

RESOLUTION NO. 06112018-B

A RESOLUTION REQUIRING THE REGISTRATION AND REGULATION OF ALL TRANSIENT VENDORS WITHIN THE UNINCORPORATED TERRITORY OF THE TOWNSHIP

WHEREAS, this Board hereby finds and determines that, pursuant to R.C. §505.94, the Board 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; and

WHEREAS, this Board also finds that it may, by resolution, prohibit solicitation 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; and

WHEREAS, this Board may establish a reasonable registration fee, not to exceed one hundred fifty dollars (\$150.00) for a registration period of at least ninety days after the date of registration; now therefore,

BE IT RESOLVED by the Board of Township Trustees of Bainbridge Township, Geauga County, Ohio, pursuant to R.C. §505.94, as follows:

SECTION 1. *Definition of "Transient Vendor."* As used in SECTION 3 of this resolution, "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 R.C. §5709.04, or any person licensed under Chapter §4707 of the Revised Code.

SECTION 2. *Definition of "Goods."* "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

SECTION 3. *Registration.* All transient vendors who intend to conduct business for the sale of goods, or solicits orders for future delivery of goods, within Bainbridge Township ("the Township") shall register themselves and their business with the Bainbridge Police Department/Records Clerk (8353 Bainbridge Road, Chagrin Falls, Ohio 44023) by completing a registration form. The transient vendor application/registration form is available at the Township Fiscal Office (17826 Chillicothe Road, Chagrin Falls, Ohio 44023)-when picking up the application, applicant will be required to pay a registration fee of one hundred fifty dollars (\$150.00). Once application is completed, turned in to the Police Department/Records Clerks and the permit is issued, said registration shall be valid for a period of ninety (90) days. The representative of the Transient Vendor ("Representative" or

salesperson) shall provide state issued ID, state issued driver's license, passport, military identification, photo identification issued by the US government or State of Ohio containing individual's name and address.

One registration is required per federal tax identification number. The permit shall terminate automatically after the last day for which the permit has been issued. Upon payment of an additional \$150.00 permit fee, a permit can be renewed for an additional 90 consecutive days.

SECTION 4. *Regulations.* Transient Vendors and Representatives of the Transient Vendor are limited to the hours of 9:00AM EST/EDT to 7:00PM EST/EDT. Transient Vendors must carry a copy of the registration form upon his or her person while selling, offering for sale or soliciting orders for the future delivery of goods. If asked by a resident or Township police officer, the transient vendor must present the registration form. No solicitation is permitted on public property, on public roadways, highway interchanges, or in the public right-of-way. Transient Vendor must comply with all local and state laws, including those laws concerning advertisements and signage.

SECTION 5. *Do Not Solicit Registration.* The Township has created a Township Do Not Solicit registration list that records the households that do not want visits from Transient Vendors. This cumulative list of registered addresses will include all households that have requested no solicitation. No fee shall be charged to register on the Township Do Not Solicit registration list. The list is electronically available to the public and to all Transient Vendors registered with the Township by visiting the Township website. It is the responsibility of the Transient Vendor to review the Township website for the most current list prior to his or her activity. No solicitation shall occur at any residence that is listed on the Township Do Not Solicit registration list.

SECTION 6. No solicitation shall occur at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation.

SECTION 7. *Prohibitions.* The sale, offer for sale, or solicitation of orders for future delivery of goods by a Transient Vendor, within the Township, is hereby prohibited 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 registered on the Township Do Not Solicit registration list.

SECTION 8. *Exception to Prohibitions.* The requirements in SECTIONS 3-6 of this resolution do not apply to 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 the delivery of goods.

SECTION 9. *Penalty.* As provided by R.C. §505.99, whoever violates Resolution No. 06112018-B or R.C. §505.94, which provides for the regulations and requirements set forth in SECTIONS 3-8 of this resolution, is guilty of a minor misdemeanor and penalties shall be imposed in accordance with applicable sections(s) of the Ohio Revised Code.

SECTION 10. *Repeal of Prior Resolutions.* 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 the passage of this resolution, those permits shall remain valid until the permit would otherwise expire.

SECTION 11. *Notification to Bainbridge Police Department and Prosecuting Attorney.* The Fiscal Officer shall certify copies of this resolution to the Police Department and Prosecuting Attorney of Geauga County, Ohio.

SECTION 12. *Sunshine Law Findings.* This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

CERTIFICATION




The undersigned, duly elected and acting Fiscal Officer of Bainbridge Township, Geauga County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 11th day of June 2018, together with a true record of the vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

ADOPTED THIS 11th DAY OF June, 2018.

Attest

Fiscal Officer

Bainbridge Township
Board of Trustees


Trustee

Trustee Lorrie A. Benz

Trustee Kristina O'Brien