

STATUTORY RESOLUTION NO. 28- 2014

RESOLUTION RESCINDING RESOLUTION 91-19 AND ADOPTING REGULATIONS ESTABLISHING THE TIME AND MANNER OF TRANSIENT VENDOR SOLICITATIONS AND THE PROCEDURES FOR OBTAINING A TRANSIENT VENDOR SOLICITATION PERMIT IN WEST CHESTER TOWNSHIP

WHEREAS, the West Chester Township Board of Trustees finds it in the best interest of the residents and business owners in West Chester Township to continue to require the registration of all transient vendors within the unincorporated areas of West Chester Township, Butler County, Ohio and to 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, the West Chester Township Board of Trustees has the authority to regulate such matters and exercises its authority pursuant to Ohio Revised Code §505.94.

NOW THEREFORE, BE IT RESOLVED the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Rescind Resolution No. 91-19 regulating transient vendor registration and replace with this Statutory Resolution.

SECTION 2. Define for the purposes of this Resolution, a transient vendor as 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 goods or attempts to arrange for a future payment or estimate or sales call.

SECTION 3. Find that transient vendor does 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 Trustees 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 payment or estimate or sales call, and does not include a person licensed under Chapter 4707 of the Ohio Revised Code.

SECTION 4. Define for purposes of this Resolution, "goods" means goods, products, wares, services, merchandise, periodicals, and other articles or publications.

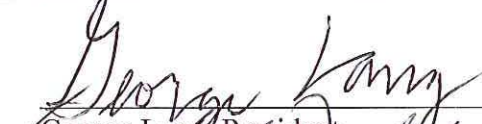
SECTION 5. Authorize the Township Administrator to have developed Transient Vendor Solicitation and Registration procedures, application forms, and standards to remain in good standing, consistent with the following conditions:

- A. Applicants for Transient Vendor Solicitation permits must register with the West Chester Township Police Department located at 9577 Beckett Road, West Chester, Ohio 45069. Prior to solicitation, Transient Vendors shall provide the information required thereon: a copy of the company's valid current vendor's license issued by Butler County, and the three (3) day cancellation form.

- B. No fee shall be charged for registration and registration shall be valid for a period of one year.
- C. No person, firm or corporation shall conduct public solicitation in West Chester Township, Butler County, Ohio wherein the person conducting the solicitation does so in a manner whereby their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive, or misleading. No effort may be made by any person, firm or corporation to defraud any individual through the solicitation process. Transient Vendors shall comply with all applicable Federal and State Laws governing the conduct of their business; including the three (3) day cancellation provision, and the collection and payment of all applicable sales taxes, and upon making application shall provide evidence of the same.
- D. Door to door solicitation shall only be made between 9:00 A.M. and 7:00 P.M. Monday through Sunday. Solicitations from motor vehicles shall only be made between 9:00 A.M. and 9:00 P.M.
- E. Each transient vendor shall carry and display on his/her person his/her solicitation registration card at all times while selling on the street, or while travelling about the Township for the purpose of selling or soliciting orders.
- F. Establish pursuant to Ohio Revised Code §505.99, a transient vendor found in violation of this Resolution is guilty of a minor misdemeanor.

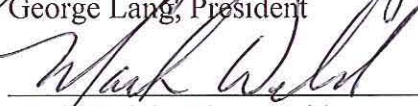
SECTION 6. Any procedures and application forms created in conformance with this Resolution may be altered from time to time with Township Administrator approval. Such alterations shall not change the provisions of this Resolution as set forth above.

Adopted this 28th day of October, 2014.



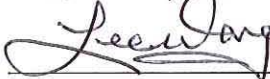
 George Lang, President

YES
 Yes / No



 Mark Welch, Vice President

YES
 Yes / No



 Lee Wong, Trustee

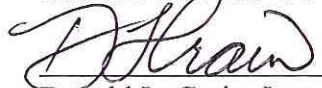
Yes
 Yes / No

ATTEST:



 Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:



 Donald L. Crain, Law Director

Vendor Solicitation Permit

100.1 REFERENCE

ORC 5739.01 Definitions

ORC 5739.17 Retail Sales Licenses

ORC 5739.31 Vendor License Required

ORC 4511.51 Prohibition Against Soliciting

ORC 2911.21 Criminal Trespass

ORC 505.94 Registration and refection of Transient Vendors

West Chester Township Resolution Number 28-2014

100.2 PURPOSE AND SCOPE

To provide guidelines on the application, issuance and enforcement of vendor solcitation permit .

100.3 RULES

No person shall engage in the business of selling at retail, except those legally exempted under ORC 5739.01(E) of the Revised Code, shall do so as a vendor, transient vendor, or limited vendor without such license. A vendor's license is required of all persons engaging in retail sales of taxable items, unless exempted and such license displayed at each fixed place of business.

Solicitors within West Chester are required to register with the police department. Registered solicitors will possess:

- Township solicitations permit containing their name, organization, and photograph of the individual solicitor.
- The individual solicitor's business or organization must possess the proper Butler County Vendor's License.

Township solicitations permits will be valid for year from the date of issuance.

100.4 DEFINITIONS

A **Transient Vendor's** License issued by Butler County and a township solicitation permit is required of any persons who, in the usual course of his business, transports inventory, stock of goods, or similar tangible personal property to a temporary place of business in a county in which he has no fixed place of business, for the purpose of making retail sales of such property. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or motor vehicle that is temporarily occupied for the purpose of making retail sales of goods to the public. A place of business is not temporary if the same person conducted business at the place

West Chester Police Department

Supplemental Manual

Vendor Solicitation Permit

- (c) The West Chester Police Department, CRS will maintain records of all applicants and application information.

