

ORIGINAL

TRUMBULL TOWNSHIP SPECIAL RESOLUTION NUMBER 10-08-01
PROVIDING FOR THE PROHIBITION, REGISTRATION, AND REGULATION
OF TRANSIENT VENDORS

WHEREAS, Ohio Revised Code 505.94 confers authority on the Board of Trumbull Township Trustees, Ashtabula County, Ohio to require the registration of transient vendors and to regulate the time, place, and manner in which transient vendors conduct business in Trumbull Township, and the authority to prohibit these activities within Trumbull Township, and;

WHEREAS, the Board of Trumbull Township Trustees has determined that this resolution is necessary to protect the public peace in Trumbull Township and to protect the health, safety, and welfare of citizens of Trumbull Township.

NOW, THEREFORE, BE IT RESOLVED:

SECTION I: TITLE AND ADMINISTRATIVE MANDATES

This resolution shall be known as the Trumbull Township Resolution Providing for the Prohibition, Registration, and Regulation of Transient Vendors. This resolution shall be available for public inspection during all public meetings of the Board, and in response to a written request mailed to the Board at 2443 State Route 534, Geneva, Ohio 44041. Immediately after the Board adopts this resolution, the Board shall publish in a newspaper of general circulation in Trumbull Township a notice announcing the adoption of this resolution and the availability of this resolution for public inspection, and shall forward a copy to the Ashtabula County Prosecutor.

SECTION II: DEFINITIONS

APPLICATION: A form prescribed by this resolution respecting a Certificate of Registration.

BOARD: The Board of Trumbull Township Trustees, Ashtabula County, Ohio.

BUSINESS: An undertaking in Trumbull Township that involves the sale, offer for sale, or solicitation of orders for future delivery of Goods by a Transient Vendor.

CERTIFICATE OF REGISTRATION: A certificate, as prescribed by this resolution, issued by the Board to a Transient Vendor or Transient Vendor Employee. The Certificate of Registration for a Transient Vendor who is an individual shall include the name and photograph of the Transient Vendor. The Certificate of Registration for a Transient Vendor who is not an individual shall include the name of the Transient Vendor. The Certificate of Registration for a Transient Vendor Employee shall include the name and photograph of the Transient Vendor Employee and the name of the Transient Vendor. Each Certificate of Registration shall also identify the Transient Vendor Registration

Period and a unique number assigned to the Transient Vendor identified therein. Each Certificate of Registration must be mailed to the Fiscal Officer within three (3) days after expiration.

DISCLOSURE: Information disclosed by a Transient Vendor regarding Transient Vendor Employees of the Transient Vendor.

FISCAL OFFICER: The Trumbull Township Fiscal Officer.

GOODS: Goods, wares, services, merchandise, periodicals, and other articles or publications.

INTERIM REGISTRATION: The temporary registration of a Transient Vendor and Transient Vendor Employees effective upon delivery of an Application to the Board.

INTERIM REGISTRATION PERIOD: The period of time between delivery of an Application to the Board and the issuance of a valid Certificate of Registration or delivery of notice of rejection of an Application as incomplete.

PROHIBITION PERIODS: The period each year between November 1 and December 31, the period each year between January 1 and April 30, all weekdays (Monday through Friday, even if a holiday) between May 1 and October 31 of each year, and any time prior to 10:00 a.m. or after 7:00 p.m. on any weekend day between May 1 and October 31 of each year.

PROPERTY CONTROLLER: A person who is the owner, tenant, or licensee of real property on which a Transient Vendor or Transient Vendor Employee conducts Business.

TRANSIENT VENDOR: Any person who opens a temporary place of business for the sale of Goods or who, on the streets or while traveling about Trumbull Township, either sells or offers for sale Goods, or solicits orders for the 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 exempt from taxation under section 5709.04 of the Ohio Revised Code, that notifies the Board that its representatives are present in Trumbull Township for the purpose of either 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 of the Ohio Revised Code.

