

**TRUMBULL TOWNSHIP SPECIAL RESOLUTION NUMBER 09-06-01**  
**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. The Certificate of Registration shall include the name of the person registered and a photograph of the person registered. The Certificate of Registration shall also identify the Transient Vendor Registration Period and the Certificate of Registration number.

**FISCAL OFFICER:** The Trumbull Township Fiscal Officer.

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

**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.

**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 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 a Certificate of Registration is issued.

**TRANSIENT VENDOR REGISTRATION ROLL:** A document maintained by the Fiscal Officer that includes copies of completed Applications and identifies all persons to whom a Certificate of Registration has been issued, including Certificate of Registration Numbers.

**SECTION III: PROHIBITION OF CERTAIN BUSINESS PRACTICES BY TRANSIENT VENDORS:**

No person shall conduct Business during a Prohibition Period.

**SECTION IV: REGISTRATION REQUIRED:**

No person shall conduct Business without prominently displaying a valid Certificate of Registration.

**SECTION V: VALIDITY, TRANSFERABILITY, ASSIGNABILITY, AND PROMINENT DISPLAY 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, irrespective of when the Application was submitted.

**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 at all times on a person conducting Business.

**SECTION VI: APPLICATION FOR REGISTRATION:**

**A. AVAILABILITY OF APPLICATION:** Original Applications may be obtained by accessing the Trumbull Township web site ([www.trumbulltownship.org](http://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 shall be in the form attached hereto as Appendix 1. An Application shall be deemed incomplete if it is illegible, 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 a money order or check made payable to Trumbull Township, shall be payable when the Application is submitted.

**D. SUBMISSION OF COMPLETED APPLICATION:** Completed Applications must be submitted 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 VII: 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 any completed Application received.

**B. APPROVAL OF COMPLETE APPLICATION:** If the Board's review of a completed Application demonstrates the Applicant is entitled to register as a Transient Vendor, the Board, upon a majority vote, may approve the Application, note such approval on the face of the Application, and issue Applicant a Certificate of Registration in accordance with Section VIII.

**C. REJECTION OF COMPLETED APPLICATION:** It is hereby determined that registration as a Transient Vendor of any person who has been convicted of or pleaded guilty to a violation described in division (A)(9) of section 109.572 of the Ohio Revised Code, a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211 [.21.1], 2903.22, 2903.26, 2903.27, 2903.28, 2903.29, 2903.34, 2905.01, 2905.02, 2905.03, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.311 [.31.1], 2907.32, 2907.321 [32.1], 2907.322 [.32.2], 2907.323 [32.3], 2907.38, 2907.39, 2907.40, 2909.02, 2909.03, 2909.04, 2909.05, 2909.06, 2909.07, 2909.09, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.211 [.21.1], 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401 [.40.1], 2913.41, 2913.42, 2913.43, 2913.44, 2913.45, 2913.46, 2913.47, 2913.49, 2913.51, 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2917.01, 2917.02, 2917.03, 2917.11, 2917.12, 2917.13, 2917.21, 2917.31, 2917.32, 2917.33, 2917.47, 2919.25, 2921.03, 2921.34, 2921.35, 2921.36, 2923.12, 2923.13, 2923.16, 2923.161 [.16.1], 2923.17, 2923.20, 2923.21, 2923.24, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041 [.04.1], 2925.05, 2925.09, 2925.11, 2925.13, 2925.22, or 2925.23 of the Ohio Revised Code, or a violation of an existing or former law or ordinance of any municipal corporation of this state, any other state, or the United States that is substantially equivalent to any of those violations, any person who resided with a minor child that was removed from such person's home pursuant to section 2151.353 [2151.35.3] of the Ohio Revised Code, or any person who has violated the provisions of Chapter 1716 of the Ohio Revised Code regarding charitable solicitations or the provisions of Chapter 1345 of the Ohio Revised Code regarding consumer sales practices, and as a result thereof is the subject of an unpaid judgment or civil penalty, would be prejudicial to the public peace, health, safety, and welfare of the Township.

The Board shall reject the Application of such a person described in Section VII (A), make notations on the face of the Application identifying the reason(s) for rejection, and mail a copy thereof to the Applicant at his residence address within three (3) business days.

**SECTION VIII: ISSUANCE OF CERTIFICATE OF REGISTRATION AS TRANSIENT VENDOR AND ENTRY OF INFORMATION INTO TRANSIENT VENDOR REGISTRATION ROLL:**

**A. ISSUANCE OF CERTIFICATE OF REGISTRATION AS TRANSIENT VENDOR:** Within three (3) business days after approval of an Application, the Board shall prepare and execute an appropriate Certificate of Registration, mail it to the Applicant, retain a copy, and forward that copy to the Fiscal Officer for entry of appropriate information respecting the registration on the Transient Vendor Registration Roll.

**B. FORM OF CERTIFICATE OF REGISTRATION:** A Certificate of Registration shall be in the form attached hereto as Appendix 2.

**SECTION IX: PRIVACY PROTECTION:**

To the extent an Applicant submits with an Application information, the disclosure of which is prohibited by law, is contained in the Application or any other public record created or maintained pursuant to this resolution, the Fiscal Officer upon a request to inspect any such public record shall protect such information from disclosure.

**SECTION X: REVOCATION OF CERTIFICATE OF REGISTRATION:**

**A. REVOCATION BY BOARD:** The Board may revoke a Certificate of Registration only after making a finding by the preponderance of evidence at a public hearing that a Transient Vendor misrepresented or concealed facts in the Application, committed fraud in the Application, conducted Business during a Prohibition Period, conducted business without prominently displaying a valid certificate of registration, or was convicted of any crime related to the conduct of Business.

**B. COMPLAINT, NOTICE, AND HEARING:** Upon presentation to the Fiscal Officer of a written complaint made by a law enforcement or other government official, or a Trumbull Township resident, alleging facts which if proven support revocation of a Certificate of Registration, the Fiscal Officer shall deliver the complaint to the Board at its next public meeting. The Board shall schedule a public administrative hearing on the complaint. At least ten (10) days prior to the hearing, the Fiscal Officer shall mail written notice of the date, time, and place of hearing, together with a copy of the written complaint to the Transient Vendor at the address on the transient Vendor's Application and to the complainant, and shall cause public notice of the date, time, and place of hearing to be published once in a newspaper of general circulation in Trumbull Township. Mailing of notice to the Transient Vendor and the complaining party shall create a presumption that notice was reasonable and adequate.

**C. WRITTEN FINDINGS OF FACT AND DECISION:** The Board shall conduct the public administrative hearing to review evidence on the complaint. The Board may revoke a Certificate of Registration only upon a written decision of the

majority of the Board containing findings of fact established by a preponderance of the evidence demonstrating that the Certificate of Registration is revocable. Within three (3) business days after the Board enters its written decision, the Fiscal Officer shall deliver that decision by mail to the Transient Vendor at the address on the transient Vendor's Application and to the complaining party.


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

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 such resolutions are hereby rescinded, including without limitation any such resolution adopted in 2005 and any amendment thereto adopted in 2007. The Board intends that this resolution be enforceable prospectively respecting regulation of Transient Vendors.


**SECTION XII: 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 25<sup>th</sup> DAY OF JUNE 2009.**

  
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Ron M. Tamburrino, Chairman

  
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John T. McMahan, III, Trustee

  
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Willis Clay, Trustee