

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 6:00 p.m., on November 18, 2008, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Bernard A. Fiedeldej, Jr.; Mr. Jeffrey F. Ritter, and Mr. Joseph R. Wolterman

Mr. Fiedeldej introduced the following resolution and moved its adoption:

RESOLUTION NO. 79-08

RESOLUTION PROHIBITING TRANSIENT VENDORS FROM DOOR TO DOOR SOLICITATION IN RESIDENTIAL AREAS, AND REQUIRING REGISTRATION OF TRANSIENT VENDORS ENGAGED IN OTHER ACTIVITIES

WHEREAS, ORC Sec. 505.94 provides that a board of township trustees may, by resolution, require the registration of all transient vendors within the unincorporated territory of the township and may regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, including a complete prohibition of such activity; and

WHEREAS, said statute further provides that if the board requires the registration of all transient vendors, it may establish a reasonable registration fee, not to exceed one hundred fifty dollars for a registration period, and this registration shall be valid for a period of at least ninety days after the date of registration.

WHEREAS, this Board of Township Trustees (the "Board") hereby finds and determines that for many years "transient vendors," as hereinafter defined, have, from time to time, frightened, intimidated, and alarmed residents of the unincorporated area of Colerain Township (the "Township") and have violated the right and expectation of privacy which such residents have and are entitled to have when they are in their dwellings; and

WHEREAS, this Board has for several years had in place a licensing system for "transient vendors" (as defined under prior law) which has proved to be cumbersome, and substantially ineffective in preventing the adverse impacts described in the preceding paragraphs of this preamble.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio:

1. Definitions

- a. “Goods” has the same meaning as in ORC Sec. 505.94, as the same may be amended from time to time. The statute currently provides that “Goods” means goods, wares, services, merchandise, periodicals, and other articles or publications.
- b. “Transient vendor” has the same meaning as in ORC Sec. 505.94, as the same may be amended from time to time. The statute currently provides that “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, 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, that notifies the board of township trustees that its representatives are present in the township for the purpose of 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 (hereinafter sometimes referred to as “Transient Vendor Activities”), and does not include an auction or auctioneer company licensed under Chapter 4707 of the Revised Code.
- c. “Canvassers” means any individuals who travel from door to door, for the primary purpose of providing information, either written or oral, to the occupants of the dwelling about candidates for public office, political issues, or religious or church related matters.

2. Prohibition of Door-to-Door Residential Sales. Transient Vendor Activities within the unincorporated territory of Colerain Township carried on from door to door on properties used for residential purposes are hereby prohibited.

3. Permitted Activities. The following types of activities by Transient Vendors, subject to the registration requirements and other regulations set out below, are not prohibited under this resolution:

- a. Door-to-Door sales, offers for sale, or solicitation of orders for future delivery of goods on non-residential locations.
- b. Retail sales of locally grown fresh farm produce from a stationary location, with the written permission of the owner of the site.
- c. Retail sales of live or cut flowers from a stationary location, with the written permission of the owner of the site.
- d. Retail sales of food products from motor vehicles, including, but not necessarily limited to sales of ice cream.

4. Requirement of Registration and Regulations for Permitted Transient Vendor Activities

a. Every transient vendor, before conducting business in the unincorporated area of Colerain Township, shall register with the Colerain Township Police Department, and pay a registration fee of \$150.00.

b. The Colerain Township Police Department shall keep a registry of transient vendors, which shall include the name and residence and business addresses of each vendor, the name and address each company or firm represented by the vendor, a brief description of the products to be sold or offered for sale, and the name(s) and address(es) from which a purchaser may obtain adjustments.

c. Registration shall be valid for 180 days from the date of registration. Every transient vendor shall carry on his person the Transient Vendor Permit issued by the Police Department while carrying on activities in this Township

d. In carrying on activities in this Township, a transient vendor shall not:

i. Obstruct or interfere with public travel on, or public use of any public street, road, sidewalk or way;

ii. Enter any private premises or parts of premises where entry is prohibited by notice or which are manifestly restricted to uses which are incompatible with the vendor's activity;

iii. Remain on premises or parts of premises after notice to depart;

iv. Possess, sell, offer to sell, or solicit orders for any product or thing in violation of law.

5. Hours of Operation. Transient Vendor Activities which are permitted hereunder shall be conducted only from 9 a.m. until sunset.

6. Proof of Permission to Use Private Property. At the time of registration, every transient vendor who intends to conduct activities in a stationary location on private property shall present written permission from the owner of such property for such activities.

7. Interpretation. Any Transient Vendor activity not specifically permitted hereunder shall be deemed to be prohibited.

8. Penalty. Whoever violates this resolution is guilty of a minor misdemeanor under ORC Sec. 505.99, as the same may be amended from time to time.

9. Nonapplicability of Resolution. This Resolution does not apply to the following types of activities:

- a. Door-to-door solicitation and sales by nonprofit or charitable groups or their members.
- b. Solicitation and sales from a stationary location by nonprofit or charitable groups of their members, with the written permission of the owner of the site.
- c. Canvassers going door-to-door, or operating from a stationary location, with the written permission of the owner of the site.

10. Notification to Prosecuting Attorney

The fiscal officer shall notify the Hamilton County Prosecuting Attorney of these registration and regulatory requirements by providing a certified copy of this resolution to the Prosecutor's Office.

11. Repeal of Prior Resolution

Resolution No. 91184 "Transient Vendors", adopted by the Board on September 11, 1984, is hereby repealed.

12. Action Taken in Open Meeting

That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

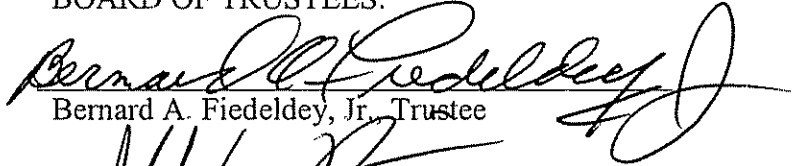
13. Effective Date. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Wolterman seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Fiedeldey ayk, Mr. Ritter ayk, Mr. Wolterman ayk

ADOPTED this 18th day of November, 2008.

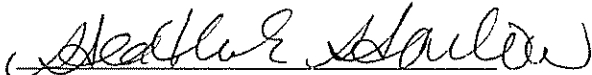
BOARD OF TRUSTEES:


Bernard A. Fiedeldey, Jr., Trustee



Jeffrey F. Ritter, Trustee


Joseph R. Wolterman, Trustee

Attest:



Heather E. Harlow,
Fiscal Officer

Prepared by and approved as to form:


James E. Reuter (0011414)
3025 W. Galbraith Road
Cincinnati, Ohio 45239-4222
(513) 521 - 8400
Attorney for Board of Trustees

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Fiscal Officer, this 18th day of November, 2008.


Heather E. Harlow,
Colerain Township Fiscal Officer