

CODIFIED ORDINANCES OF MARTINS FERRY
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF MARTINS FERRY
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 705
Auctions

EDITOR'S NOTE: Former Chapter 705 has been deleted from the Codified Ordinances. Ohio R.C. Chapter 4707, as amended by Am. H.B. 608 effective July 9, 1982, licenses both auction companies and auctioneers. Ohio R.C. 4707.111 now provides, "by enactment of Chapter 4707 of the Revised Code, it is the intent of the General Assembly to preempt municipal corporations and other political subdivisions from the regulation and licensing of auctioneers and auction sales."

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CHAPTER 709
Bench Advertising

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| 709.01 | Permit required. | 709.05 | Permit issuance. |
| 709.02 | Permit application. | 709.06 | Permit revocation. |
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CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.65
Posting bills without consent of owner - see GEN. OFF. 537.07
Sign and billboard restrictions - see GEN. OFF. 537.21

709.01 PERMIT REQUIRED.

No person shall build, place or install a bench with advertising on it without first obtaining a permit from the Mayor.
(Ord. 5019. Passed 11-4-60.)

709.02 PERMIT APPLICATION.

An application for a permit for bench advertising shall be made out by the Mayor, shall be signed by the applicant and shall contain the following information and any additional information determined necessary by the Mayor:

- (a) Name of applicant;
- (b) Complete description of the bench and the manner in which it is to be placed and maintained;
- (c) Place where the bench is to be placed and maintained; and
- (d) Type or nature of the advertising to be placed thereon.

(Ord. 5019. Passed 11-4-60.)

709.03 PERMISSION OF PROPERTY OWNER REQUIRED.

Written permission from the property owner permitting the bench with advertising on it to be installed shall accompany the application.
(Ord. 5019. Passed 11-4-60.)

709.04 PERMIT FEE.

The fee for a bench advertising permit shall be one dollar (\$1.00) per bench per year.
(Ord. 5019. Passed 11-4-60.)

709.05 PERMIT ISSUANCE.

The Mayor is directed to issue a bench advertising permit only after it has been determined that the placement or erection of the bench containing advertising thereon is not harmful to the public morals, safety and health of the residents of the City and does not interfere with a place of business.

(Ord. 5019. Passed 11-4-60.)

709.06 PERMIT REVOCATION.

Whenever the Mayor determines that the bench advertising permittee or anyone in his employ has built, placed or installed a bench for which a permit would have been denied under Section 709.05, or whenever, at the discretion of the Mayor, it is determined that after due investigation the bench has become a public nuisance or is being used and occupied as a loafing place, then the Mayor, after written notice to the permittee, shall have the power to suspend and revoke the permit issued under the provisions of this chapter.

(Ord. 5019. Passed 11-4-60.)

709.07 BENCHES PROHIBITED IN CERTAIN PLACES.

No person shall build, place or install a bench containing advertising on it in the Martins Ferry City Park or Martins Ferry Memorial Park.

(Ord. 5019. Passed 11-4-60.)

709.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than twenty-five dollars (\$25.00). Each day a bench remains erected without complying with the provisions of this chapter, or after a permit has been revoked, shall constitute a separate offense.

(Ord. 5019. Passed 11-4-60.)

CHAPTER 711
Amusement Devices

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| 711.02 | License required. | 711.17 | Operation by minors. |
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| 711.08 | Fees. | 711.23 | Misrepresentation by a minor under the age of eighteen. |
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| 711.10 | Affidavit required; false affidavit. | 711.25 | Posting of notice. |
| 711.11 | Gambling devices not to be licensed. | 711.26 | Compliance. |
| 711.12 | License and registration information. | 711.99 | Penalty. |
| 711.13 | License expiration. | | |
| 711.14 | Suspension or revocation. | | |
| 711.15 | Metal tag or plastic decal to be displayed on each machine. | | |

CROSS REFERENCES

State licensing of portable amusement devices - see Ohio
R.C. 1711.11(H); 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

711.01 DEFINITIONS.

For the purpose of this chapter:

- (a) "Amusement arcade" means any place of business at which three or more mechanical or electrically operated amusement devices are located for the use of entertainment of persons patronizing the place of business.
- (b) "Exhibitor" means any individual, corporation or other entity owning and exhibiting or contracting or permitting any mechanical amusement device, as defined in subsection (e) hereof, to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.

- (c) "Gambling device" means a device as defined in Section 517.01 of the General Offenses Code or which contains an automatic pay-off device for the return of slugs, money, coins, checks, tokens, merchandise or anything of value, or which contains an automatic device by the operation of which the player may win at uncertain intervals a free game, a free play or any other additional amusement.
- (d) "Good moral character" means not having been convicted of a crime involving moral turpitude within five years next preceding the date of the application.
- (e) "Mechanical amusement device" or "electrically operated amusement device" means a machine, device or instrument which, upon the insertion of a coin, token or slug, operates or may be operated for use as a game, contest of skill or amusement of any description and which is not a gambling device. "Mechanical amusement device" or "electrically operated amusement device" is not intended to and does not include merchandise vending machines or coin-operated mechanical or electrical musical instruments or devices.
- (f) "Owner" means any individual, corporation or other entity having title to any mechanical amusement device or amusement arcade as hereinabove defined.
- (g) "Minor" means any individual who is not eighteen years of age.
(Ord. 92-113. Passed 12-30-92.)

711.02 LICENSE REQUIRED.

No owner or exhibitor shall install the use of any coin-operated mechanical amusement device, or "skill pool" devices, and no owner or other person shall operate an amusement arcade without first obtaining an exhibitor's license therefor from the Chief of Police.
(Ord. 92-113. Passed 12-30-92.)

711.03 ISSUANCE OF LICENSE.

The Chief of Police is authorized to issue licenses to owners and exhibitors of coin-operated mechanical amusement devices, upon compliance with the requirements set forth in this chapter. This is to include coin-operated pool or billiard tables, commonly known as "skill pool" tables.
(Ord. 92-113. Passed 12-30-92.)

711.04 DENIAL OF LICENSE.

The Chief of Police is authorized and empowered to deny, for reasonable cause, applications for licenses. No license shall be issued under the provisions of this chapter to any applicant therefor unless the Chief of Police has found that such applicant is of good moral character. The lack of such qualification on the part of the applicant shall be deemed grounds for denial or revocation of such license by the Chief.
(Ord. 92-113. Passed 12-30-92.)

