

RES# 180116.03

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

Board of Trustees of Norwich Township, Franklin County, Ohio met in regular session on January 16, 2018, with the following members present:

Chuck Buck
Larry Earman
Tim Roberts

Tim Roberts moved the adoption of the following resolution:

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

WHEREAS, there are transient vendors within Norwich 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 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 Norwich 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 Norwich, Franklin County, Ohio shall register with the Township, at the City of Hilliard Police Department, 5171 Northwest Parkway, Hilliard, Ohio 43026.

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, 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, these representatives under section 5709.04 of the Revised Code are not required to notify the Board of Trustees prior to entering the Township for the purpose of either 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 licensed auction 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 City of Hilliard Police Department shall maintain a registration log where all Transient Vendors shall register prior to its representatives being present in the Township for the purpose of either selling or offering goods for sale, or soliciting orders for future delivery of goods.

5. Transient Vendors shall be permitted to sell, offer for sale, or solicit orders, door-to-door, or location-to-location according to the following:

- (a) Between the hours of 9:00 a.m. to 6:00 p.m. eastern standard time, from October 1st through March 31st.

- (b) Between the hours of 9:00 a.m. to 8:00 p.m. eastern standard time, from April 1st through September 30th.
- (c) After approval of a permit, all Transient Vendors shall be required to prominently display a badge (prescribed by the City of Hilliard Police Department) while engaging in any solicitation of goods indicating the authority to operate pursuant to this Resolution..

6. Each Transient Vendor shall make a payment of \$25.00 for their registration fee at the time they register at the City of Hilliard Police Department, plus the City of Hilliard Police Department's cost to conduct a background check through the Bureau of Criminal Investigation. 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 additional Transient Vendor of any firm, entity or business who has already registered, shall be required to pay an additional registration fee of \$5.00 and the City of Hilliard Police Department's cost to conduct a background check through the Bureau of Criminal Investigation. Any registration fee or costs to conduct background checks are non-refundable.

7. Each Transient Vendor shall be required to fill out a Transient Vendor application at the time they register. The application forms shall be filled out in person by each Transient Vendor. The nature of the forms and any other application materials shall be prescribed by the City of Hilliard Police Department and shall include:

- (a) Name of Applicant;
- (b) Address of Applicant;
- (c) Height, weight, date of birth, social security number, photo identification and physical characteristics of the applicant;
- (d) Name and address of firm, business or agency by whom the applicant is employed, represents or licensed;
- (e) Submit such other information as may be required by the City of Hilliard Police Department to complete a background check;
- (f) Valid driver's license and proof of insurance at the amounts and level required by the state law (for those transient vendors operating on public streets);
- (g) Statement of character and honesty of the applicant;
- (h) The character and solvency of the firm or business for whom the applicant works;
- (i) Description (quality and cost) of goods selling;
- (j) Any other information requested by the City of Hilliard Police Department.

8. Upon submission of all the requested information and application materials to the City of Hilliard Police Department, a permit shall be either granted or denied based upon the objective criteria set forth in Section 7 of this Resolution as well as any other relevant information obtained by the City of Hilliard Police Department. Any incomplete applications shall be denied.

9. Any permit issued by the City of Hilliard Police Department shall be valid for one year (1) year and shall commence on the date of approval of 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. 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 zoned residential.

(b) Not violate any Franklin County 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 8:00 p.m. and 9:00 a.m.

12. Any Transient Vendor permit granted under this Resolution, may be revoked by the Township for any of the following reasons upon presentation of charges by an affected person or persons:

- (a) Fraud, misrepresentation or false statements in the course of conducting business;
- (b) Conviction of a crime or misdemeanor involving moral turpitude;
- (c) Conducting business in an unlawful manner or in such a manner as to constitute a nuisance or a menace to the health, safety or general welfare of the public;
- (d) Upon conviction of any state law;
- (e) Failure to maintain a valid State of Ohio Driver's License (for those transient vendors operating on public streets);
- (f) The receipt by the City of Hilliard Police Department or the Township if three (3) substantiated complaints within any fourteen (14) day period.

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

14. Upon any complaint showing a violation of any of Section 12 of this Resolution, any City of Hilliard Police Officer or authorized representative of the Township, shall immediately seize the Transient Vendors permit and/or badge. He shall immediately give notice to such Transient Vendor that a hearing on his permit revocation will be held before the Board of Township Trustees or their designee, not to exceed forty-eight (48) hours from the time of the seizure. From the time of seizure until the hearing before the Board of Trustees or their designee, no Transient Vendor shall engage in any solicitation within the Township. The Board of Trustees decision shall be final and binding.

15. 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. 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.

16. Any Township Trustee or their designated representative, or the Chief of Police, or his designated officers in charge during his absence or being otherwise unavailable, shall have the authority to take actions to seize, terminate, cancel registrations, or initiate prosecution under this Resolution.

17. 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.

18. 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.

19. No Transient Vendor shall open a temporary place of business that is derogation or violation of any Franklin County Zoning Resolution.

20. All Transient Vendors shall appear in person at the City of Hilliard Police Department or otherwise notify the Police Department when activity under their registration is completed and terminated. The City of Hilliard 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. Each day of violation shall be a separate offense. The Chief of Police may establish any 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 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 example of this, but not limited to this, are signs that say “**NO SALESMAN**” or “**NO SOLICITATIONS**”.

23. All “Norwich 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 Fiscal Officer shall notify the Franklin County Prosecutor of this Resolution and its conditions pursuant to Section 505.94 of the Ohio Revised Code.

25. Notification is not required to be made by any entity exempted from taxation under 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.

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 resolution does not apply to organizations exempted from taxation under section 5709.04 of the Revised Code. Any organization exempted under R.C. 5709.04 does not have to provide notice to the Township that its representatives are present in the Township for the purpose of either selling or offering goods for sale, or soliciting orders for future delivery of goods.

29. 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.

30. The effective date of this resolution will be January 16, 2018.

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

Chuck Buck
Larry Earman
Tim Roberts

YEA
YEA
YEA

Attested:

JMiles
Jamie Miles, Norwich Township Fiscal Officer

1/16/2018
Date