

**BOARD OF TOWNSHIP TRUSTEES
PIERCE TOWNSHIP
CLERMONT COUNTY, OHIO**

The Board of Township Trustees met in regular session at 7:30 p.m. on this 8th day of April, 2003, with the following members present:

Curt Hartman
Bonnie Batchler
Steve Strosnider

Mr. Hartman introduced the following resolution and moved its passage:

RESOLUTION NO. 03-006

**RESOLUTION PROHIBITING THE SALE, OFFER FOR SALE,
OR SOLICITATION OF ORDERS FOR DELIVERY OF
GOODS BY "TRANSIENT VENDORS," AS DEFINED**

WHEREAS, this Board of Township Trustees ("Board") hereby finds and determines that for many years "transient vendors," as hereinafter defined, have harassed, frightened, intimidated, and alarmed owners and tenants of real property, and their families, in the unincorporated territory of Pierce Township ("Township"); have employed high-pressure tactics to gain entrance to dwellings, places of business, and professional offices in the Township and to sell goods to such owners and tenants, who are often motivated to consummate such sales only in order to cause "transient vendors" to depart their dwellings, places of business, or professional offices; and have violated the right and expectation of privacy which such owners and tenants of dwellings have and are entitled to have when they are in their dwellings; and

WHEREAS, this Board has had in place a licensing system for "transient vendors" which has proved to be cumbersome, and substantially ineffective in preventing the adverse impacts described in the first preamble hereto; now, therefore,

BE IT RESOLVED by the Board of Township Trustees of Pierce Township, Clermont County, Ohio, pursuant to R.C. §505.94, as follows:

SECTION 1. *Definition of "Transient Vendor."* As used in SECTION 2 of this resolution, "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 the Township, either sells or offers for sale goods, or solicits orders for delivery of goods where payment is required prior to the delivery of the goods. "Transient vendor" does not include any person who represents any entity exempted from taxation under R.C. §5709.04, that notifies the Board that its representatives are present in the Township for the purpose of either selling or offering for sale goods, or soliciting orders for delivery of goods, and

does not include an auction or an auctioneer company licensed under Chapter 4707 of the Revised Code. Exempted sales, offers or solicitations shall be permitted only during daylight hours.

SECTION 2. *Prohibitions.* The sale, offer for sale, or solicitation of orders for delivery of goods by a transient vendor, within the unincorporated territory of Pierce Township, is hereby prohibited.

SECTION 3. *Exception to Prohibitions.* The prohibitions included in SECTION 2 of this resolution do not apply to 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 the delivery of goods.

SECTION 4. *Penalty.* As provided by R.C. §505.99, whoever violates R.C. §505.94, which provides for the prohibitions set forth in SECTION 2 of this resolution, is guilty of a minor misdemeanor.

SECTION 5. *Repeal of Prior Resolutions.* Prior resolutions of this Board dealing with licensing or other regulation of transient vendors under prior law are hereby repealed, without prejudice however, to the holders, if any, of transient vendor permits which were validly issued prior to the passage of this resolution.

SECTION 6. *Notification to Sheriff and Prosecuting Attorney.* The Township Clerk shall certify copies of this resolution to the Sheriff and Prosecuting Attorney of Clermont County, Ohio.

SECTION 7. *Sunshine Law Findings.* This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

Mrs. Batchler seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

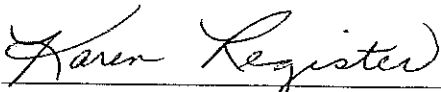
Mr. Hartman	Yes
Mr. Strosnider	Yes
Ms. Batchler	Yes

CERTIFICATION

The undersigned, duly elected and acting Township Clerk of Pierce Township, Clermont County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on

the 8th day of April, 2003, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Date: 4-8-03



Karen Register, Township Clerk

**ACTIVITIES *NOT* PROHIBITED
BY TRANSIENT VENDORS RESOLUTION**

1. Sales of streets (*e.g.*, ice cream trucks).
2. Auctions.
3. Persons invited to premises (*e.g.*, Avon) by the owner or tenant.
4. Representatives of an entity (corporation, trust, association, fund, foundation, community chest) organized and operated (a) exclusively for religious, charitable, scientific, literary, health, hospital, educational, or public purposes, or (b) exclusively for the prevention of cruelty to children or animals, or (c) exclusively for a home for the aged, as defined, or (d) exclusively for contributing financial support to any such purposes, *if*, (as to (a)-(d)) no part of the net earnings of the entity inures to the benefit of "any private shareholder member or private individual," *and* no substantial part of the activities of the entity is carrying on propaganda or otherwise attempting to influence litigation, *provided* that the entity has notified the Township that its representatives are present in the Township for the purpose of selling or offering goods, or soliciting orders of goods for future delivery. These entities are those which are exempt from taxation under Ohio (but not necessarily Federal) law.
5. Any person who simply seeks donations, *i.e.*, is not selling, or taking orders for, goods.
6. Any person who is simply collecting money for goods previously ordered or sold (*e.g.*, newspaper delivery persons).