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Board of Trustees:
David Linnenberg
Tony Rosiello
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Fiscal Officer:
Tom Straus

GREEN TOWNSHIP BOARD OF TRUSTEES

RESOLUTION #18-0423- G

RESOLUTION REQUIRING REGISTRATION OF TRANSIENT VENDORS AND REGULATING SALES

BY THE BOARD:

WHEREAS, Ohio Revised Code §505.94 authorizes the Township Trustees to require the registration of all transient vendors within the unincorporated territory of the township 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 to establish a registration period and fee; and

WHEREAS, for 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 section 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; and

WHEREAS, for purposes of this resolution, "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications; and

WHEREAS, the Trustees believe that due to the proliferation of transient vendors in Green Township it would be prudent to protect the citizens of Green Township by rescinding the Township's Transient Vendor Resolution passed on May 9, 1994 and amended on August 28, 2006, and amended on October 16, 2006 in favor of this present resolution.

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

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

2. Registration. All transient vendors shall register with the Police Chief of Green Township at the Administrative Complex prior to conducting any business in Green Township.

Registration shall be completed on a form designed by the Township Police Chief, and all information required by the Police Chief shall be supplied by the vendor prior to acceptance of the registration. At the time of the registration, each vendor shall provide a copy of the company's valid, current vendor license. Each individual person who will be conducting operations in Green Township must be registered. The Police Chief shall either grant or deny the application within thirty (30) days of receipt of the application.

3. Proof of Right to Use Property. All transient vendors shall provide written proof at the time of submission of an application to the Police Chief that the owner of the property on which any sales are to be conducted by the transient vendor has consented to the transient vendor's sales on the property. This requirement includes all operations on private property and public property.

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

5. 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 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 days.

6. Manner of Solicitation. No transient vendor shall conduct public solicitation in Green Township in such a manner that his conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Music and voice amplification devices shall be kept at a reasonable level. Except as otherwise approved by the Police Chief 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 in the right of way of any public road.

7. Hours of Solicitation. Door to door solicitation shall be made only between the hours of 9:00 a.m. and 6:00 p.m. Solicitations from a stationary site shall only be made between the hours of 9:00 a.m. and 6:00 p.m. during the months of November through April, and between the hours 8:00 a.m. and 9:00 p.m. during the months of May through October.

8. Prohibited Solicitation at Certain Residences. No solicitation shall 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 form with the township, on a form prescribed by the Board. The "no solicitation registration form" to be used within the township is attached hereto and incorporated herein as Exhibit A.

9. Fixed Location. Any sales conducted from a fixed location must be in conformity with the Hamilton County Zoning Resolution or the Northeast Green Township Zoning Resolution, as applicable, for sales activity in the zoning district of the fixed location.

10. Revocation of Registration. A transient vendor permit may be revoked by the Police Chief for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for registration or in the course of carrying on sales solicitations;
- (b) Any violation of the provisions of this resolution;
- (c) Conviction of any crime or misdemeanor involving moral turpitude;
- (d) Conducting business in an unlawful manner, or in such a manner as to constitute a breach of the peace or so as to constitute a menace to the health, safety or general welfare of the public.

11. Effective Date. This resolution shall become effective at midnight on April 23, 2018.

12. Penalty. Violation of any provision of this resolution shall be a minor misdemeanor. Penalty for violation of a minor misdemeanor shall be in accordance with §2929.21 of the Ohio Revised Code.

13. Notification of County Prosecutor. The Township Attorney is directed to notify the Prosecuting Attorney of Hamilton County of the contents of this resolution.

ADOPTED AT A REGULAR MEETING of the Board of Township Trustees of Green Township, Hamilton County, Ohio the 23rd day of April, 2018.


Mr. Callos Yes

Mr. Rosiello Yes

Mr. Linnenberg Yes

CERTIFICATE OF FISCAL OFFICER

IT IS HEREBY CERTIFIED that the forgoing is a true and correct transcription of a resolution adopted by the Board of Trustees in session this 23rd day of April, 2018.



Thomas J. Straus
Green Township Fiscal Officer
Hamilton County, Ohio

GREEN TOWNSHIP, HAMILTON COUNTY, OHIO
6303 Harrison Avenue
Cincinnati, OH 45248

TRANSIENT VENDOR "NO SOLICITATION" REGISTRATION

The undersigned has the following interest in the residence located at

Green Township, Hamilton County, Ohio:

_____ Owner

_____ Tenant

The undersigned prohibits any solicitation by a transient vendor at the above-listed residence.

Date

Owner/Tenant