711.05 APPLICATIONS.

Every owner or other person, corporation, lodge or association desiring to obtain any exhibitor's license or licenses shall file an application with the Chief of Police upon a form to be prescribed by him, prior to the receiving of any such license or licenses, stating the number of coin-operated machines intended to be exhibited and including information as to the applicant's arrest record over the past five-year period immediately prior to the date of application, such application to include also an affidavit as to the good moral character of the applicant. (Ord. 92-113. Passed 12-30-92.)

711.06 ISSUANCE OF RESTRICTIONS.

The Chief of Police is authorized and empowered to establish, adopt and enforce, or cause to be enforced, such rules and regulations governing the issuance of the licenses and registrations required under this chapter as he may deem responsible and necessary and not inconsistent with the provisions of this chapter. The Chief shall adopt and enforce a rule or regulation requiring an affidavit by each applicant relative to his good moral character. (Ord. 92-113. Passed 12-30-92.)

711.07 LICENSE FOR ONE DEVICE OR FOR GROUP OF DEVICES.

The Chief of Police may issue licenses for one coin-operated mechanical amusement device or skill pool table or for more than one such device on the same license blank, in case one person or company is the owner of several machines, which it is desired to exhibit at different locations. However, for each machine issued, a numbered metal tag or plastic decal shall be issued to the licensee for each machine so covered. Such metal tags or plastic decals are to be provided by the Chief, one for each machine so licensed, and one is to be attached to each machine exhibited, for identification purposes.

In addition thereto, each owner requesting a group license shall file with his application a list of the machines to be licensed, showing the name of each exhibitor; the address of each exhibitor; the number of machines to be exhibited at each address; the nature of the business to be conducted at each place of exhibit; the make, name, model and other identifying information relative to the machines to be exhibited. Each group license issued shall show the numbers of the metal tags or plastic decals issued to cover such licensed machines. The license fee for a group license shall be the product of the number of machines licensed, times the fee for one license. (Ord. 92-113. Passed 12-30-92.)

711.08 FEES.

The fees for licenses and registration shall be paid at the time of the issuance thereof and shall be as follows:

Mechanical or electrically operated amusement device:

One to ten - one hundred dollars (\$100.00) each, per calendar year;

Eleven to twenty - fifty dollars (\$50.00) each, per calendar year; and

Twenty-one and above - twenty-five dollars (\$25.00) each, per calendar year.
(Ord. 92-113. Passed 12-30-92.)

711.09 ADDITIONAL DEVICES.

A licensee desiring to exhibit additional mechanical amusement devices shall apply for a license and registration to cover the exhibition of such additional mechanical amusement devices in the manner above set forth, and shall pay the fees required by Section 711.08 for the exhibition of any such additional mechanical amusement devices.
(Ord. 92-113. Passed 12-30-92.)

711.10 AFFIDAVIT REQUIRED; FALSE AFFIDAVIT.

The exhibitor shall be required to furnish the Chief of Police the name of the owner of each mechanical amusement device. In the event the exhibitor is also the owner of such device he shall file an affidavit with the Chief setting forth that he is the actual bona fide owner of such mechanical amusement device and that, as such owner, he receives all the benefits from the operation thereof and that no other person has any actual or beneficial interest therein, either directly or indirectly.

Any person who swears falsely in any affidavit required to be made under the terms of this chapter shall be subject to the penalties provided therefor by State law.
(Ord. 92-113. Passed 12-30-92.)

711.11 GAMBLING DEVICES NOT TO BE LICENSED.

No license or registration shall be issued to an exhibitor or owner for any mechanical or electrically operated amusement device which is a gambling device.
(Ord. 92-113. Passed 12-30-92.)

711.12 LICENSE AND REGISTRATION INFORMATION.

Upon payment of the fees required by Section 711.08, the Chief of Police shall issue a license and registration which shall contain the name and address of the licensee; the number of mechanical amusement devices exhibited; the address at which it is desired to exhibit and operate the devices; the nature of the business conducted at such place; the make, name, model and other identifying information with reference to the particular devices desired to be exhibited; the serial number of the license; and such other further information as the Chief, in his discretion, may require.
(Ord. 92-113. Passed 12-30-92.)

711.13 LICENSE EXPIRATION.

All licenses shall expire at 11:59 p.m. on December 31 of each year unless earlier revoked by the Chief of Police.
(Ord. 92-113. Passed 12-30-92.)

711.14 SUSPENSION OR REVOCATION.

The license of any person violating any of the terms of this chapter or any of the rules and regulations established and adopted by the Chief of Police as provided in Section 711.06, except those relating to the exhibition or operation of such machine or device for gambling, shall, for the first violation thereof, be suspended by the Chief for not less than ten nor more than thirty days; for the second violation thereof, be suspended by the Chief for not less than thirty nor more than sixty days; and for the third violation thereof, shall be revoked by the Chief. For violation of the terms of this chapter or the rules and regulations established and adopted by the Chief of Police relating to the exhibition or operation of such machine or device for gambling, such license shall be revoked by the Chief.

In case of any hearing before the Chief of Police involving the denial of a license to an applicant therefor, as provided by Section 711.04, or involving the suspension or revocation of a license or a licensee, as provided herein, the Chief shall notify such applicant or licensee of such hearing by registered mail directed to the last address of such applicant or licensee on file with the Chief. In the event such license is denied, suspended or revoked, the Chief of Police shall notify such applicant or licensee of such denial, suspension or revocation in the same manner as provided above for notification of hearings.
(Ord. 92-113. Passed 12-30-92.)

711.15 METAL TAG OR PLASTIC DECAL TO BE DISPLAYED ON EACH MACHINE.

One of the metal tags or plastic decals issued by the Chief of Police, as required by this chapter, shall be attached to each device on the front thereof, adjacent to the coin slot of such mechanical amusement device or skill pool table licensed, so that the fact that the machine is licensed can be readily determined by municipal authorities at a glance.
(Ord. 92-113. Passed 12-30-92.)

711.16 UNLICENSED OR UNREGISTERED DEVICES.

No person shall keep, maintain, permit or allow any unlicensed and unregistered device to be in or upon any public place or place of business under the control, supervision or direction of such person, except such device as in this chapter is exempt from license and registration. (Ord. 92-113. Passed 12-30-92.)

