

RESOLUTION NO. 017 – 3

**ESTABLISHING REGULATIONS FOR
TRANSIENT PEDDLERS, SOLICITORS AND VENDORS**

The Pierce Township Board of Trustees, Clermont County, Ohio, met in regular session on March 8, 2017 with all members present. Upon Motion to adopt this Resolution, the Trustees approved the following Resolution:

WHEREAS, Pierce Township has initiated a prohibition against door-to-door vendors based upon Ohio Revised Code Section 505.94, and

WHEREAS, recent federal Court decisions have challenged the constitutional validity of Revised Code Section 505.94, and

WHEREAS, the Pierce Township Board of Trustees has determined that it would be appropriate to create a proper balance between the First Amendment right of free speech and the right of privacy for Pierce Township citizens,

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Pierce Township, Clermont County, Ohio that:

SECTION 1: Prior Resolution 2003-006 (Resolution Prohibiting the Sale, Offer for Sale, or Solicitation of Orders for Delivery of Goods by “Transient Vendors” as Defined) is hereby revoked in its entirety.

SECTION 2: There is hereby enacted the following new regulation for transient peddlers, solicitors and vendors in Pierce Township, Clermont County, Ohio:

SECTION 3: Definitions. As used in this Resolution, the following terms have the following meanings:

A. Door-to-Door Solicitation. The proposal made in person by an individual at a residence located within Pierce Township, Clermont County, Ohio of a commercial transaction which involves goods, services, or both.

B. Transient Peddlers, Solicitors and Vendors. Transient peddlers, solicitors and vendors mean all persons, both principals and agents, who engage in temporary or transient business in Pierce Township by solicitation from door-to-door or selling goods or services from motor vehicles.

SECTION 4. Door-to-door solicitation or selling goods or services from motor vehicles are prohibited in Pierce Township, Clermont County, Ohio, unless the transient peddler, solicitor or vendor complies with the following three regulations:

A. No individual shall attempt to engage in temporary or transient business by solicitation from door-to-door or selling goods or services from a motor vehicle between the hours of 9:00 p.m. or 30 minutes after sunset, whichever is earlier, and 9:00 a.m.

B. No individual shall engage in temporary or transient business in the Township by solicitation from door-to-door or selling goods or services from motor vehicles without having first registered for such activity at the Pierce Township Administrative offices located at 950 Locust Corner Road, Cincinnati, Ohio 45245. The procedures for the registration are specified in Section 5 hereunder.

C. No individual shall attempt to engage in temporary or transient business in the Township by solicitation from door-to-door in violation of a written and posted "DO NOT SOLICIT" notation affixed on or near the front door or any door of a Pierce Township residence. The procedures for the "DO NOT SOLICIT" stickers are identified in Section 6 hereunder.

SECTION 5. Registration of such transient peddlers, solicitors and vendors shall follow the following procedures. A designated official shall be available during regular business hours at the Pierce Township Administrative Building to obtain the necessary data and to complete the registration. The individual or individuals seeking registration shall provide the following items: name; date of birth; social security number or other state issued identification number; name of employer of such individual; name of company producing the materials or services being marketed by such individual; and a statement concerning whether such individual has been convicted of a felony under the laws of the State of Ohio or of any other state, including additional data concerning the dates of conviction and the common description of the offenses for which the individual was convicted. Such individual seeking registration shall also acknowledge in writing that such individual acknowledges that the registration is valid for a maximum of six months, and such individual must observe the curfew restrictions identified in this Resolution and must abide by any "NO SOLICITATION" stickers affixed to the residence property of Pierce Township citizens. Such registration must be signed and dated by the individual seeking registration. Multiple registration forms may be submitted on behalf of multiple individuals as long as each individual is clearly identified in the registration documents and each individual signs an individual registration document. The registration process shall be considered complete once the above documents have been received by the Pierce Township official, and the effective date of the registration shall be the next calendar day after such registration is complete.

SECTION 6. Any individual may affix a sign on or near the front door of such individual's residence, which states, at a minimum, the following data: "NO SOLICITORS per Pierce Township Resolution 2017 - 3." Pierce Township may create stickers or placards available to Township residents which satisfy the requirements of this Resolution.

SECTION 7. The registration requirements of this Resolution do not apply to sales of merchandise in connection with school-related fundraising programs authorized by the Board of Education of the school or district involved, or community athletic or civic organizations. The curfew hour restrictions identified in Section 4 (A) above shall apply to all individuals.

Trustee Pautke moved adoption of the foregoing Resolution, being seconded by Trustee Freeman. Upon roll call, the following vote resulted:

Robert W. Pautke: yea
Bonnie J. Batchler: yea
Allen M. Freeman: yea

Resolution adopted this 8 day of March, 2017.

Date:

Attest:

Debbie S. Schwey
Debbie S. Schwey, Fiscal Officer

Approved as to form:

Thomas T. Keating
Thomas T. Keating, Legal Counsel