HINCKLEY TOWNSHIP
TRANSIENT VENDOR RESOLUTION

The Board of Trustees of Hinckley Township, Medina County, Ohio, met in regular session on the 25th of July 2016 with the following members present:

Martha Catherwood
Raymond F. Schulte
David Sambor

Trustee Catherwood moved the adoption of the following Resolution:

WHEREAS, the Board of Trustees of Hinckley Township, Medina County, Ohio in order to assure the health, safety and general welfare of its residents, is authorized pursuant to Ohio Revised Code Section 505.94 to 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 and to establish a reasonable registration fee for said vendors, and

WHEREAS, the Board of Trustees of Hinckley Township, Medina County, Ohio, adopted such transient vendor requirements on June 4, 2012 (Res. G-060412-05), and now wish to amend said requirements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Hinckley Township, Medina County, Ohio, that pursuant to the above statutory authority, amendment to the existing transient vendor legislation is hereby promulgated.

1. As used in this legislation, "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 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, and does not include a person licensed under Chapter 4707, of the Revised Code.

2. As used in this legislation, "goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

3. Each "transient vendor" is hereafter required to register with the Hinckley Township Police Department located at 1410 Ridge Road, Hinckley Township. Prior to being eligible to register, each individual transient vendor must first pay to the

Township a Seventy – five dollar ($ 75.00) registration fee and must have previously received a vendor's license for the sale of tangible personal property at retail from the Department of Taxation, State of Ohio.

4. Each transient vendor shall register separately, said registration shall be valid for a period of ninety (90) days after registration which will commence from the date of registration.

5. A registered transient vendor may only sell, offer for sale, or solicit endorse for future delivery of goods Monday through Friday between the hours of 10:00 am. and 5:00 p.m.

6. A registered transient vendor must display the registration and/or a badge at the approved location(s) for the sale, offer for sale, or solicitation of orders for the future delivery of goods, or each transient vendor must display an authorized identification badge, who, on the street or while traveling about the Township, sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to delivery of goods.

7. A validly authorized transient vendor's registration shall not be assigned or transferred, nor shall registration be used by any person other than the person -who is registered.

8. Transient vendors shall not sell, offer for sale, or solicit orders for goods where the dwelling, property, building, or other structure has made notice by means of a sign that its owners or occupants do not want salesmen, or solicitations, or transient salesmen or vendors, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. An example of this, but not limited to this, are signs that say "NO SALESMAN" or "NO SOLICITATIONS".

9. **A. <u>Application Form for Transient Vendor's Registration</u>:** An application form for the transient vendor is to be completed by the transient vendor for registration. After the transient vendor's registration a form will be issued, after approval of said registration. A badge furnished by the Hinckley Township Police Department, displaying the words, Transient Vendor" and the number of the Transient Vendor's registration must be displayed while traveling about the Township, selling, offering for sale, or soliciting orders for the future delivery of goods.

B. <u>Exceptions</u>: This legislation does not apply to the following:
1) Any person who represents a business or organization, including, but not limited to, any entity exempted from taxation under Section 5709.04 of the Ohio 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, or soliciting orders for the future delivery of goods or attempting to arrange on appointment or sales call, and does not include a person licensed under Chapter 4707, of the Revised Code.

2) 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.

10. <u>Penalty:</u> Section 505.94 of the Ohio Revised Code. Whoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a misdemeanor pursuant

10. **Penalty:** Section 505.94 of the Ohio Revised Code. Whoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a misdemeanor pursuant to Section 505.99 of the Revised Code.

Motion seconded by: Ray Schulte

Martha Catherwood
(Martha Catherwood)

Raymond F. Schulte
(Raymond F. Schulte)

(David Sambor)

Date Effective: August 30, 2016
Resolution No.: 07-25-16-