

CODIFIED ORDINANCES OF MILFORD
PART SEVEN - BUSINESS REGULATION CODE

- Chap. 703. General Provisions.**
- Chap. 705. Alarms.**
- Chap. 707. Amusement Arcades.**
- Chap. 709. Commercial Amusements.**
- Chap. 710. Billiard Rooms.**
- Chap. 713. Food and Food Handlers.**
- Chap. 715. Garage, Yard and Basement Sales.**
- Chap. 721. Trailers and Campers.**
- Chap. 727. Taxicabs.**
- Chap. 729. Sexually Oriented Businesses.**
- Chap. 731. Vendors, Peddlers and Solicitors.**
- Chap. 735. Video Service Providers.**

CODIFIED ORDINANCES OF MILFORD
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 703
General Provisions

703.01	Licenses required.	703.06	License certificate to be displayed.
703.02	License application.	703.07	License revocation or suspension.
703.03	License issuance; fee.	703.08	License appeal and review.
703.04	License date and duration.	703.99	Penalty.
703.05	License not transferable.		

703.01 LICENSES REQUIRED.

No person shall engage in any of the trades, businesses or professions for which licenses are required by this Part Seven - Business Regulation Code or by any other ordinance or provision of the Codified Ordinances without first applying for and obtaining a license from the City Manager or his designee.

(1983 Code Sec. 110.01)

703.02 LICENSE APPLICATION.

(a) All original applications for licenses, unless otherwise specifically provided, shall be made to the City Manager in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner or business associate;
- (2) His present occupation and place of business;
- (3) His place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;
- (6) A description of the merchandise to be sold, if for a vendor; and
- (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(b) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(c) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(d) It shall be unlawful to knowingly make any false statement or representation in the license application.

(1983 Code Sec. 110.02)

703.03 LICENSE ISSUANCE; FEE.

Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the City Manager shall forthwith deposit the fee in the Treasury and issue to the applicant a proper license certificate signed by him. If for any reason the license is not issued, this fee less five dollars (\$5.00) to cover expenses of considering such application, shall be returned to the applicant.

(1983 Code Sec. 110.03)

703.04 LICENSE DATE AND DURATION.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee shall be required of licensees irrespective of the date of issue of the license.

(1983 Code Sec. 110.04)

703.05 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.

(1983 Code Sec. 110.05)

703.06 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and, whenever requested by any officer or resident, shall exhibit the same.

(1983 Code Sec. 110.06)

703.07 LICENSE REVOCATION OR SUSPENSION.

(a) Any license may be revoked by the City Manager at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any Federal, State or City law or ordinance involving moral turpitude.

(b) The revocation shall become effective upon notice served upon such licensee or posted upon the premises affected.

(c) As a preliminary to revocation, the City Manager may issue an order suspending the license, which shall become effective immediately upon service of written notice to such licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with such conditions within the time specified, the license may be restored.

(1983 Code Sec. 110.07)

703.08 LICENSE APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to Council from such denial, revocation or suspension. Notice of appeal shall be filed in writing with the City Manager who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The City Manager shall notify all members of Council of the time and place of such hearing not less than twenty-four hours in advance thereof. Three members of Council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of Council present at such meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

(1983 Code Sec. 110.08)

703.99 PENALTY.

Whoever violates any provision of this Part Seven - Business Regulation Code, for which another penalty is not otherwise provided, shall be fined not more than one hundred dollars (\$100.00).

(1983 Code Sec. 110.99)

CHAPTER 705
Alarms

705.01	False alarms.	705.05	Exclusion.
705.02	Repairs.	705.99	Penalty.
705.03	Notification by subscriber.		
705.04	Citation to Mayor's Court.		

CROSS REFERENCES

Making false alarms - see GEN. OFF. 509.07

705.01 FALSE ALARMS.

(a) The Fire Chief and the Chief of Police shall keep an accurate record of all false alarms.

(b) An alarm system shall constitute a public nuisance if it has activated more than three false alarms in any calendar year.

(c) The property owner as subscriber shall be assessed a charge of twenty dollars (\$20.00) for each false alarm in excess of three per calendar year.

(d) Upon the occurrence of the fourth false alarm in a calendar year, the Police Department shall give written notification to the subscriber that four false alarms have been recorded against the subscriber and that the subscriber has seven days from the date of the written notification in which to pay the twenty dollar (\$20.00) assessment.

(e) Failure of the subscriber to pay the twenty dollars (\$20.00) assessed charge within seven days of notification shall constitute a violation of this section.
(Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

705.02 REPAIRS.

Subscribers shall keep their alarm systems in good repair.
(Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

705.03 NOTIFICATION BY SUBSCRIBER.

Subscribers shall notify the Police Department or the Fire Department prior to any service, test, repair, maintenance, adjustment, alteration or installation which might activate a false alarm. (Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

705.04 CITATION TO MAYOR'S COURT.

(a) Upon the occurrence of seven false alarms during a calendar year, the Police Department shall have the option of citing the property owner as subscriber into Mayor's Court.

(b) Each false alarm in excess of six in any calendar year shall constitute a separate offense. (Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

705.05 EXCLUSION.

Drops of the alarm system due to weather emergencies and related power outage shall be excluded from the provisions of this chapter. (Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

705.99 PENALTY.

(a) Each false alarm in excess of three in any 360-day period shall constitute a separate offense.

(b) Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. (Ord. 612. Passed 11-1-77; Ord. 88-1159. Passed 3-1-88.)

CHAPTER 707
Amusement Arcades

707.01	Definitions.	707.03	Additional coin-operated devices.
707.02	License requirements; fee.	707.04	Violations.
		707.99	Penalty.

CROSS REFERENCES

State licensing of portable amusement devices - see
Ohio R.C. 1711.11; OAC 901-11-01

Gambling - see GEN. OFF. Ch. 517

Slugs - see GEN. OFF. 545.11

Tampering with coin machine - see GEN. OFF. 545.12

707.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Amusement arcade" means any place of business in which a person, firm, partnership or corporation operates five or more coin-operated amusement devices for public use upon premises solely within one enclosure.
- (b) "Coin-operated amusement device" means any amusement machine or device which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object, but excluding coin-operated music machines, vending machines in which gaming or amusement devices are not incorporated, gaming devices or slot machines. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

(Ord. 94-1605. Passed 12-20-94.)

