

BOARD OF TRUSTEES
MILTON TOWNSHIP
MAHONING COUNTY, OHIO

RESOLUTION NO. 11-18-25-07

**A RESOLUTION PURSUANT TO ORC 505.94
REQUIRING REGISTRATION AND REGULATING TRANSIENT VENDORS**

The Board of Trustees of Milton Township, Mahoning County, Ohio, met in regular session on November 18, 2025 with the following members present:

David Tomaino ✓
Wendy Di Bernardi ✓
Edward Villone ✓

Chairman Tomaino moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, ORC Section 505.94 authorizes a Board of Township Trustees, by Resolution, to require the registration of all transient vendors within the unincorporated territory of the township and regulate the time, place, and manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods, and;

WHEREAS, ORC Section 505.94 also authorizes a Board of Township Trustees, by Resolution, to prohibit solicitation at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation or for which the owner or tenant has filed a no solicitation registration form with the township, on a form prescribed by the Board, and;

WHEREAS, the Board desires to exercise such authority within the unincorporated territory of Milton Township.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1 – DEFINITIONS

- A. “Board” means the Board of Trustees of Milton Township, Mahoning County, Ohio
- B. “Goods” means good, wares, services, merchandise, periodicals, and other article or publications;
- C. “Township” means the unincorporated area of Milton Township, Mahoning County, Ohio
- D. “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:
 - 1. Any person who represents any entity exempted from taxation under ORC Section 5709.04 and,
 - 2. Any person licensed under Chapter 4707 of the Revised Code.
- E. Mobile Food Vehicle shall mean a food establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, ice cream trucks, mobile food trucks, and coffee trucks. This definition does not apply to “meals on wheels” program vehicles, or food home delivery services.
- F. Door-to-Door—a canvassing technique generally use for sales, marketing, advertising, or campaigning, in which a person (s) walk from the door of one house to the door of another, trying to sell or advertise a product or service.

SECTION 2 – GENERAL RULES AND REGULATIONS FOR MOBILE FOOD VEHICLES

- A. No operator of a Mobile Food Vehicle shall park, stand or move a vehicle and conduct business within areas of the Township where the operator has not been authorized to conduct business by the issuance of the T.V. Permit.
- B. The issuance of a permit does not grant or entitle the exclusive use of a location to the Mobile Food Vehicle permit holder, other than the time and place as approved for the term of the permit.
- C. Mobile food units must have a distance of 3 feet between each unit and a separation distance of 25 feet from entrances, exists, buildings, structures, combustible materials, and other vehicles.
- D. No Mobile Food Vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, unless a proposal for such seating/standup arrangements is submitted with the permit application and approved by the Zoning Inspector.
- E. All Mobile Food Vehicles shall offer a waste container for public use that the operator shall empty at his or her own expense.
- F. No Mobile Food Vehicle shall make or cause to be made any unreasonable or excessive noise.
- G. No permittee shall employ the use of flashing or moving lights on or near a Mobile Food Vehicle as part of its operation.
- H. No person holding a permit for a Mobile Food Vehicle shall sell, lend, lease or in any manner transfer a Mobile Food Vehicle permit.
- I. A vendor shall notify the Milton Township Fire Department upon setup of the vending trailer. Failure to notify the Fire Department can be cause for revocation of the Transient Vendor Permit.

SECTION 3 – REGISTRATION

- A. Subject to the exceptions in Section 6, all Transient Vendors within the unincorporated territory of Milton Township shall register with the Township at the Milton Township Zoning Office, located at 15990 Milton Avenue, pay a registration fee of \$ 150.00, and obtain a valid registration certificate from the Township before selling, offering for sale, or soliciting orders for future delivery of Goods or Services.
- B. Application for Transient Vendor registration shall be made on the form prescribed in Section 7(A).
- C. The Township shall issue a registration certificate to Transient Vendors who register and pay the registration fee. A registration certificate issued by the Township shall include the information prescribed in Section 7 (D).
- D. Applicants should allow for at least 3 business days for the Township to process their application and issue the registration certificate.
- E. A registration certificate shall be valid for a period of 90 days after the date of registration, 180 days for a food truck vehicle permit.
- F. The list of Transient Vendors currently registered with the Township shall be made available to the public.
- G. At the time of registration, every transient vendor who intends to conduct activities in a stationary location on private property zoned in a Business B-2 or B-3 District shall present written permission from the owner of said property for such activities.
- H. Transient Vendors operating in a stationary location must comply with the sign and temporary sign regulations as stipulated in the Milton Township Zoning Ordinance.

- I. In carrying on activities within Milton Township, a transient vendor shall not:
 1. Obstruct or interfere with public travel on or public use of any public street, road, sidewalk or way;
 2. Enter any private premises or parts of premises where entry is prohibited by notice or which are manifestly restricted to uses which are incompatible with the vendor's activity;
 3. Remain on premises or parts of premises after notice to depart; and
 4. Possess, sell, or solicit orders for any product or thing in violation of law.

