

BOARD OF TRUSTEES
EDWIN H. HUMPHREY
MARY MAKLEY WOLFF
KENDAL A. TRACY



ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE / EMS
248-3700
PARKS / RECREATION
248-3727

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
DAVID D. DUCKWORTH

MIAMI TOWNSHIP

6101 MEIJER DRIVE – MIAMI TOWNSHIP, OH 45150-2189

RESOLUTION 2006 - 68

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Building on December 19, 2006 with the following members present: Edwin H. Humphrey, Ken Tracy and Mary Makley Wolff.

MR. TRACY made a motion to adopt the following Resolution:

RESOLUTION AMENDING TRANSIENT VENDOR RESOLUTION

WHEREAS, the Board of Trustees ("Board") has previously adopted a resolution establishing a registration fee for a transient vendor permit; and

WHEREAS, Section 505.94 of the Ohio Revised Code has been amended to permit a maximum fee of \$150.00 for transient vendor registration; and

WHEREAS, the Board desires to establish a fee of \$150.00 for a transient vendor permit in Miami Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Section 505.94 of the Ohio Revised Code, as follows:

SECTION 1: That this Board does hereby amend the Transient Vendor Resolution, adopted December 3, 1991, to establish a fee of \$150.00 for a transient vendor permit in Miami Township.

SECTION 2: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution shall take effect at the earliest period allowed by law.

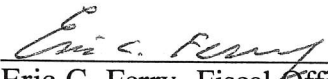
MRS. WOLFF seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mr. Humphrey	AYE
Mr. Tracy	AYE
Mrs. Wolff	AYE

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Resolution 2006 - 68 adopted December 19, 2006

ATTEST:


Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


John C. Korfhagen,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry, Fiscal Officer

RESOLUTION

The Board of Trustees of Miami Township, Clermont County, Ohio, met in regular session on the _____ day of _____, 1991, with the following members present:

_____ moved for the adoption of the following resolution;

WHEREAS, Ohio Revised Code Section 505.94 allows a board of township trustees to require the registration of all transient vendors within the unincorporated territory of the township; and

WHEREAS, the board of trustees may 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 may establish a reasonable registration fee, not to exceed \$15.00 for a registration period and this registration period shall be valid for a period of at least ninety (90) days after the date of registration. Township residents are exempt from paying the registration fee.

NOW THEREFORE, BE IT RESOLVED THAT:

1. All transient vendors within the unincorporated territory of the township are required to apply for a "Transient Vendors Permit" with the Miami Township Police Department indicating the transient vendors name, address, telephone number, social security number, the commodity or service to be sold, the area where the vendor or vendors will be working, and the name, address, and social security number of all persons working within Miami Township and requiring of them to carry photo identification on there person.

2. Upon receipt of the vendor's application for a permit, the Chief of Police of Miami Township, or his designee, will issue a "Transient Vendors Permit" which said permit will be granted to specific person or persons for a specific purpose and allow for the selling, offering for sale or soliciting for orders for future delivery of goods between specific hours of the day and week. Said permit shall also indicate its expiration date and that it is issued in accordance with O.R.C. 505.94.

3. The copy of an application for transient vendors permit, and the copy of the transient vendors permit, attached hereto as Exhibits A and B, respectively, are hereby approved for usage within Miami Township pursuant to the dictates of O.R.C. 505.94, where the words "transient vendor" are defined.

4. The fee for the transient vendor's permit shall be \$15.00, which also includes up to three (3) photo identification badges. Additional photo identification badges will have a \$5.00 fee per badge.

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5. The Clerk of this board shall notify the Department of Elections of the Office of the Secretary of State and the Clermont County Prosecutor of the passage of this resolution requiring registration of transient vendors and to further notify, as required in the statute, the office of the Clermont County Prosecutor of the names of all persons registered thereunder.

6. For purposes of this resolution and in accordance with O.R.C. 505.94, "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, (sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to delivery of goods,) except that "transient vendor" does not include any person who represents a business or organization including but not limited to, any entity exempted from taxation under Section 5709.04 of the Revised Code, that notifies the Board of Miami Township Trustees that it's representatives are present in the township for the purpose of selling goods, or an auction or auctioneer company licensed under Chapter 4707 of the Revised Code.

7. For purposes of facilitating the determination of any exception to the requirements of this resolution, any person who represents a business or organization who claims exemption from taxation under section 5709.04 of the Revised Code, or is an auctioneer company licensed under Chapter 4704 of the Revised Code shall, prior to commencing their sales, offering for sale, or solicitation of orders, or auctioning goods, exhibit proof of compliance or exemption from taxation under Section 5709.04 of the Revised Code, or proof of licensing under Chapter 4707 of the Revised Code, as the case may be.

8. No transient vendor shall sell, solicit orders for future delivery of goods, or set up a temporary place of business within any county, state or street right of way in the unincorporated area of Miami Township without first obtaining the "Transient Vendors Permit".

9. Whoever violates section 505.94 of the Revised Code is guilty of a minor misdemeanor.

_____ seconded the resolution and roll call resulted as follows:

_____	_____
_____	_____
_____	_____

ADOPTED: _____

EFFECTIVE: _____

ATTEST: _____

TRANSIENT VENDORS/SOLICITORS

A. PURPOSE:

Pursuant to a resolution passed by the Miami Township Trustees on December 3, 1991, all transient vendors, as defined in 505.94 O.R.C. shall be required to obtain a permit to do so.

B. APPLICATION PROCESS:

Solicitors shall report to the Police Department during normal business hours to obtain a permit. Upon request, vendors shall be provided with form "Application for Transient Vendors Permit". Copies of this form are maintained in the "Vendors Permit" report book in the Police Clerk's office.

The completed "Application for Vendors Permit" shall be returned to the Police Clerk's office along with a permit fee of \$15.00, for which a written receipt shall be provided. Miami Township residents are exempt from paying this fee.

C. ISSUANCE OF PERMIT:

A vendors permit shall then be completed in full. Copies of this permit are maintained in the "Vendors Permit" report book in the Police Clerk's office. The next available permit number shall be affixed on the permit in the space provided. Permit numbers are obtained from the index form on page #3 of the "Vendors Permit" report book.

Within six (6) working days, the vendor shall be provided with a copy of the original permit; the original is filed in the "Vendors Permit" report book in chronological order.

D. VALIDATION PERIOD:

Permits are valid for a period of ninety (90) days from date of issue.

E. PHOTO IDENTIFICATION BADGES:

All agents of the vendor, while operating in Miami Township, shall display a "Photo Identification Badge" which will be provided with the "Vendors Permit". Up to three (3) "Photo Identification Badges" will be supplied with the initial \$15.00 fee. There will be a \$5.00 fee for each additional photo identification badge.

F. EXCEPTIONS:

A) Any tax exempt business/organization as defined in 5709.04 O.R.C.

B) Any licensed auctioneer as defined in Chapter 4707 O.R.C.

C) Any person/organization claiming tax exemption or compliance under Section C above, shall exhibit 4707 O.R.C., as the case may be.

G. PROHIBITION:

As specified in the aforementioned resolution, no transient vendor shall sell, offer for sale, solicit orders for future delivery of goods, or set up a temporary place of business within any State, County or Township road or street right of way in the unincorporated area of Miami Township.

H. PENALTY:

As provided by Section 505.99 O.R.C. whoever violates Section 505.94 O.R.C. is guilty of a minor misdemeanor.

Violators shall be summonsed on a minor misdemeanor citation for the next available arraignment date.