

Genoa Township
VENDORS' RESOLUTION
(5 pages)

04-18

RESOLUTION ESTABLISHING THE
REGULATION AND REGISTRATION OF TRANSIENT VENDORS WITHIN
THE UNINCORPORATED AREA OF GENOA TOWNSHIP,
DELAWARE COUNTY, OHIO

Board of Trustees of Genoa Township, Delaware County, Ohio met in regular session on June 9, 2004, with the following members present:

Mark Atkeson
Helen Barber
John H. Rielly

John H. Rielly moved for the adoption of the following resolution:

WHEREAS, the Ohio Revised Code grants township board 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 Genoa Township, and

WHEREAS, the Township seeks to reasonably regulate the TIME, PLACE, AND MANNER in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, and

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

THEREFORE, BE IT RESOLVED that the Genoa Township Board of Trustees hereby enacts the following Transient Vendor regulations, rules and procedures:

1. All "Transient Vendors" who do business within the unincorporated area of the Township of Genoa, Delaware County, Ohio shall register with the Township, at the Genoa Township Police Department, 7049 Big Walnut Road, Galena, Ohio 43021.
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, 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 of Trustees 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 action or an auctioneer company licensed under Chapter 4707 of the Revised Code.

3. As used in this Resolution, "goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.
4. The Genoa Township Police Department shall maintain a registration log where all Transient Vendors shall register at least forty-eight (48) hours prior to their coming into the Township to sell, offer for sale, or solicit orders for their goods. If the Transient Vendor registers on a Friday, he will be required to wait until the following Tuesday or Wednesday, if the following Monday is a holiday until he can come into the Township to sell, offer for sale, or solicit orders for their goods. The registration can be made between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Genoa Township Police Department, 7049 Big Walnut Road, Galena, Ohio 43021.
5. Transient Vendors shall be permitted to sell, offer for sale, or solicit orders, door-to-door, or location-to-location,
 - a. Between the hours of 9:00 a.m. and 6:00 p.m. on weekdays.
 - b. Between the hours of 9:00 a.m. and 4:00 p.m. on Saturdays.
 - c. No solicitations are to be made Sundays or holidays.
6. Transient Vendors shall make a payment of \$25.00 for their registration fee at the time they register at the Police Department. All payments shall be in cash in the exact amount of \$25.00, or a money order made payable to the Township of Genoa for \$25.00. (Also see item 8 for multiple Transient Vendors.)
7. Transient Vendors shall be required to fill out a Transient Vendors Application at the time they register. The application forms shall be filled out in person by each Transient Vendor.
8. Each individual person who sells, offers for sale, or solicits orders for goods shall be required to register according to this Resolution even though he or she may be one or more of several Transient Vendors who sell, offers for sale, or solicits order for goods for the same group, company, or other business entity. Each separate Transient Vendor shall be required to separately and individually pay the \$25.00 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.
9. The registration period shall be valid for ninety (90) days and shall commence on the date of the application.
10. All companies, corporations, businesses or business entities shall provide to their Transient Vendors, to be given to the Police Department, a written statement signed by a person with authority that the Transient Vendor is in fact authorized to sell, offer for sale, or solicit orders for its goods within the Township for it, or under its authority or agency.

11. Any Transient Vendor Application or log that contains false or untrue information shall give the Township cause for that registration to be canceled, and it shall be grounds for prosecution under Section 505.99 of the Ohio Revised Code.
12. Transient Vendor Working At A Fixed Location. All Transient Vendors 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 the temporary place of business in an area zoned for the same. No temporary place of business shall be established in areas of zoned residential,
 - b. not violate any Township Zoning Regulations in regards to signs,
 - 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.
13. Any Transient Vendor 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.
14. Any Township Trustee, or the Chief of Police, or his designated officer in charge during his absence or being otherwise unavailable, shall have the authority to take actions to terminate, cancel registrations, or initiate prosecution under Item 11 and 13 above.
15. 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 shall not invalidate those other parts or sections herein.
16. The term "he" as used therein shall refer to both the female and male gender.
17. 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.
18. No Transient Vendor shall open a temporary place of business that is a derogation or violation of any Township Zoning Resolutions.
19. All Transient Vendors shall appear in person at the Genoa Township Police Department or otherwise notify the Police Department when activity under their registration is completed or terminated. The Genoa Township Police Department employee who receives this information shall so note it in the "log" of Transient Vendors in the proper place.
20. The Transient Vendors log shall be a public record open for inspection.

21. This Resolution shall be effective thirty (30) days after its adoption. 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 Chief of Police shall establish the administrative mechanism to implement this Resolution, to include but not limited to, briefing Township employees, establish log and application files.
22. Transient Vendors shall not sell, offer for sale, or solicit orders for goods where a dwelling, property, building, or other structure has posted a notice by means of a sign that its owners or occupants do not want salesman, or solicitations, or transient salesman or vendors, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. An examples of this, but not limited to this, are signs that say "NO SALESMAN" or "NO SOLICITATIONS".
23. All "Genoa Township" identification signs at the entrance to the Township that are maintained by the Township shall have placed upon them by the Road Department a sign reasonably calculated to inform the passer-by in a vehicle or otherwise traveling:

ALL TRANSIENT VENDORS MUST REGISTER

AT THE POLICE DEPARTMENT

24. The Clerk shall notify the Delaware County Prosecutor of this Resolution and its conditions pursuant to Section 505.94 of the Ohio Revised Code.
25. Notification is required to be made by an entity exempted from taxation under Section 5709.04 of the Ohio 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: CHIEF OF POLICE**. The Chief of Police shall make a log of and record all such notices of exempted businesses or organizations for the Trustees.
26. This Resolution does not apply to any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods.
27. All prior Resolutions of this Board concerning the licensing or other regulation of Transient Vendors are hereby repealed.
28. 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.

HELEN BARBER seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

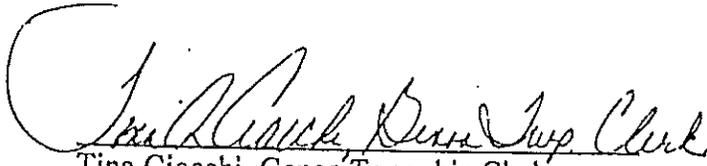
Mark Atkeson A/E

Helen Barber A/E

John H. Rielly A/E

Adopted June 9, 2004.

Attested:


Tina Ciacchi, Genoa Township Clerk

6-9-04
Date