SECTION 4 – NO SOLICITATION REGISTRY AND PROHIBITION

- A. A "No Solicitation" registry shall be maintained by the Township. An owner or tenant of a residence may voluntarily file a no solicitation registration form with the Township. Upon filing such form the registered address of the owner or tenant's residence shall be listed in the registry. The registry shall be a cumulative listing of all registered addresses. Registration shall not expire.
- B. Subject to the exceptions in Section 6, solicitation is prohibited at any residence at which the owner or tenant has posted a sign on the property prohibiting solicitation and/or at those addresses listed in the no solicitation registry maintained by the Township.
- C. Registration for the Township no solicitation registry shall be made on the form prescribed in Section 7 (B) or by notice containing substantially the same information. Upon receipt of such form by the Township, the registered address shall be added to the registry within 3 business days.
- D. An owner or tenant may only register or remove from the registration the address of the residence where the owner or tenant currently resides.

- E. The no solicitation registry shall either be physically provided to or made electronically accessible to all Transient Vendors registered with the Township. The registry shall also be available to the public.
- F. No fee shall be charged to register on the Township no solicitation registration.
- G. Upon sale or vacation of a property the address of which is listed in the Township no solicitation registry, the seller or vacating tenant shall inform, as applicable, the purchaser or landlord that the property address appears in the registry. A landlord shall inform any new tenant if the address of the rental unit appears in the registry.
- H. An owner or tenant may request his or her address be removed from the no solicitation registry. Requests shall be made on the form prescribed in Section 7(C) or by notice containing substantially the same information. Upon receipt of such form by the Township, the owner or tenant's address shall be removed from the no solicitation registry within 3 business days.

SECTION 5 – BUSINESS HOURS RESTRICTED

Within the unincorporated territory of Milton Township, Transient Vendors are prohibited from selling, offering for sale, or soliciting orders for future delivery of Goods:

- A. Between the hours of 8:00 P.M. and 9:00 A.M.;
- B. On Sundays; and
- C. On legal holidays. "Legal holiday" shall have the same meaning as defined in ORC Section 1.14
- D. Food trucks are allowed to operate between hours of 8 AM to midnight, Monday-Saturday; on Sundays between 9 AM to 10 PM

SECTION 6 – EXCEPTIONS

Registration of Transient Vendors required by Section 3 shall not apply to any of the following:

1. 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;
2. A farm market where 50% or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year;
3. The delivery of newspapers (free or subscription) and solicitation of subscriptions for the same;
4. The sale and delivery of products sponsored by public, parochial, or private school systems or various associations of the same and solicited by students of such school or schools'
5. The dissemination of ideas, thoughts, communications, or messages regarding any cause, issue, religion, or political candidate;
6. Any individual who, without compensation, acts on behalf of and for any religious or charitable not for profit organization;
7. Any person who seeks to disseminate any lawful message by means of traveling from place to place without soliciting funds or donations, and;
8. The sale of services or products exclusively to business, commercial, or Industrial enterprises.

SECTION 7 – FORMS AND REGISTRATION CERTIFICATE

- A. The registration form to be completed by an applicant registering with the Township as a Transient Vendor pursuant to Section 3 of this Resolution shall include at least all of the following:
 1. The name of the Applicant;
 2. A physical description of the Applicant;
 3. The name, address, telephone number, and email address of the person or entity by whom the applicant is employed or for whom the applicant is soliciting, if any, or, if none, the name, address, telephone number, and email address of the applicant;

4. The name, address, telephone number, and email address of the applicant's immediate supervisor, if any;
 5. The federal tax identification number of the applicant's entity or organization if the applicant is acting on behalf of an entity or organization;
 6. The nature and character of the Goods or products to be sold or services to be furnished by the applicant;
 7. The names of other municipalities in which the applicant has recently conducted peddling or soliciting activities;
 8. If the applicant is soliciting on behalf of a recognized religious or charitable not for profit organization, proof of tax exempt status; and;
 9. The applicant shall furnish a copy of a valid government issued identification which includes a photograph of the registering Transient Vendor.
- B. The no solicitation registry form to be completed by an owner or tenant pursuant to Section 4 (C) shall include at least all of the following:
1. The name of the owner or tenant;
 2. The address to be added to the Township no solicitation registry; and
 3. A statement that the owner or tenant desires the listed address to be added to the Township no solicitation registry.
- C. The form to be completed by an owner or tenant pursuant to Section 4 (H) to remove an address from the Township no solicitation registry shall include at least all of the following:
1. The name of the owner or tenant;
 2. The address to be removed from the Township no solicitation registry; and;
 3. A statement that the owner or tenant desires the listed address to be removed from the Township no solicitation registry.
- D. A registration certificate issued by the Township to a Transient Vendor pursuant to Section 3 shall include at least all of the following:

1. The name of the Township;
2. Contact information for the Township;
3. The name of the Transient Vendor;
4. A photograph of the Transient Vendor;
5. The name, address, telephone number, and email address of the person or entity by whom the applicant is employed or for whom the applicant is soliciting, if any, or, if none, the name, address, telephone number, and email address of the applicant;
6. The name, address, telephone number, and email address of the applicant's immediate supervisor, if any;
7. The issue date of the registration certificate, and ;
8. The expiration date of the registration certificate.

