

COPLEY TOWNSHIP

BE IT HEREBY KNOWN BY ALL THOSE PRESENT THAT ON THE 21ST DAY OF JUNE, 2017, THE COPLEY TOWNSHIP BOARD OF TRUSTEES MET IN REGULAR SESSION, COMMENCING AT 4:30 P.M., COPLEY TOWNSHIP, SUMMIT COUNTY, STATE OF OHIO WITH THE FOLLOWING MEMBERS PRESENT:

SCOTT D. DRESSLER HELEN J. HUMPHRYS DALE PANOVICH

RESOLUTION NO. 2017-33

A RESOLUTION TO AMEND RESOLUTION NO. 17-2008 RELATED TO THE REGISTRATION OF AND SOLICITATION BY TRANSIENT VENDORS OPERATING WITHIN COPLEY TOWNSHIP.

WHEREAS, the Copley Township Board of Trustees seeks to promote the public welfare of its citizens by providing safe and accessible areas of commerce to businesses serving citizens of the Township, while maintaining certain regulations to protect the privacy and livelihood of citizens from instances of fraud or harassment which may occur as a result of improper solicitations;

WHEREAS, R.C. 505.94 authorizes the Copley Township Board of Trustees to adopt or amend its regulations and registration requirements pertaining to transient vendors operating within Copley Township;

WHEREAS, on June 23, 2008, the Copley Township Board of Trustees adopted Resolution No. 17-2008, effectively prohibiting transient vendors from selling, offering to sell, or soliciting orders for future delivery to citizens within Copley Township;

WHEREAS, Ohio H.B. 49, of the 132nd General Assembly now proposes to modify R.C. 505.94 with regard to a Township's authority to adopt resolutions prohibiting peddling or solicitation activity by transient vendors; and

WHEREAS, it has been deemed in the best interest of the welfare of Copley Township to amend its prior Resolution No. 17-2008 pertaining to the regulation of transient vendors in a manner consistent with Ohio H.B. 49.

NOW, THEREFORE, BE IT RESOLVED, by the Copley Township Board of Trustees:

1. That Copley Township Resolution No. 17-2008 be amended as set forth in the document attached as Exhibit "A" and incorporated herein by reference.
2. That all other Copley Township Resolutions not specifically amended herein shall remain in full force and effect unless inconsistent with this Resolution.
3. That it is found and determined that all formal actions of the Board of Trustees concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees, and that all deliberations of the Board of Trustees and/or any of its committees that resulted in such formal action were meetings open to the public in compliance with all legal requirements.
4. That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience, and welfare of the Township of Copley and the citizens thereof, and in order to go into effect immediately to confirm support, and provided it receives the necessary votes required, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Motion By: *Justin Panovich*

Second By: *Justin Dressler*

Helen Humphrys
Trustee Vote

Dale A. Panovich
Trustee Vote

Scott D. Dressler
Trustee Vote

Fiscal Officer's Certification

This is a true and exact copy of Resolution 2017-33 passed by the Copley Township Board of Trustees at their regular meeting on June 21, 2017 and is recorded in the Copley Township Board of Trustees' *Record of Proceedings*.

Linda Peiffer
Linda Peiffer, Fiscal Officer

EXHIBIT A
Amendment to Resolution No. 17-2008

CHAPTER ____ – TRANSIENT VENDOR ACTIVITIES

____ DEFINITIONS.

As used in this Resolution, certain terms are defined as follows:

(a) "Goods" means and refers to any goods, wares, services, merchandise, periodicals, and other articles or publications. "Goods" does not include noncommercial literature expressing religious or political views.

(b) "Transient vendor" means and refers to 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 persons, or persons who represent an entity that is exempted from taxation under section 5709.04 of the Revised Code, and does not include any person licensed as an auctioneer under Chapter 4707 of the Revised Code.

