

**BATAVIA TOWNSHIP BOARD OF TRUSTEES
CLERMONT COUNTY, OHIO**

RESOLUTION 06-03-2020

**RESOLUTION REGULATING THE REGISTRATIONS OF AND SOLICITATION BY
TRANSIENT VENDORS OPERATING WITHIN BATAVIA TOWNSHIP**

Whereas, the Batavia 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; and

Whereas, Ohio Revised Code Section 505.94 authorizes the Batavia Township Board of Trustees to adopt or amend its regulations and registration requirements pertaining to transient vendors operating within Batavia Township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Batavia Township, Clermont County, Ohio pursuant to Ohio Revised Code Section 505.94:

SECTION 1. 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) “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.

SECTION 2. CERTIFICATE OF REGISTRATION REQUIRED

No transient vendor shall solicit any persons with Batavia Township without first obtaining a certificate of registration from the Batavia 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 solicit within the Township.

SECTION 3. 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 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 soliciting to be conducted;
- (c) A description of any goods, services, funds, or commitments to be sold or obtained in connection with any soliciting conducted by the transient vendor applicant;
- (d) A description of the proposed dates and times of the 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 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 soliciting);
- (f) Any such other information as the Board of Trustees, or its designee, may request at the time of application.

Each transient vendor application shall be accompanied by a non-refundable fee of seventy-five dollars (\$75.00).

SECTION 4. 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, 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 soliciting, at all times while engaged in any activities relating to, or in connection with, soliciting within the Township.

SECTION 5. 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 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 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;
- (c) No registered transient vendor shall solicit, or attempt to 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 soliciting activities at the premises, or for which the owner or tenant has filed a no solicitation registration form with the township, on a form prescribed by the board.

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.

SECTION 6. PENALTY

Whoever violates this resolution is guilty of a minor misdemeanor as set forth in Ohio Revised Code Section 505.99.

SECTION 7. REPEAL OF PRIOR RESOLUTIONS

Prior resolutions of this Board dealing with registrations or other regulation of transient vendors under prior law are hereby repealed.

SECTION 8. NOTIFICATION

The Township Fiscal Officer shall certify copies of this resolution to the Prosecuting Attorney of Clermont County.

SECTION 9. SUNSHINE LAW FINDINGS

This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this

Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

SECTION 10. READINGS

The Board hereby dispenses with the requirement that a resolution be read on two separate days, and authorizes the adoption upon its first reading.

Trustee Mr. Perry moved to adopt the resolution.

Trustee Mr. Parsons seconded the motion.

All voted yes. Motion passed.

Resolution adopted this 2ND day of June, 2020.

I, Jennifer Haley, Fiscal Officer of the Board of Trustees of Batavia Township, Clermont County, Ohio, do hereby certify that the foregoing is a true and correct copy of **Resolution 06-03-2020** duly passed by the Board of Trustee of Batavia Township, Clermont County, Ohio, on the 2ND day of June, 2020.

J. Haley Fiscal Officer

6/02/2020 Date