711.17 OPERATION BY MINORS.

No exhibitor or owner of a mechanical or electrically operated amusement device shall permit any minor to use or operate any such device, located at a place of business operated by such owner or exhibitor, at any time that the serving or consumption of alcoholic beverages is permitted at such place of business unless:

- (a) Such device is located in a room in which the serving and consumption of alcoholic beverages is prohibited and such room is separated, by floor-to-ceiling walls and doors which are kept closed except when used by an individual for ingress and egress, from all rooms in which the serving or consumption of alcoholic beverages is permitted; or
- (b) Such minor is accompanied by a parent, guardian or other adult relative.
(Ord. 92-113. Passed 12-30-92.)

711.18 HOURS OF OPERATION OF ARCADES.

(a) No owner or exhibitor of an amusement arcade shall be open or permit playing between the hours of 2:30 a.m. and 9:00 a.m., Tuesday through Saturday; 2:30 a.m. to noon on Sunday; and midnight to 9:00 a.m. on Monday.

(b) No minor shall be within an amusement arcade during hours of curfew, as established by Section 509.08 of the General Offenses Code, unless accompanied by a parent, guardian or other adult charged with the care of such minor.
(Ord. 92-113. Passed 12-30-92.)

711.19 PROHIBITED DEVICES.

No owner or exhibitor shall install or permit the use of any mechanical or electrically operated amusement device which is a gambling device.

Any machine, device, instrument, apparatus or contrivance which is determined to be a gambling device may be seized, destroyed or demolished in the manner provided by law.
(Ord. 92-113. Passed 12-30-92.)

711.20 RECORDS TO BE KEPT.

The Chief of Police shall keep and maintain on file in his office a full and complete list of all licenses issued under the provisions of this chapter, and also a full and complete list of all mechanical amusement devices which are licensed and registered under the provisions of this chapter, together with a cross index showing the location of each such licensed and registered mechanical amusement device.

(Ord. 92-113. Passed 12-30-92.)

711.21 COIN-OPERATED BILLIARD TABLES; LICENSING; FEES; MINORS.

(a) Notwithstanding any other provision in this chapter, the exhibition and operation of coin-operated tables resembling pool or billiard tables, sometimes known as "skill pool", shall be permitted within the City when licensed under the provisions of this chapter and exhibited or operated in conformity with this chapter.

(b) No exhibitor shall install or permit the use of the aforesaid tables without first obtaining a license therefor from the Chief of Police.

(c) The Chief of Police is authorized and directed to issue licenses to exhibitors of such tables; provided, however, that no license shall be issued to an applicant therefor until the Chief has found that such applicant is of good moral character, and provided further, that such license shall not be issued unless the application is accompanied by the license fee therefor, which shall be one hundred dollars (\$100.00) per table per calendar year.

- (d) (1) No exhibitor or owner of such table shall permit any minor to use or operate such table, located at any place of business operated by such exhibitor or owner, at any time that the serving or consumption of alcoholic beverages is permitted at the place of business unless:
- A. Such table is located in a room in which the serving and consumption of alcoholic beverages is prohibited and such room is separated by floor-to-ceiling walls and doors which are kept closed except when used by an individual for ingress and egress, from all rooms in which the serving or consumption of alcoholic beverages is permitted; or
 - B. Such minor is accompanied by a parent, guardian or other adult relative.
- (2) No owner or exhibitor of such a table shall permit playing between the hours of 2:30 a.m. to 9:00 a.m., Tuesday through Saturday; 2:30 a.m. to noon on Sunday; and midnight to 9:00 a.m. on Monday.
- (3) No owner or exhibitor of such a table shall permit minors to be within a place of business where such table is located during the hours of curfew, as established by Section 509.08 of the General Offenses Code, unless accompanied by a parent, guardian or other adult charged with the care of such minor.
- (4) No minor shall be within a place of business where such table is located during the hours of curfew, as established by Section 509.08 of the General Offenses Code, unless accompanied by a parent, guardian or other adult charged with the care of such minor.
(Ord. 92-113. Passed 12-30-92.)

711.22 TRANSFER OF LICENSE AND REGISTRATION.

The license and registration required by this chapter shall not be transferable to any other person, but may be transferred to another instrument or device of the same classification. Upon the transfer of ownership of a licensed instrument or upon the removal of such instrument out of the corporate limits of the City, the license and registration of such instrument shall expire and the original owner in case of a sale or owner in case of a transfer outside of the corporate limits shall remove either the registration slip or sticker. Should the original owner in the case of a sale, or owner

in case of a transfer, make application for the licensing and registration of another instrument as required by this section during the remainder of the current days, he may file an application for transfer of registration and license accompanied by a transfer fee of two dollars (\$2.00) and the original license and registration. The Chief of Police shall thereon transfer the license and registration to the new instrument provided the applicant has in all other respects qualified for the issuance of a license and registration as set forth in this chapter.
(Ord. 92-113. Passed 12-30-92.)

711.23 MISREPRESENTATION BY A MINOR UNDER THE AGE OF EIGHTEEN.

No person under the age of eighteen years shall knowingly show or give false information concerning his name, age or identification for the purposes of operating any mechanical or electrically operated amusement device or skill pool table or remaining on the premises of an amusement arcade or an establishment having a skill pool table in violation of any provisions of this chapter.
(Ord. 92-113. Passed 12-30-92.)

711.24 MISREPRESENTATION OF NAME, AGE OR IDENTIFICATION OF MINOR UNDER THE AGE OF EIGHTEEN.

No person shall knowingly furnish any false information as to the name, age or other identification of another person under the age of eighteen for the purpose of such other person operating any mechanical or electrically operated amusement device or skill pool table or remaining on the premises of an amusement arcade or an establishment having a skill pool table in violation of any provisions of this chapter.
(Ord. 92-113. Passed 12-30-92.)

711.25 POSTING OF NOTICE.

The owner or exhibitor of every amusement arcade or skill pool table shall display at all times in a prominent place on the premises of every amusement arcade in the City and of every place in the City in which a skill pool table required by this chapter to be licensed is installed or used, a printed notice, which shall be furnished by the Chief of Police with the required license and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE

If you are under the age of 18, under the Ordinances of the City, if you remain on these premises after the established curfew, as set forth in Section 509.08 of the Codified Ordinances of the City of Martins Ferry, Ohio, and if you are not accompanied by a parent, guardian or other adult relative or furnish false information as to name, age or other identification, you are guilty of a misdemeanor of the fourth degree.

(Ord. 92-113. Passed 12-30-92.)

711.26 COMPLIANCE.

All owners or operators affected by the terms of this chapter shall be in full compliance with same no later than April 15, 1993.

(Ord. 92-113. Passed 12-30-92.)

711.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.

(Ord. 92-113. Passed 12-30-92.)