TRANSIENT VENDOR EMPLOYEE: An employee of a Transient Vendor that is the subject of an Interim Registration or that holds a valid Certificate of Registration.

TRANSIENT VENDOR REGISTRATION FEE: The \$150.00 fee a person must submit with an Application for a Certificate of Registration.

TRANSIENT VENDOR REGISTRATION PERIOD: The 90 day registration period commencing on the date an Application is delivered to the Board or the effective date of a Certificate of registration otherwise becomes effective at the request of an applicant.

TRANSIENT VENDOR REGISTRATION ROLL: A document maintained by the Fiscal Officer that includes copies of completed Applications and identifies all applicants and Certificates of Registration.

SECTION III: PROHIBITIONS AGAINST CERTAIN CONDUCT OF TRANSIENT VENDORS, TRANSIENT VENDOR EMPLOYEES, AND PROPERTY CONTROLLERS:

- A. No Transient Vendor or Transient Vendor Employee shall conduct Business during a Prohibition Period.
- B. No Transient Vendor or Transient Vendor Employee shall conduct Business during a period other than an Interim Registration Period without prominently displaying a valid Certificate of Registration as set forth in Section IV.
- C. No Transient Vendor shall conduct Business at a temporary place of business without the express written permission of the Property Controller.
- D. No Property Controller shall allow a Transient Vendor or Transient Vendor Employee not registered under this resolution to conduct Business at a temporary place of business on real property controlled by the Property Controller.
- E. Transient Vendors and Transient Vendor Employees shall comply with all laws while conducting Business, including but not limited to prominently displaying all permits and licenses required to conduct Business.
- F. No Transient Vendor or Transient Vendor Employee shall refuse to allow any person to document information contained on a Certificate of Registration upon request.
- G. No Transient Vendor or Transient Vendor Employee shall use in the conduct of Business any motor vehicle or trailer not identified in an Application, or any motor vehicle or trailer that is not properly titled or that does not properly display current license plates.
- H. No Transient Vendor or Transient Vendor Employee conducting Business at a temporary place of business shall keep or use more than one motor vehicle or trailer at the temporary place of business.
- I. No Transient Vendor shall conduct Business at a temporary place of business located on real property located in an R-1 or R-2 Zoning District, as defined in the 1997 Trumbull Township Zoning Resolution, as amended, unless such use is a permitted

use or is a use authorized by the Trumbull Township Board of Zoning Appeals in a written decision.

- J. No Transient Vendor or Transient Vendor Employee shall conduct Business on private property after the first request to leave by a Property Controller.
- K. No Transient Vendor or Transient Vendor Employee shall conduct Business on private property if a conspicuously posted sign indicates solicitation is prohibited.
- L. No Transient Vendor or Transient Vendor Employee shall use bells, alarms, or sound amplification devices while conducting Business.
- M. No Transient Vendor or Transient Vendor Employee who, on the streets or while traveling about Trumbull Township, shall shout while approaching or while on private or public property.
- N. No Transient Vendor or Transient Vendor Employee who, on the streets or while traveling about Trumbull Township, shall approach any door or window of a residence or business structure except the door closest to an adjacent street or otherwise designed or intended to be used as the front door.
- O. No Transient Vendor or Transient Vendor Employee who, on the streets or while traveling about Trumbull Township, shall remain on private property if no response is received within sixty (60) seconds after knocking on a door or ringing a door bell.
- P. No Transient Vendor or Transient Vendor Employee shall fail to timely mail an expired Certificate of Registration to the Fiscal Officer.

SECTION IV: VALIDITY, TRANSFERABILITY, ASSIGNABILITY, PROMINENT DISPLAY, AND RETURN UPON EXPIRATION OF CERTIFICATE OF REGISTRATION

A. CERTIFICATE OF REGISTRATION VALID ONLY FOR ONE TRANSIENT VENDOR REGISTRATION PERIOD: A Certificate of Registration shall be valid only for the Transient Vendor Registration Period identified on the Certificate of Registration.

