

**MONTVILLE TOWNSHIP
TRANSIENT VENDOR RESOLUTION**

Montville Township Board of Trustees, Medina County, Ohio, met in regular session on the 14th of February, 2017 with the following members present:

Jeff Brandon
Sally Albrecht
Ron Bischof

Trustee Brandon moved the adoption of the following Resolution:

WHEREAS, the Montville Township Board of Trustees , Medina County, Ohio, in order to assure the health, safety and general welfare of its residents, is authorized pursuant to Ohio Revised Code Section 505.94 to 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, establish a reasonable registration fee for said vendors, and

WHEREAS, the Montville Township Board of Trustees, Medina County, Ohio, adopted such transient vendor requirements on March 25, 2008 (Res. 032508.05), and now wish to amend said requirements.

NOW, THEREFORE, BE IT RESOLVED by the Montville Township Board of Trustees, Medina County, Ohio, that pursuant to the above statutory authority, an amendment to the existing transient vendor legislation is hereby promulgated.

1. As used in this legislation, “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, 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. “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 Montville Township Police Department that its representatives are present in the township for the purpose of selling or offering 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” also does not include a person licensed under Chapter 4707 of the Ohio Revised Code.
2. As used in this legislation, “goods” means goods, wares, services, merchandise, periodicals, and other articles or publications.
3. Each “transient vendor” is hereafter required to register with the Montville Township Police Department located at 6665 Wadsworth Rd., Montville Township. Prior to being eligible to register, each individual transient vendor must first pay to the Township a twenty-five dollar (\$ 25.00) registration fee and must have previously received a vendor’s license for the sale of tangible personal property at retail from the Department of Taxation, State of Ohio.

4. Each transient vendor shall register separately and the said registration shall be valid for a period of ninety (90) days after registration, which will commence from the date of registration.
5. A registered transient vendor may only sell, offer for sale, solicit orders for future delivery of goods, or attempt to arrange an appointment for a future estimate or sales call Monday through Friday between the hours of 10:00 a.m. and 5:00 p.m.
6. A registered transient vendor must display the registration and/or a badge at the approved location(s) for the sale, offer for sale, or solicitation of orders for the future delivery of goods, or each transient vendor must display an authorized identification badge, who, on the street or while traveling about the Township, sells, offers for sale, solicits orders for future delivery of goods where payment is required prior to delivery of goods, or attempts to arrange an appointment for a future estimate or sales call .
7. A valid authorized transient vendor's registration shall not be assigned or transferred, nor shall the registration be used by any person other than the person who is registered.
8. Transient vendors shall not sell, offer for sale, solicit orders for goods, or attempt to arrange an appointment for a future estimate or sales call where the dwelling, property, building, or other structure has made notice by means of a sign that its owners or occupants do not want salesmen, or solicitations, or transient salesmen or vendors, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. An example of this, but not limited to this, are signs that say "NO SALESMAN" or "NO SOLICITATIONS".
9. **A. Application Form for Transient Vendor's Registration:** An application form for the transient vendor is to be completed by the transient vendor for registration. After approval of said registration, the transient vendor's registration form will be issued. A badge furnished by the Montville Township Police Department displaying the words, "Transient Vendor" and the number of the Transient Vendor's registration must be displayed while traveling about the Township, selling, offering for sale, soliciting orders for the future delivery of goods, or attempting to arrange an appointment for a future estimate or sales call.

B. Exceptions: This legislation does not apply to the following:

- 1) Any person who represents a business or organization, including, but not limited to, any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Montville Township Police Department that its representatives are present in the Township for the purpose of selling or offering for sale, soliciting orders for the future delivery of goods, or attempting to arrange an appointment or sales call. It also does not include a person licensed under Chapter 4707, of the Ohio Revised Code.

2) Any person invited by an owner or tenant to visit the Owner's or tenant's premises to sell, offer for sale, solicit orders for future delivery of goods, or attempt to arrange an appointment for a future estimate or sales call.

10. **Penalty:** Section 505.94 of the Ohio Revised Code. Whoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a minor misdemeanor pursuant to Section 505.99 of the Ohio Revised Code.

Motion seconded by: Trustee Bischof

Jeff Brandon-Trustee

Sally Albrecht-Trustee

Ronald Bischof-Trustee

Date Effective: _____

Resolution No.: _____