



# Canton Township Zoning Department

4711 Central Avenue SE Canton, Ohio 44707

Phone (330) 484-2501

Fax (330) 484-2556

www.cantontwp-oh.gov

## STATEMENT AND WAIVER

The undersigned certifies that the information provided herein is true and correct, that the applicant has read the regulations for transient vendors, and that the applicant possesses all licenses and permits required for sale of goods and services described above.

The undersigned also hereby voluntarily assumes all risks of accidents, injury and/or damage to his/her person and property and releases and discharges Canton Township officials, employees and agents from every claim, liability or demand of any kind.

Date: \_\_\_\_\_

\_\_\_\_\_

Applicant's signature

This Permit, or associated permit card, must be in the possession of the vendor during any sale activity and the registration card must be visible at all times when on private property.

All information must be provided for every individual operating together from the same company up to twelve (12). No more than twelve (12) may operate at one time.

\_\_\_ APPROVED

\_\_\_ DENIED

DATE \_\_\_\_\_

REVIEWED BY \_\_\_\_\_

RECEIPT NUMBER \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_



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PERMIT NO. \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_

## TRANSIENT VENDOR REGISTRATION FORM AND PERMIT

PERMIT EXPIRES \_\_\_ DAYS FROM THE DATE OF ISSUE

**Door-to-Door Fees:** They are per person, maximum of twelve (12) per organization at one time. Must submit a background check (**FROM THE STARK COUNTY SHERIFF'S OFFICE**), and a valid photo ID for each individual.

**Stationary Fees:** They are per location. Note: They are not permitted in an area that is zoned for a use other than retail business. **MUST PRESENT THE PROPERTY OWNERS WRITTEN PERMISSION TO ESTABLISH A FIXED TEMPORARY PLACE OF BUSINESS AT THE SUBJECT LOCATION.**

**PENALTIES FOR VIOLATIONS:** Penalties include revocation of transient vendor permit and up to a \$100 fine for the first offense, \$250 fine for the second and subsequent offenses.

### APPLICANT PERSONAL INFORMATION:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex: \_\_\_ Race: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Current Permanent Address: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_

### COMPANY INFORMATION:

Representing (Company Name): \_\_\_\_\_

Company Address: \_\_\_\_\_

Company Phone: \_\_\_\_\_

Supervisor's Name and Title: \_\_\_\_\_

### DESCRIBE PRODUCT/SERVICE:

## Transient Vendors

WHEREAS, ORC 505.94 authorizes Canton Township to regulate transient vendors within the Township; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Canton Township Board of Trustees, Stark County, Ohio, pursuant to 505.94 of the Ohio Revised Code that we hereby adopt the following transient vendor policy within the Township to take effect and to be enforced from and after the earliest period allowed by law.

### **RESOLUTION ESTABLISHING TRANSIENT VENDOR REGISTRATIONS, REGULATIONS AND A DO NOT KNOCK REGISTRY AND RELATED PROCEDURES AND PENALTIES**

WHEREAS, these regulations place reasonable restrictions upon persons and organizations visiting private residential properties for the purpose of peddling or soliciting goods, wares, merchandise, periodicals or services; and

WHEREAS, the Board has a substantial interest in regulating transient vendors and also in allowing individuals to determine their level of comfort with privacy and whether or not they want to receive solicitation for goods, wares, merchandise, periodicals or services; and

WHEREAS, the Board desires to continue to regulate transient vendors and to maintain a list of residents within the unincorporated area of the Township who desire not to be visited by any transient vendor; and

WHEREAS, it is the intent of this Resolution to organize both the transient vendor regulations and the Do Not Knock Registry regulations into one Resolution; and

WHEREAS, it is the opinion of the Board that such regulations are immediately needed to protect the health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP SHALL ESTABLISH TRANSIENT VENDOR REGULATIONS AND A DO NOT KNOCK REGISTRY AND RELATED PROCEDURES AND PENALTIES.

