

RESOLUTION 2007-7

RESOLUTION REGULATING TRANSIENT VENDORS

WHEREAS, the Board of Township Trustees of Concord Township is authorized by Revised Code Section 505.94 to require registration of and to reasonably regulate the time, place, and manner in which transient vendors may sell, offer for sale, or solicit orders for future delivery of goods within the Township, and

WHEREAS, the Board of Township Trustees has determined that the health, safety, and welfare of the citizens of the Township are served by such regulation.

NOW THEREFORE BE IT RESOLVED:

1. That "transient vendor" shall mean any person who opens a temporary place of business for the sale of goods or who, while traveling about the Township, either 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.

"Transient vendor" shall not include any person who represents 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 purposes of either selling or offering for sale goods, or soliciting orders for future delivery of goods and does not include a person licensed under Chapter 4707. of the Ohio Revised Code.

2. That no transient vendor shall sell, offer for sale, or solicit orders for future delivery of goods in the unincorporated territory of Concord Township without first registering and obtaining a transient vendor's permit from the Township Fiscal Officer in accordance with the procedures set forth in this resolution.

3. Transient vendors shall register and apply for a permit at the Town Hall Offices. Registration and application shall be made to authorize one or more persons to act according to this resolution within the Township, provided that all persons identified by such permit application are employed by the same person, firm, or corporation. The registration and application shall include the information in "Transient Vendor Registration Form" attached hereto and incorporated herein. (Exhibit "A"):

4. The registration application must be accompanied by credentials from the person, firm, or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative;

5. The permit shall be in effect for 180 days from time of registration.

7. In carrying on activities in Concord Township, no person shall:

- a. Obstruct or interfere with public travel on, or public uses of any public street, road or sidewalk or right of way. No stationary temporary locations or stands shall be located within the road right-of-way of any street or highway;

- b. Enter any private premises or parts of premises where entry is prohibited by conspicuous notice bearing the words: "No Solicitors," or "No Trespassing" or any similar notice indicating that the residents of such premises do not desire to have their privacy disturbed.
- c. Remain on premises, or part of premises, after notice to depart;
- d. Possess, sell, offer to sell or solicit orders for any goods in violation of the law.

8. The issuance of the permits maybe done by any Township staff; however, the Township Fiscal Officer shall keep a registry which shall contain the number of the permit, the date the permit was issued, the expiration date of the permit (180 days from issuance), the nature of the business so authorized to be conducted, the expiration date of such permit, the place where such business is to be carried on under said permit, the name or names of the person or persons authorized to carry on the business. The residence and business address of every such person, the name and address of each company or firm he/she represents, the products to be sold and ordered for sale, and the names and/or addresses where the purchaser may obtain necessary adjustments.

9. The applications filed pursuant to this Resolution may be revoked at any time by the Board of Township Trustees or their duly authorized representatives, for any of the following reasons:

- a. Any fraud, misrepresentation or false statement contained in the application for a permit;
- b. Any violation of the resolutions of Concord Township;
- c. Conviction of the applicant or other persons acting under the authority of the applicant's permit for any felony or misdemeanor involving moral turpitude; or
- d. Conducting the business permitted under this Resolution in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the general public.

11. That within three (3) working days of the revocation of the permit, the Township Fiscal Officer shall send to the person whose permit has been revoked, such notice setting forth specifically the grounds of the revocation. Such notice shall be mailed to the person to whom the permit was issued at the address shown on the permit application.

12. That any person aggrieved by a decision of a Township Fiscal Officer in regard to revocation of the permit shall have the right to appeal to the Board of Zoning Appeals. Such appeal shall be submitted and heard according to the rules and procedures of the Board. Such appeal must be filed within ten (10) days of the receipt of the written verification of such denial of revocation.

13. That no transient vendor shall engage in soliciting door-to-door at any place in the Township during the period from either sunset or 7:00 p.m., whichever comes first, until

9:00 a.m. Monday through Saturday, and on Sunday before noon and after 6:00 p.m. or dark, whichever comes first.

