

First Reading: March 14, 2000
Second Reading: April 11, 2000
Third Reading: April 25, 2000

ORDINANCE NO 13-2000

**AN ORDINANCE REQUIRING THE
REGISTRATION AND REGULATION
OF TRANSIENT VENDORS**

WHEREAS, the access to private homes in the Village by transient vendors and persons posing as transient vendors is a potential danger to the public safety and welfare; and,

WHEREAS, that danger can be reduced by the registration and regulation of transient vendors by the Village government;

NOW THEREFORE, Be It Ordained by the Council of the Village of Newtown, State of Ohio:

SECTION 1. **DEFINITION.** For the purpose of this Ordinance the term "transient vendor" shall mean any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the Village, sells, offers for sale, solicits orders for future delivery of goods where payment is required prior to the delivery of goods, or solicits contributions or any thing of value, whether acting on behalf of a non-profit organization or not.

SECTION 2. **TRANSIENT VENDOR PERMIT.** No transient vendor shall sell, offer for sale, solicit orders for future delivery of goods or solicit contributions or anything of value in the Village without first obtaining a transient vendor permit.

SECTION 3. **A.) APPLICATION.** Applicants for a transient vendor permit must file with the Mayor a sworn application in writing on a form to be furnished by the Mayor which shall provide the following information:

- 1) Name and description of applicant;
- 2) Permanent home address and full local address of the applicant;
- 3) A brief description of the nature of the business and the goods to be sold or the organization for which the solicitation is being made and its functions;

- 4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- 5) The place where the goods proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where the goods or products are located at the time the application is filed, and the proposed method of delivery;
- 6) A statement as to whether or not in the preceding three years the applicant has been convicted of a felony or of a misdemeanor which involves a theft or drug offense as defined in the Ohio Revised Code.
- 7) When the applicant has provided all the information required by the application and paid the permit fee, and if the applicant has not been convicted in the preceding three years of a felony or a misdemeanor which involves a theft or drug offense as defined in the Ohio Revised Code, the Mayor within 72 hours will issue a permit to the applicant.

B.) FEE AND PERMIT PERIOD. The fee for a transient vendor permit shall be \$75.00. A permit shall be valid for a period of thirty days after the date of registration.

C.) EXHIBITION. A transient vendor is required to have his or her transient vendor permit on his person at all times while conducting business in the Village and exhibit his permit upon the request of any citizen.

D.) REVOCAION OF LICENSE.

- 1.) A transient vendor permit may be revoked by the Mayor for any of the following causes:
 - a) Fraud, misrepresentation, or false statement contained in in the application for the permit;
 - b) Fraud, misrepresentation, or false statement made in the course of carrying on his or her business within the Village;
 - c) Any violation of this Ordinance;
 - d) Conviction of a felony or of a misdemeanor which involves a theft or drug offense as defined in the Ohio Revised Code;

- e) Conducting oneself, while conducting business in the township, in an unlawful manner or in a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.
- 2) The Mayor may revoke a permit by so advising a transient vendor in person or by written notice of such revocation being mailed to the transient vendor at the local address specified in the application for a permit. In such circumstance the transient vendor shall, upon written request, made within 24 hours of receiving notice of revocation, have a hearing by the Mayor on the issue of said revocation prior to it being effective.

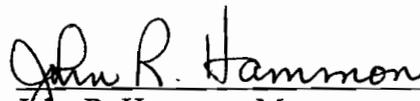
E) CHARITABLE SOLICITOR REGISTRATION. Any person who represents a business or organization exempted from taxation under Section 5709.04 of the Ohio Revised Code shall be exempt from the the permit fee.

F) PENALTY. Whoever violates any section of this resolution is guilty of a minor misdemeanor and shall be fined not more than \$100.00 for each offense. Each solicitation in violation of this ordinance shall constitute a separate offense.

VOTE RECORD:

Ms. DeVore Aye Mr. Haverland Absent Ms. Hueber Aye
Mr. Moore Aye Mr. Thomas Aye Mr. Pulskamp Aye

PASSED this 25th day of April 2000.



John R. Hammon, Mayor
Village of Newtown, Ohio

AUTHENTICATION

This is to certify that this ordinance was duly passed, and filed with the Village of Newtown Clerk-Treasurer, this 25th day of April 2000.

Keri L. Everett
Keri Everett, Clerk-Treasurer
Village of Newtown, Ohio

APPROVED AS TO FORM

R. Douglas Miller
R. Douglas Miller, Solicitor
Village of Newtown, Ohio

PROOF OF PUBLICATION

I hereby certify that I have published this Ordinance on 5-10-00, 2000 by posting in five public places as established by the Council of the Village of Newtown, Ohio.

Keri L. Everett
Keri Everett, Clerk-Treasurer
Village of Newtown, Ohio