CHAPTER 713
Bowling Alleys and Billiard Rooms

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|--------------------------|---------------------------|
| 713.01 License required. | 713.03 Hours of business. |
| 713.02 Fees. | 713.99 Penalty. |

CROSS REFERENCES

Power to regulate - see Ohio R.C . 715.51, 751.61
 Gambling- see GEN. OFF. Ch. 517
 Permitting minors to play billiards - see GEN. OFF. 529.01
 Permitted in C-1, I-1 and I-2 Districts - see P. & Z.
 1147.01, 1151.01 and 1153.01

713.01 LICENSE REQUIRED.

No person shall operate a bowling alley or pool or billiard room without first obtaining a license from the Mayor. No license shall be granted for a period of less than one year. (1941 Code, Sec. 9-140.)

713.02 FEES.

The annual license fee for each bowling alley is ten dollars (\$10.00). The annual license fee for the first pool or billiard table is ten dollars (\$10.00); for the second table, seven dollars and fifty cents (\$7.50) and for each additional table, five dollars (\$5.00). (1941 Code, Sec. 9-140.)

713.03 HOURS OF BUSINESS.

No bowling alley, pool or billiard room shall be open for use between the hours of 1:00 a.m. and 7:00 a.m. of each day except Saturday when the closing hour shall be 12:00 midnight, and Sunday, when it may be open only between the hours of 1:00 p.m. and 11:00 p.m. (Ord. 5642. Passed 7-20-67.)

713.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 5642. Passed 7-20-67.)

CHAPTER 717
Canvassers and Solicitors

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| 717.01 License required. | 717.05 License to be carried; police inspection. |
| 717.02 Definition. | 717.06 License fees. |
| 717.03 License application. | 717.07 License revocation. |
| 717.04 License issuance; license not transferable. | 717.99 Penalty. |

CROSS REFERENCES

Charitable solicitations - see Ohio R.C. Ch. 1716
 Trespass - see GEN. OFF. 537.06
 Peddlers; transient dealers - see BUS. REG. Ch. 745
 Transient photographers - see BUS. REG. Ch. 761

717.01 LICENSE REQUIRED.

No solicitor or canvasser shall engage in canvassing or soliciting within the corporate limits of the City without first obtaining a license in compliance with the provisions of this chapter. (Ord. 5176. Passed 7-5-62.)

717.02 DEFINITION.

"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, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares or merchandise, personal property of any nature for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether or not he is collecting advance payment on such sale. This definition includes any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. (Ord. 5176. Passed 7-5-62.)

717.03 LICENSE APPLICATION.

Any application for a canvasser's or solicitor's license shall be made in writing to the Mayor and shall set forth the following:

- (a) The name and description of the applicant;
- (b) The permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;

- (d) The name and address of the applicant's employer, if any; and
- (e) The length of time for which the license is desired.
(Ord. 5176. Passed 7-5-62.)

717.04 LICENSE ISSUANCE; LICENSE NOT TRANSFERABLE.

The Mayor may issue a canvasser's or solicitor's license if he is satisfied with the character of the applicant. The license shall not be transferable, nor shall it be used by any person other than the licensee, his employee or agent.
(Ord. 5176. Passed 7-5-62.)

717.05 LICENSE TO BE CARRIED; POLICE INSPECTION.

Each person to whom a canvasser's or solicitor's license is issued shall carry the license on his person at all times, and shall, when requested by any member of the Police Department, produce his license for inspection.
(Ord. 5176. Passed 7-5-62.)

717.06 LICENSE FEES.

The Mayor may issue a canvasser's or solicitor's license to any suitable person who applies for one, upon payment of a fee of five dollars (\$5.00) per day. The Mayor may issue a license for a period of one year, six months or three months according to the following fee schedule:

- \$300.00 for one year;
- \$200.00 for six months,
- \$100.00 for three months.

(Ord. 5176. Passed 7-5-62.)

717.07 LICENSE REVOCATION.

Any canvasser's or solicitor's license may be revoked by the Mayor for cause, but in such case the pro-rata part of the license fee for the unexpired term shall be returned to the licensee. (Ord. 5176. Passed 7-5-62.)

717.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 5176. Passed 7-5-62.)

CHAPTER 721
Carnivals

721.01 License required.
721.02 Fees.

721.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
Indecency and obscenity - see GEN. OFF. Ch. 521
Fortunetellers - see BUS. REG. Ch. 725

721.01 LICENSE REQUIRED.

Any person who is the owner, lessee, manager or proprietor of any traveling carnival or part thereof, consisting of two or more shows, exhibitions or other devices for public entertainment, before engaging in such business in the City, shall obtain a license from the Mayor. (Ord. 3719. Passed 8-17-45.)

721.02 FEES.

Carnival license fees, payable to the Mayor, are three hundred dollars (\$300.00) for the first day a carnival is conducted, and two hundred dollars (\$200.00) for each additional day. The sums shall be used to regulate such business in the City. (Ord. 3719. Passed 8-17-45.)

721.99 PENALTY.

Whoever violates any provision of this chapter, or fails to pay the license fee, shall be fined not more than five hundred dollars (\$500.00). (Ord. 4871. Passed 11-6-58.)

CHAPTER 725
Fortunetellers

725.01 License required; fee.

725.99 Penalty.

CROSS REFERENCE
State law provisions - see Ohio R.C. 2911.16

725.01 LICENSE REQUIRED; FEE.

The Mayor may grant a license to any person to represent himself as a fortuneteller, astrologer, clairvoyant, phrenologist or palmister, upon receiving from the applicant a fee of fifty dollars (\$50.00) for each day.
(1941 Code, Sec. 9-201.)

725.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).
(Ord. 4871. Passed 11-6-58.)

CHAPTER 729
Handbills

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| 729.01 | Definitions. | 729.06 | License fees. |
| 729.02 | Identification required. | 729.07 | Exceptions. |
| 729.03 | License required. | 729.08 | Offensive handbills. |
| 729.04 | License application. | 729.99 | Penalty. |
| 729.05 | License revocation; license not transferable. | | |

CROSS REFERENCES

Littering- see GEN. OFF. 517.08
Trespass - see GEN. OFF. 537.06
Posting bills without permission - see GEN. OFF.
537.07

729.01 DEFINITIONS.

As used in this chapter the following words, terms and phrases have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
 - (1) Which advertises for sale any merchandise, product, commodity or thing;
 - (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
 - (3) Which directs attention to or advertises any meeting, theatrical or other performance or event, for which an admission fee is charged; or
 - (4) Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes.
- (b) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office of the United States in accordance with Federal regulation and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year and sold to the public.
- (c) "Handbill distributor" means any person engaged in the sale of noncommercial handbills, the distribution of noncommercial handbills, the distribution for contribution of noncommercial handbills and any person receiving compensation directly or indirectly for the distribution of such noncommercial handbills.

