



ELYRIA TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 040615-02

A resolution adopting a Transient Vendor Registration Policy.

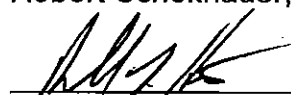
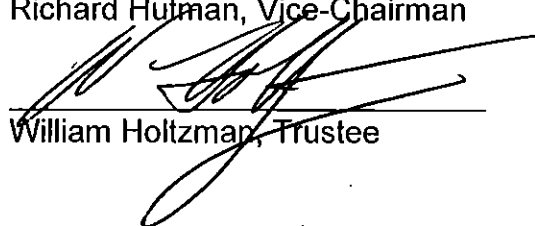
NOW, THEREFORE, BE IT RESOLVED by the Elyria Township, County of Lorain, State of Ohio, Board of Trustees, that:

The Elyria Township Board of Trustees adopt the Transient Vendor Policy presented by the Fiscal Officer and made a part of this Resolution by reference.

All formal actions of the Elyria Township Board of Trustees relating to this resolution were adopted in an open meeting held at the Elyria Township Service Complex, 41416 Griswold Road, Elyria, Ohio 44035.

Mr. R. Scheithauer made a motion to adopt the resolution, seconded by Mr. R. Hutman.

Roll Call as follows:

	<u>YES</u>
Robert Scheithauer, Chairman	
	<u>YES</u>
Richard Hutman, Vice-Chairman	
	<u>YES.</u>
William Holtzman, Trustee	

Adopted on the 6th day of April, 2015.



Crossroads of the North Coast
TOWNSHIP
MUNICIPALITY OF ELYRIA

Elyria Township Policy on Transient Vendors (O.R.C. 505.94).

Section 01	Definition.
Section 02	Registration required.
Section 03	Registration application.
Section 04	Registration fee, issuance and exception.
Section 05	Registration card; display.
Section 06	Township to post signs advising required registration.
Section 07	Registration index.
Section 08	False application; registration revocation.
Section 09	Appeal of registration revocation.
Section 10	Registration transferability.
Section 11	Hours.
Section 12	Signs prohibiting Transient Vendors; violations.
Section 13	Penalty.

SECTION 01: DEFINITION.

As used in this Policy, "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 Ohio Revised Code (O.R.C.), 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 (Auctioneers) of the O.R.C.

(a) This definition includes but is not limited to the following:

- (1) Any person who for himself or for another person, firm, corporation or entity, hires, leases, uses or occupies any building, structure or place within the Elyria Township for purchases of selling or the taking of orders, or the making of appointment(s) in places within Elyria Township by means of any telephone or electronic communication.

(2) Any person, firm, or corporation doing such business as a Transient Vendor within Elyria Township.

- (b) This definition shall not apply to a minor under the age of 16 years, nor to the local delivery of newspapers and solicitations for subscriptions for the same, nor to the sale or delivery of food products which are under the jurisdiction of the Department of Health, nor to the sale of services or products exclusively to commercial or industrial enterprises.

SECTION 02: REGISTRATION REQUIRED.

No person shall perform the function of a Transient Vendor within the boundaries of Elyria Township unless such person has first registered with the Township and has first obtained an identification card as hereinafter provided.

SECTION 03: REGISTRATION APPLICATION.

Any person desiring to register as a Transient Vendor within Elyria Township shall apply to the Fiscal Officer or his agent, and shall make written application on a form to be provided by the Township, which form shall correctly and truthfully contain the following information:

- (a) Name, age and description of the applicant;
- (b) Permanent home address and full local address;
- (c) Birth date, height, weight, color of eyes, color of hair and physical description;
- (d) A description of the nature of the business and the goods to be sold;
- (e) The name and address of the employer, together with credentials establishing the exact relationship;
- (f) The length of time for which the business is expected to be conducted;
- (g) The place where the goods or the property proposed to be sold are manufactured or produced and the location of the goods or products at the time the application is filed, along with the proposed method of delivery;
- (h) Two photographs of the applicant taken within six (6) months prior to the date of the filing of the application. Such photographs shall be one inch by one inch and shall show the head and shoulders of the applicant in a clear and distinguishing manner;
- (i) A statement as to whether or not the applicant has been convicted of any felony or misdemeanor and, if any, the nature of the same and the penalty therefore, if any;
- (j) The make, model, year and current registration of any motor vehicle used or to be used in the business;
- (k) The number and state of issuance of the applicant's driver's license, if any;

- (l) The names and addresses of two personal references who are acquainted with the applicant and who would be willing to submit, upon request, a statement of the character of the applicant;
- (m) A description of the method of marketing of the product, including a description of the sales brochure, if any, utilized in such marketing.

