

## CODIFIED ORDINANCES OF NORTHFIELD

### PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

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CHAPTER 802

Adult Entertainment Businesses

- 802.01 Purpose; intent.
- 802.02 Definitions.
- 802.03 Location requirements.
- 802.04 License required; application.
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- 802.06 Appeals.
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CROSS REFERENCES

Sex offenses - see GEN. OFF. Ch. 666

Pornography - see GEN. OFF. 666.11 et seq.

Conditional zoning permits - see P. & Z. 1220.02

Conditional zoning certificates - see P. & Z. 1262.05(f), 1276.01

Conditionally permitted special uses - see P. & Z. 1272.01

## 802.01 PURPOSE; INTENT.

(a) The purpose of this chapter is to promote the public health, safety, and general welfare of the citizens of the Village of Northfield through the regulation of adult entertainment businesses in the Village of Northfield. It is the intent of this chapter to regulate adult entertainment businesses, as defined herein, so as to prevent crime, protect the Municipality's retail trade and property values, and, in general, preserve the quality of life in the Municipality, while at the same time not suppressing First Amendment rights. Specifically, the provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including adult entertainment. Similarly, it is not the intent nor the effect of this chapter to restrict or deny access by adults to adult materials or services protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment in their intended market. Neither is it the intent or effect of this chapter to condone or legitimize the distribution of obscene material or services.

(b) The City Council has consulted with other communities that have experience with adult entertainment establishments. Specifically, Council members have had discussions with officials from Painesville Township and the City of Brook Park. Further, the City Council has reviewed evidence concerning the secondary effects of adult uses on the community in the cases of *City of Renton v Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and from studies in other communities, including, but not limited to, Mayfield, Ohio, Brook Park, Ohio, and New York, New York. (Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

## 802.02 DEFINITIONS.

As used in this chapter:

(a) "Adult book store" means an establishment which utilizes twenty-five percent or more of its retail selling area for the purpose of retail sale, rental, or display, by coin, slug-operated, electronically, electrically or mechanically- controlled still or motion picture machines, projectors, or other image-producing devices, of books, magazines, or other periodicals, films, tapes, or cassettes, which are distinguished by their emphasis on adult materials as defined in this section.

(b) "Adult entertainment business" means an adult bookstore, adult motion picture theater, or an adult-only entertainment establishment as further defined in this section.

(c) “Adult material” means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture, film, videotape, photographic record, tape, or other tangible thing or service, capable of arousing interest through sight, sound or touch, and:

(1) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

(2) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

(d) “Adult motion picture theater” means a motion picture theater which is regularly used or utilizes twenty-five percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on material depicting, describing, or relating to adult material as defined in this section.

(e) “Adult only entertainment establishment” means an establishment where the patron, directly or indirectly, is charged a fee and where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless or bottomless, or strippers, male or female impersonators, or similar entertainment or services which constitute adult material.

(f) “Bottomless” means less than a full, opaque covering of male or female genitals, the pubic area or the buttocks.

(g) “Nude” or “nudity” means the showing, representation, or depiction of human male or female genitals, the pubic area, or the buttocks with less than a full, opaque covering of any portion thereof, or of the female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

(h) “Sexual activity” means sexual contact or conduct, or both.

(i) “Sexual contact” means any touching of any erogenous zone of another, including, without limitation, the thigh, genitals, buttocks, pubic region, or, if the person is female, the breast, for the purpose of sexually arousing or gratifying either person.

(j) “Sexual excitement” means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

(k) “Topless” means the showing of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple.

(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

802.03 LOCATION REQUIREMENTS.

No person shall cause or permit the establishment (defined as the opening of a new business, the relocation of an existing business, or the conversion of an existing business) of an adult entertainment business unless the business complies with the following criteria:

(a) Adult entertainment businesses shall only be permitted in a designated B-2 District and shall comply with all regulations within such District.