(c) "Peddling" means and refers to any actions by which a person (other than a representative of an entity that is exempted from taxation under Section 5709.04 of the Revised Code or any person licensed under Chapter 4707 of the Revised Code), travels door to door either by foot or by vehicle, or calls upon any business places, private residences, or other persons or entities within the Township, with the intent to sell or offer for sale any goods, solicit orders for future delivery of goods, arrange an appointment for a future estimate or sales call.

(d) "Soliciting" means and refers to any actions by which a person (other than a representative of an entity that is exempted from taxation under Section 5709.04 of the Revised Code or any person licensed under Chapter 4707 of the Revised Code) travels door to door, either by foot or by vehicle, or calls upon any business places, private residences, or other persons or entities within the Township, with the intent to obtain funds or commitments for any cause whatsoever.

____ CERTIFICATE OF REGISTRATION REQUIRED.

No transient vendor shall peddle or solicit any persons within Copley Township without first obtaining a certificate of registration from the Copley Township Board of Trustees, or an appointed designee of the Board of Trustees. A separate registration must be made for each transient vendor employed by, or acting as an agent or representative of, any business or entity intending to peddle or solicit within the Township.

____ APPLICATION FOR CERTIFICATE OF REGISTRATION.

Each applicant seeking a certificate of registration shall, not less than fourteen (14) days prior to the commencement of any peddling or solicitation within the Township, present the Board of Trustees, or an appointed designee of the Board of Trustees, with an application form provided by the Township containing the following information:

(a) The name, age, address, and phone number of the transient vendor applicant;

(b) The name, address, phone number, and description of any person, organization, or entity that the transient vendor applicant is employed by, represents, or will act as an agent of, in connection with any peddling or soliciting to be conducted;

(c) A description of any goods, services, funds, or commitments to be sold or obtained in connection with any peddling or soliciting conducted by the transient vendor applicant;

(d) A description of the proposed dates, times, and locations of the peddling or soliciting activities to be conducted by the transient vendor applicant;

(e) A description of the year, make, model, color, and license plate number for any vehicle to be used in connection with any peddling or soliciting conducted by the transient vendor applicant, and a copy of the applicant's driver's license (if any vehicle will be used in connection with the applicant's peddling or soliciting);

(f) A description of any clothing, uniforms, or identifying marks, brands, or logos that will be worn or displayed in connection with any peddling or soliciting conducted by the transient vendor applicant;

(g) The names of any other municipalities, territories, or locations within the State of Ohio in which the transient vendor applicant is currently, or has previously conducted, peddling or soliciting activities during the past twelve (12) months;

(h) A disclosure as to whether the transient vendor applicant has ever been convicted of any felony or misdemeanor offense, and if so, a description of the nature of the offense, and the date and location of the same;

(i) A disclosure as to whether the transient vendor applicant has ever been denied a permit or license related to any peddling or soliciting activities, or had a license or permit related to such activities revoked, and if so, a description of the nature of any denial or revocation, and the date and location of the same; and

(j) Any such other information as the Board of Trustees, or their designee, may request at the time of application.

Each transient vendor application shall be accompanied by a non-refundable fee of one-hundred dollars (\$100). Any persons, groups of persons, or organizations acting on behalf of a tax-exempt organization (as defined by Section 501 of the Internal Revenue Code) shall be exempt from such application fee.

ISSUANCE OF CERTIFICATE.

Within fourteen (14) days of the receipt of an application form and non-refundable fee as provided hereinabove, the Board of Trustees, or an appointed designee of the Board of Trustees, shall issue a certificate of registration to the applicant by U.S. Mail, unless one or more of the following circumstances exist:

(a) The transient vendor applicant is determined in the reasonable judgment of the Board of Trustees, or an appointed designee of the Board of Trustees, to have made an incomplete, false, misleading, or deceptive statement with regard to the information requested by the application;

(b) The transient vendor applicant has been convicted of a felony, or convicted of a misdemeanor violation involving moral turpitude within the last five (5) years;

(c) The transient vendor applicant has had a permit or license related to peddling or soliciting activities revoked by any municipality, township, or governing body in the State of Ohio within the past five (5) years; or

(d) The goods, services, funds, or commitments to be sold or obtained in connection with the peddling or soliciting conducted by the transient vendor applicant is determined in the reasonable judgment of the Board of Trustees, or an appointed designee of the Board of Trustees, to be harmful, offensive, distasteful, harassing, fraudulent, or deceptive, in any manner, to the citizens of Copley Township.

