



RESOLUTION G2015-23

Resolution Rescinding Resolution G-0634 and
Adopting New Regulations Regarding
Registration and regulation of Transient Vendors

WHEREAS, pursuant to its authority under O.R.C. Chapter 505.94, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, (hereinafter the "Township") desires to require the registration of all transient vendors within the unincorporated territory of Symmes Township and desires to regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, or attempt to arrange an appointment for a future estimate or sales call; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, desires to protect the Township residents from fraud, deceit, and crime by unscrupulous transient vendors; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, desires to provide the Township residents with a measure of privacy in their residences; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, desires to regulate the duration for which transient vendors can operate in the Township; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, on September 3, 2006 adopted Resolution G-0634, a Resolution to Require Registration and Regulation of Transient Vendors; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, has determined that Resolution G-0634 should be amended to better regulate transient vendors within Symmes Township and to incorporate amendments made by the General Assembly to Ohio Revised Code §505.94.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio that the Board of Trustees of Symmes Township adopts Resolution G2015-23 with the following provisions and that this Resolution shall take effect and be in force from and after September 1, 2015 and the Board of Trustees of Symmes Township rescinds Resolution G-0634 upon the effective date of Resolution G2015-23.

SECTION 1. DEFINITIONS

- 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 Ohio 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 4704 of the Ohio Revised Code.

SECTION 2. REGISTRATION

- a. Unless invited by the legal occupants or owners of a private property, residence, or business, all transient vendors shall register with Symmes Township at its offices at 9323 Union Cemetery Road, Symmes Township, Ohio 45140 on a form, a copy of which is attached hereto and made a part hereof, and provide the information required thereon.
- b. All transient vendors at the time of such registration shall provide:
 - (a) a valid driver's license or other acceptable form of photo identification and
 - (b) two color passport photos, one of which shall be incorporated into a "Vendor Identification Badge" (hereinafter "I.D.").A \$10.00 refundable deposit shall be required for each I.D. issued, and such deposit shall be returned upon surrender of the I.D. to the Township Administration Office.

- c. The fee for the registration shall be \$75.00. This amount is in addition to the above referenced \$10.00 refundable deposit.
- d. The registration shall be valid for a period of ninety (90) days from the date of registration.
- e. Each transient vendor must register individually and the registration and I.D are not transferable to another transient vendor.
- f. **Charitable Transient Vendor Registration.** Any person who represents a business or organization exempted from taxation under Section 5709.04 of the Ohio Revised Code shall notify the Township Administrator of his or her presence before he or she 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 in the unincorporated areas of the township. Each charitable transient vendor shall be subject to the requirements specified in Section 2, Paragraph b of this Resolution.
- g. **Issuance of Permit.** Upon receipt of a completed registration that complies with this Section, the Township Administrator, or any authorized Township representative, within seventy-two (72) hours, shall issue a permit to the applicant.
- h. Any applicant having been convicted of a felony, or a misdemeanor which involved theft or drug offense as defined in the Ohio Revised Code, shall be ineligible from registering as a transient vendor.

SECTION 3. MANNER OF SOLICITATION

- a. No transient vendor shall engage in solicitation upon any private property, residence, or business unless (i) invited by the legal occupants or owners of such private property, residence, or business, or (ii) the transient vendor is registered with Symmes Township as provided in this Resolution.
- b. Solicitations shall only be made between 9:00 a.m. and 6:00 p.m. Monday through Sunday.

