

BOARD OF TRUSTEES
KARL B. SCHULTZ
KENDAL A. TRACY
MARY MAKLEY WOLFF



ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE / EMS
248-3700
PARKS / RECREATION
248-3727

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT

MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

RESOLUTION NO. 2016-45

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on July 19, 2016 with the following members present: Karl Schultz and Ken Tracy.

MR. TRACY made a motion to adopt the following Resolution:

RESOLUTION PROHIBITING THE SALE OF GOODS AND SOLCITATION OF ORDERS FOR FUTURE DELIVERY OF GOODS BY TRANSIENT VENDORS, DISPENSING WITH A SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, The Board of Trustees of Miami Township, Clermont County, Ohio (the "Board") desires to protect the residents of Miami Township ("the "Township") from uninvited door-to-door solicitors, hawkers and peddlers in consumer-related transactions; and

WHEREAS, the Board believes that it is in the best interest of the residents of the Township and further believes that it will promote the health, safety and welfare of the residents of the Township to prohibit transient vendors from selling, offering for sale and soliciting orders for the future delivery of goods within the Township without registering with the Township and having a permit in order to do so; and

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

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio as follows:

Section 1. Permit Required.

- (a) Any person intending to engage in the practice or occupation of soliciting, hawking, or peddling, within the Township on Township streets, sidewalks, parking lots or other places frequented by the public, as well as private residence premises in the Township, without having been requested or invited to do so by the owner or occupants of private residence premises for the purpose of soliciting orders for the sale and

future delivery of goods, wares, merchandise, magazines, periodicals or other articles or publications, or provision of services, or peddling or hawking the same, shall apply to the Police Chief or the Police Chief's designee for a permit and license for such activity in compliance with the provisions of this section.

(b) Applicants for permits and licenses under this section must file with the Police Chief or the Police Chief's designee a sworn application in writing, on a form to be furnished by the Township which shall give the following information:

1. Name and description of the applicant;
2. Permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
5. The length of time for which the right to do business is desired;
6. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size and the shows the head and shoulders of the applicant in a clear and distinguishing manner;
7. The area and location of the dwellings to be visited;
8. The right thumb print fingerprint of the applicant will be placed on the application; and
9. A local background check will be conducted utilizing by the police department Miami Township Police records and documented on the application. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

(c) On receiving such request with such information, the Police Chief or the Police Chief's designee shall review such information and conduct such further investigation as he may consider necessary in order to establish whether or not the purpose of the proposed solicitation or peddling, the manner in which it is to be conducted, the times at which it is to be conducted, and the persons conducting such solicitation are of such kind and character as to present a reasonable probability of detriment to the health, safety and welfare of the citizens of the Township. If the Police Chief or the Police Chief's designee determines that there is no such probability of detriment to the health, safety and welfare of the community, they shall issue a permit or license fee herein described. The license fee

shall be paid by the applicant at the Miami Township Administrative Office. Such permit or license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance, the length of the time the permit or license shall be operative, and the license number and other identifying description of any vehicle used in the soliciting, hawking, or peddling. The Miami Township Administrative Office shall keep a permanent record of all permits or licenses issued. All permits and licenses shall be nontransferable.

- (d) Permits and licenses issued under this section shall be valid for a period of not greater than ninety (90) days. When the period of validity of a license issued hereunder has expired, the licensee may renew such license on updating his application and paying the license fee.
- (e) The fee for the permit or license herein provided shall be one hundred and fifty dollars (\$150.00) per individual, soliciting, hawking, peddling or otherwise selling their goods or soliciting orders as described herein.
- (f) The provisions of this Resolution shall not apply to:
 - (i) Students enrolled in any school who are soliciting contributions, sales or orders for the benefit of their school or for any school-related activity or purpose;
 - (ii) Persons seeking contributions or soliciting in any other manner for Township civic organizations and other local community service organizations;
 - (iii) Persons seeking contributions by or on behalf of organizations which have been accorded exempt status under Section 501(C)(3) of the United States Internal Revenue Code; and
 - (iv) Persons who are providing information, literature or other communication regarding political issues, political candidates or any religious institution or religion.
- (g) Whoever engages in any of the practices for which a permit or license is herein required, without obtaining such permit or license, or fails to adhere to any of the requirements or regulations contained in this Resolution shall be guilty of a minor misdemeanor pursuant to Ohio Revised Code Section 505.94. Each day during which such person engages in such practice without such permit or license, shall be considered a separate offense.

Section 2. Soliciting, Hawking, and Peddling Prohibited During Certain Hours.

- (a) No person shall engage in any practice for which a permit may be obtained under Section 1 of this Resolution between the hours of 9:00 p.m. and 9:00 a.m.

Section 3. Distribution of Advertisement on Private Property; Permit Fee.

