

PERKINS TOWNSHIP - TRANSIENT VENDOR & SOLICITOR INFORMATION

ALL TRANSIENT VENDORS AND TEMPORARY STORE OPERATIONS SHALL REGISTER WITH THE PERKINS TOWNSHIP TRUSTEES AND ABIDE BY THE FOLLOWING REGULATIONS.

Section 1. Definitions

- a) "Goods". Goods meaning any kind of merchandise, beverage, produce, food or commodity.
- b) "Operate". Operate means to conduct business out of the temporary store.
- c) "Sale". Sale means the transfer of ownership with or without consideration for good, or taking orders for the same whether or not physical possession of the good is then given to the buyer or delivery is to be at a future time and/or at a different place.
- d) "Temporary Store". Temporary store or place of business means any public or quasi public place including but not limited to a hotel, motel, rooming house, storeroom building, part of a building, tent, vacant lot, railroad car, or motor vehicle that is temporarily occupied for less than one hundred twenty days (120) for the purpose of making retail sales of goods to the public.
- e) "Transient Merchant or Vendor". Means any person who opens a temporary store or 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 the future delivery of goods where payment is required prior to delivery.
- f) "Vehicle". As set forth in section 4501.01 (A) of the Ohio Revised Code.

Section 2. License required.

No transient merchant of vendor shall sell goods or offer them for sale from an unlicensed temporary store.

Section 3. License Application.

Any person desiring to be a transient vendor or operate a temporary store or place of business shall make written application to the Perkins Township Trustees on forms furnished by the Perkins Township Trustees. The fee for an application to operate a temporary store shall be one hundred fifty dollars (\$150.00) and shall be non-refundable. The applicant shall be notified by the Perkins Township Trustees of the decision on the issuance or denial of the license not later than thirty (30) days after the filing of a completed application for a license. Each application shall contain the following information:

- 1) The name and address of the owner of the goods to be sold.
- 2) A description and address of the place where the temporary store is to be located. A site plan with dimensions indicating where the merchandise will be displayed and where the sign and required parking will be located.
- 3) The nature and the type of goods to be offered for sale.
- 4) The day when the business of the transient vendor or temporary store of place of business will commence and the day it will end.
- 5) The name, home and business address of the operator include telephone numbers and email.
- 6) A copy of any appropriate licenses required by the county health department pursuant to O.R.C. Section 3732.02. A copy of the vendor's license issued by the County Auditor.
- 7) Written authorization from the property owner on which the temporary store is to be located stating that the applicant can operate a temporary store on said property.
- 8) A permanent electrical service as required by the National Electrical Code is required. This service shall be located adjacent to temporary store location on lot.
- 9) The electrical a service will need to be installed by a State of Ohio licensed, Township registered, electrical contractor. Permit(s) will be required.

Additional information may be required by the Perkins Township Trustees in order to provide and protect the public health, safety, and welfare.

Section 4. License fees.

The fee for licenses issued shall be One Hundred Fifty dollars (\$150.00) for a ninety (90) day period, or any part thereof, during which the transient vendor is working in the township or a temporary store or place of business to be operated. If the temporary store is not owned by the applicant or is leased for less than one hundred twenty days (120), it shall be prima facie evidence that a license is required.

Section 5. Issuance of licenses; Conditions.

When it appears to the Perkins Township Trustees that an application for a temporary store has been properly made and the application fee has been paid, a license shall be issued to the applicant, subject to the following conditions:

- (A). The period of licensing shall be not more than ninety (90) days and the days shall be consecutive.
- (B). Upon commencement of business, and at all times during the operation of the temporary store, the license shall be prominently displayed at the temporary store.
- (C). That the location of the temporary store is zoned C-2 (general commercial), I-1 (light industrial) or I-2 (heavy industrial) and has the off street parking spaces determined to be necessary of the operation of said store. A temporary store shall be no larger than 30' X 30' and shall have at least three (3) off street parking spaces available.
Exception: An exception to (C.) shall be Christmas tree sales. Their maximum size shall be determined on a case-by-case basis.
- (D). All temporary stores shall be set back a minimum of 30' from the edge of the road or curb. On corner lots, all temporary stores shall be set back 35' from each street to maintain a clear line of site for traffic trying to turn at the intersection.
- (E). Only one sign no larger than 16 square feet shall be displayed and it shall be back from the edge of the road a minimum of 20'. Advertising on the temporary store shall be considered to meet the 16 square foot maximum.
- (F). That the temporary store is to be operated between the hours of 9:00 a.m. and 9:00 p.m.
- (G). In compliance with all other pertinent resolutions and/or regulations of Perkins Township, the State of Ohio, and the Erie County General Health District.

Section 6. Revocation.

The Perkins Township Trustees may revoke the license for violation of any of the provisions of this resolution.

Section 7. Limitation

A license may be renewed for an additional ninety days (90) once in a calendar year. No additional renewals or extension of the period of operation will be granted in that calendar year. No license for a temporary store may be issued to the same owner and/or operator for more than one location in Perkins Township.

Section 8. Exceptions.

These provisions shall not apply to judicial sales, sales by executors or administrators, sales of unredeemed pledges by or on behalf of licensed pawnbrokers in the manner prescribed by law, sales of farm products, farm implements, livestock, home sales, real estate, machinery and equipment automobiles accumulated by a bona fide dealer, vendors operating during community events and festivals, personal property not in the general line of merchandise nor to any sale or auction held by any church, charitable organizations or fraternal organization provided such churches, charitable organizations or fraternal organizations conduct their sale on real estate owned and/or occupied by such organizations.

These provisions also shall not apply to sales by a person operating a branch store provided that such person or the principal of such person has engaged in an presently engages in the same kind of sales in another location in Perkins Township and has done so for more than ninety days prior to the opening of the branch store.

Section 9. Penalty.

Anyone who violates this resolution shall, upon conviction, be guilty of a minor misdemeanor and shall be fined one hundred dollars (\$100.00) in accordance with the ORC Section 505.99.