- (d) "Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definition of a commercial handbill, or a newspaper.
- (e) "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant thereto.
- (f) "Public place" means any street, avenue, lane, alley or other public way, and any public park, square, space, ground or building.
(Ord. 3562. Passed 12-5-42.)

729.02 IDENTIFICATION REQUIRED.

No person shall distribute, deposit, scatter or circulate any noncommercial handbill in any place, under any circumstances, which does not have printed on the front or back cover, the name and address of the following:

- (a) The person who printed, wrote, compiled or manufactured the handbill.
- (b) The person who caused the handbill to be distributed; in the case of a fictitious person or club, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring the handbill shall also appear on it.
(Ord. 3562. Passed 12-5-42.)

729.03 LICENSE REQUIRED.

No person shall sell noncommercial handbills, distribute noncommercial handbills or hand out noncommercial handbills for contribution in any public place or private premises, without first obtaining a license.
(Ord. 3562. Passed 12-5-42.)

729.04 LICENSE APPLICATION.

Any person desiring a handbill license shall apply in writing to the Mayor upon a form provided for this purpose. The form shall contain, among other information which may be required, the name, the business address and a brief description of the nature of the business to be conducted by the applicant, together with a request for a license for the period for which the applicant seeks to engage in such business.
(Ord. 3562. Passed 12-5-42.)

729.05 LICENSE REVOCATION; LICENSE NOT TRANSFERABLE.

Without excluding other just grounds for revocation, the Mayor may revoke any handbill license obtained under an application containing a false or fraudulent statement knowingly made by the applicant, for violation of any provision of this chapter, or on any other grounds specified by law. The application shall be accompanied by the fee specified in Section 729.06. No license issued under this chapter shall be transferable; and if any such license is surrendered by the licensee therein named, or is revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of such fee.
(Ord. 3562. Passed 12-5-42.)

729.06 LICENSE FEES.

The fee for a handbill license is ten dollars (\$10.00) for a period of one year or less.
(Ord. 4871. Passed 11-6-58.)

729.07 EXCEPTIONS.

The provisions of this chapter do not apply to the distribution of mail by the United States, nor to newspapers or commercial handbills.

The provisions of this chapter do not apply to the distribution of political literature and political cards of candidates running for public office.
(Ord. 3562. Passed 12-5-42.)

729.08 OFFENSIVE HANDBILLS.

No person shall post, hand out for contribution, distribute or sell any noncommercial handbill, and the Mayor shall refuse to issue a license to any person to post, hand out for contribution, distribute or sell any noncommercial handbill, when such person by his actions or by the contents of his noncommercial handbill may:

- (a) Reasonably tend to incite riot or other public disorder; advocate disloyalty to or the overthrow of the Government of the United States or of this State by means of an artifice, scheme or violence; urge any unlawful conduct; encourage or tend to encourage a breach of the public peace or good order of the community;
or
- (b) Be offensive to public morals or decency or contain blasphemous, obscene, libelous or scurrilous language.

(Ord. 3562. Passed 12-5-42.)

729.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).
(Ord. 4871. Passed 11-6-58.)

**CHAPTER 733
Junk Dealers**

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|---|---|
| 733.01 License required. | 733.05 New yards must be east of First Street. |
| 733.02 License fee. | 733.99 Penalty. |
| 733.03 Records, reports and inspections. | |
| 733.04 Building or fenced enclosure required for business and storage. | |

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61
 Automobile dealers and salesmen- see Ohio R.C. Ch. 4517
 Secondhand dealers - see Ohio R.C. Ch. 4737
 Record of transactions required - see Ohio R.C. 4737.01,
 4737.04
 Dealing with minors prohibited - see Ohio R.C. 4737.03
 Receiving stolen property - see GEN. OFF. 537.14
 Junk yards permitted in I-2 District - see P. & Z. 1153.01(t)

733.01 LICENSE REQUIRED.

No person who is the owner of a junk shop or who is engaged in the business of a junk dealer shall engage in any such business unless a license is obtained from the Mayor. (1941 Code, Sec. 9-100.)

733.02 LICENSE FEE.

The cost of a junk dealer's license is fifty dollars (\$50.00) per year, and no license shall be issued for less than one year. (Ord. 4884. Passed 1-15-59.)

733.03 RECORDS, REPORTS AND INSPECTIONS.

Each junk dealer shall keep a ledger or book showing an accurate record of each purchase with a description of the merchandise including the name and address of the seller.

It is the duty of each junk dealer to make a weekly report to the Chief of Police of all merchandise bought during the preceding week.

It is the duty of each junk dealer to admit to his premises at any time any member of the Police Department for the purpose of examining merchandise and searching for stolen property without the formality of a search warrant. (Ord. 4871. Passed 11-6-58.)

733.04 BUILDING OR FENCED ENCLOSURE REQUIRED FOR
BUSINESS AND STORAGE.

(a) No person shall maintain a junk yard or junk shop unless the business is carried on entirely inside a building, or unless the premises on which the business is carried on is entirely enclosed by a solidly built fence at least seven feet high and approved by the Chief of the Fire Department. The fence shall be maintained in a neat, substantial, safe condition and shall be painted. Gates for access to the premises shall swing inwardly, and the gates shall be kept closed when the premises are not open for business.

(b) No junk shall be stored in the City unless the same is in a building or enclosed yard. Such junk, whether inside a building or in an enclosed yard, shall be so piled or placed that adequate passageways are open.
(Ord. 4975. Passed 4-2-60.)

733.05 NEW YARDS MUST BE EAST OF FIRST STREET.

(a) There shall be no establishment of junk yards west of First Street within the corporate limits of the City.

(b) Junk yards may be established east of First Street, provided the required license is secured.

(c) Junk yards that are now in business may remain at their present locations, but shall not move to a new location except to one that is east of First Street.
(Ord. 5446. Passed 7-15-65.)

