



## **CHAPTER 707: TRANSIENT VENDOR REGULATIONS**

### **707.01 DEFINITIONS**

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANVASSER.** Any person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

**CITY.** The City of Mason, Ohio.

**GOODS.** Goods, wares, services, merchandise, periodicals, and other articles or publications.

**TRANSIENT VENDOR.** Any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling around the City, sells, offers for sale, or solicits orders for future delivery of goods where payment is required prior to the delivery of the 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 Ohio Revised Code and that provides notice in accordance with 707.02 below.

### **707.02 TAX EXEMPT ENTITY NOTICE**

Any person who represents an entity exempted from taxation under Section 5709.04 of the Ohio Revised Code that notifies the Mason Police Department that its representatives are present in the City for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods or attempting to arrange an appointment for a future estimate or sales call shall be exempt from the transient vendor regulations herein.

### **707.02 EXCLUSIONS**

Transient vendor does not include and these regulations do not apply to: (a) any person licensed under Chapter 4707 of the Ohio Revised Code; (b) any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods; (c) any person who is only seeking donations and is not selling, offering or soliciting orders for goods; (d) any person who is only collecting money for goods previously ordered or sold.

### **707.04 REGISTRATION**

All transient vendors shall register with the Mason Police Department prior to conducting any business in the City. Registration shall be made on a form provided by the Mason Police Department. All information required shall be supplied by the vendor prior to acceptance of the registration. At the time of registration, each transient vendor shall provide a copy of a valid, current vendor license or tax ID certificate.

#### **707.05 REGISTRATION WHEN MULTIPLE EMPLOYEES INVOLVED**

In the event that a sole proprietorship, partnership, limited liability company, corporation or other entity registers as a transient vendor, and such business entity has employees, only one permit shall be required of the business entity at each location, which shall cover all employees of the business entity at a single location, provided that each employee carries identification that they are employed by the business entity and such identification specifically refers to the transient vendor registration number issued by the City to the business entity. Each business location shall require a separate registration.

#### **707.06 REGISTRATION FEE AND PERIOD**

The administrative fee for each registration shall be \$75.00. Each registration shall be valid for a period of one year.

#### **707.07 MANNER OF SOLICITATION**

No transient vendor shall conduct public solicitation in the City in such a manner that their conduct is contrary to the public interest. No solicitation tactics shall be employed which are coercive, abusive or misleading. No effort may be made by any transient vendor to defraud any individual through the solicitation process. Except as otherwise approved by the Mason Police Department, no sales or solicitation shall be conducted in the right of way of any public road.

#### **707.08 HOURS OF SOLICITATION**

Door to door solicitation shall be made only between the hours of 9:00 a.m. and 6:00 p.m.

#### **707.09 PROOF OF COMPLIANCE**

Each transient vendor shall carry on his or her person a copy of the registration issued by the City at all times while selling or traveling about the City for the purposes of selling or soliciting orders. Individuals may not solicit as a team using another person's registration.

#### **707.10 REVOCATION OF REGISTRATION**

A transient vendor registration may be revoked by the Chief of Police for any of the following causes:

- (A) Fraud, misrepresentation, or false statements contained in the registration application or in the course of carrying on sales solicitations;
- (B) Any violation of any provision of this Chapter;
- (C) Conducting business in an unlawful manner, or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

#### **707.11 ENTRY UPON PREMISES UNLAWFUL.**

It shall be unlawful for any person, whether registered or unregistered, while conducting the business of a transient vendor, canvasser, or any other business solicitation, to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors" or words of similar import.

#### **707.99 PENALTY.**

(A) Any person who violates any provision of this Chapter shall be deemed guilty of a minor misdemeanor subject to the maximum fine allowed by law.

(B) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of any provision of this Chapter, the offender shall be guilty of a misdemeanor of the fourth degree.