

Resolution Number 8/8/14

**Amherst Township Resolution Regarding:**  
**Regulation and Registration of Transient Vendors per Ohio Revised Code Section 505.94**

The Board of Trustees of Amherst Township, Lorain County, Ohio met in regular session on the 26<sup>th</sup> day of August 2014 at the Amherst Township Hall with the following members present: (Presence indicated by a ✓ mark)

- ✓ Mr. Dennis Abraham
- ✓ Mr. Neil Lynch
- ✓ Mr. David Urig

Mr. Abraham moved to adopt the following resolution:

**Whereas;** section 505.94 of the Ohio Revised Code specifies a board of township trustees 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, or the board may, by resolution, prohibit these activities within that territory, and

**Whereas;** if the board requires the registration of all transient vendors, it may establish a reasonable registration fee, not to exceed one hundred fifty dollars for a registration period, and this registration shall be valid for a period of at least ninety days after the date of registration, and

**Whereas;** any board of township trustees that provides for the registration and regulation, or prohibition, of transient vendors under section 505.94 of the Ohio Revised Code shall notify the prosecuting attorney of the county in which the township is located of its registration and regulatory requirements or prohibition, and

**Whereas;** no transient vendor shall fail to register or to comply with regulations or prohibitions established by a board of township trustees under section 505.94 of the Ohio Revised Code, and

**Whereas;** a board of township trustees is not authorized to apply a resolution it adopts under 505.94 of the Ohio Revised Code 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, and

**Whereas;** "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications, and

**Whereas;** "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, and

**Whereas;** "Transient vendor" does not include any person who represents any entity exempted from taxation under section 5709.04 of the Revised Code, 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

**Resolution Number** 8/8/14

appointment for a future estimate or sales call, and does not include a person licensed under Chapter 4707 of the Revised Code, and

**Whereas;** the Trustees desire to promote public health, safety, and welfare of Township residents with effective and efficient Transient Vendor regulations and registration,

**Now, therefore be it resolved by the Trustees of the Township of Amherst, State of Ohio:**

**Section 1.** Any transient vendor seeking to sell or offer for sale goods, or solicit orders for future delivery of goods, in the unincorporated areas of Amherst Township, Lorain County, Ohio, is required to make written application for and obtain a certificate of registration, as hereafter set forth and attached as Exhibit A. An organization shall obtain a certificate of registration to cover each individual vendor for the organization.

**Section 2:** This resolution shall become effective 30-days after approval.

**Section 3:** Copies of this resolution shall be posted in the Township Hall bulletin board and forwarded to the prosecuting attorney. Appropriate signage shall be posted by the Road Superintendent at appropriate places in the township to notify people of the need for a transient vendor registration certificate.

**Section 4:** It is found and determined that all formal actions of the Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting, and that all deliberations of the Trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

Mr. Urige seconded the Resolution, and the roll being called upon its adoption, the vote resulted as follows:

<b>Trustee</b>	<b>Yes (√)</b>	<b>No (√)</b>	<b>Abstain (√)</b>
Mr. Dennis Abraham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Neil Lynch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. David Urige	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted \_\_\_\_\_  
Mr. Howard Akin, Township Fiscal Officer

August 26, 2014  
Date

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Board of Trustees held on the 26<sup>th</sup> day of August 2014, and that I am duly authorized to execute this certificate

\_\_\_\_\_  
(original signature)

Amherst Township Fiscal Officer  
(title)

**Exhibit A**  
**Transient Vendor Regulations and Registration Requirements**

**Application for Certificate of Registration**

Application for a certificate of registration shall be made upon a form provided by the Senior Services Office Director of Amherst Township and filed in the office of the Senior Service Office Director. If the Senior Services Office Director is not available, the Zoning Inspector or any Amherst Township Elected official may perform the duties this resolution assigns to the Senior Services Office Director. The applicant shall truthfully state in full the information requested on the application as follows:

- A. Name and residence address, business if other than residence address, and social security number.
- B. Date of birth of applicant.
- C. Whether self-employed or the name and address of the person, firm or corporation or association whom the applicant is employed by or represents.
- D. Description sufficient for identification of the subject matter of the solicitation or vending which the applicant will engage in.
- E. A photograph of the individual applying for the certificate, approximately 3"x3" square, taken less than one year prior to the date of application.
- F. The date, or approximate date, of the latest previous application for certificate, if any.
- G. Has a certificate of registration issued to the applicant ever been revoked.
- H. Has the applicant ever been convicted of a violation of the provisions of this resolution?
- I. Has the applicant ever been convicted of the commission of a felony under the laws of any state or of any federal law of the United States?
- J. In the case of an organization for which two or more persons will solicit, one application may be made; however, all individualized information must be provided for each proposed solicitor whether by attachment of such information to the application or otherwise.

All statements made by the applicant upon the application or in connection there with shall be under oath.

The Senior Services Office Director of Amherst Township shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates or registration issued under the provisions of this resolution, and of the denial of applications. A copy of each Certificate of Registration issued shall be provided to the Lorain County Sheriff Department by fax, email, or other means as determined by the Senior Services Office Director.

**Registration Fee**

For each registration certificate there shall be a fee of \$25.00. The Board of Trustees may adjust this fee from time to time and include the most current value in the Amherst Township Fee Schedule.

**Exhibit A**  
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**Hours**

All business done under a certificate of registration issued pursuant to this resolution shall be conducted during daylight hours, Monday through Saturday. These hours shall be

9:00am – 8:30pm April through September, and

9:00am – 6:00pm October through February.