B. CERTIFICATE OF REGISTRATION MAY NOT BE TRANSFERRED OR ASSIGNED: A Certificate of Registration may not be transferred or assigned.

C. CERTIFICATE OF REGISTRATION TO BE PROMINENTLY DISPLAYED: A Certificate of Registration must be prominently displayed on the person of a Transient Vendor or Transient Vendor Employee who, on the streets or while traveling about Trumbull Township, conducts Business. Certificates of Registration of a Transient Vendor who opens a temporary place of business and all Transient Vendor Employees of such Transient Vendor must be prominently displayed at all times at the temporary place of business.

D. CERTIFICATE OF REGISTRATION TO BE PROMPTLY RETURNED UPON EXPIRATION OF TRANSIENT VENDOR REGISTRATION PERIOD: A Transient Vendor must promptly return to the Fiscal Officer all Certificates of Registration related to its Business by depositing them into the US Mail within three (3) days after the expiration of the Transient Vendor Registration Period reflected on the Certificate of Registration.

SECTION V: APPLICATION FOR REGISTRATION

A. AVAILABILITY OF APPLICATION: Applications may be obtained by accessing the Trumbull Township web site (www.trumbulltownship.org), by mailing a written request to the Board at 2443 State Route 534, Geneva, Ohio 44041, by verbal or written request submitted to the Board at a public meeting of the Board, or by verbal or written request submitted to any Township Trustee or the Fiscal Officer. Within ten (10) days after receipt of a request for an Application, the Board shall mail an Application to the person requesting it, or, if a request is made at public meeting of the Board, provide during the meeting an Application to the person requesting it.

B. FORM OF APPLICATION: The Application for a Transient Vendor shall be in the form attached hereto as Appendix 1. The Disclosure for a Transient Vendor Employee shall be in the form attached hereto as Appendix 2. An Application shall be deemed incomplete if it is illegible, if it does not include completed Disclosures for all Transient Vendor Employees who are expected to conduct Business for the applicant, if it does not include the Transient Vendor Registration Fee, or if it does not include two photographs of an Applicant. Incomplete Applications shall be rejected and shall not be considered by the Board.

C. PAYMENT OF TRANSIENT VENDOR REGISTRATION FEE REQUIRED WHEN APPLICATION SUBMITTED: The Transient Vendor Registration Fee in the amount of \$150.00, in the form of cash, money order, or check in good funds payable to Trumbull Township, shall be payable when the Application is submitted.

D. SUBMISSION OF COMPLETED APPLICATION: Completed Applications, including disclosures of Transient Vendor Employees, must be submitted by the Transient Vendor in person to the Board at a public meeting of the Board or by mail, postage prepaid, delivered to the Board at 2443 State Route 534, Geneva, Ohio 44041.

SECTION VI: REVIEW OF APPLICATION BY BOARD FOR APPROVAL OF ISSUANCE OF CERTIFICATE OF REGISTRATION OR REJECTION

A. REVIEW OF COMPLETED APPLICATION: The Board shall timely review at its next business meeting any completed Application received.

B. ACCEPTANCE OF COMPLETE APPLICATION: If the Board's review of a completed Application demonstrates the Application is complete, the Board shall accept the Application and issue a Certificate of Registration in accordance with Section VII. The Certificate of Registration shall be valid for a Transient Vendor Registration Period of (90) days

beginning on the date the completed Application was submitted to the Board, or for such other period, not to exceed ninety (90) days, with an effective date requested in the Application.