707.02 LICENSE REQUIREMENTS; FEE.

- (a) No person, firm, partnership or corporation shall own, operate or permit operation of an amusement arcade on premises owned, leased or operated by him/her, or engage in the business of operating an amusement arcade in the City unless an annual amusement arcade license has been obtained. The annual fee for this license shall be one hundred dollars (\$100.00) plus an additional twenty-five dollars (\$25.00) for each coin operated amusement device located on the premises.

- (1) The amusement arcade license shall be obtained on application to the City Manager and payment of all associated fees. It shall be effective for a full calendar year from January 1 through December 31. In the event of an initial application or the acquisition of additional coin operated amusement devices, fees shall be pro-rated for the remaining portion of that calendar year.
- (2) The application for license shall be signed and sworn by the applicant in the case of a sole proprietor, if a partnership by all partners and if a corporation by a corporate officer in his official capacity. The information required in the application form shall be furnished by each person required to sign the application. Each application shall be accompanied by the required license fee(s) and a copy of any appropriate zoning certificate or letter of zoning exception required or issued by the Building Department.

(b) Upon receipt of the appropriate application and fee, the City Manager shall refer the application to the Chief of Police. The Police Department, at its sole discretion, may conduct periodic investigations of the amusement arcade to determine that all application information is correct and that the premises are in compliance with law.

(c) The license required and described in this section shall be purely a personal privilege and shall not constitute property. It is not transferable in any manner.
(Ord. 94-1605. Passed 12-20-94.)

707.03 ADDITIONAL COIN-OPERATED DEVICES.

If an additional coin-operated device is moved into the premises, the licensee shall immediately notify the Police Chief, who may inspect to determine if the device is operated in compliance with the law. The addition of coin-operated devices requires the processing of a new license, with the additional twenty-five dollar (\$25.00) per machine fee payable immediately.
(Ord. 94-1605. Passed 12-20-94.)

707.04 VIOLATIONS.

- (a) No amusement arcade nor any coin-operated amusement device or coin-operated musical device therein shall be operated so as to constitute a public nuisance.
- (b) No licensee shall fail to maintain order on the licensed premises at all times.
- (c) No licensee shall allow the licensed premises to become overcrowded so as to constitute a hazard to the health or safety of persons therein or to be in violation of any of the City's fire, health or sanitation codes.
- (d) No licensee shall fail to provide a full-time adult manager upon the licensed premises during business hours.
- (e) Every licensee under this chapter shall have its license displayed on its premises in plain view.
- (f) No person, firm, partnership or corporation shall operate or permit the operation of, an amusement arcade without the appropriate license as required by this chapter.
(Ord. 94-1605. Passed 12-20-94.)

707.99 PENALTY.

Any person, firm, partnership or corporation operating a premises in violation of the provisions of this chapter shall be guilty of a minor misdemeanor for a first offense. For a second or subsequent offense such person, firm, partnership or corporation shall be guilty of a misdemeanor of the fourth degree. In addition thereto, two or more violations within a calendar one-year period shall constitute valid grounds for revocation of the license. In addition, for a violation of Section 707.04(f) such person, firm, partnership or corporation shall be ineligible for issuance of a license as required by this chapter for a period of one year from such offense.
(Ord. 94-1605. Passed 12-20-94.)

CHAPTER 709
Commercial Amusements

709.01	Bowling; billiards and pool.	709.05	License fee may be waived in civic interest.
709.02	Circuses, menageries and carnivals.	709.06	Street carnivals and fairs prohibited on streets.
709.03	Deposit required.	709.99	Penalty.
709.04	License fee for public entertainment or exhibition.		

CROSS REFERENCES

Power to regulate bowling alleys - see Ohio R.C.
715.51, 715.61

Power to regulate circuses, carnivals, amusement rides -
see Ohio R.C. 715.48, 715.63, 3765.02

County license for public shows - see Ohio R.C. Ch. 3765

709.01 BOWLING; BILLIARDS AND POOL.

(a) Each proprietor of a billiard or pool table or of a bowling alley, or a combination of both, shall pay an annual license fee of twenty-five dollars (\$25.00) for one such table; twenty-five dollars (\$25.00) for one such alley; and ten dollars (\$10.00) for each additional table or each additional alley.

(b) No person shall operate any billiard or pool table or bowling alley between the hours of midnight and 6:00 a.m.

(c) No person shall permit betting or gambling in connection with the use of such table or alley.
(1983 Code Sec. 113.01)

709.02 CIRCUSES, MENAGERIES AND CARNIVALS.

(a) Each person, desiring to conduct, stage or give a circus, menagerie, carnival, sideshow, musical or minstrel entertainment, or exhibition of monsters or freaks of nature, for which money or reward is demanded or received, shall first obtain a license and pay the license fee or fees provided herein.

(b) In addition to the requirements of Section 703.02, the applicant for a license to conduct, stage or give such exhibition shall give at least one week's notice in writing to the City manager, stating the dates of the performances and the location at which they are to be presented. The City manager shall give his consent to the issuance of such license if he deems that the location is suitable for the purpose; that it shall properly accommodate the patrons; that the nature of the performance or exhibition is morally proper; and that the use of such location shall not throw too great a burden upon the Police and Fire Departments.

(c) No circus, menagerie or carnival shall be given for more than two consecutive days, except in cases where Council by special resolution shall allow a longer period, or where such exhibition is to be conducted on City property and the use thereof for a longer period shall have been approved by Council.

(1983 Code Sec. 113.02)

709.03 DEPOSIT REQUIRED.

At the time application for a license is made, where use of City grounds is contemplated, the applicant shall deposit with the City Manager a cash bond of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the City Manager. In the event the grounds are restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise the same shall be forfeited to the City.