**Issuance and Revocation of Certificate and Certificate Term**

The Senior Services Director of Amherst Township shall issue the certificate to all applicants who meet the guidelines. Paying the registration fee, fully answering all of the questions and information provided for in sub-sections (A) thru (J) of the preceding section of this resolution and answering sub-sections (H) and (I) of the preceding section in the negative, and, if required, the existence of a background check without a felony and/or the provision of fingerprints, shall be considered to meet the guidelines. Initial issuance will be in effect for 6-Months. Each renewal will follow the same guidelines as herein set forth unless such duplicative effort is unnecessary under the circumstances for approval of any such renewal.

**Identification**

Each registered transient vendor will have in his or her possession while canvassing or soliciting in the township under this resolution his or her certificate of registration and a photo identification in the form of either a valid driver's license, passport, or identification placard that depicts a current picture of the registered vendor.

**Revocation or Suspension of Certificate**

Any registration certificate issued hereunder may be revoked immediately by the Board of Trustees discovering the registered vendor driving a motor vehicle under the influence of alcohol or in possession of any controlled substance, or in the midst of committing a felony. Otherwise, a certificate issued hereunder may be suspended or revoked by the Board of Trustees if the registered vendor violates any provisions of this resolution, or has made a false statement in the application, after written notice of charges and intent to revoke at least seventy-two (72) hours prior to revocation, and an opportunity to respond to the charges, are given to the registered solicitor or canvasser. The notice shall be personally served upon the registered vendor or mailed to the address shown on the application by regular mail with postage prepaid.

Upon such revocation, the license shall be null and void, subject to any successful appeal of the revocation the vendor may attain.

**Notice Prohibiting Solicitation**

Every person or organization desiring to prohibit transient vendors at their homes, residences or place of business may post a notice to be exhibited on or near the main entrance indicating "No transient vendors invited", "No Solicitors" or similar wording.

Such notice so exhibited shall be sufficient notice to any transient vendor to abide by such notice.

**Exhibit A**  
**Transient Vendor Regulations and Registration Requirements**

**Violations**

It shall be a violation of this resolution and Section 505.94 of the Ohio Revised Code to:

- (A) Enter Upon premises within Amherst Township in violation of the notice exhibited in accordance with this resolution.
- (B) Sell, or offer for sale, or solicit orders for future delivery of goods within Amherst Township without a valid registration certificate.
- (C) Make a false statement on a registration application.
- (D) Sell, offer for sale, or solicit future sale of goods within Amherst Township upon being orally advised that such activity is not with the consent of the owner or occupant of the premises.

**Penalties**

Violation of this resolution by any person or organization is in violation of Section 505.94 of the Ohio Revised Code, and subject to the penalties set forth in Section 505.99 of the Revised Code and is guilty of a minor misdemeanor.

**Exhibit A**  
**Transient Vendor Regulations and Registration Requirements**

AMHERST TOWNSHIP  
TRANSIENT VENDOR APPLICATION

FULL NAME OF TRANSIENT VENDOR: \_\_\_\_\_

PERSONAL PERMANENT RESIDENTIAL ADDRESS: \_\_\_\_\_

HOME TELEPHONE NUMBER WITH AREA CODE: (\_\_\_\_\_) \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DRIVERS LICENSE NUMBER AND STATE: \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ EYE COLOR \_\_\_\_\_

NAME OF COMPANY, FIRM, BUSINESS, OR BUSINESS ENTITY FOR WHOM, OR IN WHOSE BEHALF, YOU ARE SELLING, OFFERING FOR SALE, OR SOLICITING GOODS FOR SALE: \_\_\_\_\_

ADDRESS OF SAME: \_\_\_\_\_

PHONE NUMBER OF SAME WITH AREA CODE: (\_\_\_\_\_) \_\_\_\_\_

NAME OF IMMEDIATE SUPERVISOR AND PHONE NUMBER: \_\_\_\_\_

YOUR RELATIONSHIP TO SAME (I.E., AGENT, SALESMAN, EMPLOYEE, ETC): \_\_\_\_\_

IF YOU ARE NOT A RESIDENT OF LORAIN COUNTY, AND/OR YOUR COMPANY, BUSINESS, ENTITY, OR ENTITIES, IS NOT LOCATED WITHIN LORAIN COUNTY, THE NAME, ADDRESS, AND PHONE NUMBER OF YOUR TEMPORARY ABODE, AND TEMPORARY BUSINESS ADDRESS IN THE TOWNSHIP: \_\_\_\_\_

TYPES OF GOODS YOU WILL SELL, OFFER FOR SALE, OR SOLICIT ORDERS FOR: \_\_\_\_\_

IF SALES, OFFER FOR SALE, OR SOLICITING OF ORDERS WILL BE DONE BY USE OF A MOTOR VEHICLE USED TO TRAVEL FROM LOCATION TO LOCATION THEN:

MAKE OF VEHICLE: \_\_\_\_\_

TYPE AND COLOR: \_\_\_\_\_

LICENSE NUMBER AND STATE: \_\_\_\_\_

OWNER OF VEHICLE: \_\_\_\_\_

OPERATOR'S DRIVERS LICENSE NO. AND STATE: \_\_\_\_\_

IF YOU ARE NOT THE BOSS, SUPERVISOR, OR PERSON IN CHARGE OF A GROUP OF TRANSIENT VENDORS, THEN GIVE THE NAME OF THE BOSS, SUPERVISOR, OR PERSON IN CHARGE, HIS/HER LOCAL PLACE OF ABODE, AND THE BUSINESS ADDRESS AND PHONE NUMBER: \_\_\_\_\_

ARE YOU A SOLE OR SINGLE TRANSIENT VENDOR WITHIN AMHERST TOWNSHIP?    CIRCLE    YES    NO

APPLICATION FILED WITH THE AMHERST TOWNSHIP ADMINISTRATION OFFICE=== Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AMHERST TOWNSHIP REPRESENTATIVE