

CITY OF CLAYTON

Montgomery County, Ohio

Rules and Regulations for Transient Vendor's Permits

Article 1.00 – Solicitors / Transient Vendors

Section 1.01 – Definitions – Terms not defined herein shall have the same mean in ascribed to them in Webster's Collegiate Dictionary.

- A. Business Activity – Shall mean the peddling, hawking, or soliciting orders for the sale of goods, merchandise or services of any kind associated with transient vendors.
- B. Enforcement Official – Shall mean the Police Chief or any of his/her sworn officers under the Chief's command.
- C. Nuisance – Shall mean two (2) or more documented complaints filed with the enforcement official.
- D. Solicitor – Shall have the same definition as ascribed to transient vendor.
- E. Township – Shall mean the City of Clayton, Montgomery County, Ohio.
- F. Police Chief – Shall mean the duly sworn Police Chief of Randolph Township, Montgomery County, Ohio.
- G. 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 Township, sells, offers for sale, or solicits orders for future delivery of goods.
 - 1. Exemption – The term transient vendor shall not include the following:
 - a. Any person who represents locally recognized business or organizations.
 - b. Any entity exempted from taxation under section 5709.4 of the Ohio Revised Code, providing that any person representing either the exempted entity or (a) above notifies the enforcement official that it's representatives are present in the Township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods.
 - c. Auction and auctioneer companies licensed to do business in the State of Ohio under Chapter 4704 of the Ohio Revised Code.

Section 1.02 – Authorization – The City of Clayton Council hereby authorize the Chief of Police or his designates (enforcement official) to issue and revoke transient vendor's permits as provided herein.

Section 1.03 – General Regulations

- A. Permit Required – Except as provided for in Section 505.94 of the Ohio Revised Code, no person shall enter upon the premises of any resident, roadway, highway or established right-of-way in the unincorporated area of City of Clayton for the purposes of peddling, hawking, or soliciting orders for the sale of goods, merchandise, or services of any kind, unless such person shall have first registered and obtained a Transient Vendor’s Permit from the Police Chief.
- B. Hours of Operation – Except as provided in section 505.94 of the Ohio Revised Code, no person shall conduct any business activity, as defined herein, before 9:00 AM and shall discontinue all such business activity at dusk, but in no case later than 8:00 PM.
- C. Days of Operation – Except as provided in section 505.94 of the Ohio Revised Code, anyone operating as a transient vendor may only conduct such business activity Monday through Saturday. No business activity shall be permitted on Sunday or legal holidays.
- D. Traffic – No person operating under a Transient Vendor’s Permit shall conduct any business activity within the established right-of-way, or obstruct or impede the movement of traffic within the established right-of-way or obstruct or impede traffic movement to or from private property at the established right-of-way line.
- E. Personal Possession – Each person receiving a Transient Vendor’s Permit shall carry such permit on their person at all times during solicitation activity.
- F. Permit Inspection – Each person having such permit issued to them, shall wear said permit attached to the outer most garment of clothing below the neckline and above the waistline and on the front of said garment. Upon request from any person to whom a sale, offer to sale, or solicitation is being made or upon the demand of any authorized law enforcement official, including but not limited to a City of Clayton Police Officer, each person issued a Transient Vendor’s Permit shall allow inspection of that permit at any time during the time business is being conducted.
- G. Vendors Number/ Licenses – Prior to making application for a Transient Vendor’s Permit, applicants shall have secured all necessary vendor number(s), and/or licenses as may be required by State and/or local regulations.

Section 1.04 – Requirements

- A. Permit Required – Prior to conducting any business activity within the Township, Transient Vendors shall obtain a Transient Vendor’s Permit from the Police Chief. The permit application shall be on forms provided by the Township and contain the following information:
 - 1. Full name of applicant.
 - 2. Permanent Address and Phone Number
 - 3. Temporary Address and Phone Number
 - 4. Personal Data: Birthdate, height, weight, color of hair, color of eyes, sex, etc.
 - 5. Social Security Number
 - 6. If applicant is using a motor vehicle: Make, model, year, current registration, and proof of motor vehicle insurance coverage for each motor vehicle used.
 - 7. Driver License Number and State of Issuance
 - 8. Name and address of employer and/or the person in charge
 - 9. Vendor’s license number if required.
 - 10. Brief description of wares, merchandise, or services involved

11. Criminal record if any, of applicant
12. Statement indicating whether the applicant has ever been denied a permit or license to conduct any business as described herein, or had such issued permit or license revoked by any political jurisdiction.
13. Day(s) of operation, beginning and ending dates, and hours of operations.

- B. Applicants – Except as provided for in section 505.94 of the Ohio Revised Code, every transient vendor shall appear in person to make application for a Transient Vendor's Permit.

Section 1.05 – Fee – A fee of twenty-five (\$25.00) shall be paid for each Transient Vendor's Permit.

Section 1.06 – Period of Validity – Each Transient Vendor's Permit shall be valid for a period of one (1) year from the date of issuance.

Section 1.07 – Revocation/Confiscation – A Transient Vendor's Permit may be revoked and/or confiscated by the Police Chief or his/her designate upon finding that:

- A. Misrepresentation – That a misrepresentation was made upon the application for a Transient Vendor's Permit.
- B. Nuisance – Upon valid complaint that any person to whom a Transient Vendor's Permit has been issued is harassing, abusing, or in any manner is becoming a nuisance to the residents of Clayton or as described in Section 1.01(C).
- C. Alteration – The Transient Vendor's Permit has been altered, defaced, destroyed, or exchanged in an attempt to represent someone other than the person to whom the permit is issued.
- D. Traffic – That the applicant has caused an obstruction to, or impedes the movement of traffic.
- E. Criminal Conviction – The applicant is convicted of any felony or misdemeanor involving force, violence, moral turpitude, or convicted of any crime other than a minor traffic offense, which in any way is connected with the act of solicitation.
- F. Violations – The applicant has violated any of the provisions of this article or resolution.

Section 1.08 – Appeals – Any person having a Transient Vendor's Permit refused, revoked, or confiscated may appeal such action to the Council, City of Clayton, Montgomery County, Ohio.

The appeal shall be in a detailed, written form of the Board. Said appeal must be filed with the Clerk of the Board within ten (1) days of such action, but at least seven (7) days before the Trustee's Meeting. The decision of the Board is final.

Section 1.09 – Penalty – Whoever violates any provision of this article/resolution, shall be guilty of a minor misdemeanor, punishable by a fine or no more than one hundred dollars (\$100.00).