### **SECTION 1. TRANSIENT VENDOR REGISTRATION AND REGULATIONS.**

- A. All "Transient Vendors" who do business within the unincorporated area of Canton Township, Stark County, Ohio shall register with the Township, at the Canton Township Zoning Department, 4711 Central Ave SE, Canton Ohio 44707, between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except holidays.
- B. As used in this Resolution, "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, either sells or offers for sale goods, or solicits orders for future delivery of 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 Revised Code or licensed under Ohio Revised Code Chapter 4707. As used in this Resolution, "goods"

means goods, wares, services, merchandise, periodicals, and other articles or publications. This policy shall not apply to food vendors and food truck vendors. All food and food truck vendors shall comply with the existing registration policy and fees as already in place through the Canton Township Zoning Department.

- C. The Canton Township Zoning Department shall maintain a registration log where all Transient Vendors shall register. All Transient Vendors shall register with the Canton Township Zoning Department and obtain a Transient Vendor permit prior to their coming into the Township to sell, offer for sale, or solicit orders for their goods. All Transient Vendors must complete a Transient Vendor application in order to register and obtain a Transient Vendor permit. No Transient Vendor shall enter the Township until registered and a permit is issued. Incomplete Transient Vendor applications will not be accepted. The application for Transient Vendor registration and permit can be made between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, at the Canton Township Zoning Department, 4711 Central Ave SE, Canton, Ohio 44707.
- D. Each individual person who sells, offers for sale, or solicits orders for goods shall be required to submit to a background check at the Stark County Sheriff's office located at 4500 Atlantic Blvd NE, Canton, OH 44705, (330)430-3800. No Transient Vendor applicant shall receive a Transient Vendor Permit, prior to the completion of the Sheriff's Department background check being completed.
- E. Transient Vendors, not working at a fixed location, shall be permitted to sell, offer for sale, or solicit orders, door-to-door, or location-to-location as follows:
  - 1. Between the hours of 9:00 a.m. to 6:00 p.m. on weekdays.
  - 2. Between the hours of 9:00 a.m. to 4:00 p.m. Saturdays, and no solicitations are to be made on Sundays or holidays.
- F. Transient Vendors shall make a payment of \$150.00 made payable to Canton Township Trustees for their registration fee at the time they submit an application for registration and permit at the Canton Township Zoning Department. All payments shall be in cash in the exact amount of \$150.00, or a money order made payable to the Canton Township for \$150.00. If an application is denied the Township shall refund any registration fee made by a Transient Vendor.
- G. Each individual person who sells, offers for sale, or solicits orders for goods shall be required to submit an application for registration and permit according to this Resolution even though they may be one or more of several Transient Vendors who sell, offers to sell, or solicits orders for goods for the same group, company, or other business entity or entities, or firms. Each separate Transient Vendor shall be required to separately and individually pay the \$150.00 registration fee provided in (F) above, even though he/she is one of several persons who sell, offer for sale, or solicits orders for goods for the same group, company, or other business entity or entities, or firms.
- H. The Transient Vendor registration and permit shall be valid for ninety (90) consecutive days and shall commence on the issuance of the permit.