SECTION 8 – NOTICE PROHIBITING TRANSIENT VENDORS

The owner or tenant of any residence may evidence a determination to refuse to receive any uninvited Transient Vendors by displaying a weatherproof card, decal or sign not less than 3 inches by 4 inches in size nor more than 1 square foot in total surface area upon or near the main entrance door to the residence, containing substantially the following: "No Solicitation" in letters at least 1/3 inch in height. Alternatively, an owner or tenant may post in a similar location any sign issued for such purposes by the Township in connection with the Township no solicitation registry.

SECTION 9 – CARRYING AND EXHIBITING REGISTRATION CERTIFICATE

A valid registration certificate issued by the Township pursuant to this Resolution shall at all times be carried or conspicuously exhibited on the outer clothing of the Transient Vendor.

SECTION 10 – NONTRANSFERABILITY

Registration certificates issued pursuant to this Resolution are non-transferable and shall not be used by any person other than the person identified as the Transient Vendor on the registration certificate.

SECTION 11 – APPEALS

Any person who has applied for a registration certificate in accordance with this Resolution and who has been denied a registration certificate may appeal the decision to the Board of Township Trustees. Such appeal shall be considered by the Board at the next regular meeting of the Board held at least 3 days after the notice of appeal is filed.

SECTION 12 – PENALTIES

Pursuant to ORC Section 505.94 (A) no Transient Vendor shall fail to register or to comply with these regulations. Violations shall be punishable as provided in ORC Section 505.99. Penalties shall be imposed in accordance with applicable Section(s) of the Ohio Revised Code.

SECTION 13 – NO WARRANTY/NO ENDORSEMENT

No warranty, guarantee, or assurance of any type, express or implied, of, concerning, or related to any Transient Vendor, any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by an Transient Vendor, or any Goods, products, or services sold, offered for sale, or offered for future delivery by any Transient Vendor is given or bestowed by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township by this Resolution or the registration and regulatory requirements contained herein and this Resolution should not be construed to provide any such warranty, guarantee, or assurance. Any warranty, guarantee, or assurance of any type is expressly disclaimed.

This Resolution and the registration and regulatory requirements contained herein are not and should not be construed as any type of endorsement, express or implied, by the Board, Township, or any employee, representative, agent, or volunteer of the Board or Township of any Transient Vendor or any entity by which any Transient Vendor may be employed or represent any ideas, thoughts, communications, or messages expressed, stated, and/or conveyed by any Transient Vendor, or any Goods, products, or services sold, offered for sale, or offered for

future delivery by any Transient Vendor, whether registered or not registered in accordance with this Resolution. Any endorsement is expressly disclaimed.

SECTION 14 – SEVERABILITY

The provisions of this Resolution are severable and independent, and if any such provision shall be unenforceable in whole or in part, the remaining provisions and any partially enforceable provisions, to the extent enforceable, shall nevertheless be binding and enforceable.

SECTION 15 – NOTIFICATIONS

- A. Pursuant to ORC Section 505.94, the Board of Township Trustees shall notify the Mahoning County Prosecuting Attorney (“Prosecutor”) of these registration and regulatory requirements by providing the Prosecutor with a copy of this Resolution.

- B. The Board of Township Trustees shall notify the Milton Township Police Chief of these regulations and regulatory requirements by providing the Chief with a copy of this Resolution.

SECTION 16 – ADOPTION

All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and 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 ORC Section 121.22.

SECTION 17 – PRIOR RESOLUTIONS

This Resolution supersedes any Transient Vendor ban, registration, and regulatory requirements adopted by the Board prior to the effective date of this Resolution.

SECTION 18 – EFFECTIVE DATE

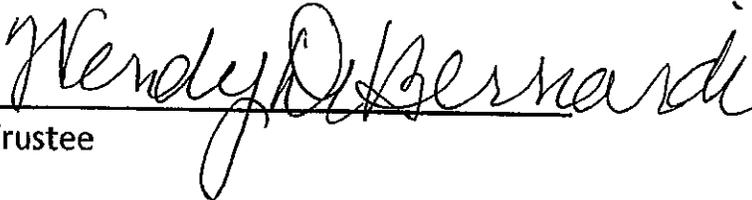
This Resolution shall be in full force and effect immediately upon adoption.

Trustee D. Bernardi seconded the motion.

Voted on and approved this 11-18-25- 2025, in
Milton Township, Mahoning County, Ohio

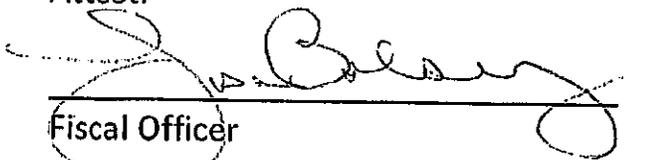
**BOARD OF TRUSTEES
MILTON TOWNSHIP
MAHONING COUNTY, OHIO**


Trustee


Trustee


Trustee

Attest:


Fiscal Officer