(1983 Code Sec. 113.03)

709.04 LICENSE FEE FOR PUBLIC ENTERTAINMENT OR EXHIBITION.

The fee for such license shall be as follows: for each circus, carnival, side show, musical or minstrel entertainment or exhibition of monsters or freaks of nature, fifty dollars (\$50.00) for the first day, twenty-five dollars (\$25.00) for each day thereafter. However, such fee shall not amount to more than one hundred fifty dollars (\$150.00) in any one week.

(1983 Code Sec. 113.04)

709.05 LICENSE FEE MAY BE WAIVED IN CIVIC INTEREST.

The City Manager may, in his discretion, grant without cost a license for the holding of a circus, carnival, side show, musical or minstrel entertainment for not more than six consecutive days, where all of the performances are fostered and supervised by civic interests of the City, and a substantial part of the funds derived therefrom is expended for charitable or civic purposes.

(1983 Code Sec. 113.05)

709.06 STREET CARNIVALS AND FAIRS PROHIBITED ON STREETS.

No street carnivals, fairs or socials shall be held upon the public streets of the City.
(Ord. 233. Passed 6-5-62.)

709.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

CHAPTER 710
Billiard Rooms

710.01	Definitions.	710.09	Investigation of applicant; applicant rejection.
710.02	License required.	710.10	Hours of operation.
710.03	Application fees.	710.11	License revocation and appeal.
710.04	Requirements of applicant.	710.12	Specifications and requirements.
710.05	Application information.	710.99	Penalty.
710.06	False application statements.		
710.07	Posting license.		
710.08	Term of license; pro rata fee.		

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.10, 715.61
Gambling - see GEN. OFF. 517.02 et seq.

710.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Billiards" means any of the several games played on a table surrounded by an elastic ledge or cushions with balls which are impelled by a cue and includes all forms of the game known as pool, except that form of pool known as skill pool heretofore defined as one of the several types of pinball games.
- (b) "Billiards room" means any public place wherein the game of billiards is permitted to be played and where there are three or more tables for such use.
(Ord. 97-1797. Passed 6-17-97.)

710.02 LICENSE REQUIRED.

No person, society, partnership, club, firm or corporation shall open, conduct, maintain, operate or be employed in a billiard room within the City unless such person, society, club, firm or corporation shall have first been duly licensed by the City for such purpose and shall have obtained a permit therefor provided; however, that the provisions of this chapter shall not apply to private residences and schools.

(Ord. 97-1797. Passed 6-17-97.)

710.03 APPLICATION FEES.

Every person, society, club, firm or corporation desiring to open, maintain or be employed in a billiard room shall make application to the City Manager for a license therefore on such form as is prescribed by the Manager. The application shall be accompanied by the payment of a fee therefore as follows:

- (a) For a license to open, conduct, maintain or operate a billiard room, two hundred-fifty dollars (\$250.00);
- (b) No fee or fees required by the provisions hereof shall be required of organizations not operating such billiard rooms for profit.
- (c) All moneys received by way of license fees shall be paid into the General Fund of the City. (Ord. 97-1797. Passed 6-17-97.)

710.04 REQUIREMENTS OF APPLICANT.

An applicant for a license shall meet the following qualifications:

- (a) Of the age of eighteen (18) years or over.
- (b) Of good moral character.
- (c) Known not to associate with persons of bad moral character.
- (d) A person who has not been convicted of a felony within five years prior to application or who, if convicted and sentenced to prison, has not been released from prison within five years prior to application.
- (e) A person who has not been convicted of gambling offenses, sex crimes involving moral turpitude or drug offenses within five years prior to application and, if sentenced to any place of detention for such offense, has not been released at least five years prior to application.
- (f) Any person who has been convicted of any sex offense more than one time shall not be granted a license. (Ord. 97-1797. Passed 6-17-97.)

710.05 APPLICATION INFORMATION.

Every applicant for a license shall file with the City Manager a written application stating the full name and address, including street and number of the applicant, or if more than one person, or if an association or firm, the full names of all parties interested, and their addresses, including street and number. If the applicant is a club, society or corporation, the application shall contain a complete list of the officers of such club, society or corporation, with their names and addresses, including street and number, and shall also give the state in which such club, society or corporation is organized, and the names of one or more persons whom the club or society, or corporation desires to designate as its manager or managers, person or persons in charge, with their addresses. The application shall also state the following:

- (a) The premises where the billiard room is to be conducted, including the street and number.
- (b) The age of the applicants in the case of individuals, and the age of the manager and officers in the case of a club, society or corporation.
- (c) The applicant or manager meets all of the qualifications set forth in Section 710.04.
- (d) Whether the applicant has ever been engaged in operating a billiard room and when, where and how long in each place within the past five years .
- (e) The name of the owner of the premises in which the billiard room is located and the complete address of such owner. The application shall be signed by the applicant or applicants or, in the case of a club, society, or corporation, the application shall be signed by the manager or any of its officers.
- (f) Every person who applies for a license as set forth in this chapter and every person employed by a licensee shall provide the City Manager with two passport size photographs of himself/herself. (Ord. 97-1797. Passed 6-17-97.)

710.06 FALSE APPLICATION STATEMENTS.

The making of any false statement in the application required in this chapter shall be sufficient ground for the revocation of any license authorized in this chapter and shall further subject the person or persons making such false statements to the penalties set forth herein. Any applicant for any license pursuant to Chapter 710 shall provide any and all personal data as required by Chapter 710 to the City Manager upon his request, or provide such signed releases as required by the City Manager. Failure to comply with such request of the City Manager shall be grounds for the denial of the license sought by the applicant.

(Ord. 97-1797. Passed 6-17-97.)

710.07 POSTING LICENSE.

Every license issued hereunder to any person, society, club, firm or corporation for the opening, conducting, maintaining or operating of a billiard room shall be posted on the wall of the billiard room where it may be clearly seen at all times.

(Ord. 97-1797. Passed 6-17-97.)

710.08 TERM OF LICENSE; PRO RATA FEE.

All licenses issued hereunder shall be in force and effect from January 1 to December 31 of the year in which issued. Licenses obtained on or after July 1 in any given year shall be issued for one-half of the annual fee for such license.

