



ROSS TOWNSHIP RESOLUTION NUMBER 2019-027

RESOLUTION RESCINDING AND REPLACING RESOLUTION 2010-055 AND ADOPTING REVISED REGULATIONS ESTABLISHING THE TIME AND MANNER OF TRANSIENT VENDOR SOLICITATIONS AND THE PROCEDURES FOR OBTAINING A TRANSIENT VENDOR SOLICITATION PERMIT IN ROSS TOWNSHIP

WHEREAS, the Ross Township Board of Trustees finds it in the best interest of the residents and business owners in Ross Township to continue to require the registration of all transient vendors within the unincorporated areas of Ross Township, Butler County, Ohio, and to 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 Ross Township Board of Trustees has the authority to regulate such matters and exercises its authority pursuant to Ohio Revised Code Section 505.94;

NOW, THEREFORE, BE IT RESOLVED, the Ross Township Board of Trustees hereby agrees to:

SECTION 1-A:

Rescind Resolution No. 2010-055 regulating transient vendor registration and replace it with this Resolution.

SECTION 1-B:

Define for the purposes of this Resolution, a transient vendor is any person 1) who opens a temporary place of business for the sale of goods; or 2) who, on the streets or while traveling about the Township, sells or offers for sale goods; solicits orders for future delivery of goods, where payment is required prior to the delivery of goods; or attempts to arrange for a future payment, estimate, or sales call.

SECTION 1-C:

Find that transient vendor does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, provided the entity exempted from taxation under Section 5709.04 of the Ohio Revised Code notifies the Township in a manner required herein its representatives are present in the Township for the purpose of selling or offering for sale goods; soliciting orders for future delivery of goods; or attempting to arrange an appointment for a future payment, estimate, or sales call and does not include a person licensed under Chapter 4707 of the Ohio Revised Code.

SECTION 1-D:

Define for purposes of this Resolution, "goods" means goods, products, wares, services, merchandise, periodicals, and other articles or publications.

SECTION 1-E:

Authorize the Township Administrator to have developed Transient Vendor Solicitation and Registration procedures, application forms, and standards to remain in good standing, consistent with the following conditions:

- 1) Applicants for Transient Vendor Solicitation permits must register with the Ross Township Police Department located at 4055 Hamilton Cleves Road, Fairfield, Ohio, 45014. Prior to solicitation, transient vendors shall provide the information required thereon: a copy of the company's valid current vendor's license issued by Butler County, and the three (3) day cancellation form.
- 2) No fee shall be charged for registration, and registration shall be valid for a period of one (1) year.
- 3) No person, firm, or corporation shall conduct public solicitation in Ross Township, Butler County, Ohio, wherein the person conducting the solicitation does so in a manner whereby their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive, or misleading. No efforts may be made by any person, firm, or corporation to defraud any individual through the solicitation process. Transient vendors shall comply with all applicable Federal and State Laws governing the conduct of their business, 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.
- 4) During the period from May 15th through August 15th door-to-door solicitation and solicitation from motor vehicles shall only be permitted between 9:00 A.M. and 8:00 P.M.
- 5) During the period from August 16th through May 14th, door-to-door solicitation and solicitation from motor vehicles shall only be permitted between 9:00A.M. and 5:00 P.M.
- 6) Each transient vendor shall carry and display upon demand, their solicitation registration approval form at all times while selling on the street, or while travelling about the Township for the purpose of selling or soliciting orders.
- 7) Solicitation shall not occur on any residence where a no solicitation sign, decal, or other lawful display is exhibited.

SECTION 1-F:

Established pursuant to Ohio Revised Code Section 505.99, a transient vendor found in violation of this Resolution is guilty of a minor misdemeanor. If any transient vendor or representative of a transient vendor is found in violation of this Resolution or any section, procedure, or standard of this Resolution, the transient vendor solicitation permit may be revoked.

SECTION 1-G:

Any procedures and application forms created in conformance with this Resolution may be altered from time to time with Township Administrator approval. Such alterations shall not change the provisions of this Resolution as set forth above.

SECTION 2:

That this resolution shall take effect retro-actively on June 24, 2019 following the filing of this resolution with the Ross Township Fiscal Officer.

SECTION 3:

It is hereby determined that all formal actions of the Board of Trustees 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.

INTRODUCTION AND VOTE RECORD:

Trustee Yordy introduced the foregoing Resolution and moved its adoption, Trustee Willsey seconded the Motion. The roll being called upon the question of adoption of the Resolution by the Township Fiscal Officer, the vote resulted as follows:

Trustees: Ballauer Aye Willsey Aye Yordy Aye

Adopted at the meeting of the Ross Township Board of Trustees this 24th day of June, 2019.

Ellen Yordy
Ellen Yordy, President

Keith Ballauer
Keith Ballauer, Vice President

Thomas Willsey
Thomas Willsey, Trustee

AUTHENTICATION

This is to certify that this resolution was duly adopted by the Board of Trustees, and filed with the Ross Township Fiscal Officer, this 24th day of June, 2019.

Judy Huffman
Judy Huffman
Ross Township Fiscal Officer