C. REJECTION OF INCOMPLETE APPLICATION: It is hereby determined that registration as a Transient Vendor based upon an incomplete Application would be prejudicial to the public peace, health, safety, and welfare of the Township. The Board shall reject an incomplete Application, identify on the face of the Application the reason(s) for rejection, and within three (3) business days mail a copy thereof and a notice of rejection to the applicant at the applicant's address set forth on the Application advising the applicant the Application was rejected as incomplete. Delivery of a notice of rejection of an incomplete Application shall terminate an applicant's Interim Registration. Delivery of a notice of rejection of an incomplete Application shall be presumed to occur three (3) days after the Board posts the notice of rejection in the US Mail.

SECTION VII: ISSUANCE OF CERTIFICATES OF REGISTRATION FOR TRANSIENT VENDORS AND TRANSIENT VENDOR EMPLOYEES, AND ENTRY OF INFORMATION INTO TRANSIENT VENDOR REGISTRATION ROLL

A. ISSUANCE OF CERTIFICATE OF REGISTRATION AS TRANSIENT VENDOR AND TRANSIENT VENDOR EMPLOYEE: Within three (3) business days after acceptance of a completed Application as provided in Section VI, the Board shall prepare and execute appropriate Certificates of Registration, mail same to the applicant by US Mail, and forward a copy of same to the Fiscal Officer for entry of appropriate information respecting the registration on the Transient Vendor Registration Roll.

B. FORM OF CERTIFICATE OF REGISTRATION: Certificates of Registration shall be in the forms attached hereto at Appendix 3(A) and 3(B).

SECTION VIII: PRIVACY PROTECTION

To the extent an Application or related Disclosure, or any other public record created or maintained pursuant to this resolution, includes information the Board and the Fiscal Officer are prohibited by law from disclosing to third parties, the Board and the Fiscal Officer upon a request to inspect any such public record shall protect such information from disclosure.

SECTION IX: PRIOR BOARD RESOLUTIONS AND RELATED AMENDMENTS UNDER OHIO REVISED CODE 505.94 RESCINDED

Except as otherwise expressly set forth herein, nothing herein shall be construed to replace, eliminate, or supersede any other Township Resolution. No prior resolution of the Board adopted or amended pursuant to Ohio Revised Code section 505.94 shall have any force or effect after the effective date of this resolution and any such resolutions are hereby rescinded, including without limitation any such resolution adopted or amended in 2005, 2007, and 2009. The Board intends that this resolution be enforceable prospectively respecting regulation of Transient Vendors.

SECTION X: SAVINGS CLAUSE

If any provision, sentence, clause, definition, section, or part thereof of this resolution is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall effect only such provision, sentence, clause, definition, section, or part thereof and shall not effect or impair any other provision, sentence, clause, definition, section, or part thereof. It is hereby declared to be the intention of the Board that this resolution would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, definition, section, or part thereof not been included herein.

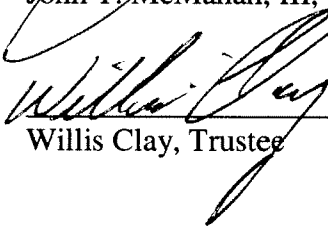
RESOLVED BY THE BOARD OF TRUSTEES OF TRUMBULL TOWNSHIP THIS 4TH DAY OF AUGUST, 2010.



Ron M. Tamburrino, Chairman



John T. McMahan, III, Trustee



Willis Clay, Trustee

APPENDIX 1

**APPLICATION FOR REGISTRATION AS A TRANSIENT VENDOR
PURSUANT TO TRUMBULL TOWNSHIP RESOLUTION 10-08-01**

GENERAL INSTRUCTIONS: Read the entire resolution before you complete this Application. The terms defined in the resolution shall have the same meaning in this Application. This Application must be fully completed and submitted with a money order or check payable to Trumbull Township in the amount of \$150.00.

Answers must be typewritten or printed legibly with blue ink. If additional information is necessary to fully respond to a question, append the additional information to the completed Application and identify the additional information in the answer to the question on the Application.

If additional space is needed to respond to a question, append one additional page for each question requiring additional space, identify the question number on the additional page, and identify the additional page in the answer to the question on the Application.