(Ord. 97-1797. Passed 6-17-97.)

710.09 INVESTIGATION OF APPLICANT; APPLICANT REJECTION.

The City Manager shall cause an investigation to be made as to the character and fitness of the applicant or applicants or the officers of the club, society or corporation, or of the person who is to have the general management of the business. The application shall be rejected if the City Manager shall find:

- (a) Any of the persons named in the application are not of good moral character; or,
- (b) That any of such persons have previously been connected with any pool room where the license has been revoked; or,
- (c) Where any of the provisions with reference to pool rooms have been violated; or,
- (d) If the pool room place sought to be so licensed does not comply in every way with regulations, ordinances and laws applicable thereto; or,
- (e) If at any time within one year prior to the date of such application the place for which application is made shall have been conducted as a pool room and the sale or giving away of any intoxicating liquors to minors took place or were permitted upon such premises; or,
- (f) If within such time such place was used or frequented by any riotous, noisy or disorderly persons, or by gamblers or prostitutes; or,
- (g) If any breach or disturbance of the peace was permitted therein; or,
- (h) If any riotous, noisy or disorderly conduct on such premises was permitted by the proprietor thereof when it was within his power to prevent it.

(Ord. 97-1797. Passed 6-17-97.)

710.10 HOURS OF OPERATION.

All licensed billiard rooms may be open and in operation during and only during the hours from 7:00 a.m. to 2:30 a.m.

(Ord. 05-488. Passed 12-6-05.)

710.11 LICENSE REVOCATION AND APPEAL.

Any license granted or issued under the terms of this chapter may be revoked at any time by the City Manager on satisfactory proof that gambling or other violation of the laws or ordinances of the City of Milford or State of Ohio is suffered or permitted to take place on the premises of such billiard room.

(Ord. 97-1797. Passed 6-17-97.)

710.12 SPECIFICATIONS AND REQUIREMENTS.

All billiard rooms licensed hereunder shall conform to the following specifications and requirements:

- (a) The billiard room shall be open to view from the street or from a location open and accessible to the public, at both the front and the rear of the building.
- (b) There shall be a rear or side entrance from either of which a clear view may be had of the interior of the billiard room.
- (c) There shall be a front entrance which shall remain unlocked during the hours of operation of the billiard room.
- (d) There shall be a clear glass in the windows and doors of each billiard room at least eighteen inches by twenty-four inches and placed between four and one-half and six feet above the ground.
- (e) There shall be no screen, blind, partition or other obstruction to clear vision through the establishment from front to rear during hours of operation.
- (f) There shall be no warning signal, device, system or arrangement which is used, or could be used, to make occupants and employees of the billiard room aware of the approach or presence of inspectors or police officers.
- (g) No game of or with dice of any description shall be played in a licensed billiard room.
- (h) All billiard rooms shall be on the ground floor of the building where located.

The City Manager may, for good cause shown, permit exemptions from the specifications and requirements of this section when, in his/her sole discretion, requiring the strict adherence to the specifications and requirements would be impractical, unfeasible or work a hardship on the applicant. (Ord. 97-1797. Passed 6-17-97.)

710.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. (Ord. 97-1797. Passed 6-17-97.)

CHAPTER 713
Food and Food Handlers

713.01	Application of chapter.	713.06	Health of persons employed.
713.02	Definitions.	713.07	Unsanitary food.
713.03	Permitting unclean premises.	713.99	Penalty.
713.04	Equipment.		
713.05	Cleanliness of persons employed.		

CROSS REFERENCES

- Adulteration of food - see Ohio R.C. 3715.52, 3715.59, 3716.11, 3716.99
- Contamination - see Ohio R.C. 3715.61
- Misbranding - see Ohio R.C. 3715.16, 3715.17, 3715.52, 3715.60
- Inspections and rights of entry - see Ohio R.C. 715.46, 925.16, 3715.70
- Food service operations - see Ohio R.C. Ch. 3732; OAC Ch. 3701-21
- Violations and penalties - see Ohio R.C. 3715.53, 3715.56, 3715.57, 3715.73, 3715.99

713.01 APPLICATION OF CHAPTER.

The provisions of this chapter shall be enforceable within the City concurrently with the State and Federal laws relative to sanitation and health and to the sale of pure foods and drugs, and the ordinances or orders of the local health district; and shall not be construed as modifying, repealing, limiting or affecting in any manner such laws, ordinances or orders.
(1983 Code Sec. 94.01)

713.02 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (a) "Food" means breads, meats, fruits, grains, vegetables, milk, juices and all other foodstuffs, food products or food ingredients in the natural or processed state. "Food" includes all canned, bottled, dehydrated or otherwise preserved foods.

- (b) "Food handler" means wholesale or retail grocers, bakers, butchers, restaurant or lunch stand operators, dairymen, hucksters, fruit stand operators, canners, or packers of foodstuffs, cold storage house operators, or other persons commercially engaged in processing, handling, transporting, storing or selling food.
(1983 Code Sec. 94.10)

713.03 PERMITTING UNCLEAN PREMISES.

No food handler shall keep or possess food except when in original cans, packages or containers, in any room, building, establishment or other place, unless such place:

- (a) Is adequately lighted to reveal any dirt or unwholesome condition which might exist.
(b) Has smooth, tight floors, walls and ceilings, free from projections, cracks and crevices and is kept clean and sanitary at all times by painting, scrubbing and cleaning to prevent the accumulation of dirt and filth.
(c) Is adequately ventilated and screened against flies and other insects.
(d) Is free from all vermin and rodents.
(e) Is provided with an ample supply of pure and uncontaminated running water with sanitary drainage into a City sewer service connection or an approved private sewage disposal system.
(1983 Code Sec. 94.11)

713.04 EQUIPMENT.

Every food handler's establishment shall be equipped with an adequate supply of furniture, machinery, implements, containers and utensils for the proper conduct of such business, and no food handler shall possess or use in connection with such business any furniture, machine, implement, container, utensil or other article or equipment which is not thoroughly clean, sanitary and free from rust or corrosion.
(1983 Code Sec. 94.12)

