

Ordinance No. 23-2018

Passed JANUARY 7, 2019

VILLAGE OF NAVARRE
STARK COUNTY, OHIO
ORDINANCE NO. 23-2018

AN ORDINANCE REGULATING ITINERANT RETAILERS, AMENDING
ORDINANCE 10-2018 AND MUNICIPAL REGULATIONS 112.14, 112.15,
AND 112.99, AND CREATING NEW MUNICIPAL REGULATION 112.19

Whereas, the Village has a vested interest in protecting the unobstructed flow and safety of pedestrian and other traffic over its rights of way, such as sidewalks, and a further interest in fair competition for merchants and retailers doing business within the Village, and

Whereas, on July 16, 2018, Village Council enacted Ordinance 10-2018, which amended Municipal Regulation 76.06 and created new Municipal Regulations 112.14, 112.15, 112.16, 112.17, and 112.18, and

Whereas, Village Council now deems it in the best interest of the residents and business community of the Village to amend Ordinance 10-2108,

Now Therefore, the Village Council of Navarre, Ohio amends Sections 112.14, 112.15, and 112.99 and enacts new Section 112.19, as part of its permanent Municipal Regulations, with currently existing Sections 76.06, 112.16, 112.17, and 112.18 to remain in full force and effect as they are currently written:

Section 112.14 – Definition of Itinerant Merchant or Retailer

An “itinerant retailer” means a person, including an individual, corporation, partnership or unincorporated association, and any employee or agent thereof, who offers for sale, barter, or exchange anything of value at any place in, upon, along or through any street, alley, sidewalk, or other public place, or on private property. This term shall include persons selling goods from a mobile cart, trailer, or similar device

The term “itinerant retailer” does not include an owner or tenant of a residential property for activities on that property or an owner or operator of a business located in a building or structure being used for a commercial or retail purpose, nor to such owner’s or operator’s activities immediately adjacent to such building or structure. The term “itinerant retailer” does not include a retailer leasing space from a church, non-profit historical society, a community non-profit entity operating on land owned by the Village, a community non-profit retail business organization having in its membership a majority of retail businesses having a permanent business location in the Village, or the Navarre-Bethlehem Community Park Board, participating in a festival or other event sponsored by such church, non-profit historical society, community non-profit entity or retail business organization, or the Navarre-Bethlehem Community Park Board, provided such retail activity does not occur on or immediately adjacent to a street, alley, sidewalk, or other public right of way. The term “itinerant retailer” does not include a business with a permanent retail business within the Village limits, when such business temporarily does business at a location other than at said business’s regular business location. The term “itinerant retailer” does not include a church engaging in retail activity on said church’s own property.

Section 112.15 – Permit Required

No person shall engage in business as an itinerant retailer without first applying for and obtaining a permit for such purpose from the Village, issued either by the Mayor or the Chief of Police, as follows: Itinerant retailers, including vendors of food, desiring to conduct business within the Village shall pay a permit to the Village in the amount of either one-hundred-fifty dollars (\$150) per month or one-thousand-five hundred dollars (\$1,500) per year per itinerant retailer. The application for permit shall be on a form prescribed by Village Administrator or Chief of Police. The Chief of Police shall have the discretion, based on review of the application and all other factors deemed relevant by the Chief of Police, to deny a requested permit.

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However, a non-profit retail business organization having in its membership a majority of retail businesses having a permanent business located within the Village may sponsor a community event, upon approval of the Village Administrator, and may for a permit costing \$25 allow outside vendors to engage in business, within the Village other than from a permanent location within the Village during such community event, provided that each such outside vendor registers in a timely manner with the Police Department as provided in Section 112.16, with the Chief of Police having the discretion as provided in Section 112.16 to deny an outside vendor permit. However, so such business shall be conducted that would violate any of Sections 76.06, 112.16 or 112.18.

Section 112.19 – Registration of all Outside Vendors with Police Department

Any outside vendor that engages in the conduct described in the first paragraph of Section 112.14, but is not required to obtain a permit as an itinerant retailer under this Chapter 112, shall, before conducting any such business, register on a form to be prescribed by the Chief of Police, to be given either directly to the Police Department or indirectly by the community organization that is sponsoring a festival or event at which the outside vendor conducts vendor activity. It shall be the responsibility of the outside vendor to assure that a registration form is actually submitted in a timely fashion to the Police Department.

The Chief of Police shall have the discretion, based on review of the registration and all other factors deemed relevant by the Chief of Police, to deny an outside vendor permission to conduct commercial activity within the Village.

Section 112.99 – Penalties

Whoever violates this Chapter 112, including any of the regulations contained within it, is guilty of a minor misdemeanor for the first offense, and a misdemeanor of the fourth degree for any subsequent offense occurring within a twelve month period.

Wherefore, this Ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor:

First reading dated 12-3-18 Ayes Nays

Second reading dated 12-17-18 Ayes Nays

Third reading dated 1-7-19 6 Ayes Nays

APPROVED: Robert L. Benson
ROBERT L. BENSON, MAYOR

DATE: January 21, 2019

ATTEST: Anne L. Johnson
ANNE L. JOHNSON, CLERK TREASURER

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Dayton Legal Blank, Inc.

Form No. 30043

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I, Anne L. Johnson, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that the forgoing is a true copy of Ordinance 23-2018 duly passed and adopted by the Council of the Village of Navarre on the 7th day of January, 2019 as compared by me with the original on file in my office.

Anne L. Johnson

I, Anne L. Johnson, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that there is no newspaper in said Village and that publication of the above Ordinance was duly made by posting one copy thereof at the Village of Navarre's website, the Navarre Post Office and the Village Clean Laundromat and that said Ordinance will remain posted for at least fifteen days thereafter.

Anne L. Johnson