

EXHIBIT A

Transient Vendor-Solicitation Regulations Policy

Definitions

For the purpose of these rules and regulations only, the following words and phrases shall, when used in the Transient Vendor-Solicitation Resolution, have the meaning respectively ascribed to them by this section:

- A. "Charitable" means the purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United State Code Section 501 (c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.
- B. "Commercial" means the purpose of solicitation which is not noncommercial, as defined in this section.
- C. "Corporation" means a legal entity which has a legal personality distinct from those of its members which has filed articles of incorporation with the Ohio Secretary of State.
- D. "Goods" means goods, wares, services, merchandise, periodicals, and other article or publications.
- E. "Noncommercial" means the purpose of solicitation which is charitable, as defined in this section, religious or political.
- F. "Person" means any individual, firm, partnership, joint venture, association, social club, league, fraternal organization, joint stock company, estate, trust, business trust, receive, trustee, syndicate or any other group acting as a unit. The word person shall include the definition of corporation and limited liability company.
- G. "Solicitation" includes the act of any person, whether a resident of the Township or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the Township either: (1) requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value; (2) taking or attempting to take orders for the future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or

anything of value: (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature; (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter; (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's beliefs in regard to any political or religious matter, and (5) A person carrying, conveying, delivering or transporting products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.

- H. "Solicitor" means any person, whether a resident of the Township or not, engaged in solicitation.
- I. "Vehicle" means the definition as set forth in the Ohio Revised Code Section 4501.01.
- J. "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 or offers for sale goods, 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 any person licensed under Chapter 4707 of the Revised Code.

Permit Required

- A. The following provisions shall apply to permits for transient vendors and commercial solicitation:
 - a. If a person is soliciting on behalf of, or is employed to solicit by, another person (as defined in Section F, Definitions), both the person soliciting and the employer or other person upon whose behalf solicitation is being made must have valid solicitation permits as set forth in these Rules and Regulations.
 - b. If a person opens a temporary (transient vendor) place of business outside a building or while traveling about the Township, sells, offer for sale, or solicits orders for future delivery of good, is employed to solicit by, another person, both the person soliciting and the employer or other person upon whose behalf solicitation is being made must have valid solicitation permits as set forth in these Rules and Regulations.

- B. All persons who engage in transient vendor and/or solicitation shall comply with the following:
- a. Carry a photo identification and a copy of a valid permit issued pursuant to these Rules and Regulations, and if acting on behalf of another person, such person shall carry written authorization to act on behalf of such third party and a copy of the permit issued to such third party; and
 - b. Immediately present a transient vendor-solicitation permit, identification and authorization to act on behalf of a third party. If applicable, to any person approached for said solicitation and to any law enforcement official or Township official, upon their request.
 - c. The permit shall contain the name, permanent residential address of the transient vendor-solicitor, and a brief description of the business.
 - d. Permits are not transferable.
- C. The following provisions shall not be required to apply for permits for noncommercial solicitation:
- a. An entity exempted from taxation under Section 5709.04 who provides notice to the Board of Trustees that the representative are present in the Township in accordance with the requirements of these regulations shall complete an application to be filed with the Township. However, said entities are not subject to the fees set forth in these regulations.
 - b. Nothing in these regulations shall apply to persons selling items governed herein for any projects sponsored by an elementary, middle or high school, and/or churches, and/or juvenile sports groups.

Application Fees and Procedures for Solicitors

- A. The Solicitor applicant shall apply for a permit made upon a form prescribed by the Township, and submitted with the following information:
- a. The name, permanent residential address for residential applications or the business address for commercial applications, a brief description of the applicant, a copy of a valid State of Ohio or other state issued identification and any other information required on the application form.
 - b. Disclosure of any and all criminal convictions, infractions or misdemeanor citations received, including any municipal code violations and criminal or civil cases pending. This shall include any cases dismissed or expunged pursuant Ohio Revised Code or similar federal or state law;
 - c. A statement that the person is not currently under investigation for any crimes related to solicitation or other criminal offense including but not

limited to, violent crimes, sexual assault, possession of controlled substances, theft, fraud or burglary.