713.05 CLEANLINESS OF PERSONS EMPLOYED.

Every food handler or employee thereof who is engaged in handling food, except when such food is in original cans, packages or containers, shall keep his person, aprons, services, caps and other articles of clothing thoroughly clean and free from dirt and filth. Failure to observe the provisions of this section shall constitute a minor misdemeanor and the employer of any person violating the same shall be deemed an aider and abettor and may be prosecuted as if he were the principal offender.
(1983 Code Sec. 94.13)

713.06 HEALTH OF PERSONS EMPLOYED.

No person suffering from cholera, dysentery, epidemic or streptococcus sore throat, paratyphoid fever, poliomyelitis (acute anterior), scarlet fever, tuberculosis, typhoid fever, or who is a carrier of the organism of any such disease, or who is suffering from any venereal disease, shall serve or handle food, except when such food is in original cans or containers. The employer of any person violating this section shall be deemed an aider and abettor and may be prosecuted as if he were the principal offender.
(1983 Code Sec. 94.14)

713.07 UNSANITARY FOOD.

(a) No food handler shall prepare, manufacture, possess, sell, or expose or offer for sale any food which is impure, moldy, tainted, rancid, unwholesome or otherwise unsanitary or which is adulterated or misbranded.

(b) The regulations of the Ohio Public Health Council governing food service operations and providing uniform sanitation standards are adopted and declared to be the minimum standards of purity for compliance with and to be required by this chapter.

(1983 Code Sec. 94.14)

713.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

CHAPTER 715
Garage, Yard and Basement Sales

715.01 License.	715.05 License revocation.
715.02 License fee.	715.06 Appeal.
715.03 Garage, yard, and basement sales regulations.	715.99 Penalty.
715.04 Signs; removal.	

CROSS REFERENCES

Sidewalk obstructions - see GEN. OFF. 521.04
Littering - see GEN. OFF. 521.08

715.01 LICENSE.

No person shall engage in a garage sale, basement sale and yard sale without first applying for and obtaining a license from the City Manager or his designee.
(Ord. 07-614. Passed 8-7-07.)

715.02 LICENSE FEE.

The license shall be issued for three consecutive days and the fee shall be five dollars (\$5.00) for the first sale. For each subsequent sale thereafter within the calendar year the fee shall be twenty-five dollars (\$25.00). The license shall be prominently displayed at the site of the sale.
(Ord. 07-614. Passed 8-7-07.)

715.03 GARAGE, YARD, AND BASEMENT SALES REGULATIONS.

Yard sales, garage sales, basement sales, and any other type of personal property sales are permitted in any Residential District, but shall be limited to the sale of used personal property of the occupants of the premises, and shall be restricted to a duration of three consecutive days with no more than three such sales conducted by any household in any single calendar year. Such sales shall be held only between the hours of 7:00 a.m. and 7:00 p.m. on each day of the sale. The length of time of display of property shall be for the duration of the sale only.
(Ord. 07-614. Passed 8-7-07.)

715.04 SIGNS; REMOVAL.

(a) Signs may be placed in the owner's yard or in neighboring yards with the permission of the owner. Advertising signs are not permitted in the public right of way. Signs may not be posted more than three days before the garage, yard, or basement sale and shall be removed within twenty-four hours after the end of such sale.

(b) Signs may not exceed six square feet.

(c) Any person violating this section is guilty of littering and shall be fined not more than one hundred dollars (\$100.00) for each such violation.
(Ord. 07-614. Passed 8-7-07.)

715.05 LICENSE REVOCATION.

This license may be revoked by the City Manager at any time for conditions which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of a license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the sale or enterprise for which the license has been issued; or upon conviction of a licensee for any Federal, State or City ordinance involving moral turpitude. Such revocation shall become effective upon notice served upon licensee.
(Ord. 07-614. Passed 8-7-07.)

715.06 APPEAL.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee shall within three days have the right to appeal to Council. Council at their next regular session may hear the appeal and issue their judgment either to issue the license or deny the license.
(Ord. 07-614. Passed 8-7-07.)

715.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.
(Ord. 07-614. Passed 8-7-07.)

**CHAPTER 721
Trailers and Campers**

721.01	Definitions.	721.03	Sale, service and repair in business districts.
721.02	Parking in zoning residence districts.	721.99	Penalty.

CROSS REFERENCES

Parking - see TRAF. Ch. 351; P. & Z. Ch. 1187
Residence Districts - see P. & Z. Ch. 1143 to 1149
Business Districts - see P. & Z. Ch. 1153 to 1157

721.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Boats and boat trailers" means boats, floats and rafts, plus the normal equipment to transport the same on the highway.
- (b) "Folding tent trailer" means a canvas folding structure, mounted on wheels and designed for travel and vacation use.
- (c) "Motorized home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) "Pick-up camper" means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (e) "Travel trailer" means a vehicular, portable structure built on a chassis, and not exceeding the gross weight of 4,500 pounds when factory equipped for the road, or an overall length of thirty feet, built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
(Ord. 340. Passed 6-18-68.)

721.02 PARKING IN ZONING RESIDENCE DISTRICTS.

Any owner of recreational equipment may park or store such equipment in Residence R-1, R-2, R-3, R-4 and R-5 Districts as defined in the Zoning Ordinance, subject to the following:

- (a) Recreational equipment parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities unless electricity or water is required for battery charging or other maintenance requirements, and at no time shall this equipment be used for living or housekeeping purposes.

- (b) If the camping and recreational equipment is parked or stored outside of a garage, it shall not be parked or stored in a front yard. The setback requirement in the side or rear yard shall be a minimum of six feet.
- (c) Notwithstanding the provisions of subsections (a) and (b) hereof, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes only, for a period of not more than forty-eight hours.
- (d) Notwithstanding the provisions of subsections (a), (b), and (c) hereof, camping and recreational equipment may not be parked or stored within the public right-of-way.
- (e) All recreational equipment shall be kept in good repair and carry a current year's license or registration.
(Ord. 03-322. Passed 10-21-03.)

