



RESOLUTION HR NO. 02-17
A RESOLUTION ESTABLISHING A DO NOT KNOCK REGISTRY
AND ESTABLISHING RELATED PROCEDURES AND PENALTIES

The Board of Township Trustees (the "Board") of Prairie Township (the "Township"), Franklin County, Ohio, met in regular session on _____, 2017, at 7:00 p.m. at 23 Maple Drive, Columbus, Ohio 43228, with the following members present:

Ronald Ball
Steve Kennedy
Doug Stormont

Mr. _____ introduced the following resolution in writing:

RESOLUTION HR-02-17
A RESOLUTION ESTABLISHING A DO NOT KNOCK REGISTRY AND ESTABLISHING RELATED PROCEDURES AND PENALTIES

WHEREAS, the Board desires to place additional reasonable restrictions upon persons and organizations visiting private residential properties for the purpose of peddling or soliciting goods, wares, merchandise, periodicals or services; and

WHEREAS, the Board has a substantial interest in allowing individuals to determine their level of comfort with privacy and whether or not they want to receive solicitation for goods, wares, merchandise, periodicals or services; and

WHEREAS, the Board desires to maintain a list of residents within the unincorporated area of the Township who desire not to be visited by any transient vendor; and

WHEREAS, it is the intent of this Resolution to prohibit such unwanted solicitations at Township residents' dwellings in Prairie Township.

WHEREAS, it is the opinion of Board that such regulations are immediately needed to protect the health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP SHALL ESTABLISH A DO NOT KNOCK REGISTRY AND RELATED PROCEDURES AND PENALTIES.

(A) The Township shall separately establish and maintain a list of residents within the unincorporated area who have expressed a desire not to be visited by any Transient Vendor for a commercial purpose. This list shall be known as the Transient Vendor Do Not Knock Registry.

(B) The term "Transient vendor" shall have the same meaning as that term is defined in Resolution No. 21-08 as further amended by Resolution No. 09-16.

(C) Upon the issuance of any permit required by Resolution No. 21-08 as further amended by Resolution No. 09-16, a Transient Vendor shall be provided with a copy of the list of Township residents who have expressed a desire in writing not to have any such commercial Transient Vendor enter upon their property. Every commercial Transient Vendor shall agree not to visit the premises so enumerated on the list provided to it by the Township.

(D) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Township may require the Township to place and maintain his or her residence, house, apartment or other dwelling on the Transient Vendor Do Not Knock Registry by submitting a separate

request for each registry on form(s) supplied by the Township, each of which shall contain the following information:

- (1) The name of the person completing the form(s);
- (2) The complete address of the residence, house, apartment or other dwelling to be placed on the registry;
- (3) The date the form was completed;
- (4) A statement that No Transient Vendor s shall knock, ring the doorbell or otherwise call at this address, or words of similar import, on the applicable form;
- (5) The exceptions, if any, which the person completing the form(s) wishes to be made to the requirement that Transient Vendor not call at his or her residence, house, apartment or other dwelling; and
- (6) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Township.

(E) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the Township may require the Township to remove his or her residence, house, apartment or other dwelling from the Transient Vendor Do Not Knock Registry by submitting a separate Notice of Removal from either or both said registries on form(s) supplied by the Township, each of which shall contain the following information:

- (1) The name of the person completing the form(s);
- (2) The complete address of the residence, house, apartment or other dwelling to be removed from each registry;
- (3) The date the form was completed;
- (4) A statement that the residence, home, apartment or other dwelling be removed from the Transient Vendor Do Not Knock Registry, or words of similar import, on the applicable form; and
- (5) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Township.

(F) The Transient Vendor Do Not Knock Registry is voluntary. The decision whether to place a residence, house, apartment or other dwelling on the Transient Vendor Do Not Knock Registry, shall be solely that of the lawful possessor and occupant thereof, and no official, employee or other agent of the Township shall interfere with said decision.

(G) A residence, house, apartment or other dwelling, after being lawfully placed on the Transient Vendor Do Not Knock Registry shall remain on such Registry until the earliest of any of the following:

- (1) The Township receives a Notice of Removal pursuant to subsection (E) above;
- (2) The Township receives notice that the person who submitted the form pursuant to subsection (D) above is not or is no longer a lawful possessor or occupant of the premises; or
- (3) The expiration of five (5) calendar years, expiring on December 31st of the fifth full calendar year, from the date of the form submitted pursuant to subsection (b) above.

(H) A copy of the Transient Vendor Do Not Knock Registries shall be made available for public inspection at all times on the internet website of Prairie Township and during normal business hours of the Prairie Township administration office.

