

**RESOLUTION
09-08-16**

A Resolution adopted pursuant to Ohio Revised Code §505.94 prohibiting the sale of goods, offer for sale of goods and solicitation of orders for future delivery of goods by transient vendors within the unincorporated territory of Berlin Township, Delaware County, Ohio.

PREAMBLE

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio desires to protect the residents of the unincorporated territory of Berlin Township from uninvited door-to-door solicitors in consumer-related transactions;

WHEREAS, the Board of Trustees of Berlin Township, Delaware County, Ohio believes that it is in the best interest of the citizens of Berlin Township and further believes that it will promote the health, safety and welfare of the residents of Berlin Township to prohibit transient vendors from selling, offering for sale and soliciting orders for future delivery of goods within in the unincorporated territory of Berlin Township; and

WHEREAS, Ohio Revised Code §505.94 authorizes the Board of Trustees of Berlin Township to prohibit transient vendors from selling, offering for sale, and soliciting orders for future delivery of goods within the unincorporated territory of Berlin Township.

NOW BE IT RESOLVED BY THE BERLIN TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO:

SECTION 1. DEFINITIONS

A. “Goods” shall be defined as goods, wares, services, merchandise, periodicals, and other articles or publications.

B. “Transient Vendor” shall be defined as 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.

C. “Transient Vendor” shall not include:

(1) 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

(2) An auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code; and

(4) Commercial travelers or selling agents calling upon commercial establishments in the usual course of business;

(5) 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; and,

(6) Roadside stands or vendors offering for sale agricultural produce grown on premises.

SECTION 2. PROHIBITIONS

The sale of goods, offer for sale of goods, and solicitation of orders for future delivery of goods by a transient vendor within the unincorporated territory of Berlin Township is hereby prohibited.

SECTION 3. REGULATIONS

A. All organizations as defined by Section 1C(1) ("tax-exempt organization") shall notify the Berlin Township Zoning Inspector prior to soliciting any home or residence within the unincorporated territory within Berlin Township.

B. The notification under Sections 3A shall be valid for a period of 180 days from the date received by the Berlin Township Zoning Inspector.

SECTION 4. PENALTIES

A. Violations of this Resolution shall be punishable as a minor misdemeanor, by virtue of Ohio Revised Code Section 505.99(A). Penalties shall be imposed in accordance with Ohio Revised Code Chapter 2929, and shall include a fine up to one hundred fifty dollars (\$150) for each offense. Each day of violation constitutes a separate offense.

B. In accordance with Ohio Revised Code, Section 505.94, the Berlin Township Zoning Inspector is hereby authorized and directed to notify the Delaware County Prosecutor of the Township's registration and regulatory requirements by providing a copy of this Resolution.

SECTION 5. ADOPTION

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.

SECTION 6. PRIOR RESOLUTIONS

This Resolution supersedes any Transient Vendor Resolution adopted prior to the effective date of this Resolution.

SECTION 7. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

Adopted this 10th day of August 2009.

Ronald W. Bullard, Trustee

Thomas A. D'Amico, Trustee

Philip P. Panzarella, Trustee