733.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)

CHAPTER 741
Pawnbrokers

741.01 License; fee; bond.

741.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61

State law provisions - see Ohio R.C. Ch. 4727

Maximum interest and charges allowed - see Ohio R.C. 4727.06

Daily report to Police Department - see Ohio R.C. 4727.09

Purchase from minor or drunkard prohibited - see Ohio R.C. 4727.10

741.01 LICENSE; FEE; BOND.

The Mayor may grant a pawnbroker's license to any person of good moral character who may apply therefor, when the applicant pays the sum of forty dollars (\$40.00) per year and executes a bond as provided by Ohio R.C. 4727.03.
(1941 Code, Sec. 9-200.)

741.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not more than fifty dollars (\$50.00).
(Ord. 4871. Passed 11-6-58.)

CHAPTER 745
Peddlers and Transient Dealers

| | | | |
|--------|--------------------------------|--------|------------------------------|
| 745.01 | Definitions; applicability. | 745.04 | Huckster's license and fees. |
| 745.02 | License required; exceptions. | 745.05 | Revocation of license. |
| 745.03 | Mayor may grant license; fees. | 745.99 | Penalty. |

CROSS REFERENCES

Power to inspect food products - see Ohio R.C. 715.46
 Power to regulate peddlers - see Ohio R.C. 715.61
 Power to regulate temporary stores, transient dealers - see Ohio R.C. 715.64
 Frozen desserts - see Ohio R.C. 3717.51 et seq.
 Littering - see Ohio R.C. 3767.20; GEN. OFF. 517.08
 Sales of goods and services within right of way of interstate and other state highways - see Ohio R.C. 5515.07
 Retail sales license - see Ohio R.C. 5739.17
 Trespassing - see GEN. OFF. 537.06
 Use of stands on sidewalks prohibited - see GEN. OFF. 537.21
 Canvassers; solicitors- see BUS. REG. Ch. 717
 Transient photographers - see BUS. REG. Ch. 761

745.01 DEFINITIONS; APPLICABILITY.

As used in this chapter:

- (a) "Hawker, " "peddler " or "itinerant vendor" means any person who sells, barter or exchanges any goods, wares, produce, merchandise or other articles of value at any place in, upon, along or through the streets or alleys or other public places or from house to house.
- (b) "Transient dealer" means any person who opens a store temporarily for the sale of goods, wares and merchandise or other articles of value or purchases the entire stock of a merchant for the purpose of closing it out at reduced prices.
- (c) "Billposter" means any person who engages in the business of billposting, card tacking or the distributing of advertising material of any article or compound.

The provisions of this chapter shall not apply to any person doing business continuously for the period of one year within the City.
 (1941 Code, Sec. 9-60.)

745.02 LICENSE REQUIRED; EXCEPTIONS.

No person shall engage in or carry on the business of billposter, itinerant vendor, peddler, transient dealer, sign painter, hawker or second-hand dealer without having

procured a license to do so. The provisions of this chapter shall not apply to a sign painter who is a resident of the City, to any person selling agricultural produce of his own production, to the manufacturer of any article manufactured by him, to sales by sample only or to any person selling newspapers.

(1941 Code, Sec. 9-61.)

745.03 MAYOR MAY GRANT LICENSE; FEES.

(a) The Mayor may grant a license as required by Section 745.02 to any suitable applicant upon payment of the fee specified:

- (1) Fifty dollars (\$50.00) per calendar year for itinerant vendors, peddlers, hawkers or transient dealers; and
- (2) Fifteen dollars (\$15.00) per calendar year for billposters, sign painters and second-hand dealers.

(Ord. 89-58. Passed 8-3-89.)

(b) The Mayor may issue a license for the period of one year, six months or three months, to any suitable applicant except to a transient dealer, upon payment of the fee specified:

- (1) \$500.00 for one year;
- (2) \$300.00 for six months;
- (3) \$200.00 for three months.

(1941 Code, Sec. 9-62.)

745.04 HUCKSTER'S LICENSE AND FEES.

The provisions of this chapter shall not apply to hucksters dealing in vegetables or other farm products.

The Mayor may grant a huckster's license to any suitable applicant, dealing in vegetables or in any other farm produce upon payment of the fee specified:

- (a) \$1.00 per day;
- (b) \$25.00 per month;
- (c) \$100.00 per year.

(Ord. 4871. Passed 11-6-58.)

745.05 REVOCATION OF LICENSE .

Any license required by this chapter may be revoked by the Mayor for cause, but in such case the pro rata part of the license fee for the unexpired term shall be returned to the licensee. (1941 Code, Sec. 9-64.)

745.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)

**CHAPTER 753
Roller Rinks**

| | | | |
|--------|-------------------|--------|----------------|
| 753.01 | License required. | 753.03 | Closing hours. |
| 753.02 | License fee. | 753.99 | Penalty. |

CROSS REFERENCES

Authority to license - see Ohio R.C. 3773.19
 Intoxication - see GEN. OFF. 509.03
 Minor's curfew - see GEN. OFF. 529.07
 Permitted in C-1, I-1 and I-2 Districts - see P. & Z. 1147.01,
 1151.01 and 1153.01

753.01 LICENSE REQUIRED.

No person shall operate a roller rink without first obtaining a license from the Mayor. No license shall be granted for a period less than one year.
 (Ord. 5067. Passed 3-18-61.)

753.02 LICENSE FEE.

The annual license fee for each roller rink is twenty-five dollars (\$25.00).
 (Ord. 5067. Passed 3-18-61.)

753.03 CLOSING HOURS.

The closing hour of a roller rink shall be 10:00 p.m. For later closing and special events, permission may be granted by the Chief of Police and the Mayor. The closing hour for children under sixteen years of age shall be no later than 10:00 p.m. at all times, except when accompanied by a parent or legal guardian.
 (Ord. 5067. Passed 3-18-61.)

753.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00).
 (Ord. 5067. Passed 3-18-61.)