- I. All companies, corporations, businesses, business entities or firms shall provide to their Transient Vendors a written statement signed by a duly authorized representative of the company, corporation, business or firm, that the Transient Vendor is in fact authorized to sell, offer for sale, or solicit orders for its goods within the Township for the company, corporation, business or firm, or under its authority or agency. An original of this written statement shall be provided to the Canton Township Zoning Department at the time of application for the Transient Vendor registration and permit.
- J. Any Transient Vendor, company, corporation, business or firm submitting or supplying false, misleading or untrue information on or in connection with any Transient Vendor application, registration or permit shall be subject to penalties as provided in Section 3 of this Resolution.
- K. All individuals or organizations conducting business as a Transient Vendor and working at a fixed location to sell, offer for sale, or solicit orders for future delivery of goods where payment is required prior to delivery of the goods, and/or who establish a temporary place of business within the Township shall, in addition to the other requirements mandated herein:
  - 1. not establish temporary place of business in an area that is zoned for a use other than retail business;
  - 2. where applicable, not violate any Township Zoning Regulations in regard to temporary uses or signage;
  - 3. shall, after meeting all requirements set forth in this Resolution, receive a permit that is valid for a maximum of ninety (90) consecutive days, with one renewal for each twelve (12) month period;
  - 4. provide documentation that they have received the property owners' permission to establish a fixed temporary place of business at the subject location, provided that no property owner shall give permission for more than one (1) sale on a single property at any given time; and
  - 5. not sell, offer for sale, or solicit orders for future delivery of goods from the temporary place of business between 9:00 p.m. and 7:00 a.m.
- L. Any Transient Vendor, company, corporation, business or firm who violates any of the terms, conditions, or requirements of this Resolution shall give the Township grounds to cancel the registration and it shall be subject to the penalties as provided in Section 3 of this Resolution.
- M. The Canton Township Board of Trustees, or the Canton Township Zoning Inspector, shall have the authority to take actions to terminate, revoke and/or cancel registrations and permits, and/or initiate the penalties as provided in Section 3 of this Resolution.
- N. No Transient Vendor shall together with, or in combination with, twelve (12) or more persons who are Transient Vendors, operate within the Township at any one time, whereby they are all selling, offering for sale, or soliciting the same goods.

- O. Where applicable, no Transient Vendor shall open a temporary place of business that is in violation of or diverges from the Township Zoning Resolution.
- P. The Canton Township Zoning Director shall establish the administrative mechanism to implement this Resolution, including but not limited to, briefing Township employees, establishing a registration log and preparing an application for registration and permit.
- Q. Informational brochures, pamphlets, fliers or any other written materials distributed by a Transient Vendor shall not be placed and/or left on the ground, including but not limited to, any driveway, yard, lawn, curb or sidewalk, of any property located in the Township, including any individual parcel and/or lot. Placement of any informational brochures, pamphlets, fliers or other written materials upon the front porch or stoop of a dwelling, building or structure is permitted. Transient Vendors are also specifically prohibited from placing or affixing any informational brochures, pamphlets, fliers or any other written materials on or in the actual mailbox.
- R. Transient Vendors shall not sell, offer for sale, or solicit orders for goods where the owners and/or occupants of a dwelling, building, or other structure has posted a notice by means of a sign that its owners and/or occupants do not want Transient Vendors to enter upon the property, and such sign is reasonably calculated by its size and placement to notify the Transient Vendor of this fact. By way of example and not limitation, a sign stating "NO SALESMEN" or "NO SOLICITATIONS" posted in a conspicuous place near the primary entrance to the dwelling, building or structure shall be sufficient to notify Transient Vendors of the owner's and/or occupant's intent.

## **SECTION 2. DO NOT KNOCK REGISTRY.**

- A. The Township shall separately establish and maintain a list of residential addresses within the unincorporated area who have expressed a desire not to be visited by any Transient Vendor for a commercial purpose. This list shall be known as the Transient Vendor Do Not Knock Registry.
- B. Upon the issuance of any permit required by this Resolution, a Transient Vendor shall be provided with a copy of the list of Township residential addresses that have expressed a desire in writing not to have any such Transient Vendor enter upon their property. Every Transient Vendor shall agree not to visit the premises so enumerated on the list provided to it by the Township.
- C. Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Township may request the Township to place and maintain his or her residence, house, apartment or other dwelling on the Transient Vendor Do Not Knock Registry by submitting a separate request for each registry on form(s) supplied by the Township, each of which shall contain the following information:
  - 1. The name of the person completing the form(s);
  - 2. The complete address of the residence, house, apartment or other dwelling to be placed on the registry;