(I) No Transient Vendor, while peddling or soliciting, shall enter upon the premises of, call upon, knock at the door of, or ring the doorbell of any residence, house, apartment or other dwelling in the Township which is at that time on the "Do Not Knock Registry" established and maintained pursuant to this Resolution and upon which there is clearly posted at the entrance a notice that reads "No Peddlers

or Solicitors Allowed,” or words of similar import, which clearly prohibit Peddlers and Solicitors (i.e. Transient Vendors) on the premises unless such person has previously been invited upon the premises by the lawful possessor and occupant thereof.

(J) Whosoever violates division (I) of this Resolution shall be have their Transient Vendor permit revoked on the first offense; and any subsequent offense shall constitute an unclassified civil fine punishable according to the civil fine schedule as follows:

2 nd Violation:	\$100.00
3 rd and subsequent Violations:	\$250.00

(1) If a citation is warranted, the peace officer serving the Township pursuant to Section 504.16 of the Ohio Revised Code shall issue such citation to any person violating this Resolution. The officer shall complete the citation by identifying the violation charged and by indicating the date, time, and place of the violation charged. The officer shall sign the citation and without necessary delay file the original citation with the court having jurisdiction over the violation. A copy of a citation issued pursuant to this section shall be served pursuant to the Ohio Rules of Civil Procedure upon the person who violated this Resolution. The issuance of a citation shall not prohibit the issuance of additional citations, in the event such violation is continued or repeated. The citation shall be the limited home rule citation previously adopted by the Township and shall be in accordance with all of the following:

- (a) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon the person;
- (b) Indicate the allowable answers that may be made and that the person will be afforded a court hearing if the person denies in the answer that the person committed the violation;
- (c) Specify that the answer must be made in person or by mail with the Prairie Township Fiscal Officer;
- (d) Indicate the amount of the fine that may be imposed for the violation.

(2) An answer to a citation shall be made within fourteen (14) days after the citation is served upon the person and shall be in one of the following forms:

- (a) An admission that the person committed the violation, by payment of any fine arising from the violation. Payment of a fine shall be payable to the Fiscal Officer of the Township and deposited by the Fiscal Officer into the Township general fund.
- (b) A denial that the person committed the violation.

(3) Whenever a person pays a fine pursuant this section or whenever a person answers by denying the violation or does not submit payment of the fine within the time required under this section, the Township Fiscal Officer shall notify the court having jurisdiction over the violation. The court having jurisdiction over the matter shall proceed in accordance with the provisions of Section 504.07(B) of the Ohio Revised Code. All fines collected under this Resolution shall be deposited into the Township general fund.

(K) Nothing herein shall be construed to impair any common law or statutory cause of actions, including criminal trespass, or legal remedies available under Ohio Revised Code Chapter 504 therefrom, of any person or the Township, for any injury or damage arising from other law.

(L) It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken 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 actions were in meetings open to the public in compliance with all legal requirements including, without limitations, Section 121.22 of the Ohio Revised Code.

The resolution was read a second time.

Mr. _____ moved the adoption of the resolution and the motion was seconded by Mr. _____ . Roll was called on the question of adoption and the results were:

Vote Record:	Yea	Nay
M____. _____	___	___
M____. _____	___	___
M____. _____	___	___

First Reading: _____, 2017
Second Reading _____, 2017

Effective: _____, 2017

Adopted: _____, 2017

BOARD OF TOWNSHIP TRUSTEES
PRAIRIE TOWNSHIP
FRANKLIN COUNTY, OHIO

Doug Stormont, Chairman

Ronald Ball, Vice Chairman

Attest: _____
F. Dan McCardle, Fiscal Officer

Steve Kennedy, Trustee

APPROVED AS TO FORM:

Ron O'Brien, Township Law Director

CERTIFICATION

The undersigned Fiscal Officer of the Board of Township Trustees of Prairie Township, Franklin County, Ohio hereby certifies that the foregoing is a true copy of a resolution duly passed by the Board of Township Trustees of said Township and filed with the Township Fiscal Officer on _____, 2017.

F. Dan McCardle, Fiscal Officer
Prairie Township
Franklin County, Ohio

CERTIFICATE OF PUBLICATION

I, F. Dan McCardle, Fiscal Officer of Prairie Township, Franklin Township, Ohio, do hereby certify that a summary of this resolution was published in the newspapers listed below on the dates listed below:

The Daily Reporter, __/__/17 and __/__/17

F. Dan McCardle, Fiscal Officer

Prairie Township, Franklin County, Ohio

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