(b) No adult business shall be located within 500 feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

(3) Any public library;

(4) A boundary of a Residential District as defined in the Zoning Code;

(5) A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pools, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Village which is under the control, operation or management of the Village park and recreation authorities;

(6) The property line of a lot devoted to a residential use as defined in the Zoning Code;

(7) An entertainment business which is oriented primarily toward children or family entertainment; or

(8) A licensed premises, licensed pursuant to the Alcoholic Beverage Control Regulations of the State of Ohio.

(c) No adult entertainment business may be established, operated or enlarged within 1,000 feet of another adult entertainment business.

(d) For the purpose of subsection (b) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a use listed in subsection (b) hereof. The presence of a Village, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance.

(e) For purposes of subsection (c) hereof, the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the business is located.

(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

802.04 LICENSE REQUIRED; APPLICATION.

(a) No person shall operate an adult entertainment business without a valid adult business license issued by the Village pursuant to this section.

(b) An application for an adult business license shall be submitted to the Northfield Village Building Commissioner on a form provided by the Building Department. The application may request and the applicant shall provide such information as is reasonably necessary (including fingerprints) to enable the Village to determine whether the applicant meets the qualifications established in this chapter.

(c) An application for an adult business license shall include the following:

(1) The application shall be signed by the owner of the business.

(2) Those individuals who are to be personally responsible for the operation of the proposed adult business must be designated.

(3) If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, the fictitious name to be used shall be submitted with copies of documentation evidencing the registration of the business name under Ohio law.

(4) The applicant shall include whether he or she has been convicted of any felony within the last five years and, if so, the specified criminal activity involved and the date, place and jurisdiction of each conviction.

(5) The location of the proposed adult entertainment business, including a legal description of the property, street address, and telephone number, if any.

(6) The mailing address and residential address of each applicant and each person signing the application.

(7) The driver's license number and Social Security number of each applicant and each person signing the application, or, for an entity, the applicant's Federally issued tax identification number.

(8) Proof that each applicant is a natural person at least eighteen years of age.

(9) The application must be accompanied by a current certificate and straight line drawing prepared within thirty days prior to the application by a registered land surveyor depicting the property lines in the structure containing the proposed adult entertainment business as being in compliance with Section 802.03 regarding location requirements.

(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

802.05 LICENSE ISSUANCE.

(a) Within thirty days from the date an application is submitted to the Building Commissioner, the applicant for an adult business license shall be notified regarding the application's approval or denial. A license will not be issued if it is determined that the granting of such license would not be in compliance with the requirements of this chapter and relevant other sections and chapters of these Codified Ordinances.

(b) Upon the granting of an adult entertainment business license, it shall be displayed in a conspicuous place at or near the entrance to the business establishment so that it may be read easily at all times. It shall be both the duty of the owner and operator to display the license during the period covered by the license.  
(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

802.06 APPEALS.

(a) Any denial, suspension, or revocation of a license under this chapter may be appealed to the Planning Commission in writing within ten working days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Planning Commission must hold a hearing on the appeal within fourteen days and must issue a decision affirming or reversing the denial, suspension, or revocation within five working days after the hearing.

(b) Any decision by the Planning Commission may be appealed to the Northfield Village Council pursuant to Section 1220.02 of the Zoning Code, in writing, within ten working days of the denial, suspension or revocation. The Council must hold a hearing and render a decision within thirty days.

(c) Any decision by the Village Council shall be a final appealable order, and the applicant or licensee may, within thirty days of notice of such decision, seek prompt judicial review of such administrative action in a court of competent jurisdiction under Ohio R.C. Chapter 2506.

(d) In the event that an applicant or a licensee seeks judicial review of the Village Council's decision, the applicant or licensee shall provide written notice of such appeal to the Village Council within three working days of the filing of the appeal. Within ten working days of receiving such written notice of appeal, or within such shorter time as may be ordered by the court, the Village Council shall transmit to the court in which the appeal was sought a copy of the full administrative record for the matter, including a complete transcript of all original papers, testimony and evidence offered, heard, and taken into consideration in issuing the final order.  
(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)

802.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1999-18. Passed 3-10-99; Approved by voters 11-2-99.)