3. The date the form was completed;
  4. A statement that No Transient Vendor shall knock, ring the doorbell or otherwise call at this address, or words of similar import, on the applicable form; and
  5. Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Township.
- D. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the Township may request the Township to remove his or her residence, house, apartment or other dwelling from the Transient Vendor Do Not Knock Registry by submitting a separate Notice of Removal from said registries on form(s) supplied by the Township, each of which shall contain the following information:
1. The name of the person completing the form(s);
  2. The complete address of the residence, house, apartment or other dwelling to be removed from each registry;
  3. The date the form was completed;
  4. A statement that the residence, home, apartment or other dwelling be removed from the Transient Vendor Do Not Knock Registry, or words of similar import, on the applicable form; and
  5. Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Township.
- E. The Transient Vendor Do Not Knock Registry is voluntary. The decision whether to place a residence, house, apartment or other dwelling on the Transient Vendor Do Not Knock Registry, shall be solely that of the lawful possessor and occupant thereof, and no official, employee or other agent of the Township shall interfere with said decision.
- F. A residence, house, apartment or other dwelling, after being lawfully placed on the Transient Vendor Do Not Knock Registry shall remain on such Registry until the earliest of any of the following:
1. The Township receives a Notice of Removal pursuant to subsection (D) above;
  2. The Township receives notice that the person who submitted the form pursuant to subsection (C) above is not or is no longer a lawful possessor or occupant of the premises; or
- G. A copy of the Transient Vendor Do Not Knock Registry shall be made available for public inspection at all times on the internet website of Canton Township and during normal business hours of the Canton Township Zoning Department office.

- H. No Transient Vendor, while peddling or soliciting, shall enter upon the premises of, call upon, knock at the door of, or ring the doorbell of any residence, house, apartment or other dwelling in the Township which is at that time on the "Do Not Knock Registry" established and maintained pursuant to this Resolution and upon which there is clearly posted at the entrance a notice that reads "No Peddlers or Solicitors Allowed," or words of similar import, which clearly prohibit Peddlers and Solicitors (i.e. Transient Vendors) on the premises unless such person has previously been invited upon the premises by the lawful possessor and occupant thereof.

### **SECTION 3. PENALTIES.**

- A. Whosoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein, is guilty of a minor misdemeanor pursuant to Ohio Revised Code Section 505.99.
- B. Each violation of a provision of this Resolution shall be considered a separate offense. Citations may contain multiple violations. By way of illustration and not limitation, a Transient Vendor who, without any prior violations of this Resolution, knocks on a residence that is at that time on the "Do Not Knock Registry," at 9:00 p.m., on a Sunday, shall be in violation of three separate provisions of this Resolution and subject to citation for each of the three violations (sections 2(H), 1(E)(2), and 1(E)(2)),.
- C. If a citation is warranted under this Section 3, the peace officer serving the Township shall issue such citation to any person violating this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated.
- D. Any Transient Vendor found to be in violation of this Resolution shall have their permit revoked and/or be prohibited from applying for and obtaining a permit for a period of one (1) year.
- E. If a citation is issued, the Transient Vendor shall immediately forfeit the Transient Vendor Permit Badge, (which was issued by the Canton Township Zoning Department), to the sheriff's deputy. The sheriff's deputy shall then advise the Transient Vendor that they will cease the sale of goods, soliciting orders for future delivery of goods or attempts to arrange an appointment for a future estimate or sales, and advise them to report to the Canton Township Zoning Department, to ascertain whether they will be permitted to continue either selling or offering for sale goods, or soliciting orders for future delivery of goods or attempting to arrange an appointment for a future estimate or sales call. The sheriff's deputy will then drop the Transient Vendor Permit Badge off at the Canton Township Zoning Office.
- F. Nothing herein shall be construed to impair any common law or statutory cause of actions, including criminal trespass, or legal remedies available under Ohio Revised Code therefrom, of any person or the Township, for any injury or damage arising from other law.

### **SECTION 4. MISCELLANEOUS.**



- A. This Resolution does not apply to any person invited by an owner and/or occupant to visit the owner's and/or occupant's premises to sell, offer for sale, or solicit orders for future delivery of goods.
- B. Should any one or more parts of this Resolution be adjudged unconstitutional or otherwise unenforceable by any Court or other body or person empowered to do so, this adjudication shall not invalidate those other parts or Section herein.
- C. All prior Resolutions concerning the registration and regulation of transient vendors and the establishment of a Do Not Knock Registry are hereby repealed.
- D. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitations, Section 121.22 of the Ohio Revised Code.