

RESOLUTION NO. 10-04

Establishing the Regulation and Registration of Transient Vendors

WHEREAS, the Ohio Revised Code provides that a Board of Township Trustees may, by resolution, require the registration of all transient vendors within the unincorporated territory of the Township, establish a reasonable registration fee, and may regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, or the Board may, by resolution, prohibit these activities within that territory; and

WHEREAS, the Board of Trustees seeks to require registration of transient vendors operating in Blendon Township and seeks to establish and collect a reasonable registration fee from transient vendors; and

WHEREAS, the Board of Trustees seeks to regulate the time, place, and manner in which transient vendors may sell, offer for sale, or solicit orders for future delivery of goods in Blendon Township;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BLENDON TOWNSHIP,

Section 1. That the following regulations, rules, and procedures relative to transient vendors are hereby adopted:

1. As used in this Resolution:

(a) "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

(b) "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, 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, or attempts to arrange an appointment for a future estimate or sales call. "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 Township Trustees that its representatives are present in the Township for the purpose of selling or offering for sale goods, or soliciting orders for future delivery of goods, or attempting to arrange an appointment for a future estimate or sales call, and does not include a person licensed under Chapter 4707 of the Revised Code.

2. Registration and Application. All Transient Vendors who intend to do business within the unincorporated area of Blendon Township shall, at least forty-eight (48) hours prior to commencing their operations in the Township, register with the Township and submit a completed Transient Vendors Application.

(a) Registration may be made between the hours of 8:00 am and 4:30 pm, Monday through Friday, at the Blendon Township Police Department.: 6340 S. Hempstead Road,

ORIGINAL

Westerville, Ohio 43081.

(b) Each individual person who intends to sell, offer for sale, or solicit orders for goods shall be required to submit a Transient Vendors Application and register in person, provide verification of their identity by government-issued documentation including a photograph, and pay the registration fee. Each individual person must do so, even though the individual may be one of several Transient Vendors who intend to sell, offer for sale, or solicit orders for goods on behalf of the same organization. An organization intending to operate from a fixed location must register its activity at that location, provided only one application and registration fee is necessary for operations at that location, regardless of the number of individuals operating at that location.

(c) All Transient Vendors intending to sell, offer for sale, or solicit orders for goods on behalf of companies, corporations, business entities, or other organizations shall submit with their Transient Vendors Application a written statement signed by a person having authority within such organization stating that the Transient Vendor is authorized by such organization to sell, offer for sale, or solicit orders for the organization's goods.

(d) Each Transient Vendor shall make a payment of fifty dollars (\$50.00) for a registration fee. Registration fees shall be paid at the time the Transient Vendor registers at the Township Police Department. Registration fees shall be paid in cash or with a money order or certified check made payable to Blendon Township.

(e) Any Transient Vendor Application that is found to contain false or untrue information shall give the Township cause for revocation of the registration and may be grounds for prosecution.

(f) The Blendon Township Police Department shall maintain a registration log of all Transient Vendors, and the log shall be a public record available for inspection.

3. Operations of Transient Vendors.

(a) Commencing forty-eight (48) hours after such registration, each Transient Vendor who thereafter complies with the laws of the State of Ohio and the resolutions, rules, and regulations of Blendon Township shall be permitted to operate within the unincorporated area of Blendon Township for a period of ninety consecutive (90) calendar days. If the Transient Vendor registers on a Friday, and the following Monday is a legal holiday, the Transient Vendor will be required to wait until the following Tuesday to begin operations in the Township.

(b) Except as otherwise provided herein, Transient Vendors shall be permitted to sell, offer for sale, or solicit orders door-to-door or location-to-location only during the following times:

(i) Between the hours of 9:00 am to 6:00 pm on weekdays

(ii) Between the hours of 9:00 am to 4:00 pm on Saturdays

(c) Transient Vendors shall not be permitted to sell, offer for sale, or solicit orders,

ORIGINAL

door-to-door or location-to-location on any Sunday or any legal holiday as such is defined in Revised Code section 1.14.

(d) Transient Vendors shall not sell, offer for sale, or solicit orders for goods where a dwelling property, building, or other structure has posted notice, by means of a sign, that its owners or occupants do not want salesmen, or solicitations, or transient salesmen or vendors, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact.

(e) Transient Vendors, at all times while conducting business in the Township, must have on their person their Registration Form with the Township seal affixed and a valid form of identification bearing their photograph. Transient Vendors, at all times while conducting business in the Township, shall produce for inspection both the Registration Form and identification upon the request of any law enforcement officer or upon request of any person from whom they seek to solicit or with whom they seek to conduct their business.

(f) No person shall alter, copy, duplicate or otherwise reproduce a Registration Form.

4. Transient Vendor Working at a Fixed Location. All Transient Vendors who establish a temporary place of business at a fixed location within the Township, shall in addition to the other requirements mandated herein, comply with the following:

(a) The temporary place of business shall be located in an area zoned for such use, provided in no event shall the temporary place of business be established in areas zoned residential.

(b) The temporary place of business shall not violate any Zoning Regulations regarding signage, parking, noise, or lighting.

(c) The temporary place of business may sell, offer for sale, or solicit orders for future delivery of goods from the temporary place of business between the hours of 7:00 am and 9:00 pm every day, including legal holidays, during the term of its registration.

5. Administrative Procedures. The Township Fiscal Officer is hereby authorized to establish any and all reasonable regulations and procedures necessary to implement this Resolution.

6. Revocation of Registration. Any Transient Vendor who violates any of the terms, conditions, or requirements of this Resolution, shall give the Township grounds to revoke the registration, and such violation may be grounds for prosecution. The Blendon Township Board of Trustees or the Blendon Township Fiscal Officer, or the designated officer in charge during the Fiscal Officer's absence or unavailability, shall have the authority to revoke registrations and to initiate prosecution. The holder of a revoked registration may seek immediate judicial review by direct appeal to the Franklin County Court of Common Pleas.

7. Penalty. Any person who fails to comply with the regulations or prohibitions

ORIGINAL

established by this Resolution or the regulations established by the township Fiscal Officer pursuant to this Resolution shall be guilty of illegal transient vending and shall be strictly liable for such conduct. Illegal transient vending is a minor misdemeanor.

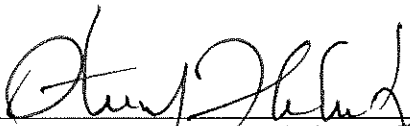
Section 2. That if any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The Blendon Township Board of Trustees hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. That the Fiscal Officer of Blendon Township is hereby ordered and directed to cause this Resolution to be published and/or posted in accordance with law.

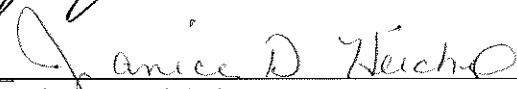
Section 4. That this Resolution and the rules, regulations, provisions, requirements, and matters established and adopted hereby shall take effect and be in full force and effect at the earliest time allowed by law after its final passage and adoption.

ADOPTED this 31 day of March, 2010

Attest: 
Wade Estep, Fiscal-Officer


Stewart L. Flaherty, Chairman


Jerry L. Ward, Vice-Chairman


Janice D. Heichel, Trustee

ORIGINAL