**CHAPTER 804**  
**Amusement Devices**

804.01	Definitions.	804.09	Supervision of operations.
804.02	Gambling prohibited.	804.10	License suspension or revocation; appeals.
804.03	License required.	804.11	Inspections.
804.04	License application.	804.12	Appeals.
804.05	License issuance; fee.	804.13	Violations; seizure of devices.
804.06	License renewal.	804.14	Nuisance.
804.07	License transferability and posting.	804.99	Penalty.
804.08	Hours of operation by minors.		

**CROSS REFERENCES**

Bingo - see GEN. OFF. 630.06 et seq.

Tampering with coin machines - see GEN. OFF. 672.05

Making or using slugs - see GEN. OFF. 672.13

Carnivals, circuses and other shows - see B.R. & T. Ch. 812

**804.01 DEFINITIONS.**

As used in this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

- (a) "Amusement device" means any electronic and/or video machine, device, computerized sweepstakes terminal, internet terminal or mechanical device which, upon the insertion or deposit of a card, coin, slug, token plate or disc, permits a person or operator using such device, whether or not the device registers a score, to secure some amusement, enjoyment, entertainment or relaxation by use of such machine or device except mechanically produced music.
- (b) "Anything of value" means cash, cash equivalents, tangible objects, credits to play, and any other tangibles or intangibles, no matter how slight. "Anything of value" includes playing a game, viewing a video display, hearing an audio transmission, and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for the access to the entertainment device.
- (c) "Computerized sweepstakes device" means any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, card, or

similar object, or upon the payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which is not gambling under State or local laws. Machines designated for use by the State Lottery Commission are not amusement devices or computerized sweepstakes devices for purposes of this chapter.

- (d) "Licensee" means the person or persons who sign an application for a license hereunder and to whom such license is issued.
- (e) "Operator" means any person or persons having authority to control the premises of an arcade, sweepstakes/internet café, or premises in which an amusement device is located.
- (f) "Owner" means any person who possesses an ownership interest, either directly or indirectly, of 25% or more in a sweepstakes/internet café or premises containing an amusement device.
- (g) "Person" includes any person, firm or corporation who or which owns an amusement device, or in whose place of business any such amusement device is placed for use by the public, or any person, firm or corporation having control over any such amusement device.
- (h) "Sweepstakes/internet café" means any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.  
(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.02 GAMBLING PROHIBITED.**

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling device whatsoever, or any mechanical device or mechanism that has been judicially determined to be a gambling device or that is in any way contrary to any present or future law.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.03 LICENSE REQUIRED.**

No person shall install, operate, maintain, possess or display for public patronage, an amusement device, without first obtaining a license therefor as provided herein. Nonprofit or charitable organizations with Section 501(c)(3) licenses shall be exempt from the requirements of this chapter. Such exemption from the requirements of this chapter shall only apply if the business or establishment is wholly owned, controlled and managed by the 501(c)(3) organization and the 501(c)(3) organization retains all of the profits, controls all of the revenues and manages all of the employees.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

**804.04 LICENSE APPLICATION.**

Application for a license hereunder shall be made to the Building and Zoning Inspector on forms to be prescribed by him or her and shall set forth:

- (a) The name, address, age and birth date of the applicant;
- (b) The location where the mechanical or amusement device is to be displayed or operated and the business conducted therein;
- (c) A description of the machine to be covered by the license, its mechanical features, the name of the manufacturer and the serial number of the machine;
- (d) The name of the owner of the premises where the device is to be displayed or operated;
- (e) The names, addresses, ages, and birth dates of any of the owners of the business or partnership owning a 25% or greater interest in the business;
- (f) The name of the owner of the machine if such owner is someone other than the applicant;
- (g) The name, address, age and birth date of any manager of the business;
- (h) In the case of a sweepstakes/internet café, a list of each separate prize that may be given out and each separate dollar amount that may be given; and the odds of winning any offered prize or dollar amount awarded for the participation in any game, activity, program, scheme or play, use or participation in any way in a computerized sweepstakes device or participation in any other activity or promotion in a sweepstakes/internet café, whether or not the determination of the giving of the thing of value or the delivery of the thing of value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location;
- (i) In the case of a sweepstakes/internet café, the name, address of any and all persons, businesses or organizations that provide games, computer software, equipment, or services or operate devices linked to the computerized sweepstakes devices or to devices necessary to operate the entertainment devices, whether any such provisions are sold, leased or licensed;
- (j) In the case of a sweepstakes/internet café, supporting documentation from a Certified Independent Regulatory Compliance Test Laboratory that the software performs in similar fashion as other permitted sweepstakes commercially offered to the public and that the entries are drawn from a pre-created finite pool of entries with assigned values. To be certified, the Independent Regulatory Compliance Testing Laboratory must be authorized to test regulated gaming equipment by at least one state government gaming regulatory agency; and
- (k) Such other information as the Building and Zoning Inspector may require.

In the event the application is denied pursuant to this chapter, one-half of the application fee shall be returned to the applicant. In the event a license fee is revoked or suspended hereunder, no portion of the license fee shall be returned.

The person, partnership, corporation, or other entity operating or conducting the business shall have a continuing duty to inform the Municipality as to changes in the

information required in this section. No person, partnership, corporation, or other entity shall operate or conduct a sweepstakes/internet café or premises with an amusement device unless the information on file with the Municipality is current and accurately reports the required licensing information at the time of operation.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

**804.05 LICENSE ISSUANCE; FEE.**

(a) The Chief of Police, or the Building and Zoning Inspector, as appropriate, shall determine that the following prerequisites to the issuance of a license have been established:

- (1) The applicant has not been convicted of a felony, a misdemeanor involving minors, a misdemeanor involving moral turpitude, or a crime of violence, within the previous five years;
- (2) A license properly issued to the applicant has not previously been revoked or forfeited within the previous five years; and
- (3) The location, structure, placement, wiring and connections of the devices are suitable under the requirements of the Building and Housing Code, the Zoning Code, the Fire Code and this chapter.

(b) The Chief of Police, the Fire Chief and the Building and Zoning Inspector shall endorse on each application their approval or disapproval, with reasons for such disapproval, and return the same to the Building and Zoning Inspector. Upon approval by the Chiefs and the Building and Zoning Inspector, and upon payment of a license fee of five hundred dollars (\$500.00) per location per year for locations with more than nine amusement devices, or a fee of twenty-five (\$25.00) dollars per location per year for locations with nine or less amusement devices, and one hundred dollars (\$100.00) per year for each device for locations with nine or more amusement devices, or thirty dollars (\$30.00) per year for each device for locations with nine or less amusement devices, the Building and Zoning Inspector shall issue to the applicant a license for the location and for such number of devices as are set forth in the application.

(c) Each license shall expire on December 31 of each year.

(d) Any new machine license fees required by this chapter covering a period of less than the full year shall be prorated from the time the amusement device is placed for use in the business establishment to December 31. The establishment location license fee shall not be prorated.

(e) Unlimited substitutions of amusement devices shall be allowed without additional licensing fees. However, the Building and Zoning Inspector shall be kept informed of such substitutions, in accordance with the provisions of Section 804.04. The device fees paid pursuant to this chapter are not refundable in any case.

(f) As a prerequisite to the issuance of such license, an inspection shall be made of the premises by the Fire Department and the premises must be in compliance with all applicable fire regulations. The premises shall be open to inspection and viewing of operations by law enforcement officers and fire department personnel at all times of operation. No operator shall fail to immediately permit entry to any such Municipal officials.

