

RESOLUTION #10-0315-05

Authorize Wedgwood Homeowners Association request of four (4) new signs

WHEREAS, Wedgwood Homeowners Association is requesting four new signs in their subdivision, and would like to pay for and place one sign at each of the four entrances to the subdivision, and

WHEREAS, they would like to place one sign at each of the four entrances into the Wedgwood Subdivision as shown on the attached drawings, and

WHEREAS, residents have also referenced similar issues and signs the Board of Trustees have allowed to be installed in neighboring subdivisions,


NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO that the Board authorizes the installation of the four (4) new signs as depicted in the attached drawings to be placed at each of the four entrances into the Wedgwood Subdivision as approved by the Road Superintendent.

This Resolution shall be in force and become effective immediately upon its execution.

Motion made by Sybert and seconded by Mann.

Vote: Absent Ms. Carducci yes Mr. Mann yes Mr. Sybert

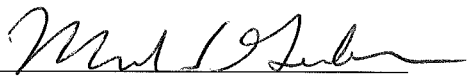
3-15-10
Date


Robert Mann, Trustee


Curtis J. Sybert, Trustee

CERTIFIED BY:

Mary Carducci, Trustee


Mark S. Gerber, Fiscal Officer



Wedgewood
Home Owners Association
P.O. Box 1526, Powell, Ohio 43065

Board of Trustees

Mara Otey
President
514.932.0891

Joseph Karr
Treasurer
514.932.9998

Tom Crawford
Secretary
514.659.0470

Melanie Leneghan
Environmental
Chair
514.766.5439

Ralph Reminger
Trustee
514.761.9714

Susan Dobias
Community
Relations
514.659.1291

To: Liberty Township Trustees
C/o Trustee Mary Carducci

Dear Trustees,

The board of the Wedgewood Homeowners Association would like to request four new signs in our subdivision. We would like to place one sign at each of our four entrances. Please see the attached drawings for details. As always, we will pay for the signs. We would like to have these placed as soon as the weather breaks. A response no later than April 15th would be appreciated.

Please contact Melanie Leneghan a 614 -766- 5439 with any questions or concerns and thank you for your time and consideration.

Most Sincerely,

Melanie Leneghan

**NO
SOLICITING**
TWP.ORD. XXXXXXX

**SPECIAL
DUTY
SHERIFFS
ON PATROL**

**NO
SOLICITING**
TWP.OD. XXXXX

**SPECIAL
DUTY
SHERIFFS
ON PATROL**



**BOARD OF TRUSTEES
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

RESOLUTION NO. 08-0616-01

A Resolution adopted pursuant to Ohio Revised Code §505.94 prohibiting the sale of goods, offer for sale of goods and solicitation of orders for future delivery of goods by transient vendors within the unincorporated territory of Liberty Township, Delaware County, Ohio.

PREAMBLE

WHEREAS, the Board of Trustees of Liberty Township, Delaware County, Ohio desires to protect the residents of the unincorporated territory of Liberty Township from uninvited door-to-door solicitors in consumer-related transactions;

WHEREAS, the Board of Trustees of Liberty Township, Delaware County, Ohio believes that it is in the best interest of the citizens of Liberty Township and further believes that it will promote the health, safety and welfare of the residents of Liberty Township to prohibit transient vendors from selling, offering for sale and soliciting orders for future delivery of goods within in the unincorporated territory of Liberty Township; and

WHEREAS, Ohio Revised Code §505.94 authorizes the Board of Trustees of Liberty Township to prohibit transient vendors from selling, offering for sale, and soliciting orders for future delivery of goods within the unincorporated territory of Liberty Township.

NOW BE IT RESOLVED BY THE LIBERTY TOWNSHIP BOARD OF TRUSTEES, DELAWARE COUNTY, OHIO:

SECTION 1. DEFINITIONS

A. "Goods" shall be defined as goods, wares, services, merchandise, periodicals, and other articles or publications.

B. "Transient Vendor" shall be defined as 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, 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.

C. "Transient Vendor" shall not include:

(1) Any person who represents a tax exempt business or organization, including but not limited to any entity exempt from taxation under Section 5709.04 of the

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Ohio Revised Code, that notifies the Board of Trustees that its representatives are present in the Township for the purpose of selling, offering for sale, or soliciting orders for future delivery of goods; and

(2) An auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code; and

(4) Commercial travelers or selling agents calling upon commercial establishments in the usual course of business;

(5) 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; and,

(6) Roadside stands or vendors offering for sale agricultural produce grown on premises.

SECTION 2. PROHIBITIONS

The sale of goods, offer for sale of goods, and solicitation of orders for future delivery of goods by a transient vendor within the unincorporated territory of Liberty Township is hereby prohibited.

SECTION 3. REGULATIONS

A. All organizations as defined by Section 1C(1) ("tax-exempt organization") shall notify the Liberty Township Zoning Inspector prior to soliciting any home or residence within the unincorporated territory within Liberty Township.

B. The notification under Sections 3A shall be valid for a period of 180 days from the date received by the Liberty Township Zoning Inspector.

SECTION 4. PENALTIES

A. Violations of this Resolution shall be punishable as a minor misdemeanor, by virtue of Ohio Revised Code Section 505.99(A). Penalties shall be imposed in accordance with Ohio Revised Code Chapter 2929, and shall include a fine up to one hundred fifty dollars (\$150) for each offense. Each day of violation constitutes a separate offense.

B. In accordance with Ohio Revised Code, Section 505.94, the Liberty Township Administrator is hereby authorized and directed to notify the Delaware County Prosecutor of the Township's registration and regulatory requirements by providing a copy of this Resolution.

