RESOLUTION 2020-27

Requiring the Registration of TRANSIENT VENDORS & Auburn Township's Do Not Knock Registry Program

WHEREAS, Section 505.94 of the Ohio Revised Code provides that a board of township trustees may require the registration of all transient vendors; and

WHEREAS, it is in the best interests of the residents of Auburn Township that transient vendors be subjected to reasonable regulations as to the time, place, and manner in which such vendors may sell, offer for sale, or solicit orders for future delivery of goods.

NOW, THEREFORE, BE IT RESOLVED:

1. For purposes of this Resolution and regulations, the following definitions shall apply:

   a. 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 Auburn Township, sells, offers for sale, solicits orders for the future delivery of goods, or attempts to arrange an appointment for a future estimate or sales call, except that "transient vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revise Code or any person licensed under Chapter 4707 of the Ohio Revised Code.

   b. Residential sales means selling, offering for sale, or soliciting orders for future delivery of goods at residences and dwellings within Auburn Township.

   c. Temporary place of business means an establishment or location of a business for the sale of goods on less than a year-round basis whether or not such business is housed in a permanent structure.

   d. Goods means all things (including specially manufactured goods) which are movable and include investment securities, things in action, insurance contracts, and agricultural products.

2. All transient vendors, as defined herein, are required to register with the Auburn Township Zoning Inspector prior to selling, offering for sale, or soliciting orders for future delivery of goods within Auburn Township. Each transient vendor shall register by completing the registration form attached hereto as Exhibit A and submitting such completed registration form to the Auburn Township Zoning Inspector and/or his/her designee. Registration forms may be obtained during normal business hours at the Auburn Township Administration Building or online at www.aubumtownship.com. Each registration by a transient vendor shall be accompanied by payment of a fee of Upon receipt of the completed

registration form and the fee of a transient vendor's permit will be issued to the registrant, which transient vendor's permit shall be valid for a period of one (1) calendar year from the date of issuance. At the expiration of a transient vendor's permit, all transient vendors are required to complete a new registration form and pay the registration fee prior to conducting any further sales activities in Auburn Township.

3. The following regulations shall apply to all transient vendors within Auburn Township:

   a. All transient vendors must have in their possession at the time of any sales activity a copy of their vendor's permit issued by Auburn Township and additional identification which contains the name of the transient vendor, the current residential or business address of the transient vendor, and the name of the transient vendor's employer, if applicable. Any motor vehicles used by transient vendors in conducting sales activities must display on each side of the vehicle in a prominent fashion either the name of the transient vendor, the name of the employer of the transient vendor, or the name of the product or goods being sold by the transient vendor.

   b. Transient vendors may engage in residential sales between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. through 12 noon on Saturday. There shall be no residential sales on Sunday, national holidays, or state holidays unless other arrangements are made, and written permission is given.

   c. All transient vendors must comply with any posted sign at any residence that prohibits solicitation or for which the owner or tenant of the residence has filed a no-solicitation form with Auburn Township, which form is attached hereto as Exhibit B.

   d. Temporary places of business may engage in sales activities between the hours of 9:00 a.m. to 9:00 p.m. All temporary places of business must have in their possession at the time of any sales activity a copy of the pertinent transient vendor's permit issued by Auburn Township. All temporary places of business must display on the premises the following: (1) all applicable license and permits required for the sales activity, including but not limited to valid zoning certificates and county vendor licenses; and (2) written authorization from the owner of the real property wherein the temporary place of business is located, said authorization clearly stating that the owner of the real property is aware of and approves the sales activities conducted at the temporary place of business.

   e. All transient vendors and temporary places of business are prohibited from selling fireworks as defined in Section 3743.01 of the Ohio Revised Code. Such prohibition extends both to retail and wholesale sale of fireworks.

f. All transient vendors and temporary places of business are prohibited from interfering with access to or form or interfering with traffic on all public or private streets, roads, or highways within Auburn Township. Transient vendors and temporary places of business may not conduct any sales activities on the roadway or within the right-of-way of any public or private street, road, or highway within Auburn Township.

4. Notwithstanding any other provision of this Resolution, it shall be unlawful for any solicitor or peddler to enter any premise and knock at the door or ring the doorbell of any residence, house, apartment or other dwelling in the Township that appears on the "Do Not Knock Registry" or upon which there is posted at the entrance a notice which reads "No Solicitors," a "Do Not Knock" sticker or words of similar import, which clearly prohibit peddlers or solicitors on the premises, unless such peddler or solicitor has previously been invited upon the premises by the owner, lessee or an adult occupant thereof.

a. If requested by the Township, and for as long as the Northeast Ohio Public Energy Council ("NOPEC") shall agree to do so, NOPEC shall establish and maintain for the Township a "Do Not Knock Registry" ("Registry") and is authorized to contact individuals on the Registry to distribute "Do Not Knock" stickers to them and to update the Registry annually at no cost to the Township or the individuals.