721.03 SALE, SERVICE AND REPAIR IN BUSINESS DISTRICTS.

Recreational equipment may be offered and displayed for sale, parked for service and repaired only in the Business Districts of the City.
(Ord. 340. Passed 6-18-68.)

721.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate offense.

CHAPTER 727
Taxicabs

<p>727.01 Definitions.</p> <p>727.02 Certificate of public convenience and necessity required.</p> <p>727.03 Application for certificate.</p> <p>727.04 Issuance of certificate.</p> <p>727.05 Taxicab license.</p> <p>727.06 Application for license.</p> <p>727.07 Suspension or revocation of license.</p>	<p>727.08 Taxicab stands.</p> <p>727.09 Displaying rates; excessive charges.</p> <p>727.10 Vehicle inspection; requirements.</p> <p>727.11 Identification, painting and lettering.</p> <p>727.12 Vehicles from other cities.</p> <p>727.99 Penalty.</p>
--	---

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66

Power to establish stands and fix rates - see Ohio R.C. 715.25

Operation by minors prohibited - see Ohio R.C. 4507.321

Operation and equipment - see TRAF. CODE

Stands - see TRAF. 351.10

Defrauding a livery - see GEN. OFF. 545.13

727.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Certificate" means a certificate of public convenience and necessity issued by the City authorizing the holder thereof to conduct a taxicab business in the City.

(b) "Holder" means the person to whom the certificate of public convenience and necessity has been issued.

(c) "Persons" means an individual, a corporation or other legal entity, a partnership and any unincorporated association.

(d) "Rate card" means a card displayed in each taxicab which contains the rates of fare then in force.

(e) "Taxicab license" means the permission granted by the City to a person to drive a taxicab upon the streets of the City.

(f) "Taxicab" means and includes any motor vehicle regularly engaged in the business of carrying passengers for hire, but not operating on a fixed route.

(Ord. 1070. Passed 9-2-86.)

727.02 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.

(a) No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a certificate of public convenience and necessity from the City Manager.

(b) Any person violating this section is guilty of operating a taxicab without a certificate, a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00) for each such offense.

(Ord. 1070. Passed 9-2-86.)

727.03 APPLICATION FOR CERTIFICATE.

An application for a certificate shall be filed with the City Manager upon forms provided by the City; and such application shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant;
- (b) The financial status of the applicant;
- (c) The experience of the applicant in the transportation of passengers;
- (d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- (e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- (f) The color scheme or insignia to be used to designate the vehicle of the applicant;
- (g) Such further information as the City Manager may require; and
- (h) A filing fee of twenty-five dollars (\$25.00).

(Ord. 1070. Passed 9-2-86.)

727.04 ISSUANCE OF CERTIFICATE.

(a) The Mayor or his designee shall investigate and hold a hearing upon each application for a certificate. If the Mayor or his designee finds upon such investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which a certificate is desired, he shall forthwith notify the applicant of his findings. If he finds from such investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which a certificate is desired, he shall forthwith notify the applicant. In making the above findings, the Mayor or his designee shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant. Within sixty days after the applicant has been notified that the public convenience and necessity do justify the operation of the vehicle or vehicles for which he is seeking a certificate, the applicant shall furnish and file with the Clerk of Council the following:

- (1) A full transcript of the information appearing on the certificate of title of each vehicle for which a license is desired, and the State license number of each vehicle;

- (2) A certificate from the Ohio Highway Patrol certifying that each vehicle for which a license is desired has been inspected and tested and found to meet the standards fixed by statute and that each such vehicle is roadworthy and safe for operation as a taxicab;
- (3) The name of each person who shall operate such taxicab, with operator's license number of each such person; and
(Ord. 1070. Passed 9-2-86.)
- (4) Insurance.
 - A. A policy or policies of liability insurance issued for the life of the certificate applied for or longer, by a responsible insurance company, approved as to sufficiency by the City Finance Director and as to legality by the City Law Director providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab with a combined single limit of at least one hundred thousand dollars (\$100,000).
(Ord. 92-1434. Passed 5-19-92.)

(b) Thereupon, the City Manager shall examine the supporting information and documents and being satisfied that the applicant is the owner of any such vehicle, that the same is a safe and fit conveyance, and that satisfactory insurance or bond has been issued and is in force thereon, he shall, upon payment of the prescribed license fee, issue a certificate to the applicant.

(c) A certified copy of the certificate shall be exhibited in a prominent place in each taxicab at all times.

(d) No certificate of public convenience and necessity may be sold, assigned or otherwise transferred without the prior written consent of the City Manager.
(Ord. 1070. Passed 9-2-86.)

727.05 TAXICAB LICENSE.

(a) No person shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of the vehicle has obtained a taxicab license covering such vehicle.

(b) Every such taxicab license shall expire on December 31 of the year in which issued. Licenses issued on or after July 1 of any year shall be issued at one-half the annual license fee hereinafter provided.

(c) The annual license fee for each taxicab shall be fifty dollars (\$50.00).

(d) Any person violating this section is guilty of operating a taxicab without a taxicab license, a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00) for each such offense.
(Ord. 1070. Passed 9-2-86.)

727.06 APPLICATION FOR LICENSE.

Each applicant for a taxicab license shall present and file with the Chief of Police on forms provided by the City his signed and verified application setting forth the trade name under which he intends to do business; the number of vehicles and a general description of each vehicle for which a license is desired; the marking or lettering to be used thereon; and any other information required by the City pertinent to the issuance of such license.

(Ord. 1070. Passed 9-2-86.)

727.07 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee fails to pay the license fee as required herein, the Mayor or his designee may either suspend or revoke such license until such fee is paid.

(Ord. 1070. Passed 9-2-86.)

727.08 TAXICAB STANDS.

At the time of the issuance of the certificate, the Chief of Police shall designate a regular parking space for the taxicab or taxicabs, and he may prescribe rules for usage of this stand suitable to applicant's business and agreeable with the public convenience and welfare. Parking of any taxicabs in any location where a sign exists limiting parking shall be unlawful.

(Ord. 1070. Passed 9-2-86.)