- c. Each transient vendor shall carry on his or her person the original registration form, and shall prominently display his or her identification badge, at all times, while selling on the street, or while traveling about the Township for the purpose of selling or soliciting orders.
- d. Regardless of any other provision in this Resolution, no person shall engage in solicitation upon any private property after having been asked by the owner or occupant thereof to leave such property. Possession of a certificate of registration does not in any way relieve any transient vendor of this prohibition.
- e. Regardless of any other provision in this Resolution, no person shall engage in solicitation upon any private property if a conspicuous sign against solicitation is posted thereon. Possession of a certificate of registration does not in any way relieve any transient vendor of this prohibition. It is sufficient notice if any such sign against solicitation contains words such as "no solicitation," "no trespassing," "keep out," "private property," or any message of similar import.
- f. No transient vendor shall use any plan, scheme, or ruse or make any statement which indicates or implies that the purpose of his or her solicitation is other than to obtain orders for or to make present or future sales of goods and services.
- g. No transient vendor shall solicit by shouting or by using any sound device in connection with soliciting, including bells or amplifying systems.
- h. No transient vendor shall make false statements or misrepresentations about the purpose of the solicitation.
- i. No transient vendor shall approach any door or window on a residential structure except for the door that is closest to the adjacent street or is otherwise designed and intended to be used as the front door.
- j. No transient vendor shall remain on private property if he or she fails to receive a response from an occupant after knocking on the door or ringing the doorbell.

SECTION 4. REVOCATION OF REGISTRATION

- a. The registration and I.D. of a transient vendor shall be revoked by the Township Administrator or any authorized Township representative, including Hamilton County Sheriff's Department, for any of the following causes:
 - (i) Fraud, misrepresentation, or false statement contained in the application for registration;
 - (ii) Fraud, misrepresentation, or false statement contained in the course of solicitation and subsequent business;
 - (iii) Any violation of this resolution;
 - (iv) Conviction of any crime or misdemeanor involving moral turpitude;
 - (v) Conducting of a business or being a Transient Vendor in an unlawful manner, or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- b. Revocation of the registration and the I.D. immediately and automatically terminates the transient vendor's right to solicitation and any further solicitation by such transient vendor is a violation of this Resolution.
- c. The Township Administrator, or any authorized Township representative, may revoke a permit by so advising a transient vendor in person or by written notice of such revocation being mailed to the transient vendor at the local address specified in his or her application for registration. The transient vendor shall, upon written request, made within five (5) business days of receiving notice of revocation, have a hearing by the Township Administrator on the issue of said revocation prior to its being effective. The Township Administrator shall render a final decision on said revocation within five (5) business days of such hearing.
- d. Any transient vendor who registration and I.D. is revoked by the Township, pursuant to this Section, forfeits the right to recover his or her \$10.00 registration deposit.

SECTION 5. PENALTY

- a. Pursuant to O.R.C. § 505.94 and §505.99 of the Ohio Revised Code, whoever violates the provisions of this Resolution is guilty of a minor misdemeanor and shall be fined an amount not exceeding \$150.00. Each subsequent instance of violation is a separate offense.

SECTION 6. PROVISIONS NON-EXCLUSIVE

Nothing in this resolution shall be construed as to replace or eliminate any of the provisions or requirements of any other Resolution Symmes Township, Hamilton County, Ohio.

SECTION 7. It is hereby determined that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio, relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

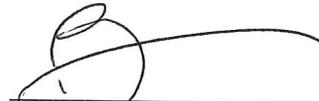
SECTION 8. Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

SECTION 9. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

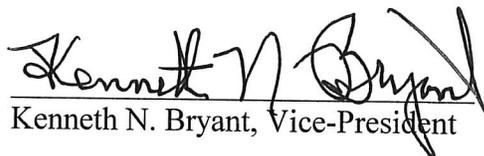
ADOPTED SEPTEMBER 1, 2015

Vote Record: Mr. Beck Aye Mr. Bryant Aye Mrs. Leis absent

BOARD OF TRUSTEES:



Philip J. Beck, President



Kenneth N. Bryant, Vice-President

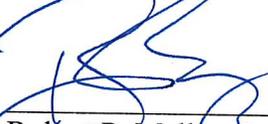
Jodie L. Leis, Trustee

ATTEST:



Carol A. Sims, Fiscal Officer

APPROVED AS TO FORM:



Robert P. Malloy, Law Director

Brian Fox, Atty Law Director