

94-42 REGISTRATION OF TRANSIENT VENDORS (Adopted May 12, 1994)

WHEREAS, the Board of Trustees of Painesville Township desires to require registration of transient vendors in the unincorporated territory of the Township and to regulate the time, place and manner in which transient vendors may sell, offer for sale and solicit orders for future delivery of goods; and

WHEREAS, Ohio Revised Code Section 505.94 authorizes the Board of Trustees of Painesville Township to regulate transient vendors as desired; and

WHEREAS, the Board of Trustees of Painesville Township believes such regulation to be in the best interest of the citizens of the Township and to promote their health, safety and welfare.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF PAINESVILLE TOWNSHIP TRUSTEES, LAKE COUNTY, OHIO:

1. That "transient vendor" shall be defined as follows: 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, offers for sale or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods.
2. That "transient vendor" shall not include:
 - a. Any person who represents a tax exempt business or organization, including but not limited to any entity exempt from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Trustees that its representatives are present in the Township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods; and
 - b. An auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code; and
 - c. Duly authorized solicitors on behalf of any recognized educational, charitable, civic or religious organization; and
 - d. Persons selling newspapers; and,
 - e. Commercial travelers or selling agents calling upon commercial establishments in the usual course of business; and,
 - f. Roadside stands or vendors offering for sale agricultural produce grown on premises.
3. That all transient vendors shall register with the Zoning Inspector:
4. That the registration shall contain the following information on a form to be supplied by the Township Zoning Inspector:
 - a. The name(s), address and telephone number of the person(s) who shall sell or solicit orders within the Township and have the name(s), address and telephone number of the person(s) having the management or supervision of the transient vendors; and,
 - b. A brief description of the nature of the business and the kind of goods, services or property to be solicited or offered for sale by transient vendors; the manner in which such business shall be conducted; written permission from property owner for each location and duration of the transient vendor's business; and,
 - c. Evidence of a current vendor's license issued by the State of Ohio.
5. That the registration fee shall be seventy-five dollars (\$75.00) for each location within the Township.
6. That the registration shall be valid for a period of ninety (90) days after the date of registration.
7. That only one (1) registration per period shall be required for each location and door-to-door solicitations by transient vendors within the Township.

8. That no transient vendor shall engage in selling goods or offering goods for sale or soliciting orders for future delivery of goods at any place in the Township during the period from one-half ($\frac{1}{2}$) hour after sunset until 9:00 a.m.
9. That no temporary structures, including but not limited to sales stands, shall be erected or used in conjunction with a transient vendor's business.
10. That if a motor vehicle or trailer is used at the location in conjunction with a transient vendor's business, said vehicle or trailer shall be set back a minimum of fifteen (15) feet from the road right-of-way area.
11. That no transient vendor shall fail to register or comply with the regulations set forth in this Resolution. Violations thereof shall be punishable as a minor misdemeanor, by virtue of Ohio Revised Code Section 505.99(A) with a potential maximum fine of one hundred dollars (\$100.00) with each day of violation constituting a separate offense.
12. That the Zoning Inspector is hereby authorized and directed to obtain the required information, issue the necessary permit and enforce the regulations set forth in this Resolution.
13. That in accordance with Ohio Revised Code, Section 505.94, the Township Zoning Inspector is hereby authorized and directed to notify the department of elections of the office of the Secretary of State and the Lake County Prosecutor of the Township's registration and regulatory requirements and shall notify the Lake County Prosecutor of the names of all persons registered thereunder.
14. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
15. That this Resolution shall take effect and be in force at the earliest period allowed by law.