b. The decision of whether to place a residence, house, apartment or other dwelling on the "Do Not Knock Registry" shall be solely that of the lawful possessor and occupant thereof.

c. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Township may request NOPEC to place and maintain his or her residence, house, apartment or other dwelling on the "Do Not Knock Registry" by submitting a request on form(s) supplied by the Township, or by submitting a request online to www.blocktheknock.com, which shall contain the following information:

1) The name and signature of the person completing the form(s), unless the submission is done electronically;

2) The complete address of the residence, house, apartment or other dwelling to be placed on the Do Not Knock Registry;

3) A valid email address of the person completing the form(s);

4) The Date the form was completed; and

5) A statement that "No Solicitors or Peddlers" shall call at this address or words of similar import.

d. A residence, house, apartment or other dwelling, after being lawfully placed on the "Do Not Knock Registry," shall remain on said registry until the earliest of any of the following:

1) The Township or NOPEC receives notice of removal pursuant to subsection (e) hereof; or

2) The Township or NOPEC receives formal notice that the person who submitted the form pursuant to subsection (c) hereof is not or is no longer a lawful possessor and occupant of the premises.

e. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling may request the Township or NOPEC to remove his or her residence, house, apartment or other dwelling from the "Do Not Knock Registry" by submitting a "Notice of Removal" form(s) supplied by the Auburn Zoning Office, or by submitting a request online at http://www.blocktheknock.com/ which shall contain the following information:

1) The name and signature of the person completing the form;

2) The complete address of the residence, house, apartment or other dwelling to be removed from the registry;

3) The date the form was completed; and

4) A statement that the residence be removed from the "Do Not Knock Registry."

f. A copy of the "Do Not Knock Registry" shall be made available for public inspection at all times during normal business hours at the Administration office of Auburn Township and shall be given to every person who applies for a solicitor or peddler permit.

4. The regulations contained herein are in addition to all applicable provisions of the Auburn Township Zoning Resolution.

5. The Auburn Township Board of Trustees, thorough its designee, shall provide a copy of this Resolution to the Geauga County Prosecuting Attorney, as required by Section 505.94(A) of the Ohio Revised Code.

ADOPTED at a Regular Meeting on OCTOBER 5, 2020
By the AUBURN TOWNSHIP BOARD OF TRUSTEES

MICHAEL S. TROYAN

PATRICK J. CAVANAGH

JOHN A. EBERLY

I, Frederick May, Fiscal Officer of the Auburn Township Board of Trustees, Geauga County, Ohio certify that the foregoing is a true and correct copy of a resolution adopted at a legally convened Board of Trustees' meeting held on October 5, 2020.

Fredrick L. May

EXHIBIT A

TRANSIENT VENDOR REGISTRATION FORM

Applicant:_____

Residential Address:_____

Business Address: _____

Phone & email: _____:

Name and Address of Employer:_____

_____

Name and Description of Goods or Products to be sold:

_____

_____

License Plate Number(s) of Vehicle(s) used in conducting sales activities:

_____

_____

Make(s) and Model(s) of Vehicle(s) Used:

_____

The undersigned certifies that the information provided herein is true and correct, that he/she has read the regulations for transient vendors, and that he/she possesses all licenses and permits required for the sale of the goods and products described above.

_____ _____

Date Applicant's Signature

TRANSIENT VENDOR PERMIT AND RECEIPT

_____ Has registered as a Transient Vendor with Auburn Township and has paid the registration fee of $100.00, receipt of which is acknowledged.

Subject to the regulations of Auburn Township, is permitted to conduct sales activities as a Transient Vendor in Auburn Township for a period not to exceed me (1) calendar year from the date this transient vendor permit is issued.

_____ _____

Date On behalf of Auburn Township

THIS TRANSIENT VENDOR PERMIT MUST BE IN THE POSSESSION OF THE TRANSIENT VENDOR DURING ANY SALES ACTIVITIES IN AUBURN TOWNSIDP.

EXHIBIT B

NO-SOLICITATION REGISTRATION FORM

_____	_____
Name	Telephone Number
_____	_____
Address	Permanent Parcel Number
_____	
City, State, Zip Code	

TO AUBURN TOWNSHIP:

I, _____, am the owner/tenant of the residence located at _____ / Permanent Parcel Number: _____ in Auburn Township, Geauga County, Ohio.

I do **not** permit any transient vendors to come onto my property described above at any time, regardless of whether such transient vendor has obtained a transient vendor permit or has otherwise registered with Auburn Township. By submitting this no-solicitation registration form, **I am requesting that Auburn Township prohibit transient vendor solicitation at my residence** described above at all times, unless I expressly, in writing to Auburn Township, revoke this no-solicitation registration form.

_____
Signature of Owner/Tenant

_____
Address

_____