- (a) No person shall place an advertisement, non-subscribed newspaper or sample merchandise in or upon private property within the Township without having obtained a permit or license from the Police Chief to do so, which permit shall state the items to be so distributed. The Police Chief or the Police Chief's designee shall grant such a permit to responsible persons or organizations upon payment of an annual fee of one hundred fifty dollars (\$150.00) and the filing of an address and telephone number where the permit holder may be contacted by property owners or lessees. The permit shall be valid for one (1) year from the date of issuance and may be renewed thereafter. Each individual in the Township placing an advertisement, non-subscribed newspaper or sample merchandise in or upon private property within the Township shall be required to obtain a permit or license. Upon the written or oral request of a property owner or lessee to cease the placement of such items upon the property owner's property or leased property such permit or license holder shall forthwith comply with such request as outlined in Section 5 herein. It shall be a condition of such permit or license that any items distributed contain the name, address and telephone number of the responsible person to whom requests for discontinuance of distribution may be given, and distribution of such items without such information shall constitute a violation of this section.
- (b) All advertisements, non-subscribed newspapers or sample merchandise distributed on private property on a location other than on a front door hanger or separate hanger or mailbox holder shall be in violation of this section.
- (c) It shall be a further condition of the permit that the holder thereof shall collect and remove distributed items which have been discarded in bulk, promptly upon notification thereof.
- (d) Upon receipt of repeated reports of noncompliance with requests to cease distribution under subsection (a) hereof, other than as proscribed herein; improper delivery under subsection (b) hereof; or of failure to collect and remove under subsection (c) hereof, the Police Chief may, after a suitable hearing, revoke the permit of such violator.

- (e) This section shall not apply to the distribution of literature in or upon private property by religious, charitable or political groups, organizations or individuals.
- (f) All permits shall be renewed at the fee rate set forth herein or at such other rate determined by the Township that reflects the cost to administer such permit process on the anniversary date of their original issue.

Section 4. Permit Requirements Shall Be Waived for Township-Sponsored Events.

- (a) The Police Chief may waive any of the requirements for soliciting, hawking or peddling as set forth in this Resolution for events officially sponsored by the Township.

Section 5. Posted Notice Prohibiting Solicitors, Hawkers or Peddlers.

- (a) It shall be unlawful for any person while conducting business or activity as a solicitor, hawker or peddler in the Township, to enter upon the premises of any private residence, business or organization (whether public or private) where there is conspicuously posted at the entry of the premises or at the entry of the principal building on the premises, or at the entrance to a subdivision as determined by a subdivision's recognized Homeowner's Association, a notice in English bearing the words "No Soliciting" "No Hawking", "No Peddlers", "No Trespassing," or sign of similar import that communicates the occupants' or owners' intent and desire not to be contacted by canvassers, peddlers or solicitors and that such persons going door to door are not invited onto the premises.
- (b) The "notice" referenced in subsection (a) above shall be in the form of a weatherproof card, decal or sign with letters in plain view and readable to a person with normal vision.

Section 6. Revocation of Permit or License.

- (a) No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the Township or in any application or report filed under this Resolution.
- (b) No person, having entered into an agreement to conduct any peddling or solicitation on behalf of any person or organization, shall fail to remit or pay to the party entitled thereto, the proceeds of such solicitation, hawking or peddling in accordance with the terms of the agreement.
- (c) The Police Chief or Police Chief's designee may revoke at any time any permit issued under the provisions of this Resolution for violation of any provision of this Resolution.

- (d) The Police Chief or Police Chief's designee may revoke a permit at any time for good cause due to complaints of intimidating, discourteous, harassing, offensive, profane, obscene, disruptive, threatening or abusive conduct or claims of damage by residents regarding a solicitor, hawker, or peddler.

Section 7. Appeals.

Any person who has applied for a permit in accordance with this Resolution and to whom the Police Chief has, after an investigation, denied a permit or license may appeal to the Township Administrator. Notice of such appeal shall be filed in writing with the Township Administrator within five (5) days after the denial by the Township Administrator. Such appeal shall be considered within ten (10) days. The Township Administrator's decision shall be final.

Section 8 This Resolution shall replace and supersede the Transient Vendor Resolution adopted December 3, 1991 and Resolution 2006-68.

Section 9. That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 10. The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

Section 11. This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township in order to regulate the activity described herein and protect residents.

Section 12. This Resolution shall take effect upon passage.

First Reading:	<u>July 19, 2016</u>
Second Reading:	<u>Dispensed With</u>
Effective:	<u>July 19, 2016</u>

MR. SCHULTZ seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

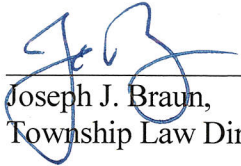
Mr. Schultz	<u>AYE</u>
Mr. Tracy	<u>AYE</u>

Resolution 2016-45 was adopted July 19, 2016

ATTEST:



Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


Joseph J. Braun,
Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.


Eric C. Ferry
Fiscal Officer, Miami Township