

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

WHEREAS, O.R.C. 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 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 (\$150.00) for a registration period, and this registration shall be valid for a period of at least ninety (90) days after the date of registration; and

WHEREAS, the Boardman Township Board of 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 Boardman 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 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 Boardman Township, Mahoning County, State of Ohio:

1. - DEFINITIONS:

- a. "Goods" has the same meaning as in O.R.C. Section 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 O.R.C. Section 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, and does not include a person 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, religious or church related matters, registered charities, civic organizations, athletic leagues, and primary and secondary school organizations.

2. - PERMITTED ACTIVITIES: The following types of activities by transient vendors are permitted, subject to the registration requirements and other regulations set forth in this resolution:

a) Retail sales of locally grown fresh farm produce and other foodstuffs from a stationary location, located within a Commercial, Business or an Industrial zoning district, with the written permission of the owner of the property.

b) Retail sales of food products from motor vehicles, including, but not necessary limited to sales of ice cream.

3. - PROHIBITION OF DOOR-TO-DOOR RESIDENTIAL/COMMERCIAL/RESIDENTIAL/COMMERCIAL/BUSINESS SALES: Any transient vendor activity not specifically permitted in paragraph two of this resolution is hereby prohibited. Such prohibition includes, but is not limited to, Door-to-Door and/or Street-to-Street Sales.

4. - REQUIREMENT OF REGISTRATION AND REGULATION FOR PERMITTED TRANSIENT VENDOR ACTIVITIES:

- a. Every transient vendor, before conducting business in the unincorporated area of Boardman Township, shall register with the

Boardman Township Planning and Zoning Office, located at 8299 Market Street, and pays a registration fee of \$150.00.

- b. The Boardman Township Planning and Zoning Office shall keep a registry of transient vendors, which shall include the name and residence and business addresses of each vendor, the name and address of 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(s) from which a purchaser may obtain adjustments.
- c. Registration shall be valid for 90 days from the date of registration. Every transient vendor shall carry on his/her person the transient vendor permit issued by the Planning and Zoning Office while carrying on activities in Boardman Township.
- d. Transient vendor activities which are permitted hereunder shall be conducted only from 9:00A.M. until 6:00 p.m.
- e. 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.
- f. Transient vendors operating in a stationary location must comply with the sign and temporary sign regulations as stipulated in the Boardman Township Zoning Ordinance.
- g. In carrying on activities within Boardman Township, a transient vendor shall not:
 - 1) Obstruct or interfere with public travel on or public use of any public street, road, sidewalk or way;
 - 2) 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;
 - 3) Remain on premises or parts of premises after notice to depart; and
 - 4) Possess, sell, offer to sell, or solicit orders for any product or thing in violation of law.

5. - PENALTY: Whoever violates this resolution is guilty of a minor misdemeanor under O.R.C. 505.99, as the same may be amended from time to time.

6. - NONAPPLICABILITY OF RESOLUTION. The 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 or their members.
- c. Canvassers going door-to-door.

7. – NOTIFICATIONS TO PROSECUTING ATTORNEY: The fiscal officer shall notify the Mahoning County Prosecuting Attorney of these registration and regulatory requirements by providing a certified copy of this resolution to the Prosecutor’s Office.

8. – REPEAL OF PRIOR RESOLUTION: Prior resolutions of this Board dealing with licensing or other regulation of transient vendors under prior law are hereby repealed, without prejudice, however, to the holders, if any, of transient vendor permits which were validly issued prior to passage of this resolution.

9. – ACTION TAKEN IN OPEN MEETING: 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.

10. – SEVERABILITY CLAUSE: If any part of this resolution is declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remainder of the resolution.

11. – EFFECTIVE DATE: THIS RESOLUTION SHALL BE EFFECTIVE AT THE EARLIEST DATE ALLOWED BY LAW.

Motion offered by: Mr. Costello

Motion supported by: Mr. Moliterno

ROLL CALL:

AYE:

NAY:

Mr. Calhoun:

X

Mr. Moliterno:

X

Mr. Costello:

X

RESOLUTION ADOPTED THIS 12th day of December, 2012.

BOARDMAN TOWNSHIP TRUSTEES,
MAHONING COUNTY, OHIO:



Brad Calhoun, Chair

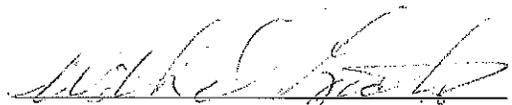


Larry Moliterno, Vice-Chair



Thomas P. Costello, Trustee

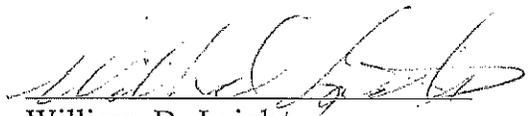
ATTEST:



William D. Leicht, Fiscal Officer

CERTIFICATION

I, William D. Leicht, Fiscal Officer of Boardman Township, do hereby certify that the foregoing Resolution is taken from the Minutes of Boardman Township at a meeting duly-held on December 12, 2012 that the same has been compared by me with the original Resolution of said Minutes, and that said Resolution is true and correct copy thereof.



William D. Leicht
Fiscal Officer