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Liberty Township, Delaware County, Ohio

SECTION 5. ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. PRIOR RESOLUTIONS

This Resolution supersedes any Transient Vendor Resolution adopted prior to the effective date of this Resolution.

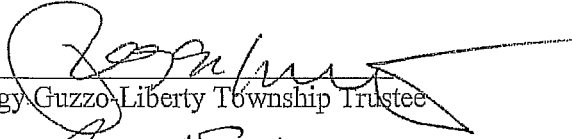
SECTION 7. EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

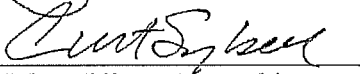
Voted on and signed this 16 day of June, 2008 in Liberty Township, Delaware County, Ohio.

APPROVED AND ADOPTED THIS 16 DAY OF June, 2008 BY:

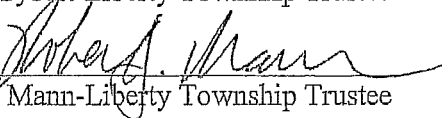
**BOARD OF TRUSTEES, LIBERTY
TOWNSHIP, DELAWARE COUNTY, OHIO,
By:**



Peggy Guzzo-Liberty Township Trustee



Curtis Sybert-Liberty Township Trustee



Robert Mann-Liberty Township Trustee

505.94 Registration and regulation of transient vendors.

(A) A board of township trustees may, by resolution, require the registration of all transient vendors within the unincorporated territory of the township and may regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, or the board may, by resolution, prohibit these activities within that territory. If the board requires the registration of all transient vendors, it may establish a reasonable registration fee, not to exceed one hundred fifty dollars for a registration period, and this registration shall be valid for a period of at least ninety days after the date of registration. Any board of township trustees that provides for the registration and regulation, or prohibition, of transient vendors under this section shall notify the prosecuting attorney of the county in which the township is located of its registration and regulatory requirements or prohibition. No transient vendor shall fail to register or to comply with regulations or prohibitions established by a board of township trustees under this division.

This division does not authorize a board of township trustees to apply a resolution it adopts under this division to 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.

(B) As used in this section:

(1) "Goods" means goods, wares, services, merchandise, periodicals, and other articles or publications.

(2) "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, 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 Revised Code, that notifies the board of township trustees that its representatives are present in the township for the purpose of 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, and does not include a person licensed under Chapter 4707. of the Revised Code.

Effective Date: 03-30-1999; 09-21-2006

Anderson, Dave

From: Hitzeman, Janice [JHitzeman@co.delaware.oh.us]
Sent: Tuesday, March 04, 2008 2:11 PM
To: Anderson, Dave; Robert Mann; pguzzo@earthlink.net; Curtis Sybert
Cc: Betts, Christopher
Subject: RE: No soliciting posting

Dave:

Home Solicitation Sales are regulated under R.C. 1345.21 et. seq. This code section generally regulates the contract terms and cancellation rights of the buyer, but does not restrict the scope or manner of the initial solicitation.

As you know, townships are a creature of statute vested with only that authority which is expressly granted in the Ohio statutes, or necessarily implied from the duties imposed therein. In reviewing the Ohio Revised Code, I am unable to locate any specific authority to regulate home solicitation sales granted to townships. However, there are some general grants of authority which might vest limited authority to adopt a resolution regulating home solicitation.

O Const XVIII Sec. 3 (Municipal powers of local self-government) states the following:

"Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws."

The phrase "police, sanitary and other similar regulations" means measures within the so-called police power of governmental bodies to protect the health, safety, morals, and general welfare of the public which, like all such regulations, must be reasonable and not arbitrary, and reasonably related to a proper governmental purpose. See, e.g., Akron v White, 194 NE(2d) 478 (Muni, Akron 1963). Based on this authority granted by the Ohio Constitution, the townships are granted the following powers through O.R.C. 519.01:

"For the purpose of promoting the public health, safety, and morals, the board of township trustees may in accordance with a comprehensive plan regulate by resolution.....the uses of buildings and other structures.....and the uses of land for trade, industry, residence, recreation or other purposes in the unincorporated territory of such township."

Therefore, a township may have limited authority to adopt a zoning resolution regulating home solicitation sales for the purpose of promoting public health, safety, and morals, so long as the resolution is not arbitrary and is reasonably related to a government purpose. Keep in mind, however, that a resolution which imposes a complete prohibition on solicitation may be unconstitutional. (See City of Cleveland Heights v. Lindsay, 65 Ohio App.2d 215, 417 N.E.2d 1019, 19 O.O.3d 162, holding that a statute which provides a mechanism by which homeowner may choose whether he wants to be solicited will not be constitutionally infirm.) Furthermore, if a conflict between a general law (HSSA - O.R.C. 1345.21 et. seq.) and an ordinance arises, the ordinance will be unconstitutional, but mere fact that subject matter of municipal resolution overlaps with that of a state statute does not mean that the two are in conflict. (*Id.*)

Feel free to contact me with further questions or concerns.

Janice Hitzeman
Assistant Prosecuting Attorney
Delaware County Prosecutor's Office
140 North Sandusky Street 3rd Floor
Delaware, Ohio 43015
Telephone: (740) 833-2700
Facsimile: (740) 833-2689

From: Dave Anderson [mailto:danderson@libertytwp.org]
Sent: Tuesday, March 04, 2008 12:28 PM

To: Hitzeman, Janice
Subject: No soliciting posting

Janice,

Can the Township post and/or regulate such a thing as door to door soliciting? I have been asked and did not think t his was something we could do?

Dave

10104 Brewster Lane
Suite 125
Powell, Ohio 43065
O) 740-881-4467
F) 614-336-8211

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