SECTION 04: REGISTRATION FEE, ISSUANCE AND EXCEPTION.

The registration application shall be filed by the applicant, who shall attest to the truthfulness of the statements contained therein. The application shall be accompanied by a (non-refundable) fee of \$50.00 to compensate the Township for the costs incident to the investigation and issuance of the registration. The fee shall be non-refundable.

Upon receipt of the registration application and the fee, the Fiscal Officer or his designee will, within ten business days, review and verify the contents of the application and approve or disapprove the applicant and, if approved, issue the registration. The Fiscal Officer or his designee may deny the issuance of the registration if the applicant has failed to comply with any other provisions of this Policy of Elyria Township, or has been convicted of any felony; or has been convicted of any sexually oriented offense as defined in Ohio Revised Code 2950.01(D), or convicted of any theft offense as defined in Ohio Revised Code 2913.01 or convicted of any crime of moral turpitude. The registration shall be valid for a period of one year from and after the date of the issuance thereof. Every person desiring to do business as a Transient Vendor within the boundaries of Elyria Township shall register with Elyria Township, in addition to each firm, partnership or corporation also desiring to exercise such occupation.

SECTION 05: REGISTRATION CARD; DISPLAY.

Elyria Township shall, upon registration, issue to the applicant an identification card or badge in a form to be prescribed by the Fiscal Officer or his agent, indicating thereon the registration of the applicant and the dates during which the registration is valid. The registration card shall be worn by the applicant upon his outer apparel at all times while doing business as an Elyria Township registered Transient Vendor and shall be displayed to anyone for examination upon his or her request.

**SECTION 06: ELYRIA TOWNSHIP TO POST SIGNS ADVISING
REQUIRED REGISTRATION.**

Elyria Township shall cause to be posted at the unincorporated limits of Elyria Township an appropriate sign indicating the necessity of registration by Transient Vendors.

SECTION 07: REGISTRATION INDEX.

The Fiscal Officer or his agent shall maintain a permanent index of registrations of Transient Vendors, indicating thereon appropriate information as taken from the application heretofore described.

SECTION 08: FALSE APPLICATION; REGISTRATION REVOCATION.

No person shall, in their application for registration, set forth any false information. Upon determination by the Fiscal Officer that information contained in such application was false, the registration shall forthwith be revoked by Elyria Township and, upon demand thereof by Elyria Township, the applicant shall tender the card to Elyria Township.

SECTION 09: APPEAL OF REGISTRATION REVOCATION.

Any person whose registration is revoked may, within ten days after the receipt of a revocation notice, which shall be certified by mail to the address in the application, appeal to the Board of Trustees by filing with the Fiscal Officer a signed, written statement briefly setting forth the ground of appeal. The appellant may then appear in person or by his attorney, before the Board of Trustees at a time and date to be set by the Board, whereafter, the Fiscal Officer shall at the direction of the Board uphold the revocation or reverse the same. The decision of the Board shall be final.

SECTION 10: REGISTRATION TRANSFERABILITY.

No registration granted or issued under this Policy shall be assignable or transferable, nor shall any such registration authorize any person, other than the one named therein, to do business as a Transient Vendor, or authorize any other business than is therein mentioned or named to be done or transacted.

SECTION 11: HOURS.

All Transient Vendor business done under registration issued hereunder shall be done between the hours of 9:00 a.m. and 9:00 p.m.

SECTION 12: SIGNS PROHIBITING TRANSIENT VENDOR BUSINESS; VIOLATIONS.

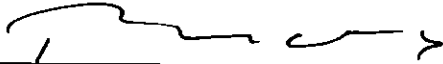
Persons who do not wish to have any Transient Vendor contact on their premises shall post in a conspicuous place upon said premises a sign which says "No Vendors" or words of similar import. Any Transient Vendor who fails to honor such sign shall be deemed to have committed a trespass.

SECTION 13: PENALTY.

Whoever violates any provision or requirement of this Policy shall be guilty of Elyria Township Policy violation. Each sale or attempted sale made by any person in violation of the provisions of this Policy shall be a distinct separate offense. Upon confirmation of a Policy violation, Elyria Township shall revoke the registration of any person and shall demand the return of the identification card issued hereunder, and no further registration shall be issued for six (6) months following the date of the conviction.

Further, whoever violates any provision or requirement of this Policy shall be guilty of a minor misdemeanor pursuant to O.R.C. Section 505.99.

Effective Date: MAY 1 - 2015

Attested: 
Robert J. Repas, Fiscal Officer
Elyria Township, Lorain County, Ohio

Date: APRIL 7 - 2015