

**RESOLUTION REQUIRING REGISTRATION OF TRANSIENT VENDORS AND REGULATING SALES**

**WHEREAS**, Ohio Revised Code §505.94 provides that a board of township trustees may, by resolution, require the registration of all transient vendors within the unincorporated territory within the township 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, including complete prohibition of such activity; and

**WHEREAS**, for the purposes of this resolution, a “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, solicits orders for future delivery of 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 §5709.04 of the Revised Code, or any person licensed under Chapter 4707 of the Revised Code, and does not include 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, or a person selling newspapers, or commercial travelers or selling agents calling upon commercial establishments in the usual course of business, or roadside stands or vendors offering for sale agricultural produce grown on premises; and

**WHEREAS**, for purposes of this resolution, “Canvassers” means any individuals who travel from door-to door, for the primary purpose of providing information, either written or oral, to the occupants of the dwelling about candidates for public office, political issues, religious or church related matters, registered charities, civic organizations, athletic leagues, and primary and secondary school organizations; and

**WHEREAS**, “Goods” has the same meaning as in Ohio Revised Code §505.94, as the same may be amended from time to time. The statute currently provides that “Goods” means goods, wares, services, merchandise, periodicals, and other articles or publications; and

**WHEREAS**, the Trustees believe that due to the increase number of transient vendors in Shawnee Township, it would be prudent to protect the citizens of Shawnee Township by rescinding any previous resolution or directive in favor of this present resolution.

**NOW, THEREFORE, BE IT RESOLVED** that all transient vendors, as defined above in Ohio Revised Code §505.94, are herewith subject to the following regulations in order to conduct operations within Shawnee Township:

Obligation to Comply with this Resolution. No transient vendor shall fail to register or to comply with regulations established under this resolution.

Registration. All transient vendors shall register with the Shawnee Township Zoning Inspector at the Shawnee Township Administration Building, 2530 Ft. Amanda Road, Lima, Ohio prior to conducting any business in Shawnee Township. Registration shall be completed on a form designed by the Township, as well as all information required by the Zoning Inspector shall be provided by the vendor prior to acceptance of the registration.

Registration Fee and Period. The fee for each individual registration for a transient vendor operating door to door or other than from a fixed location shall be \$150.00 for a registration period of ninety-(90) days. The fee for each individual registration for a transient vendor operating from a fixed location shall be \$100.00 for a registration period of one hundred eighty-(180) days. At the time of registration, each vendor shall provide a copy of the company’s valid, current vendor’s license. Each individual person, who will be conducting operations in Shawnee Township must be registered. The Zoning Inspector shall grant or deny the application within thirty-(30) days of receipt of the application.

Denial of Application and or Individual Canvasser. A transient vendor permit may be revoked by the Zoning Inspector for any of the following causes: Fraud, misrepresentation or false statement contained in the application for registration or in the course of carrying on sales solicitation. Any violation of the provisions of this resolution, the conducting of business in an unlawful manner, or in such a manner as to constitute a breach of peace or so as to constitute a menace to the health, safety or general welfare of the public.

Proof of Compliance. Each transient vendor shall carry on their person a copy of his/her registration at all times while selling on the street, or while traveling about in the township for purpose of selling or soliciting orders. Individuals may not solicit as a team using a permit of another individual or company permit for more than one individual.

Manner of Solicitation. No transient vendor shall conduct public solicitation in Shawnee Township in such a manner that is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading to the public. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Transient vendors shall comply with all applicable Federal and State Laws governing the conduct of their businesses, including the three-(3) day cancellation provision, and the collection and payment of all applicable sales taxes, and upon making application, shall provide evidence of the same. Music and voice amplification devices shall be kept to a reasonable level. Except as otherwise approved by the Zoning Inspector in advance, and subject to the requirement that the transient vendor submit proof that the property owner on which sales are to be conducted has consented, no sales or solicitation shall be conducted within the road right of way of any public road.

Hours of Solicitation. Door to door solicitation shall be made only between Monday through Friday between the hours of 10:00 a.m. and 6:00 p.m. during the months of November through April and Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. during the months of May through October. No door to door solicitation shall occur on Saturday’s, Sundays, and Holidays.

Prohibited Solicitation at Certain Residences. No solicitation shall not be permitted at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation or for which the owner or tenant has filed a “no solicitation registration” with Shawnee Township, on a form approved by the Board.

Stationary Locations. At the time of registration, every transient vendor who intends to conduct activities in a stationary location on private property shall present written permission from the owner of such property for such activities. Transient vendors operating at a stationary location shall comply with sign and temporary sign regulations as stipulated in the Shawnee Township Zoning Resolution.

Conduct. In carrying on activities within Shawnee Township, a transient vendor shall not:

1. Obstruct or interfere with public travel on or public use of any public street, road, sidewalk or way;
2. Enter any private premises or parts of premises where entry is prohibited by notice or which is manifestly restricted to uses which are incompatible with the vendors activity;
3. Remain on premises or parts of premises after notice to depart; and
4. Possess, sell, offer to sell, or solicit orders for any product or thing in violation of law.

Non-Applicability. This resolution does not apply to the following types of activities:

1. Door to door solicitation and sales by non-profit or charitable groups or their members.
2. Solicitation and sales from a stationary location by non-profit or charitable groups or their members.
3. Canvassers going door to door.

Penalty. Whoever violates this resolution is guilty of a minor misdemeanor under O.R.C 505.99, as the same may be amended from time to time. Vendors who conduct operations within Shawnee Township that have not registered will be required to cease operations and directed to leave the township by until such time a transient vendor application and registration is approved by the Zoning Inspector.

Notification of County Prosecutor. The Township Attorney is directed to notify the Prosecuting Attorney of Allen County of the contents of this resolution, in accordance with Section §505.94 of the Revised Code.

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 meeting of this Board, and that all deliberations of this Board that result in formal actions were taken in a meeting open to the public, in compliance with all legal requirements, including but not limited to Ohio Revised Code §121.22, except as otherwise permitted thereby.

This Resolution shall be effective at the earliest date allowed by law.

Motion for Passage \_\_\_\_\_

Second the Resolution \_\_\_\_\_

And a roll being called upon the question of its adoption, the vote resulted as follows:

Mr. Russ Holly	(Yes or No)
Mr. Clark Spieles	(Yes or No)
Mr. Dave Belton	(Yes or No)

ADOPTED this 14<sup>th</sup> day of September 2020

Board of Township Trustees of Shawnee Township, Allen County, Ohio:

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

Attest:

\_\_\_\_\_  
Fiscal Officer