

Final 5-24-22

**RESOLUTION TO ESTABLISH
REGISTRATION OF TRANSIENT VENDORS**

This Resolution supersedes any previously adopted Transient Vendor Resolution.

Trustee Christina Kusnerak offered **Resolution #23-2022** which was duly seconded by Trustee Patrica Murphy,

Whereas, the Ohio Revised Code grants Township Boards of Trustees the power to enact regulations for registration and other requirements of Transient Vendors by Resolution, under authority of Section 505.94 of the Ohio Revised Code, and:

Whereas, there are Transient Vendors within Brunswick Hills Township, and:

Whereas, the Township seeks to reasonably regulate 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 has the power to further adopt reasonable registration fees.

BE IT THEREFORE RESOLVED THAT;

Brunswick Hills Township hereby adopts a Transient Vendor Resolution under the following terms, rules and conditions for the health, safety and general welfare of the residents of the Township:

1. All Transient Vendors who do business within Brunswick Hills Township, Medina County, Ohio shall register with the Brunswick Hills Police Department, 505 Substation Rd, Brunswick Hills, Ohio 44212,
2. A Transient Vendor means or is defined as any person who opens a temporary place of business for the sale of goods or who, on the streets, roads or highways found within the Township or while traveling about the Township, sell, or offers for sale goods, solicits orders for future delivery of goods or attempts to arrange an appointment for a future estimate or sales call,
3. Transient Vendor does not include any person who represents to any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, or any persons licensed under Section 4707 of the Ohio Revised Code
4. The Brunswick Hills Police Department shall maintain a registration log where all Transient Vendors shall register at least (48) hours prior to their coming into the Township to sell, offer for sale or solicit orders for their goods. Registration can be made Monday through Friday at the Brunswick Hills Police Department, 505 Substation Rd, Brunswick Hills Ohio,

5. Transient Vendors shall be permitted to sell, offer for sale or solicit orders as follows
 - a. Door to door or location to location between the hours of 10:00 am to 7:00 pm,
 - b. If a set location, between the hours of 8:00 am to 7:00 pm,
6. Each transient Vendor shall be charged a non-refundable registration fee at the time they register at the Police Department. All payments can be made in cash for the exact amount, money orders or check made payable to Brunswick Hills Township:

1 year \$75 per person

Any deviation in the vendor fee must be approved by the Board of Trustees at their next regularly scheduled meeting,

7. Transient Vendors shall be required to fill out a Transient Vendor application at the time they register. The application forms shall be filled out in person by each vendor and a valid identification will be required,
8. Each individual person who sells, offers for sale or solicits orders for future delivery of goods shall be required to register according to this Resolution even though he/she may be one or more of several Transient Vendors. Each separate Transient Vendor shall be required to separately and individually pay the registration fee provided in item #6 above, even though he/she is one of several persons who sell, offer for sale or solicit orders for future delivery of goods for the same group, company, other business entity/entities or firms,
9. The permit will be valid for the length of time per each cost listed in item #6 and shall commence on the date of the application,
10. All companies, corporations, businesses or business entities shall provide a written statement signed by the person with authority that the Transient Vendor are in fact authorized to sell, offer for sale or solicit for its future delivery of goods within the Township under the companies corporation, business or business entities authority or agency,
11. Any Transient Vendor application or log that contains false or untrue information shall give the Township cause for that registration to be cancelled and it shall be grounds for prosecution under Section 505.99 of the Ohio Revised Code

Transient Vendors Working at a Fixed Location

1. All Transient Vendors who sell, offer for sale or solicit orders for future delivery of goods who establishes a temporary place of business within the Township, shall in addition to the other requirements herein:
 - a. Establish a temporary place of business in an area zoned for the same. No temporary business shall be established in violation of the Brunswick Hills Township Zoning Resolution. The Township Zoning Office should be contacted
 - b. Such Transient Vendor shall not sell, offer for sale or solicit orders for future delivery between the hours of 7:00 pm to 8:00 am
 - c. Transient Vendors who are at a fixed location of business shall not violate the current Townships Sign and Parking Regulations and must obtain a temporary Sign and/or Building Permit (if needed). Transient Vendors must not create any type of hazard to include line of sight or traffic issues
 - d. The Transient Vendor must conform to all Ohio Fire Code Regulations and Building Code Standards of Medina County. Transient Vendors should contact the Brunswick Hills Township Fire Inspector and Medina County Building Department

If the requestor has a Food Truck/Trailer, an inspection by the Brunswick Hills Township Fire Department must be done and approved which will require up to 5 business days for inspection.

2. Any Township Trustee, Zoning Inspector, Police Chief or Fire Chief or their designated officer in charge during his/her absence or being otherwise unavailable, shall have the authority to take action to terminate or cancel registrations of the Transient Vendor should this Resolution be violated,
3. Transient Vendors shall appear in person at the Brunswick Hills Police Department or notify them that the activity under their registration is completed and terminated. The Brunswick Hills Police Department employee who receives this information shall note in the "log" the date of termination. The Transient Vendor "log" is a Public Record and shall be open for inspection,
4. This Resolution shall be in effective within thirty (30) days of its adoption after proper publication. Those in violation are subject to the penalties of Section 505-99 of the Ohio Revised Code. The Chief of Police shall establish the administrative mechanism to implement this Resolution to include but not limited to briefing Township employees as needed,
5. Transient Vendors shall not sell, offer for sale or solicit orders for future delivery of goods at any residence where the owner or tenant has posted a sign on the property, building or other structure prohibiting solicitation or for which the owner or tenant has

filed a no solicitation registration form with the Township on a form prescribed by the Board. An example of a sign includes but is not limited to signs that indicate "NO SOLICITATIONS"

Any Transient Vendor who violates any of the terms, conditions or requirements of this Resolution, shall give the Township grounds to cancel the registration and be grounds for prosecution under Section 505.99 of the Ohio Revised Code.

The Fiscal Officer shall notify the Medina County Prosecutor of this Resolution pursuant to Ohio Revised Code Section 505.94

Christina Kusnerak, Trustee Chairperson

Patrica Murphy, Trustee Vice Chairperson

John Witthuhn, Trustee

Certified by: _____
Katherine Esber, Fiscal Officer

Date