(g) Failure to register or pay a license fee for an amusement device shall be grounds for suspension or revocation of the license for the establishment and said device shall be seized and forfeited to the Municipality.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.06 LICENSE RENEWAL.**

Licenses shall be renewable effective January 1 of each year, based upon the filing of an application and continued satisfaction of the requirements of Section 804.05.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.07 LICENSE TRANSFERABILITY AND POSTING.**

Licenses issued under this chapter shall not be transferable from one person to another or from one business location to another, and such licenses shall be posted in proximity to the amusement device for which they are issued. The license must be so placed as to be made conspicuously visible and shall list each device with serial numbers.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.08 HOURS OF OPERATION BY MINORS.**

No person under 18 years of age shall be permitted to play or operate an amusement device after 10:00 p.m. or before 3:30 p.m. during required school days, from Monday through Friday.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.09 SUPERVISION OF OPERATIONS.**

Any person who installs, operates, maintains, possesses or displays for public patronage an amusement device shall have a suitable person over 21 years of age on the premises at all times while the business establishment is in operation to supervise orderly operations therein.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.10 LICENSE SUSPENSION OR REVOCATION; APPEALS.**

(a) The Building and Zoning Inspector, at any time, may require the holder of any license issued hereunder to appear before him or her and show cause why such license should not be revoked or suspended because of untruthful completion of the application upon which such permit was issued, conviction of a crime by the permit holder, repetitious crime occurring upon the premises wherein such amusement devices are located, or failure to

comply with any of the provisions of this chapter, the Building and Housing Code, the Fire Code or the Zoning Code which relate to the premises or use or operation of such amusement devices.

(b) Such licensee shall have the right to appeal the Building and Zoning Inspector's final decision to the Planning Commission, which Commission shall hear and determine all questions brought before it by appeal. The Commission shall recommend to Council that the Building and Zoning Inspector's decision be affirmed, reversed or modified, in whole or in part, as Council deems necessary. No order of suspension or revocation made by the Building and Zoning Inspector shall become operative until the effective time for filing such appeal has elapsed, and the filing of such appeal shall further serve to stay such order until final decision is rendered by Council.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.11 INSPECTIONS.**

The licensing authority is hereby authorized to make periodic checks of all establishments during the business hours of such establishments for the purpose of inspection of amusement devices to protect the health, safety and welfare of the general public using such devices.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.12 APPEALS.**

In case of the refusal of the Building and Zoning Inspector to issue a license, or the revocation by him or her of any license hereunder, or the seizure of any device, the applicant or licensee may appeal such order to the Planning Commission. Notice of such appeal shall be in writing and shall be filed with the Commission within 30 days after making of the order refusing to issue or revoking such license and/or after seizure. The Commission shall fix a time for the hearing of such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard, and the Commission shall recommend that Council affirm, reverse or modify, in whole or in part, such order from which the appeal has been perfected.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

#### **804.13 VIOLATIONS; SEIZURE OF DEVICES.**

Any amusement device which shall be found in possession or custody of any person, for which no license has been obtained, may be sealed, padlocked or seized by the Building and Zoning Inspector and/or any duly authorized law enforcement officer of the Municipality, in order to secure the same for trial for failure to have a license issued or for any other violation of this chapter, and such seal or padlock shall not be removed, nor seizure lifted, nor shall the amusement device be removed from the location where it may have been sealed or padlocked as above provided, until the license first has been obtained and displayed and/or any fines and penalties for violation of this chapter have been fully paid.

(Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)

**804.14 NUISANCE.**

A violation of this chapter shall constitute a nuisance and is subject to civil proceedings, including an injunction, in addition to prosecution for criminal violations of the State of Ohio and Codified Ordinances of the Municipality.

(Ord. 2010-35. Passed 11-22-10.)

