

STATUTORY RESOLUTION NO. 19-2017

RESOLUTION RESCINDING AND REPLACING RESOLUTION 28-2014 AND ADOPTING REVISED REGULATIONS ESTABLISHING THE TIME AND MANNER OF TRANSIENT VENDOR SOLICITATIONS AND THE PROCEDURES FOR OBTAINING A TRANSIENT VENDOR SOLICITATION PERMIT IN WEST CHESTER TOWNSHIP

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

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

SECTION 1. Rescind Resolution No. 28-2014 regulating transient vendor registration and replace it with this Resolution.

SECTION 2. 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 3. Find that transient vendor does not include any person who represents any entity exempted from taxation under § 5709.04 of the Ohio Revised Code, provided the entity exempted from taxation under § 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 4. Define for purposes of this Resolution, "goods" means goods, products, wares, services, merchandise, periodicals, and other articles or publications.


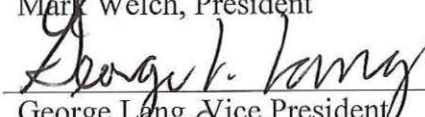
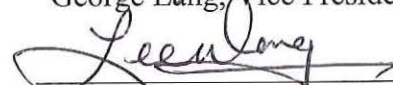
SECTION 5. Authorize the Township Administrator to have developed Transient Vendor Solicitation and Registration procedures, application forms, and standards to remain in good standing, consistent with the following conditions:

- A. Applicants for Transient Vendor Solicitation permits must register with the West Chester Township Police Department located at 9577 Beckett Road, West Chester, Ohio 45069. 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.
- B. No fee shall be charged for registration, and registration shall be valid for a period of one (1) year.
- C. No person, firm, or corporation shall conduct public solicitation in West Chester 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.
- D. During the months of May through September, door-to-door solicitation and solicitation from motor vehicles shall only be permitted between 9:00 A.M. and 9:00 P.M.
- E. During the months of October through April, door-to-door solicitation and solicitation from motor vehicles shall only be permitted between 9:00 A.M. and 6:00 P.M.
- F. Each transient vendor shall carry and display on his/her person his/her solicitation registration card at all times while selling on the street, or while travelling about the Township for the purpose of selling or soliciting orders.
- G. Solicitation shall not occur on any residence where a no solicitation sign, decal, or other lawful display is exhibited.
- H. Established pursuant to Ohio Revised Code § 505.99, a transient vendor found in violation of this Resolution is guilty of a minor misdemeanor.
- I. 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 6. This Resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare. For these reasons, this Resolution shall be effective upon its passage.

SECTION 7. 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.

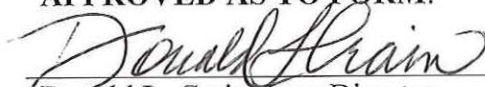
Adopted this 23rd day of May 2017.

	<u>YES</u>
Mark Welch, President	Yes/No
	<u>YES</u>
George Lang, Vice President	Yes/No
	<u>Yes</u>
Lee Wong, Trustee	Yes/No

ATTEST:


Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:


Donald L. Crain, Law Director