13.

24. Notification is required to be made by any entity exempted from taxation under and pursuant to the provisions of Section 5709.04 of the Revised Code, that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for future delivery of goods. Such notification shall be addressed to the Board of Trustees marked – **ATTENTION: PERRY TOWNSHIP POLICE DEPARTMENT**. The Police Department shall make a log and record of all such notices of exempted businesses or organizations for the Trustees.

25. This Resolution does not apply to any person invited by an owner and/or occupant to visit the owner’s and/or occupant’s premises to sell, offer for sale, or solicit orders for future delivery of goods.

26. All prior Resolutions of this Board concerning the registration and/or permitting or any other regulation of Transient Vendors are hereby repealed.

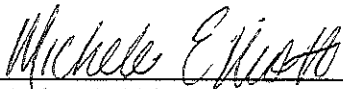
27. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

28. This Resolution shall be effective thirty (30) days after its adoption.

ADOPTED: March 17, 2008

Attest:

**PERRY TOWNSHIP BOARD OF
TRUSTEES, FRANKLIN COUNTY,
OHIO**



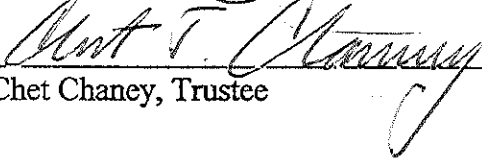
Michele M. Elliott
Township Fiscal Officer



James M. Fober, Trustee



Robert E. Myers, Trustee



Chet Chaney, Trustee