Each certificate of registration shall be valid for a period of ninety (90) days, and shall expire on the date set forth on the certificate. No certificate issued may be assigned or transferred to any other person.

In the event an application is denied, a letter will be mailed to the transient vendor applicant in lieu of the certificate of registration, and will include a brief explanation for the Board of Trustees' reason(s) for denial.

___ DISPLAY OF REGISTRATION.

Each registered transient vendor shall carry a copy of his/her current certificate of registration at all times while engaged in any activities relating to, or in connection with, peddling or soliciting within the Township, and shall exhibit it to any citizen, police officer, or Township official upon request.

Each registered transient vendor shall wear a badge identifying his/her full name, and the name of any person, organization, or entity that the individual is employed by, represents, or will act as an agent of, in connection with any peddling or soliciting, at all times while engaged in any activities relating to, or in connection with, peddling or soliciting within the Township.

___ RESTRICTIONS.

Every registered transient vendor shall be governed by the following regulations:

(a) No registered transient vendor shall be permitted to engage in or conduct any peddling or solicitation activities, or do so on behalf of any other persons, organizations, or entities, other than as specified on the person's application;

(b) No registered transient vendor shall be permitted to engage in or conduct any peddling or solicitation activities except during "reasonable business hours," being between 10:00 a.m. EST and 9:00 p.m. EST, Monday through Saturday. In addition, no registered transient vendor shall be permitted to peddle or solicit on a Sunday, or any legal holidays;

(c) No registered transient vendor shall enter, or attempt to enter the residence of any citizen without an express invitation from the head of the household, or an occupant adult over the age of eighteen;

(d) No registered transient vendor engaged in or conducting any peddling or solicitation activities shall make any false, fraudulent, misleading, or deceptive statements to any persons; and

(e) No registered transient vendor shall peddle or solicit, or attempt to peddle or solicit, any occupants or persons in residences or buildings displaying signage on or around the front of the residence or building which prohibits or purports to prohibit peddling or soliciting activities at the premises, unless such registered transient vendor was previously expressly invited onto the premises by the owner, lessee, or an occupant adult over the age of eighteen.

Any violation of one or more of the above restrictions may subject the transient vendor to a fine, and may result in the immediate revocation of a transient vendor's certificate of registration.

___ REVOCATION OF CERTIFICATE.

A transient vendor's certificate of registration may be revoked by the Board of Trustees, after notice and a hearing, for any of the following causes:

(a) The existence of any fraud, misrepresentation, or false statement contained in a transient vendor's application for registration or identification badge;

(b) The registered transient vendor is convicted of a felony violation or misdemeanor violation involving moral turpitude;

(c) Any conduct of the registered transient vendor while engaged in or conducting any peddling or solicitation activities which disturbs the peace, health, safety, or general welfare of the public; and

(d) Any other violation of this chapter.

Notice of hearing for the revocation of a certificate of registration shall be given in writing setting for the time and place of the hearing. Notice shall be mailed to the registrant's address listed on the certificate of registration at least five (5) days prior to the date set for the hearing. Personal service of the notice may be provided in lieu of, or in addition to, any notice provided by mail. The hearing shall be conducted by the Board of Trustees, or an appointed designee of the Board of Trustees, at a time scheduled during reasonable business hours (as previously defined in this chapter), and at a location within the Township, as designated in the notice. At the hearing, the registrant shall be provided with an explanation of the grounds for revocation, and the registrant shall be provided with an opportunity to respond prior to a decision.

_____ PENALTY.

Whoever violates this resolution is guilty of a minor misdemeanor.