CHAPTER 757
Taxicabs

| | |
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| <p>757.01 Definitions.</p> <p>757.02 License to operate required.</p> <p>757.03 License application and fee.</p> <p>757.04 Additional information; applicants licensed outside City.</p> <p>757.05 Inspection of taxicabs.</p> <p>757.06 Insurance required; license card; display.</p> <p>757.07 Vehicle license fee.</p> | <p>757.08 License suspension or revocation.</p> <p>757.09 Board of Appeals.</p> <p>757.10 Appeal procedure.</p> <p>757.11 Driver qualifications.</p> <p>757.12 Taxicab stands; rules; license and fee.</p> <p>757.99 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
 Operators to be eighteen years of age - see Ohio R.C. 4507.321
 Operation and equipment - see Part Three, TRAFFIC CODE
 Transporting for immoral purpose - see GEN. OFF. 521.02
 Liquor consumption in motor vehicle - see GEN. OFF. 525.04

757.01 DEFINITIONS.

As used in this chapter:

- (a) "Taxicab" means every public vehicle equipped with or without a taximeter, used for the transportation for hire of not more than five passengers at any one time for which public patronage is solicited in whole or in part upon the streets or in quasi-public places.
 - (b) "Director" means the Director of Public Safety.
 - (c) "Owner" means any person, firm or corporation who has control, direction of operation, maintenance or the benefit of the collection of revenue, derived from the operation of a taxicab, on or over the streets of the City, whether as owner, licensee, bailee or otherwise, except a driver.
 - (d) "Driver" means every person actually in charge of the operation as the chauffeur of a taxicab, whether as owner, agent, servant or employee of the owner.
 - (e) "Taxicab stand" means those portions of the street set aside and designated by the Director of Public Safety for the parking of taxicabs waiting and seeking employment.
- (Ord. 5045. Passed 12-17-60.)

757.02 LICENSE TO OPERATE REQUIRED.

No owner shall operate a taxicab within or from the City unless he is the holder of a license issued pursuant to the provisions of this chapter.
(Ord. 5045. Passed 12-17-60.)

757.03 LICENSE APPLICATION AND FEE.

Any person desiring a taxicab owner's license shall file with the Director of Public Safety a written application on a form to be provided by the City. The application shall be in affidavit form and contain the following information:

- (a) The full name, age and residence of the applicant; if the applicant is a partnership, the full name, age and residence of each of the partners; if a corporation, the full name of the corporation, together with the full names of its principal officers;
- (b) The name under which the applicant will do business;
- (c) The type of vehicle which is proposed to be used in the service, with information as to age, carrying capacity and motor power; the color scheme and local symbols to be used, together with all other lettering or marks proposed to be used by the applicant on the vehicle;
- (d) The number of vehicles proposed to be used, the rate of fare to be charged and the method of charging; and
- (e) That the applicant is capable of and will carry liability insurance as specified in Section 757.06.
- (f) The Director or Council may require information as to the applicant's financial responsibility or fitness and such other information as they believe necessary.

The application shall be accompanied by a fee of ten dollars (\$10.00) to cover the expense of investigating the application, serving notice of the public hearing and granting or refusing to issue the license.

(Ord. 5045. Passed 10-17-60.)

757.04 ADDITIONAL INFORMATION; APPLICANTS LICENSED OUTSIDE CITY.

The Director of Public Safety may require additional information as to the financial responsibility and fitness of management, officers and stockholders of the applicant, and such other information as he may believe necessary. The Director shall have affixed thereto an affidavit duly sworn to by the applicant. However, in the case of applicants already licensed by a municipality abutting the City and whose principal business is the carrying of passengers elsewhere than in the City, it shall be sufficient to file an affidavit containing a description of the vehicle, together with the license number of the Municipality issuing the license, and a statement as to the surety bond or liability insurance filed with the municipality which issued the license covering the operation of the vehicle.

(Ord. 5045. Passed 10-17-60.)

757.05 INSPECTION OF TAXICABS.

The Director of Public Safety is authorized to establish such reasonable rules and regulations for the inspection of taxicabs and automobiles for hire, and their appurtenances, construction and condition of fitness as he believes necessary for the safety and adequate transportation of passengers and the public in general.

(Ord. 5045. Passed 10-17-60.)

757.06 INSURANCE REQUIRED; LICENSE CARD; DISPLAY.

No person shall engage in the business of operating a taxicab or permit it to be operated until the approved applicant for a license deposits with the Auditor a policy or certificate of liability insurance, approved by the Solicitor, indemnifying the applicant in the sum of fifty thousand dollars (\$50,000) for injury to one person, and one hundred thousand dollars (\$100,000) for injury to more than one person, and five thousand dollars (\$5,000) for property damage in any one accident, for the operation of each taxicab for which the license is applied. The policy shall contain a clause obligating the surety company or insurance company to give ten days' written notice to the Mayor before the lapse, expiration or termination of such policy or policies. If any policy is allowed to lapse, the license to operate shall immediately expire.

If the applicant complies with all regulations, there shall be delivered to the owner a license card which shall contain the official license number, name and address of the licensee and such other information as the Director of Public Safety shall prescribe. The license card shall be affixed to the interior of the taxicab and be readily visible at all times. Any license issued under this chapter shall expire on December 31 of the year of which it is issued. (Ord. 5045. Passed 12-17-60.)

757.07 VEHICLE LICENSE FEE.

Every owner shall pay a fee of ten dollars (\$10.00) per year in advance for each taxicab license. However, the fee for licensing after July 1 in any year shall be five dollars (\$5.00) for the balance of that year or any fraction thereof. (Ord. 5045. Passed 12-17-60.)

757.08 LICENSE SUSPENSION OR REVOCATION.

Any license to operate a taxicab may be suspended or revoked at any time by the Director of Public Safety if:

- (a) The Director finds that owner's past record to be unsatisfactory;
- (b) The owner fails to operate his licensed taxicab or taxicabs in accordance with the provisions of this chapter, other ordinances of this City or the laws of Ohio;
- (c) The owner shall cease to operate such taxicabs for a period of thirty consecutive days without having first obtained the consent of the Director.

Any person whose license to operate has been revoked by the Director of Public Safety may appeal from the decision of the Director to the Board of Appeals as provided in Sections 757.09 and 757.10. (Ord. 5045. Passed 12-17-60.)

757.09 BOARD OF APPEALS.

An appeal from any decision of the Director of Public Safety revoking a license to operate a taxicab may be made to a Board of Appeals which is hereby created. The Board shall be composed of the Mayor, the Public Safety Director and the Solicitor, and it is empowered, after a full hearing, to affirm, modify or reverse the decision of the Director. (Ord. 5045. Passed 12-17-60.)

757.10 APPEAL PROCEDURE.

In order to avail himself of the appeal referred to in Section 757.09, the appellant shall, within ten days after receiving notice of such revocation, give written notice of such appeal to the Director of Public Safety and also to the Mayor. The appeal shall be heard by the Board of Appeals within ten days after the notice is filed, and the decision of the Board shall be final. (Ord. 5045. Passed 12-17-60.)

757.11 DRIVER QUALIFICATIONS.

No person, shall drive a taxicab unless he is licensed to do so by the State of Ohio and he shall:

- (a) Be at least twenty-one years of age or over, an American citizen, or have declared his intention to become a citizen;
- (b) Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a taxicab;
- (c) Be able to read, write and speak the English language;
- (d) Be clean in dress and person, of good moral character and not be addicted to the use of intoxicating liquors or drugs.

