



## MONCLOVA TOWNSHIP

### MONCLOVA TOWNSHIP, LUCAS COUNTY, OHIO

#### A Resolution to Regulate Uninvited Transient Venders.

WHEREAS, Section 505.94 of the Ohio Revised Code permits a township to regulate Transient Venders; and

WHEREAS, Section 505.99 of the Ohio Revised Code provides a penalty for the violation of such a regulation; and

WHEREAS, the Board of Trustees of Monclova Township has determined that it would be in the interests and safety of the township to adopt such a resolution regulating uninvited peddling or soliciting in the unincorporated area of the township.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Monclova Township that the following regulation be adopted:

## TRANSIENT VENDER

Section 1.01 – General Regulations - As provided for in section 505.94 of the Ohio Revised Code “Transient Vender” 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, offers for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of goods, except that “transient vender” does not include any person who represents a business or organization, including, but not limited to, 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, offering for sale, or soliciting orders for future delivery of goods, or an auction or an auctioneer company licensed under Chapter 4707 of the Revised Code.

- A. Permit Required – No transient vender shall enter upon the premises of any resident, roadway, highway, or established right of way in the unincorporated area of Monclova Township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods unless such person shall have first registered and obtained a Transient Vendor’s Permit from the Township.
- B. Hours of Operation - No person shall conduct any business activity, as defined herein, before 9:00AM and shall discontinue all such business activity at dusk, but in no case later than 8:00PM.
- C. Days of Operation– Anyone operating as a transient vender may only conduct such activity Monday through Saturday. No business activity shall be permitted on Sunday or legal holidays.
- D. Traffic – No person operating under a Transient Vender permit shall conduct any business activity within the established right-of-way, or obstruct or impede the movement of traffic within the established right-of-way, or obstruct or impede traffic movement to or from private property at the established right-of-way line.
- E. Personal Possession – Each person receiving a Transient Vender’s permit shall carry such permit on their person at all time during any solicitation activity.
- F. Permit Inspection - A Transient Vender’s permit shall be provided for inspection upon request from any person to whom a solicitation is being made, upon demand of any Lucas County Sheriff’s Deputy; and upon demand of any Township Administrator or his designee.
- G. Vender’s Number/Licenses – Prior to making application for a Transient Vendor’s permit, applicant(s) shall have secured all necessary vendors number(s) and/or license(s) as may be required by the State and/or local regulations.

Section 1.02 – Permit Requirements – Prior to conducting any business activity within the township, Transient Venders shall personally obtain a Transient Vender's permit from the enforcement official. Such permit shall not be assigned or transferred to any other person. The permit application shall be on forms provided by the Township and contain the following information:

1. Full name of the applicant.
2. Permanent and temporary address and telephone number.
3. Personal data: birth date, height, weight, color hair, color eyes, sex
4. Social Security Number
5. The make, model, year, current registration and proof of motor vehicle insurance coverage for each vehicle used.
6. Drivers license number and State of issuance.
7. Name and address of employer and person in charge.
8. Venders license number, if required.
9. Brief description of goods, wares, merchandise, or services involved.
10. Criminal record.
11. A statement indicating whether the applicant has ever been denied Permit or license to conduct any business as described herein, or had such issued permit or license revoked by any political jurisdiction.
12. Day(s) of operation, beginning and ending dates, and hours of operation.

Section 1.03 – Fee – A fee of \$ 150 shall be paid for each Transient Vender's permit application.

Section 1.04 – Period of Validity – Each Transient Vender's permit shall be valid for a period of 90 days from the date of registration.

Section 1.05 – Denial of Transient Vender's permit – The Enforcement Official may investigate application of a Transient Vender's Permit. If such investigation reveals that the applicant has ever been guilty of any fraud, misrepresentation or an unlawful act, had been denied a Transient Vender's Permit from any other governmental agency, or had such permit revoked for any reason after issuance, the Enforcement Official shall have the right to refuse to issue a Transient Vender's Permit to such applicant.

Section 1.06 – Revocation/Confiscation - A Transient Vender's Permit may be revoked and/or confiscated at any time by the Enforcement Official should the person to whom it is issued be guilty of any fraud, misrepresentation or unlawful act in connection with his business, or otherwise is found to be a person not fit to be engaged in such business, or violates any of the provisions of this Regulation.

Section 1.07 – Appeals – Any person having a Transient Vender's Permit refused, revoked, or confiscated may appeal such action to the Township Trustees. Such appeal shall be on forms provided by the Township and filed with the Township Clerk within Ten (10) days of such action, but at least seven (7) days before the trustees' meeting. The Trustees decision is final.

Section 1.08 – Permit Exceptions – No permit shall be required for the following:

1. Persons who solicit only the purchase of or subscription for newspapers having their principal sale or distribution in the Township.
2. Persons who solicit only for sale and delivery to merchants, manufactures, or other businessmen at their office or place of business.
3. Persons who act as peddlers or solicitors at the invitation or request of the person contacted.
4. Persons who, without compensation, solicit or peddle on behalf of and for any locally recognized religious, educational, civic or charitable organization.

Section 1.09 – Notice Prohibiting Peddling or Soliciting – Any resident or place of business who does not wish to receive an uninvited Transient Vender shall give notice of his intention by displaying a sign, decal, or card not less than 3"x 3" in size, not more than one (1) square foot in total surface area, upon or near the main entrance door. The sign, decal, or card shall state "No Soliciting".

Section 1.10 – Uninvited Transient Vender In Violation Of Posted Notice – No person shall peddle or solicit at any location displaying the sign, decal, or card described in section 1.12.

Section 1.11 – Penalty – Whoever violates any provision of this regulation shall be guilty of a minor misdemeanor, punishable by a fine of no more than One Hundred (\$100.00) dollars. Every day such violation continues shall be considered a separate offence. (ORC 505.99)

Resolution

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This resolution shall take effect at the earliest time permitted by law.

It has been determined that all formal actions of the Board of Trustees of Monclova Township concerning and relating to the adoption of this resolution was adopted in an open meeting of the Monclova Township Board of Trustees; and that all deliberations of the Monclova Township Board of Trustees which resulted in such formal action, were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

FILE

Adopted this 15th day of February, 1999.

3/22/99

Date