Each applicant must submit with this Application two color photographs of applicant (if an individual) and two color photographs of all Transient Vendor Employees who are expected to conduct Business for the applicant, depicting the photographed person's face, head, and shoulders. The picture must measure two inches on each side.

Each person submitting an Application who is obligated to maintain a valid Ohio vendor's license must submit a legible copy of that vendor's license.

1. IF APPLICANT IS AN INDIVIDUAL, APPLICANT'S FULL NAME (FIRST, MIDDLE, AND LAST NAME), DATE OF BIRTH, DRIVER'S LICENSE NUMBER, HEIGHT, WEIGHT, HAIR COLOR, AND SOCIAL SECURITY NUMBER:

Name: _____

DOB: _____

Driver's License Number: _____ State: _____

Height: _____ Weight: _____ Hair Color: _____

Social Security Number: _____

2. IF APPLICANT IS NOT AN INDIVIDUAL, IDENTIFY TYPE OF OWNERSHIP (e.g. partnership, corporation, limited liability corporation, trust, etc.), PROVIDE FEDERAL TAX ID NUMBER, AND PROVIDE OHIO CERTIFICATE NUMBER ISSUED BY THE OHIO SECRETARY OF STATE IF LICENSED TO DO BUSINESS IN OHIO AS A FOREIGN LEGAL ENTITY:

3. IF APPLICANT IS A PARTNERSHIP, IDENTIFY ALL PARTNERS BY COMPLETE NAME AND RESIDENCE MAILING ADDRESS:

4. IF APPLICANT IS A CORPORATION, IDENTIFY ALL OFFICERS BY TITLE, COMPLETE NAME, AND BUSINESS MAILING ADDRESS:

5. IF APPLICANT IS A LIMITED LIABILITY CORPORATION, IDENTIFY ALL MEMBERS BY TITLE (e.g. managing member, etc.), COMPLETE NAME, AND BUSINESS MAILING ADDRESS:

6. IF APPLICANT IS A TRUST, IDENTIFY ALL TRUSTEES BY TITLE(e.g. managing trustee, etc.), COMPLETE NAME, AND BUSINESS MAILING ADDRESS:

7. LIST ALL OTHER NAMES APPLICANT NOW USES AND ANY OTHER NAMES APPLICANT HAS USED AT ANY TIME DURING THE LAST 5 YEARS, AND THE NAME OF EACH STATE, COUNTY, MUNICIPALITY, VILLAGE, OR OTHER LOCATION WHERE EACH SUCH NAME WAS USED:

8. APPLICANT'S COMPLETE RESIDENCE ADDRESS (IF APPLICANT IS AN INDIVIDUAL), (INCLUDING CITY, STATE, AND ZIP CODE):

9. APPLICANT'S COMPLETE PERMANENT BUSINESS ADDRESS (INCLUDING CITY, STATE, AND ZIP CODE):

10. COMPLETE ADDRESS OF APPLICANT'S TEMPORARY PLACE OF BUSINESS IN TRUMBULL TOWNSHIP, IF ANY, AND A DETAILED DESCRIPTION OF THE EXACT LOCATION AT THAT ADDRESS WHERE APPLICANT WILL CONDUCT BUSINESS (INCLUDING CITY, STATE, AND ZIP CODE):

11. NATURE OF APPLICANT'S BUSINESS:

12. APPLICANT'S BUSINESS E-MAIL ADDRESS (IF ANY), BUSINESS TELEPHONE NUMBER, AND OTHER TELEPHONE NUMBER WHERE APPLICANT CAN BE REACHED DURING THE DAY:

13. NAME, ADDRESS, AND TELEPHONE NUMBER(S) OF A PERSON TO CONTACT IF APPLICANT OR ANY EMPLOYEES OF APPLICANT REQUIRES EMERGENCY MEDICAL ATTENTION:

14. DESCRIPTION OF MOTOR VEHICLES AND TRAILERS USED BY APPLICANT WHILE CONDUCTING BUSINESS:

Motor Vehicle: Make Model Year Color State and Plate No. _____

Trailer: Make Model Year Color State and Plate No. _____

15. APPLICANT'S OHIO VENDOR'S LICENSE NUMBER (ATTACH COPY OF OHIO VENDOR'S LICENSE):

16. EFFECTIVE DATE OF REGISTRATION PERIOD (IF DIFFERENT THAN APPLICATION DATE BELOW):

17. SIGNATURE OF PROPERTY CONTROLLER WHERE TRANSIENT VENDOR EXPECTS TO OPEN A TEMPORARY PLACE OF BUSINESS, IF ANY:

Signature of Property Controller: _____

Printed name of Property Controller: _____

Status of Property Controller (e.g. owner, tenant, licensee): _____

Date: _____

18. SIGNATURE OF APPLICANT (IF APPLICANT IS AN INDIVIDUAL) OR AUTHORIZED REPRESENTATIVE (IF APPLICANT IS NOT AN INDIVIDUAL): The undersigned applicant or authorized representative swears or affirms, under penalty of perjury, that all the foregoing answers are true and correct, that all copies provided herewith are true and accurate copies of the originals, and that the undersigned has express authority to bind applicant who is not an individual. The undersigned further, for himself/herself if an individual, and for the applicant in whose representative capacity he/she signs this Application, agrees to assume all risks of accidents, injury, and damage to the property and person of applicant, applicant's principals, and Transient Vendor Employees of applicant and/or applicant's principals. The undersigned further, for himself/herself if an individual, and for the applicant in whose representative capacity he/she signs this Application, agrees not to sue Trumbull Township or any of its elected or appointed officials, employees, and agents seeking to recover for any loss allegedly resulting from any accident, injury, or damage arising out of applicant's Business. The undersigned further, for himself/herself if an individual, and for the applicant in whose representative capacity he/she signs this Application agrees to defend, hold harmless, and indemnify Trumbull Township and any of its elected or appointed officials, employees, and agents, of and from any claim asserted by any person seeking to recover for any loss allegedly resulting from any accident, injury, or damage arising out of applicant's Business.

Signature of applicant or authorized representative (if applicant is not an individual): _____

Printed name of applicant or authorized representative (if applicant is not an individual): _____

Date: _____

APPENDIX 2

DISCLOSURE OF TRANSIENT VENDOR EMPLOYEE INFORMATION
PURSUANT TO TRUMBULL TOWNSHIP RESOLUTION 10-08-01

Transient Vendor Name: _____

Employee Name: _____

DOB: _____

Driver's License Number: _____ State: _____

Height: _____ Weight: _____ Hair Color: _____

Social Security Number: _____

Employee Name: _____

DOB: _____

Driver's License Number: _____ State: _____

Height: _____ Weight: _____ Hair Color: _____

Social Security Number: _____

Employee Name: _____

DOB: _____

Driver's License Number: _____ State: _____

Height: _____ Weight: _____ Hair Color: _____

Social Security Number: _____

APPENDIX 3(A)

**TRANSIENT VENDOR
CERTIFICATE OF REGISTRATION
ISSUED BY BOARD OF
TRUMBULL TOWNSHIP TRUSTEES**

(PHOTO)

NAME OF TRANSIENT VENDOR

REGISTRATION NUMBER

REGISTRATION PERIOD

TRANSIENT VENDOR EMPLOYEES

APPENDIX 3(B)

**TRANSIENT VENDOR EMPLOYEE
CERTIFICATE OF REGISTRATION
ISSUED BY BOARD OF
TRUMBULL TOWNSHIP TRUSTEES**

(PHOTO)

**NAME OF TRANSIENT
VENDOR EMPLOYEE**

NAME OF TRANSIENT VENDOR

REGISTRATION NUMBER

REGISTRATION PERIOD