- d. Requested time and place to solicit within the Township.
- e. The application shall be submitted to the Township Zoning Inspector, or his/her designee, at least thirty (30) calendar days prior to the time the solicitor requests to engage in solicitation.
- f. The Solicitor permit fee shall be \$150.00 and is nonrefundable (See ORC 505.94);
- g. Applicants shall at all times maintain accurate application information with the Township. If there are any changes or modifications in the information provided in the initial application, the applicant shall give written notification of such change to the Chief of Police within two (2) weeks of the change.

Criminal Record Check

This actions shall only apply to Solicitation Applications.

- A. The Chief of Police, or his/her designee, shall initiate a criminal record check through the Stark County Criminal Justice Information Systems (CJIS) of prospective solicitors.
- B. A criminal history record background check shall not be initiated pursuant to this article without the written consent of the applicant. The consent required under this section shall be in the manner and form prescribed by the Chief of Polce and shall include, but not be limited to, the signature, name, and address of the applicant.
- C. The Chief of Police, or his/her designee, shall not approve a person subject to the provisions of these regulations who refuses to consent to or cooperate in the securing of a criminal history record check.
- D. A person whose criminal record check through CJIS reveals a conviction for any criminal offense including, but not limited to, violent crimes, sexual assault, possession of a controlled substance, theft, fraud or burglary shall be disqualified from receiving a permit to solicit within the township.
- E. The Police Department shall promptly notify a person whose criminal history record background check reveals a disqualifying criminal conviction.

Application Procedures and Fees For Transient Vendors

- A. The Transient Vendor applicant shall apply for a permit made upon a form prescribed by the Township, and submitted with the following information:

- a. The name and business address for the transient business, brief description of the business and a valid State of Ohio or other state issued identification and any other identification required on the application form
 - b. Written permission by the property owner where intended transient vendor activity is to take place and the proposed duration of said commercial activity.
 - c. The application shall be submitted to the Township Zoning Inspector, or his/her designee, at least ten (10) calendar days prior to the time the vendor requests to engage in a commercial activity.
 - d. The permit application fee shall be \$40 and is nonrefundable (See ORC 505.94);
- B. Applicants shall at all times maintain accurate information with the Township. If there is any change or modification in the information provided in the initial application, the applicant shall give written notification of such change to the Township within two (2) weeks of the change.

Permit Issuance

The Township Zoning Inspector, or his/her designee, shall issue a permit for a solicitor or transient vendor if the following requirements have been met:

- A. The applicant has properly completed and signed his or her application.
- B. The applicant has obtained any other applicable licenses or permits that may be required under this or the Ohio Revised Code, including Stark County Public Health.
- C. The applicant has not made any misrepresentation of any fact in the application
- D. All fees have been paid to the township.

Permit Expiration – Renewal – Revocation

The following provisions shall apply to permits for Transient Vendors and Commercial Solicitors:

- A. All permits granted under the provisions of these regulations shall be valid for up to ninety (90) days and may be renewed thereafter, unless sooner revoked.
- B. Prior to application of a permit, and upon application for renewal of the permit, the Township shall determine if the applicant has acted in compliance with the provisions of these regulations.
- C. If the applicant is found not to be in substantial compliance, the permit shall not be renewed and no other permit shall be issued within one (1) year of the date of cancellation or expiration of the permit.
- D. Renewal fees shall be: \$150 for Solicitors and \$40 for Transient Vendors.

- E. Any applicant who is denied or a permit holder whose permit has been revoked is not entitled to an appeal.
- F. No solicitor shall approach any premises identified by a Do Not Knock notice posted on site or the township's list of Do Not Knock participant addresses available at PerryTwp.com.
- G. Whoever violates Ohio Revised Code Section 505.94 or any of the regulations set forth herein is guilty of a minor misdemeanor punishable by a fine up to \$150.