**804.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than 180 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues as to each such device. In addition to the penalties set forth herein, the business license of the person or entity convicted that was issued pursuant to that chapter may be permanently revoked. (Ord. 1982-139. Passed 9-22-82; Ord. 2010-35. Passed 11-22-10.)



CHAPTER 806  
Armed Security Guards

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	conviction reports.		Federal regulations.
806.07	Security guard at labor dispute	806.14	Commission or license required.
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806.08	Private security services.		

CROSS REFERENCES

Private investigators; security services - see Ohio R.C. Ch. 4749

Weapons and explosives - see GEN. OFF. Ch. 678

Carrying concealed weapons - see GEN. OFF. 678.02

806.01 ARMED SECURITY GUARD DEFINED.

As used in this chapter, "armed security guard" means a person armed with a deadly weapon, as defined in Section 678.01(e) of the General Offenses Code, engaged for hire or employed as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property, or both, with the exception of:

(a) Any off-duty Municipal police officer, any off-duty Village of Walton Hills police officer, any off-duty City of Macedonia police officer, any off-duty Summit County Deputy Sheriff, or any bona fide officers of a recognized law enforcement department of a political subdivision in the State; or

(b) Special police of a port authority, regional transit authority, university, college or mental health retardation board, as provided for in Ohio R.C. 4973.17, or security officers provided for in Ohio R.C. 306.35.

(Ord. 1986-37. Passed 6-11-86.)

#### 806.02                    AUTHORITY OF MAYOR RE COMMISSIONING AND LICENSING.

The Mayor may commission private security guards, who shall discharge their duties within the limits of the territory set forth on their commission card and only during the hours assigned by their employer, subject to the following regulations. The Mayor may also license private security services, subject to the following regulations.

(Ord. 1986-37. Passed 6-11-86.)

#### 806.03                    COMMISSION CARDS; TERMINATION OF EMPLOYMENT.

Armed security guards shall carry their commission card at all times, with photograph attached, and shall exhibit the same for inspection upon demand of a police officer. An armed security guard shall surrender his or her card upon demand of a regular member of the Police Department, who shall forward the card to the Chief of Police with a report of such action. When an armed security guard's employment is terminated, he or she shall return his or her identification card to the Chief of Police and shall state the reason for his or her employment termination.

(Ord. 1986-37. Passed 6-11-86.)

#### 806.04                    AUTHORITY; AID TO POLICE DEPARTMENT.

An armed security guard shall have the authority to arrest any person committing a misdemeanor offense in his or her presence, but such authority does not extend to an arrest for a felony, except as the same is done as a private citizen. Armed security guards and security services shall not have the authority to obtain search warrants or arrest warrants. Armed security guards shall provide aid to a regular member of the Police Department upon a guarded premises. An armed security guard shall report to the Police Department any and all information known to such guard relative to any violation of the law.

(Ord. 1986-37. Passed 6-11-86.)

806.05 UNIFORMS, WEAPONS AND AMMUNITION.

Armed security guards shall wear a uniform, cap, badge and buttons which have been herein approved by the Chief of Police for a given place of employment. Security guards shall carry weapons only while on duty or while going to and from the premises guarded. Armed security guards shall not use or carry a firearm greater than a .357 caliber or less than a four-inch barrel handgun, and shall use only silvertip ammunition. They shall not use or carry ammunition greater than .38 caliber in size.  
(Ord. 1986-37. Passed 6-11-86.)

806.06 WEAPON DISCHARGE, ARREST AND CONVICTION REPORTS.

Upon the discharge of a weapon while on duty, the armed security guard shall notify the Police Department of that fact by the end of his or her tour of duty for that day, at which time the armed security guard shall surrender his or her weapon and ammunition to the Department for investigation. In addition, the armed security guard shall submit a detailed written report to the Department, the Mayor and the Fire and Safety Committee within three days of any incident involving the discharge of his or her firearm within the Municipality, apart from a training range. An armed security guard shall report to the Department, the Mayor and the Fire and Safety Committee an arrest or conviction for any felony or offense of violence as defined in Ohio R.C. Title 29 or the General Offenses Code, and shall do so within three days of such arrest or conviction. (Ord. 1986-37. Passed 6-11-86.)

