

**BOARD OF TRUSTEES
SYLVANIA TOWNSHIP, LUCAS COUNTY, OHIO**

RESOLUTION NO. 13-055

1st Reading:
2nd Reading: Dispensed

RESOLUTION TO REPEAL EXISTING RESOLUTION NUMBER 12-109; (TO REQUIRE REGISTRATION AND REGULATION OF TRANSIENT VENDORS AND NOTIFICATION BY CHARITABLE SOLICITORS); AND ADOPT AMENDED POLICY TO REQUIRE REGISTRATION AND REGULATION OF TRANSIENT VENDORS AND REGISTRATION BY CHARITABLE SOLICITORS

WHEREAS, Ohio R.C. 504.04 (A) authorizes a township which has adopted the home-rule form of governance to exercise the powers of local self-government within the unincorporated areas of the township and to adopt and enforce within those areas local police, sanitary and similar regulations; and

WHEREAS, municipal corporations pursuant to Ohio R.C. 715.64 may license transient dealers and solicitors, and townships pursuant to Ohio R.C. 505.94 may require registration of transient vendors, thus demonstrating that the Ohio General Assembly considers local police regulations addressing registration and regulation of transient vendors and solicitors to be within the scope of authority granted to local government bodies; and

WHEREAS, the Board of Trustees of Sylvania Township has determined the unregistered and unregulated sales and solicitation by transient vendors and solicitors poses a risk of increased crime, fraud, and invasions of privacy; and

WHEREAS, the Board of Trustees of Sylvania Township desires to protect public safety and privacy interests of its citizens, which interests are compromised by unregulated sales and solicitation by transient vendors and solicitors; and

WHEREAS, the Board desires to repeal existing Resolution Number 12-109 (To require registration and regulation of transient vendors and notification by charitable solicitors) and amend the current policy to limit the hours of solicitation,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees, Sylvania Township, Lucas County, Ohio as follows:

SECTION 1. The Board of Trustees of Sylvania Township hereby repeals Resolution 12-109 To Require Registration and Regulation of Transient Vendors and Notification by Charitable Solicitors

SECTION II. The Board shall adopt the amended policy as follows:

SECTION III. Definitions: The following definitions apply to this Resolution:

- A. "Transient Vendor" is 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. "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 either selling or offering for sale goods, or soliciting orders for future delivery of goods, and does not include an auction or auctioneer company licensed under Chapter 4707 of the Revised Code.

- B. "Charitable Solicitor" is any organization or entity exempted from taxation under Ohio R.C. 5709.04 on whose behalf goods or services are sold or offered for sale on the streets or while traveling about the township by individuals representing its interests in order to raise funds to support charitable or educational causes of the Charitable Solicitor.

SECTION IV. Registration of Transient Vendors Required: Carrying of the Permit

No person shall engage in the business or activities of a transient vendor as defined in Section (I)(A) in the unincorporated areas of Sylvania Township without first having obtained a "Transient Vendor Permit." A Transient Vendor Permit issued hereunder shall be valid for a period of 90 days after its issuance. All Transient Vendors must carry on his or her person, within plain view, a copy of the Transient Vendor Permit while selling on the street, or while traveling about the Township for purposes of selling or soliciting orders. Individuals may not solicit or sell using a Transient Vendor Permit issued to another individual.

SECTION V. Transient Vendor Registration Process.

Persons required to obtain a Transient Vendor Permit under this Resolution may do so by completing the Transient Vendor Permit Registration Form, which forms may be obtained at the office of the Township Administrator, 4927 Holland-Sylvania Road during normal business hours, and submitting a \$50.00, non-refundable registration fee. Organizations wishing to obtain a permit for multiple solicitors may do so by submitting a \$100.00, non-refundable registration fee along with registration forms for each individual solicitor. (maximum of 4). The Transient Vendor Permit Registration Form shall be in a form substantially similar to that attached hereto as Exhibit A. The Transient Vendor Permit Registration Form shall be signed by the applicant under oath and in the presence of a Notary Public or in the presence of an individual authorized to issue the permit. Upon completion and submission of the Transient Vendor Permit Registration Form and payment of the registration fee, the Township Administrator or his designee shall secure a background check. The Transient Vendor Permit will be issued in a form substantially similar to that attached hereto as Exhibit B, provided the applicant has not been convicted of a criminal offense involving fraud, deception, theft, or moral turpitude, in which case the Permit shall not be issued.

Permits may be renewed one time only, for an additional 90 days at \$25.00 (Individual permit) or \$50.00 (organization/multiple vendors). Renewal periods must run concurrent with the original permit period and will be issued identical to the original permit(s).

