

## **RESOLUTION 2015-150**

The Board of Trustees of Goshen Township, Clermont County, Ohio met in regular session at the Goshen Township Government Center on March 24, 2015 with the following members present: Lisa Allen, Claire Corcoran, and Lois Pappas-Swift present.

Trustee Claire Corcoran made a motion to adopt the following Resolution:

### **A RESOLUTION PROHIBITING THE SALE, OFFER FOR SALE, OR SOLICITATION OF ORDERS FOR FUTURE DELIVERY OF GOODS BY “TRANSIENT VENDORS” AS DEFINED**

**WHEREAS**, this Board of Township Trustees (“Board”) hereby finds and determines that for many years “transient vendors”, as hereinafter defined, have harassed, frightened, intimidated, and alarmed owners and tenants of real property, and their families, in the unincorporated territory of Goshen Township (“Township”); have employed high-pressure tactics to gain entrance into dwellings, places of business, and professional offices in the Township and to sell goods to such owners and tenants, who are often motivated to consummate such sales only in order to cause “transient vendors” to depart their dwellings, places of business, or professional offices; and have violated the right and expectation of privacy which such owners and tenants of dwellings have and are entitled to have when they are in their dwellings; and

**WHEREAS**, this Board has for several years had in place a licensing system for “transient vendors” (as defined under prior law) which has proved cumbersome, and substantially ineffective in preventing the adverse impacts described in the first preamble hereto; now, therefore,

**BE IT RESOLVED by the Board of Trustees of Goshen Township, Clermont County, Ohio**, pursuant to R.C. 505.94, as follows:

**SECTION 1.** *Definition of “Transient Vendor.”* As used in SECTION 2 of this resolution, “transient vendor” means any person who (i), opens a temporary place of business for the sale of goods, or (ii), on a State highway, a County road, or a through Township street, including the rights-of-way thereof, sells goods or offers goods for sale, or (iii), while traveling about the Township (but not while on the streets or the rights-of-way thereof), sells goods or offers goods for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of 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 R.C 5709.04, that notifies the Board that its representatives are present in the Township for the purpose of either selling or offering for sale goods, or *soliciting orders for future delivery of good, and does not include an auction or an auctioneer company licensed under Chapter 4704 of the Revised Code.* Such sales, offers or solicitations shall be permitted only during daylight hours.

**SECTION 2. *Prohibitions.*** The sale, offer for sale, or solicitations of orders for future delivery of goods by the transient vendor, within the unincorporated territory of Goshen Township, is hereby prohibited.

**SECTION 3. *Exceptions to Prohibitions.*** The prohibitions included in SECTION 2 of this resolution do not apply to any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, of solicit orders for future delivery of goods.

**SECTION 4. *Penalty.*** As provided by R.C. 505.99, whoever violates R.C. 505.94 which provides for the prohibitions set forth in SECTION 2 of this resolution, is guilty of a minor misdemeanor.

**SECTION 5. *Repeal of Prior Resolutions.*** Prior resolutions of this Board dealing with licensing or other regulation of transient vendors under prior law are hereby repealed, without prejudice, however, to holders, if any, to transient vendor permits which were validly issued prior to passage of this resolution.

**SECTION 6. *Notification to Goshen Police and Prosecuting Attorney.*** The Township Fiscal Officer shall certify copies of this resolution to the Goshen Police Department and the Prosecuting Attorney of Clermont County.

**SECTION 7. *Sunshine Law Findings.*** This Board hereby finds and determines that all formal action 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 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.

Trustee Lois Pappas-Swift seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Trustee Allen            AYE

Trustee Corcoran       AYE

Trustee Pappas-Swift   AYE

Resolution 2015-150     adopted March 24, 2015

ATTEST:

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Cheryl Allgeyer, Fiscal Officer

**ACTIVITIES *NOT* PROHIBITED  
BY TRANSIENT VENDORS RESOLUTION**

1. Sales on non-through streets (e.g. ice cream trucks)
2. Auctions
3. Persons invited to premises (e.g. Avon) by the owners or tenant
4. Representatives of an entity (corporation, trust, association, fund, foundation, community chest) organized and operated (a) exclusively for religious, charitable, scientific, literary, health, hospital, educational, or public purposes, or (b) exclusively for the prevention of cruelty to children or animals, or (c) exclusively for a home for the aged, as defined, or (d) exclusively for contributing financial support to any such purposes, *if* (as to (a)-(d)) no part of the net earnings of the entity inures to the benefit of "any private shareholder member or private individual," *and* no substantial part of the activities of the entity is carrying on propaganda or otherwise attempting to influence litigation, *provided* that the entity has notified the Township that its representatives are present in the Township for the purpose of selling or offering goods, or soliciting orders of goods for future delivery. These entities are those which are exempt from taxation under Ohio (but not necessarily Federal) law.
5. Any person who simply seeks donations, i.e. is not selling, or taking orders for, goods.
6. Any person who is simply collecting money for goods previously ordered or sold (e.g., newspaper delivery persons).

## **505.94 Registration and regulation of transient vendors.**

(A) 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. 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. Any board of township trustees that provides for the registration and regulation, or prohibition, of transient vendors under this section shall notify the prosecuting attorney of the county in which the township is located of its registration and regulatory requirements or prohibition. No transient vendor shall fail to register or to comply with regulations or prohibitions established by a board of township trustees under this division.

This division does not authorize a board of township trustees to apply a resolution it adopts under this division 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.

(B) As used in this section:

(1) "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

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

Effective Date: 03-30-1999; 09-21-2006