727.09 DISPLAYING RATES; EXCESSIVE CHARGES.

Every taxicab shall display at all times a printed rate card of the fares and rates to be charged passengers for transportation; and it shall be unlawful for any owner or driver to charge any amount in excess of such printed rates.

(Ord. 1070. Passed 9-2-86.)

727.10 VEHICLE INSPECTION; REQUIREMENTS.

(a) No owner or other person having possession or control of any taxicab shall operate it upon the streets unless the vehicle has an unexpired seal of inspection indicating that it has been duly inspected and found safe and roadworthy within the preceding six months by the Ohio Highway Patrol.

(b) If any such taxicab is damaged by reason of a collision or from any other cause, it shall be unlawful for the owner or other person having possession or control thereof to operate it upon the streets unless the vehicle has been tested and approved at an authorized inspection station within twenty-four hours after such vehicle has been returned to service.

(c) A violation of this section shall constitute grounds for revocation of a taxicab license.

(Ord. 1070. Passed 9-2-86.)

727.11 IDENTIFICATION, PAINTING AND LETTERING.

Every taxicab shall bear identification which shall meet with the following specifications:

- (a) The serial number assigned to such taxicab and the name of the owner or the trade name under which such taxicab does business shall be painted in distinct and contrasting colors, with lettering not less than three inches in height, on a panel covering an area of not less than ten inches by twelve inches on each side of such taxicab. The word "cab" or "taxicab" shall be required and the form of the panel shall be substantially as follows:

JOHN T. SMITH

CAB (TAXICAB)

30

- (b) The serial number of such taxicab shall be painted on the right and left rear exterior of such taxicab.
- (c) As a supplement to the method and style of identification heretofore set forth, any owner or operator of taxicabs may provide each such taxicab with an illuminated sign mounted on the roof of such taxicab.
- (d) Any failure to comply with the provisions of this section shall be unlawful, and the taxicab certificate of the offender shall be subject to summary revocation.
(Ord. 1070. Passed 9-2-86.)

727.12 VEHICLES FROM OTHER CITIES.

Taxicabs having no City certificate and license from the City and having the place of business of the owner which is not in the City may bring passengers into the City but may not pick up new passengers or accept any business within the City without first having complied with the provisions of this chapter.

(Ord. 1070. Passed 9-2-86.)

727.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not already provided shall be fined not more than one hundred dollars (\$100.00).

(Ord. 1070. Passed 9-2-86.)

CHAPTER 729
Sexually Oriented Businesses

EDITOR'S NOTE: Ordinance 96-1695, passed April 2, 1996, established a zoning ordinance for sexually oriented businesses. A copy is on file at the City Hall.

CHAPTER 731
Vendors, Peddlers and Solicitors

731.01	Definitions.	731.05	Display of license.
731.02	License required.	731.06	Exceptions.
731.03	License requirements.	731.07	Prohibitions.
731.04	License fee.	731.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Trespassing - see GEN. OFF. 541.06
 Littering - see GEN. OFF. 521.08

731.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (a) "Canvasser or solicitor" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place or from street to street, taking or attempting to take orders in person without having a previous appointment for the sale of goods, wares and merchandise, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future.
- (b) "Peddler" means any person who carries with him for the purpose of sale and immediate delivery any goods, wares and merchandise, and shall include the peddling and sale of goods, wares and merchandise from a motor vehicle.
- (c) "Public solicitation" means the act of soliciting from the public through solicitors, money, donations, property or financial assistance of any kind, on the direct or implied plea that such solicitation or sale is for charitable, educational, fraternal, civic, patriotic, religious or philanthropic purposes on the streets, in buildings, by house to house canvass or in any public place. The term "public solicitation" shall not include a solicitation by any established religious body which secures substantially all of its funds from its own members and not from the public through solicitation by solicitors.

- (d) "Itinerant vendor" includes any person, natural or artificial, who engages in or conducts a temporary or transient business of selling goods, wares and merchandise within the City with the intention of continuing in such business in any one location for a period of not more than four months and who for the purpose of carrying on such business hires, leases or occupies in whole or in part any room, building, lot or structure for the execution and sale of such goods, wares and merchandise. The term does not apply to hawkers or peddlers, to vendors engaged in the sale of food or food products for human consumption, to commercial travelers or selling agents when making sales in the usual course of business, or to salesmen who sell by sample for future delivery.
- (e) "Person" means an individual person and not an organization, group, firm, partnership, corporation or any combination of them. It includes any trustee, member, receiver, assignee, agent or other representative thereof.
(Ord. 92-1428. Passed 4-21-92.)

731.02 LICENSE REQUIRED.

- (a) Every person engaged in the business of going about the City soliciting orders or peddling goods, wares, services, merchandise or other articles for profit shall obtain a license.
- (b) Itinerant vendors shall obtain a license.
- (c) No person, firm, corporation or organization shall conduct a public solicitation unless the person conducting any such solicitation shall have obtained a license.
- (d) All such persons shall make application at the Police Department.
(Ord. 92-1428. Passed 4-21-92.)

731.03 LICENSE REQUIREMENTS.

The City reserves the right to set forth requirements and conditions as part of the licensing procedure.

Upon receipt of an application to be licensed as an itinerant vendor, solicitor, peddler or for public solicitation, the City Manager or his designee shall grant such license unless the applicant shall not be of good moral character, shall have been convicted of a felony within the preceding five years or shall have had such a license revoked within the last three years. The City Manager or his designee shall have the right to revoke the license of any solicitor for a violation of any section of this chapter for conduct contrary to the public interest.
(Ord. 92-1428. Passed 4-21-92.)

731.04 LICENSE FEE.

- (a) Peddlers and Solicitors.
 - (1) Every person engaged in the business of going about the City soliciting orders or peddling goods, wares or services for profit shall pay a fee of seventy-five dollars (\$75.00) per year.

