



Michael Davis, Trustee
Albert Duebber, Trustee
Jerome Luebbers, Trustee

Kenneth Ryan, Fiscal Officer

Gerard Schroeder, Acting Administrator

First Reading: February 14, 2007
Second Reading: February 28, 2007

1st READING

RESOLUTION NO. 2007-015

**RESOLUTION REQUIRING THE REGISTRATION OF ALL TRANSIENT VENDORS WITHIN
THE TOWNSHIP AND ADOPTING REGULATIONS IN ACCORDANCE WITH R.C. 505.94
AND DIRECTING NOTICE TO THE PROSECUTING ATTORNEY**

WHEREAS, Section 505.94 of the Ohio Revised Code authorizes the Board to require the registration of transient vendors within the Township and to adopt reasonable regulations regarding the time, place and manner in which these vendors may sell, offer for sale or solicit orders for future delivery of goods; and

WHEREAS, the Board desires to require the registration of all transient vendors and to adopt reasonable regulations in the interest of the safety and welfare of Township residents.

BE IT RESOLVED, by the Trustees of Delhi Township, Hamilton County, Ohio, pursuant to R.C 505.94, as follows:

SECTION 1-A:

That the Board hereby requires the registration of transient vendors and adopts the regulations in the form attached hereto as Exhibit "A".

SECTION 1-B:

That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the Hamilton County Prosecuting Attorney in accordance with Section 505.94 of the Ohio Revised Code.

SECTION 2:

This resolution shall take effect on April 15, 2007, following the filing of this resolution with the Delhi Township Fiscal Officer.

SECTION 3:

It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.



Michael Davis, Trustee
Albert Duebber, Trustee
Jerome Luebbers, Trustee

Kenneth Ryan, Fiscal Officer

Gerard Schroeder, Acting Administrator

First Reading: February 14, 2007

Second Reading: March 14, 2007

2nd READING

RESOLUTION NO. 2007-015

RESOLUTION REQUIRING THE REGISTRATION OF ALL TRANSIENT VENDORS WITHIN THE TOWNSHIP AND ADOPTING REGULATIONS IN ACCORDANCE WITH R.C. 505.94 AND DIRECTING NOTICE TO THE PROSECUTING ATTORNEY

WHEREAS, Section 505.94 of the Ohio Revised Code authorizes the Board to require the registration of transient vendors within the Township and to adopt reasonable regulations regarding the time, place and manner in which these vendors may sell, offer for sale or solicit orders for future delivery of goods; and

WHEREAS, the Board desires to require the registration of all transient vendors and to adopt reasonable regulations in the interest of the safety and welfare of Township residents.

BE IT RESOLVED, by the Trustees of Delhi Township, Hamilton County, Ohio, pursuant to R.C. 505.94, as follows:

SECTION 1-A:

That the Board hereby requires the registration of transient vendors and adopts the regulations in the form attached hereto as Exhibit "A".

SECTION 1-8:

That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the Hamilton County Prosecuting Attorney in accordance with Section 505.94 of the Ohio Revised Code.

SECTION 2:

This resolution shall take effect on April 15, 2007, following the filing of this resolution with the Delhi Township Fiscal Officer.

SECTION 3:

It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

CERTIFICATION OF AUTHENTICITY

This is to certify that this is a true and correct copy of this resolution that was duly adopted by the Board of Trustees, and filed with the Township Fiscal Officer, on the 14th day of March, 2007.

Kenneth J. Ryan,
Delhi Township Fiscal Officer

Date



Michael Davis, Trustee
Albert Duebber, Trustee
Jerome Luebbers, Trustee

Kenneth Ryan, Fiscal Officer

Gerard Schroeder, Acting Administrator

Delhi Township Transient Vendor Regulations

1. Definition

"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 Delhi Township, sells, offers for sale, 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, Ohio Revised Code that provides notice in accordance with paragraph 2 hereof.