(Ord. 5045. Passed 12-17-60.)

757.12 TAXICAB STANDS; RULES; LICENSE AND FEE.

(a) The Director of Public Safety is directed to establish such taxicab stands as will best serve the interest of the public. He shall designate the same by stanchions or signs bearing the legend that the area is a taxicab stand and designate the number of taxicabs permitted to park there. No vehicle other than a taxicab shall be allowed to park there except as provided in Section 351.10 of the Traffic Code. The Director is authorized to establish such rules and regulations with reference to the use of the taxicab stands and the operation of taxicabs in the City as, in his judgment, are needed to facilitate traffic on the streets and insure the safety of the public.

(b) The Director of Public Safety shall collect from the owner or operator of any taxicab or taxicab stand, as a license fee for parking such vehicles, an amount based on the following:

- Space necessary for parking of one taxi - \$25.00
- Space necessary for parking of two taxis - \$50.00

Such license shall be for a period of one year, ending on the fifteenth day of March of each year. (Ord. 3944. Passed 2-12-49.)

757.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)

CHAPTER 761
Transient Photographers

| | | | |
|--------|-------------------------------|--------|--------------------|
| 761.01 | Definition. | 761.04 | Daily license fee. |
| 761.02 | License required. | 761.99 | Penalty. |
| 761.03 | License issuance; conditions. | | |

CROSS REFERENCES

Power to regulate transient vendors - see Ohio R.C. 715.64
 Trespassing - see GEN. OFF. 541.05
 Retail sales license - see Ohio R.C. 5739.17
 Canvassers and solicitors - see BUS. REG. Ch. 717
 Peddlers; transient dealers - see BUS. REG. Ch. 745

761.01 DEFINITION.

As used in this chapter: "transient photographer" means any person doing business as an itinerant photographer, coupon salesman, enlargement solicitor or canvasser therefor. (1941 Code, Sec. 9-80.)

761.02 LICENSE REQUIRED.

No person shall engage in business as a transient photographer until a license is obtained from the Mayor. (Ord. 4871. Passed 11-6-58.)

761.03 LICENSE ISSUANCE; CONDITIONS.

A transient photographer's license shall be issued by the Mayor to an applicant who complies with the terms and conditions of this chapter but the license shall not be transferable, nor shall it be used by any person other than the licensee, his employee or agent. The license so issued must, at any time upon demand, be exhibited to any police officer. (1941 Code, Sec. 9-81.)

761.04 DAILY LICENSE FEE.

The license fee for carrying on the business of a transient photographer shall be twenty dollars (\$20.00) per day, and the Mayor, before issuance of the license, shall require the applicant to pay such sum. The license shall expire at the end of the day for which it is issued. (1941 Code, Sec. 9-82.)

761.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). (Ord. 4871. Passed 11-6-58.)

CHAPTER 765
Going Out of Business Sales

| | | | |
|--------|--------------------------------------|--------|--------------------------|
| 765.01 | Definitions. | 765.03 | Application information. |
| 765.02 | License required; fee; restrictions. | 765.04 | Duties of licensee. |
| | | 765.99 | Penalty. |

CROSS REFERENCES

Falsification - see GEN. OFF. 525.02
 Fraud - see GEN. OFF. 545.05

765.01 DEFINITIONS.

As used in this chapter:

- (a) "Going out of business sale" means a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjuster's, adjustment, alteration, assignee's, bankrupt, benefit of creditors', benefit of trustees, building coming down, closing, creditor's end, executor's, final days, forced out, forced out of business, insolvents', last days, lease expires, liquidation, loss of lease, mortgage sale, receiver's, trustee's, quitting business.
- (b) "Removal of business sale" means a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the City or will then continue business from other existing locations in the City.
- (c) "Fire and other altered goods sale" means a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.
 (Ord. 6504. Passed 6-6-74.)

765.02 LICENSE REQUIRED; FEE; RESTRICTIONS.

No person shall sell or offer to sell any goods at a sale to be advertised, represented or held out by any means to be a going out of business sale, removal of business sale, or fire and other altered stock sale without first making written application to the Director of Public Service and obtaining the required license therefor. The license fee to conduct a going out of business sale, removal of business sale, or fire and other altered stock sale shall be twenty-five dollars (\$25.00). The license fee for a renewal of a license to hold such sale shall be ten dollars (\$10.00). A license shall authorize the sale described in the application for a period of not more than thirty consecutive days, Sundays and legal holidays excluded, following the issuance thereof. A renewal license shall be issued for one period

of time only, such period to be in addition to that permitted under the original license and not to exceed thirty consecutive days, Sundays and holidays excluded, when the licensee has filed a written application for a renewal, submitted a revised inventory showing the items listed on the original inventory remaining unsold and when the licensing officer shall find that facts exist justifying a renewal of license. No person who has held a sale, regulated hereunder, at the location stated in the application, within the period of one year preceding an application for license shall be granted a license. Where a person applying for a license operates more than one place of business the license issued shall apply only to one store or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.
(Ord. 6504. Passed 6-6-74.)

765.03 APPLICATION INFORMATION.

A person desiring to conduct a going out of business sale, removal of business sale, and fire and other altered goods sale shall make a written application to the Director of Public Service setting forth and containing the following information:

- (a) The true name and address of the owner of the goods to be the object of the sale;
- (b) The true name and address of the person from whom he purchased the goods to be sold and the price therefor, and if not purchased, the manner of such acquisition;
- (c) A description of the place where such sale is to be held;
- (d) The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;
- (e) The dates of the period of time in which the sale is to be conducted;
- (f) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;
- (g) The means to be employed in advertising such sale together with the proposed content of any advertisement;
- (h) A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. The inventory shall be attached to and become part of the required application.

(Ord. 6504. Passed 6-6-74.)

765.04 DUTIES OF LICENSEE.

A licensee under this chapter shall:

- (a) Make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.
- (b) Refrain from employing any untrue, deceptive or misleading advertising.
- (c) Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- (d) Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

- (e) Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.
(Ord. 6504. Passed 6-6-74.)

765.99 PENALTY.

Whoever violates this chapter shall be fined not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) and shall be imprisoned for not less than thirty days nor more than six months, or both for the first offense. Each day that the offense continues shall constitute a separate offense.

For the second or subsequent offense, the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and imprisonment for not less than sixty days nor more than nine months, or both.
(Ord. 6504. Passed 6-6-74.)