- (2) A separate license shall be required for each individual salesperson or peddler even though there may be a single employer.
 - (3) In such case that a vehicle is owned by a single employer solely for the purposes of peddling from a motor vehicle and more than one driver is assigned to each vehicle owned for this purpose, a license shall be issued per vehicle with a listing of drivers to be authorized. The employer is responsible for notifying the Police Department if any names are to be added to or deleted from this list.
 - (4) All such licenses shall expire on December 31 of the year in which issued.
- (b) Public Solicitation.
- (1) No fee shall be required for a license for any charity to which contributions are deductible for United States income tax purposes.
 - (2) Where there is a drive for funds for any of the charitable organizations described in this chapter and there is more than one solicitor, only one license shall be required of the person in charge of the fund drive; however, the applicant shall provide a list of all individuals soliciting on behalf of the organization.
 - (3) All such licenses shall expire on December 31 of the year in which issued.
- (c) Itinerant Vendors. Each shall pay a fee of twenty dollars (\$20.00) for each week that such business is carried on. This license shall terminate automatically with the last day for which sum shall have been paid.

(d) The City Manager or his designee may, in his discretion, grant without cost a license for the holding of a special event where all vendors are fostered and supervised by civic interests of the City.
(Ord. 92-1428. Passed 4-21-92.)

731.05 DISPLAY OF LICENSE.

Such license shall be exhibited to any law enforcement officer or private resident upon request.
(Ord. 92-1428. Passed 4-21-92.)

731.06 EXCEPTIONS.

The provisions of this chapter shall not apply to an owner of any product of his own raising or to the manufacturer of any article manufactured by him, who by himself or his agent, peddles or vends any such article or product; nor shall the same apply to any person who by State or Federal law or constitutional provision, has been exempted from obtaining such license; nor to any sale under order of court or at a bona fide auction; nor to any sale at wholesale to a retail dealer. License requirements shall not apply to an employee of any person maintaining a regularly established bona fide place of business within the City, or to any person taking orders for products of his own raising and manufacture.
(Ord. 92-1428. Passed 4-21-92.)

731.07 PROHIBITIONS.

(a) Itinerant Vendors. No person shall exercise the privilege of a license issued pursuant to this chapter from any roadway, street, alley, site or location which is inconsistent with the City's Zoning Ordinance and/or creates conditions potentially hazardous to the general public as determined by the City Manager or his designee.

All signage shall comply with Chapter 1191 of the Zoning Ordinance. Additional permit fees may apply.

(b) Hours of Solicitation and Peddling. No person subject to the provisions of this chapter shall solicit or peddle except between the hours of 9:00 a.m. and 8:00 p.m.

(c) Peddling from Motor Vehicles. No person shall vend or peddle goods, wares, merchandise, food, beverages or refreshments on a public street from the left side of a motor vehicle standing on a public street. No person shall exercise the privilege of a license issued pursuant to this chapter in a way which creates conditions potentially hazardous to the general public as determined by the City Manager or his designee.

(d) Nontransferability of License. No license shall be transferable nor shall it be used by any person other than the licensee.

(e) Trespassing in Violation of Posted Signs. No person, while engaged in any profit or nonprofit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the City upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof.

(Ord. 92-1428. Passed 4-21-92.)

731.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree for a first offense, and a misdemeanor of the third degree for any subsequent offense. A separate violation shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 92-1428. Passed 4-21-92.)

**CHAPTER 735
Video Service Providers**

735.01	Fee.	735.05	Time of payments.
735.02	Audit.	735.06	Maximum fee allowed.
735.03	Underpayments.	735.07	Customer service standards.
735.04	Acceptance of payments.	735.08	PEG channel.

735.01 FEE.

Following notice of a video service provider's (hereinafter "VSP") intent to offer service in the City pursuant to Ohio R.C. 1332.27 and as compensation for the benefits and privileges granted under the State of Ohio video service authorization and in consideration of permission to use the City's streets and rights-of-way, the VSP shall pay to the City a video service provider fee in the amount of five percent (5%) of the VSP's gross revenues, additionally including advertising revenues, as defined by Ohio R.C. 1332.32. Notice of this video service provider fee shall be served upon the VSP by the City Manager, or duly appointed designee, within ten (10) days of the City receiving notice of the VSP's intent to offer service in the municipal corporation. (Ord. 08-651. Passed 2-5-08.)

735.02 AUDIT.

The City, at its sole expense, may conduct an annual audit for the purpose of verifying the accuracy of a VSP's calculation of the video service provider fees paid to the municipal corporation in the audit period. For the purpose of the audit, the VSP shall make available for inspection, at the location where such records are kept in the normal course of business, those records pertaining to gross revenues, including advertising revenues. (Ord. 08-651. Passed 2-5-08.)

735.03 UNDERPAYMENTS.

A VSP shall pay any amounts found to have been underpaid in the audit within thirty days after notice and shall include interest on the underpayments as provided in Ohio R.C. 1343.03, unless the VSP brings an action pursuant to Ohio R.C. 1332.33(D). (Ord. 08-651. Passed 2-5-08.)

735.04 ACCEPTANCE OF PAYMENTS.

Except as otherwise provided by law, no acceptance of any payment by the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a video service provider fee or from the performance of any other obligation of the VSP.

(Ord. 08-651. Passed 2-5-08.)

735.05 TIME OF PAYMENTS.

Video service provider fee payments shall be made no sooner than forty-five nor more than sixty days after the end of each calendar quarter.

(Ord. 08-651. Passed 2-5-08.)

735.06 MAXIMUM FEE ALLOWED.

The City represents that it is its intention to be able to charge up to the maximum amount of video service provider fees allowed by law which is presently set at five percent (5%) pursuant to Ohio R.C. 1332.32(C)(1)(b).

(Ord. 08-651. Passed 2-5-08.)

735.07 CUSTOMER SERVICE STANDARDS.

A VSP shall meet all of the customer service standards contained in Ohio R.C. 1332.26.

(Ord. 08-651. Passed 2-5-08.)

735.08 PEG CHANNEL.

VSPs currently providing PEG channel pursuant to a franchise, competitive video service agreement, ordinance, or resolution shall continue to provide the PEG channel(s) and support pursuant to Ohio R.C. 1332.30.

(Ord.08-651. Passed 2-5-08.)