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

2. Tax Exempt Entity Notice

Any person who represents an entity exempted from taxation under Section 5709.04 of the Ohio Revised Code that notifies the Delhi Township Police Department that its representatives are present in the township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods or attempting to arrange, an appointment for a future estimate or sales call shall be exempt from the transient vendor regulations herein.

3. Exclusions

Transient vendor does not include and these regulations do not apply to: (a) any person licensed under Chapter 4707 of the Revised Code; (b) 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; (c) any person who is only seeking donations and is not selling, offering or soliciting orders for goods; (d) any person who is only collecting money for goods previously ordered or sold.

4. Registration

All transient vendors shall register with the Delhi Township Police Department at 934 Neeb Road, Cincinnati, OH 45233 prior to conducting any business in Delhi Township. Registration shall be made on a form approved by the Board of Township Trustees from time to time. All information required shall be supplied by the vendor prior to acceptance of the registration. At the time of the registration, each transient vendor shall provide a copy of a valid, current vendor license or tax ID certificate.

5. Registration When Multiple Employees are Utilized

In the event that a sole proprietorship, partnership, limited liability company, corporation or other entity registers as a transient vendor, and such business entity has employees, only one permit shall be required of the business entity at each location, which shall cover all

employees of the business entity at a single location, provided that each employee carries identification that they are employed by the business entity and such identification specifically refers to the transient vendor registration number issued by the Police Chief to the business entity. Each business location shall require a separate registration.

6. Registration Fee and Period

The fee for each registration shall be \$75.00. Each registration shall be valid for a period of one year.

7. Manner of Solicitation

No transient vendor shall conduct public solicitation in Delhi Township in such a manner that their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Music and voice amplification devices shall be kept at a reasonable level. Except as otherwise approved by the Township Police Chief in advance, no sales or solicitation shall be conducted in the right of way of any public road.

8. Hours of Solicitation

Door to door solicitation shall be made only between the hours of 9:00 a.m. and 6:00 p.m. Solicitations from a motor vehicle or stationary site shall only be made between the hours of 9:00 a.m. and 6:00 p.m. during the months of November through April, and between the hours of 9:00 a.m. and 9:00 p.m. during the months of May through October.

9. Proof of Compliance

Each transient vendor shall carry on their person a copy of their Delhi Township registration at all times while selling on the street, or while traveling about the township for the purpose of selling or soliciting orders. Individuals may not solicit as a team using another person's permit.

10. Revocation of Registration

A transient vendor registration may be revoked by the Police Chief for any of the following causes:

- (a.) fraud, misrepresentation, or false statement contained in the application for registration or in the course of carrying on sales solicitations;
- (b.) any violation of the provisions of this regulation;
- (c.) conducting business in an unlawful manner, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

11. Penalty

In accordance with Section 505.94 of the Revised Code no transient vendor shall fail to register or to comply with these regulations. Violation of any provision of these regulations shall be a minor misdemeanor in accordance with Section 505.99 of the Ohio Revised Code.



Michael Davis, Trustee
Albert Duebber, Trustee
Jerome Luebbers, Trustee

Kenneth Ryan, Fiscal Officer

Gerard Schroeder, Acting Administrator

Delhi Township
Transient Vendors Registration Form
RE: Section 505.94 O.R.C. and Resolution 2007-015
(Expires one year from date signed below)

Name: _____ Birth date _____ SS# _____

Home Address: _____

Home Phone: _____ Male _____ Female _____

Representing (Company Name): _____

Address: _____

Company Phone: _____

Supervisor' s Name: _____ Phone: _____

Describe' Product/Service: _____

Describe Sales Procedure/Approach (Door to Door, Phone, Etc.): _____

Vendors License: _____

STATEMENT AND WAIVER

I hereby agree to furnish authentication documentation to verify the forgoing.

The undersigned hereby voluntarily assumes all risks of accidents, injury and of damage to his/her person and property and hereby releases and discharges DELHI TOWNSHIP, its elected officials, employees and agents from every claim, liability or demand of any kind.

SIGNED: _____ DATE: _____