14. This Resolution does 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 future delivery of goods.

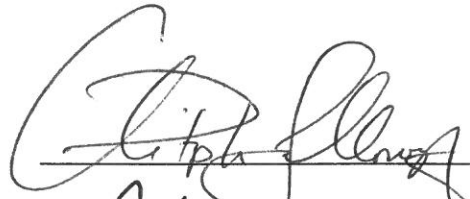
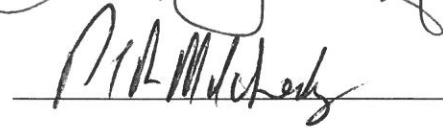
15. That whoever violates this Resolution is guilty of a minor misdemeanor.

16. The Township Fiscal Officer shall certify copies of this Resolution to the Prosecuting Attorney of Lake County, Ohio.

Adopted this eighteenth day of April, 2007.

Vote: 3 Ayes

0 Nays



Caroline M. Luhta

Fiscal Officer Certification

I, the undersigned, hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the Board of Trustees at their meeting held on the eighteenth day of April, 2007, and that I am duly authorized to execute this certificate.

Peggy A. Cusick
Peggy A. Cusick

Fiscal Officer
Title

CONCORD TOWNSHIP, OHIO
TRANSIENT VENDOR REGISTRATION FORM

EXHIBIT "A"

(CAUTION: Any willful omission or misrepresentation of facts on this registration may be grounds for revocation of your permit.)

PERMIT NO. _____

DATE OF ISSUANCE _____ **BY** _____
OFFICIAL

DATE OF EXPIRATION (180 DAYS FROM DATE OF ISSUANCE) _____

FULL NAME _____

ALIAS _____

BUSINESS ADDRESS _____

LOCAL ADDRESS _____

PHONE NO. _____

DATE OF BIRTH _____ **PLACE OF BIRTH** _____

WEIGHT _____ **HEIGHT** _____ **COLOR OF HAIR** _____ **EYES** _____

OTHER PHYSICAL CHARACTERISTICS _____

SOCIAL SECURITY NO. _____

OPERATOR'S LICENSE NO. _____ **STATE** _____

DESCRIPTION OF VEHICLE:

LICENSE NO. _____ **STATE** _____

MAKE _____ **MODEL** _____ **COLOR** _____

NAME AND PERMANENT ADDRESS OF EMPLOYER OR ORGANIZATION

REPRESENTED _____

PHONE NO. _____

FEDERAL IDENTIFICATION NO. _____

NAME OF PERSONS HAVING MANAGEMENT OF TRANSIENT VENDORS

RETURNS AND ADJUSTMENTS MADE WHERE? _____

NATURE OF GOODS, WARES, AND MERCHANDISE OFFERED FOR

SALE _____

(For fixed location sales)

PLACE IN TOWNSHIP WHERE TEMPORARY PLACE OF BUSINESS
LOCATED _____

FOR TEMPORARY BUSINESS, WRITTEN PERMISSION OF THE OWNER OF THE SITE
MUST BE OBTAINED, HAS PERMISSION BEEN OBTAINED

_____ YES _____ NO

(For door-to-door sales)

PLACE(S) IN TOWNSHIP WHERE BUSINESS IS TO BE
CONDUCTED. __ (street names) _____

HAVE YOU EVER BEEN CONVICTED OF A FELONY, MISDEMEANOR, OR OFFENSE

INVOLVING MORAL TURPITUDE? _____ YES _____ NO

ARE YOU CURRENTLY REGISTERED AS A SEXUAL ORIENTED OFFENDER, SEXUAL
PREDATOR, OR HABITUAL SEXUAL OFFENDER? _____ YES _____ NO

SIGNATURE _____

**A COPY OF THIS REGISTRATION MUST BE KEPT UPON THE PERSON OF THE
APPLICANT DURING THE CONDUCT OF HIS ACTIVITIES. IT SHALL BE SHOWN
TO ANY TOWNSHIP OFFICIAL, SHERIFF DEPUTY, OR ANY OTHER INDIVIDUAL
UPON REQUEST IMMEDIATELY. IT IS THE PERMIT REQUIRED BY CONCORD
TOWNSHIP'S "REGULATIONS FOR TRANSIENT VENDORS."**