100.6 COMPLAINT AGAINST A VENDOR

Upon investigating a vendor complaint, it is necessary to determine:

- (a) Does the seller have a vendor's license issued by the County, if required?
1. A license is required if the item sold is taxable (i.e. flowers, paintings, rugs, etc.)
 2. A failure to have a vendor's license is a violation of ORC 5739.31.
 3. A vendor's license is not required if the only goods sold are produce items. However, if a produce seller also sells any other taxable item, a license is required.
- (b) Does the seller possess a township solicitation permit?
1. A failure to have a township solicitation permit is a violation of ORC 505.94, a minor misdemeanor.
 2. Non-profit organizations are not required to possess a township solicitor's permit or a county issued vendor's license.
 3. Hours of solicitation are limited from 09:00 – 19:00 hours daily for door-to-door solicitation and 09:00-21:00 daily for motor vehicle solicitation.
 4. Solicitors include those persons engaged in door to door sales, those who open a temporary place of business in a private lot regardless whether they have permission of the property owner or not.
- (c) Seller is not permitted in the right of way on any road.

Standing on a highway for the purpose of soliciting business from the occupant of any vehicle is a violation of ORC 4511.51.

Criminal Trespass is a violation of ORC 2911.21.

If a violation is determined to exist, an offense report will be completed and citations may be issued.

Permits may be revoked for infractions or violations of the ORC.



West Chester Police Department
 9577 Beckett Road, Suite 500
 West Chester, Ohio 45069

VENDORS APPLICATION

Rev. 3/2015

Date Applied:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	Date Approved:	Approved By:
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PERSONAL INFORMATION

Last Name:	First Name:	Middle Name:	SSN:	DOB:
Home Address:				
City:	State:	Zip:	Home Phone:	
Drivers License #:	State Issued:	Exp. Date:		

BUSINESS INFORMATION

Company Name:	Business Phone:	
Business Address:		
City:	State:	Zip:
Supervisor Name:	Supervisor Phone:	

DESCRIPTION OF VEHICLE BEING USED FOR SOLICITATION

Owner:									
Home Address:									
City:	State:	Zip:	Home Phone:						
Make:	Model:	Year:	Color:	Lic #:	State:				

PROPOSED AREA AND DATES OF SOLICITATION

Whole Township: Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, which area within township:
Dates:	Days of Week: S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> Times/Hours:

PRODUCTS/GOODS BEING SOLICITED

List:									
<i>Do you provide "NOTICE OF ABILITY TO CANCEL" any order or agreement within 72 hours?</i>									Yes <input type="checkbox"/> No <input type="checkbox"/>

PLEASE LIST ANY PREVIOUS AREAS OF SOLICITATION(S):

LOCATION	TOWN/CITY	DATE TO/FROM

DO NOT WRITE BELOW – OFFICE USE ONLY

PERSONAL BACKGROUND CHECK

Results:

BUSINESS CHECK

Results:

Attach photocopy of Butler County vendor license and personal identification to this application.

Date Completed:

Completed by:

West Chester Township Resolution #28-2014 requires that door-to-door solicitors must:

1. Register with the West Chester Police Department prior to any solicitation.
2. Restrict solicitation between the hours of 9:00 A.M. to 7:00 P.M.
 - 9:00 A.M. to 9:00 P.M. for motor vehicle solicitation.
3. Display the photo ID, issued after registration, during all solicitation efforts.
4. Avoid solicitation efforts that are coercive, abusive or misleading.
5. Conform to all applicable State and Federal laws governing the conduct of their business; including the required 3 day cancellation provision, and the collection and payment of all applicable sales taxes.

West Chester Township Resolution #28-2014 requires that roadside solicitors must:

1. Register with the West Chester Police Department prior to any solicitation.
2. Not solicit on public property, on the street, at highway interchanges or in the public right-of-way.
3. Provide written permission from the property owner of the location where they intend to do business at the time of application for registration.
4. Comply with all state law and local zoning codes or resolutions concerning advertisements and signage.

Violations of any of the above restrictions, or any other violation of the Ohio Revised Code, may result in arrest, permit revocation or both. Permit revocation may include not only the offending person but may include all persons soliciting for the same business or vendor.

MINORS UNDER 16 YEARS OF AGE MAY NOT ENGAGE IN DOOR-TO-DOOR EMPLOYMENT UNLESS the for-profit employer is REGISTERED with the Ohio Bureau of Employment Services.

DOOR-TO-DOOR SALES EMPLOYERS SHALL:

1. Be in compliance with all applicable Ohio and Federal laws relating to the employment of minors
2. Provide at least one supervisor who is over the age of 18, for each six minor employees
3. Have been and be in compliance with Ohio's Motor Vehicle Financial Responsibility, Workers' Compensation, Unemployment Compensation, and all other applicable laws
4. Require all minors to work at least in pairs
5. Not employ any minor who does not have an appropriate Age and Schooling Certificate
6. Provide each minor employee with a photo identification card
7. Not employ any minor in any door-to-door sales activity during school hours except where specifically permitted

Print Name:

Signature:

Date:

A copy of this page is to be given to the applicant along with the approved permit.