

RESOLUTION NO.: 2007-R86
SPONSOR: MAYOR CROGHAN, COUNCILWOMAN SMOLE
INTRODUCED: NOVEMBER 13, 2007 **ASSIGNED TO:** PUB. SAFETY

A RESOLUTION AMENDING SECTIONS 860.01, 860.04 AND 860.05 OF GREEN'S CODIFIED ORDINANCES REGARDING SALES BY TRANSIENT VENDORS IN THE CITY OF GREEN, AND DECLARING AN EMERGENCY.

WHEREAS, the City has received numerous complaints from its citizens regarding sales by transient vendors; and

WHEREAS, restricting the time of sales by transient vendors and the location of such sales is in the best interest of the health, safety and welfare of the citizens of Green and protects Green's citizens from sham businesses and confidence men; and

WHEREAS, Ohio Revised Code Section 715.61 specifically authorizes a municipal corporation to regulate and license "peddlers" within its boundaries; and

WHEREAS, Chapter 860 of Green's Codified Ordinances already regulates transient vendors and should be further modified to restrict sales by transient vendors in the City of Green.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO THAT:

SECTION ONE:

Section 860.01 entitled "Definitions" shall be amended to include:

860.01 DEFINITIONS.

As used in this chapter:

(a) "Holiday" means and includes Christmas Eve, Christmas Day, **NEW YEAR'S EVE**, New Year's Day, **VALENTINE'S DAY**, **MOTHER'S DAY**, **MEMORIAL DAY**, **LABOR DAY**, **SWEETEST DAY** and Thanksgiving Day.

(b) "Home solicitation sale" means a sale of consumer goods or services in which the seller or a person acting for him or her engages in a personal solicitation of the sale at a residence of the buyer. "Home solicitation sale" does not include sales of goods or services by non-profit organizations certified as non-profit under Internal Revenue Code Section 501(c)(3). "Home solicitation sale" also does not include sales by any non-profit organizations associated with public or private schools in the City.

(c) "Person" means and includes an individual or a business entity. For the licensing requirements set forth in this chapter, it is understood that a business entity need only obtain one license, which will cover all employees of the business entity who are acting as transient vendors within the City.

(d) "Transient vendor" means and includes any person, whether a principal or an agent, who engages in a temporary or transient business in the City for the sale of goods, wares or merchandise, or who, on the streets or while traveling about the City, sells, offers for sale or solicits orders for future delivery of goods, wares or merchandise where payment is required prior to the delivery of such goods, wares or merchandise.

SECTION TWO:

Section 860.04 is amended to read as follows:

860.04 LICENSING PROCEDURES; FEES; FALSIFICATION; EFFECTIVE PERIOD.

(a) The Zoning Office is authorized to grant a license to any person or entity upon registration and payment by such person of a one hundred dollar (\$100.00) registration fee plus an additional fee of twenty-five dollars (\$25.00) for each individual transient vendor. Checks or money orders shall be made payable to the City of Green.

(b) The Zoning Office shall maintain a registration log where all transient vendors and home solicitation sales individuals or entities shall register. This registration may be made at the Zoning Office during regular office hours. **ALL TRANSIENT VENDORS SHALL REGISTER AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE THEY DESIRE TO SELL GOODS, WARES OR MERCHANDISE IN THE CITY, EXCLUSIVE OF WEEKENDS.**

(c) Transient vendors or home solicitation sales individuals shall be required to fill out a transient vendors application at the time they register and they shall sign in and out on the log. The application form shall list all employees, vehicles and license numbers for those vehicles that will be in the City. **IF THE TRANSIENT VENDOR INTENDS TO SELL FROM A FIXED LOCATION AND/OR LOCATIONS, THE TRANSIENT VENDOR SHALL PROVIDE THE ADDRESS OF EACH LOCATION AND WRITTEN DOCUMENTATION FROM THE OWNER OR LESSEE OF THAT PROPERTY INDICATING THAT THE TRANSIENT VENDOR HAS PERMISSION TO SELL ITS GOODS, WARES OR MERCHANDISE AT THAT LOCATION.**

(d) All companies, corporations, businesses or organizations shall provide to their transient vendors or home solicitation sales individuals a copy of the transient vendor permit signed by the Zoning Inspector and designating that the transient vendor is in fact authorized to sell, offer for sale, or solicit orders for its goods, wares or merchandise within the City, for it or under its authority or agency. A transient vendor or home solicitation sales individual shall maintain a copy of the signed permit on his or her person while doing business in the City and shall produce the permit for inspection upon the request of any person. **IF THE PERMIT IS ISSUED FOR A FIXED LOCATION OR LOCATIONS, THE PERMIT SHALL SPECIFICALLY IDENTIFY EACH LOCATION.**

(e) A transient vendor application or log that contains false or untrue information shall give the City cause to cancel the registration and to commence prosecution pursuant to Section 860.99.

(f) A license issued to a transient vendor by the Zoning Office shall be valid for a period of ninety days and said period shall commence on the date of registration. The license shall be renewable upon payment of a one hundred dollar (\$100.00) renewal fee plus an additional fee of twenty-five dollars (\$25.00) for each additional transient vendor for an additional ninety-day period.

SECTION THREE:

Section 860.05 entitled "Hours of Sale" is amended to read as follows:

860.05 HOURS OF SALE.

(a) No transient vendor licensed under this chapter shall sell, offer for sale or solicit orders, door to door or location to location, between the hours of 9:00 p.m. and 9:00 a.m. of the following day, Monday through ~~Saturday~~ **FRIDAY**, or at any time on **SATURDAY**, Sunday or holidays, from May through October.

(b) No transient vendor licensed under this chapter shall sell, offer for sale or solicit orders, door to door or location to location, between the hours of 7:00 p.m. and 9:00 a.m. of the following day, Monday through Saturday **FRIDAY**, or at any time on **SATURDAY**, Sunday or holidays, from November through April.

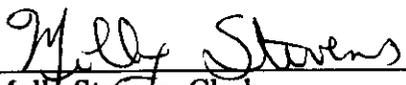
SECTION FOUR:

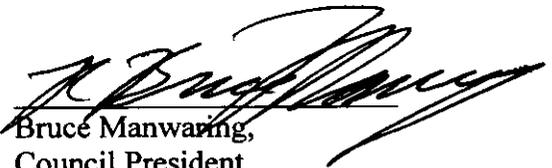
The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: December 11, 2007


Molly Stevens, Clerk


Bruce Manwaring,
Council President

APPROVED: December 11, 2007

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Daniel L. Croghan
Daniel L. Croghan, Mayor

ENACTED EFFECTIVE: December 11, 2007

ON ROLL CALL: Colopy -yEA Croce -yEA France -yEA Manwaring -yEA
Padrutt -yEA Ridgeway -yEA Smole -yEA Adopted 7-6

Suburbanite publication on December 17 and December 24, 2007

Molly Stevens
Molly Stevens, Clerk

11/7/2007 9:05 AM Approved as to form and content by Stephen J. Pruneski, Law Director SP 11/7/07

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