SECTION VI. Charitable Solicitor Registration

Charitable Solicitors shall complete a Solicitation Registration Form. Charitable Solicitors shall be exempt from a registration fee. Said form shall include a general description of the goods or services sought to be sold or solicited, and the time period during which such sales and/or solicitations will occur. Charitable Solicitors shall not be required to identify each person representing its interests in connection

with such sales or solicitations. No Charitable Solicitor shall permit its representatives to sell, offer for sale, or solicit orders for the sale of goods or services before such registration is completed.

SECTION VII. Homeowner "Do Not Solicit" Registration Lists:

Any homeowner within the Township may request a "No Solicitation" decal or sticker, which may be affixed to or near the front door of their residence. All Transient Vendors and Charitable Solicitors shall be informed that attempted sales or solicitations of persons whose homes have a "No Solicitation" decal or sticker is affixed, is subject to revocation of their permit.

SECTION VIII. Revocation of Registration.

A Transient Vendor Permit issued under this Resolution may be revoked by the Township Trustees and/or the Township Administrator for any of the following causes:

- A. Fraud, misrepresentation or false statement contained within the Transient Vendor Permit Registration Form, or which occurs during the course or carrying out the activities of a Transient Vendor.
- B. Violation of this Resolution.
- C. Conviction of any felony or misdemeanor which involves fraud, deception, theft, or moral turpitude.
- D. Carrying out the activities of a Transient Vendor in such a way as to constitute a breach of the peace, or a menace to the health, safety, or general welfare of the public.
- E. Failure to carry the Transient Vendor Permit while selling on the street, or while traveling about the Township for the purpose of selling or soliciting orders.
- F. Attempted sales or solicitation at a residence registered as a "no solicitation" location in accordance with Section IV hereto, and at which a Township "no solicitation" decal or sticker is prominently displayed.

SECTION IX. Manner of Solicitation; Hours of Solicitation.

No Transient Vendor or person representing a Charitable Solicitor shall conduct public sales or solicitations of goods and services in the unincorporated areas of Sylvania Township in a manner which is coercive, abusive or misleading. No effort may be made by any person, firm, or corporation to defraud any individual through the sales or solicitation process. No Transient Vendor or person representing a Charitable Solicitor may shout, make outcries, blow horns, ring bells, or use any sound device, including any loud speaking radios or amplifying systems upon any of the streets, parks or other places of the Township, or upon private premises in the Township, if such activities have the effect of making an unreasonable or offensive noise, or otherwise constitute a nuisance. No Transient Vendor or person representing a Charitable Solicitor may solicit either within a roadway or intersection at any time, or conduct door to door sales or solicitation activities other than between the hours of 9:00 a.m. to Dusk, Monday through Sunday. No Transient Vendors or charitable Solicitor shall attempt to sell or solicit at a residence registered as a "no solicitation" location in accordance with Section IV hereto and at which a Township "no solicitation" decal or sticker is prominently displayed.

SECTION X. Enforcement

It shall be the duty of the Sylvania Township Police Officers to require any person seen vending, selling, or soliciting sales, who is not known by the Officers to be duly permitted under this Resolution, to seek production of an individual's Transient Vendor's Permit, and to enforce this Resolution against any person found to be in violation of same.

SECTION XI. Penalties.

Pursuant to Ohio Revised Code 504.04, any Transient Vendor who is found to have violated any provision of this Resolution, in addition to being subject to revocation of his or her Transient Vendor Permit as provided for in Section IV shall be subject to a civil fine in an amount not exceeding \$100.00 for the first violation, \$200.00 for the second violation, and \$500.00 for each subsequent violation.

SECTION XII. Miscellaneous.

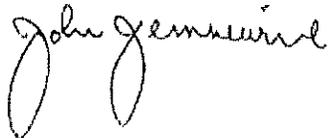
- A. This Resolution shall take effect on **May 21, 2013** following the filing of this Resolution with the Sylvania Township Fiscal Officer.

INTRODUCTION AND VOTE RECORD

Motion: Kevin Haddad

Second: Neal Mahoney

Adopted at the meeting of the Board of Trustees on **May 21, 2013.**



John Jennewine

Yes



Kevin Haddad

Yes



Neal Mahoney

Yes

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Sylvania Township Fiscal Officer, on May 21, 2013.



David Simko, Fiscal Officer

This is to certify that this resolution was advertised in the Toledo Blade on June 3, 2013 and June 10, 2013.

A handwritten signature in black ink, appearing to read 'D. Simko', written in a cursive style.

David Simko
Sylvania Township Fiscal Officer

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