

ORDINANCE NO. 2008-12
TRANSIENT VENDOR REGULATIONS

DEFINITIONS

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER Any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

VILLAGE The Village of South Lebanon, Ohio.

~~GOODS~~. Goods, wares, services, merchandise, periodicals, and other articles or publications.

TRANSIENT VENDOR Any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling around the Village, sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods, or attempts to arrange an appointment for a future estimate or sales call. Transient vendor does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code and that provides notice in accordance with 707.02 below.

SECTION I: TAX EXEMPT ENTITY NOTICE

Any person who represents an entity exempted from taxation under Section 5709.04 of the Ohio Revised Code that notifies the Village Court Clerk that its representatives are present in the Village for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods or attempting to arrange an appointment for a future estimate or sales call shall be exempt from the transient vendor regulations herein.

SECTION II: EXCLUSIONS

Transient vendor does not include and these regulations do not apply to: (a) any person licensed under Chapter 4707 of the Ohio Revised Code; (b) 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 future delivery of goods; (c) any person who is only seeking donations and is not selling, offering or soliciting orders for goods; (d) any person who is only collecting money for goods previously ordered or sold.

SECTION III: REGISTRATION

All transient vendors shall register with the Village Court Clerk prior to conducting any business in the Village. Registration shall be made on a form provided by the Village Court Clerk. All information required shall be supplied by the vendor prior to acceptance of the registration. At the time of registration, each transient vendor shall provide a copy of a valid, current vendor license or tax ID certificate.

SECTION IV: REGISTRATION WHEN MULTIPLE EMPLOYEES INVOLVED

In the event that a sole proprietorship, partnership, limited liability company, corporation or other entity registers as a transient vendor, and such business entity has employees, only one permit shall be required of the business entity at each location, which shall cover all employees of the business entity at a single location, provided that each employee carries identification that they are employed by the business entity and such identification specifically refers to the transient vendor registration number issued by the Village to the business entity. Each business location shall require a separate registration.

SECTION V: REGISTRATION FEE AND PERIOD

The administrative fee for each one year registration shall be \$75.00. THE ADMINISTRATIVE FEE FOR EACH THREE DAY REGISTRATION SHALL BE \$25.00.

SECTION VI: MANNER OF SOLICITATION

No transient vendor shall conduct public solicitation in the Village in such a manner that their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Except as otherwise approved by the Village Court Clerk, no sales or solicitation shall be conducted in the right of way of any public road.

SECTION VII: HOURS OF SOLICITATION

Door to door solicitation shall be made only between the hours of 9:00 a.m. and 6:00 p.m., November through April, and between the hours of 9:00 a.m. and 8:00 p.m., May through October.

SECTION VIII: PROOF OF COMPLIANCE

Each transient vendor shall carry on his or her person a copy of the registration issued by the Village at all times while selling or traveling about the Village for the purposes of selling or soliciting orders. Individuals may not solicit as a team using another person's registration.

SECTION IX: REVOCATION OF REGISTRATION

A transient vendor registration may be revoked by the Village Court Clerk for any of the following causes:

1. Fraud, misrepresentation, or false statements contained in the registration application or in the course of carrying on sales solicitations;
2. Any violation of any provision of this Chapter;
3. Conducting business in an unlawful manner, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

SECTION X: ENTRY UPON PREMISES UNLAWFUL

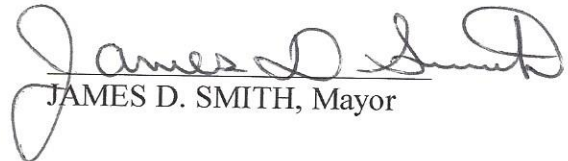
It shall be unlawful for any person, whether registered or unregistered, while conducting the business of a transient vendor, canvasser, or any other business solicitation, to enter upon any residential premises in the Village where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import.


SECTION XI: PENALTY.

1. Any person who violates any provision of this Chapter shall be deemed guilty of a minor misdemeanor subject to the maximum fine allowed by law.
2. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of any provision of this Chapter, the offender shall be guilty of a misdemeanor of the fourth degree.

SECTION XII: This ordinance shall take effect at the earliest time allowed by law.

First reading: August 21, 2008
Second reading:
Third reading: *suspended reading rule*


 JAMES D. SMITH, Mayor

Attest:

 Sharon Louallen, Fiscal Officer

CERTIFICATE OF POSTING
 I, Sharon Louallen, Fiscal Officer of the Village of South Lebanon, Ohio do hereby certify I posted a true and accurate copy of this ordinance or resolution, summary of ordinance or resolution, or statement, order, proclamation, notice or report at five public places within the Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 98-08 of Village of South Lebanon, Ohio.
 8-22-08 
 Date Sharon Louallen
 Fiscal Officer
 Village of South Lebanon,
 Ohio