806.07 SECURITY GUARD AT LABOR DISPUTE OR STRIKE.

No armed security guard shall discharge or use any firearm during the course of a labor dispute or strike, unless such armed security guard is presented with a situation involving an imminent threat which poses a substantial risk to his or her own life or that of another and he or she acts in defense of his or her own life or that of another. Every business providing service, specifically for the purpose of protecting life or property or both during the course of a labor dispute or strike, shall report promptly to the Police Department and the Mayor the name, address, social security number and commission card number of the armed security guard to be so employed before permitting the guard to commence employment.  
(Ord. 1986-37. Passed 6-11-86.)

806.08 PRIVATE SECURITY SERVICES.

Private security services, which provide armed security guards to employers, shall submit evidence of comprehensive liability coverage as provided for in Ohio R.C. 4749.03, except for services currently licensed pursuant to Ohio R.C. Chapter 4749. Further, private security services shall:

(a) Submit, for approval by the Mayor, any name tag or distinctive uniform, cap, badge and buttons to be used or worn by employees of the business (excluding clerical help);

(b) Maintain arrest records of all employees, exclusive of clerical help, and of all persons it furnishes as armed security guards, together with their address, social security number and the current armed security guard license identification number;

(c) Maintain current records of the handgun of each armed security guard, including the make, description, serial number and caliber of weapon; and

(d) Maintain records of all incidents involving the use of firearms by armed security guards. (Ord. 1986-37. Passed 6-11-86.)

#### 806.09 TRAINING; COMPLIANCE WITH DEPARTMENT RULES AND POLICY.

All employers of armed security guards shall provide continuous training to all armed security guards that work within the Municipality. All training is to be provided in accordance with the laws of the State and in accordance with the Ohio Peace Officer Training Council. Documentation of all training shall be kept on file and reviewed by the Mayor and the Fire and Safety Committee. Armed security guards shall conform to and be in compliance with both the rules and regulations and the firearm's policy of the Police Department. (Ord. 1986-37. Passed 6-11-86.)

#### 806.10 COMMISSION APPLICATION REQUIREMENTS; FEE.

Application requirements for a commission as an armed security guard shall be as follows:

(a) The applicant shall be twenty-one years or older.

(b) The applicant shall be a citizen of the United States.

(c) The applicant shall be able to read, write and speak the English language.

(d) The applicant shall not be addicted to the use of intoxicating liquor or drugs.

(e) The applicant shall be of sound physique, have good eyesight and not subject to vertigo, heart disease or any other infirmity, defect or disorder of the mind or body which might reasonably render him or her unfit for the duties of an armed security guard or for the use of deadly force.

(f) The applicant shall have a good reputation for integrity, shall not be under any disability set forth in Ohio R.C. 2923.13 and shall not suffer from any mental defect or disorder rendering the applicant unable to perform the duties of an armed security guard.

(g) The applicant shall pass a weapons qualification test devised by the Chief of Police or his or her designate.

(h) The applicant shall have satisfactorily completed a minimum of 160 hours in a training program approved by the Ohio Peace Officer Training Council pursuant to Ohio R.C. 109.78. A continuing training program for the applicant is to be implemented by the employer in accordance with State law

and the regulations of the Ohio Peace Officer Training Council applicable to private security guards. Certificates showing the completion of any and all courses taken by the applicant are to be forwarded to the Mayor and the Fire and Safety Committee.

(i) The applicant shall produce affidavits of his or her good character from three reputable citizens who have known him or her personally.

(j) On an application, the applicant shall list his or her full name, address, address for the last five years preceding his or her moving to the present address, age, place of birth, social security number, length of residency in the County, citizenship, place of previous employment and whether or not the applicant has ever been arrested or convicted or pleaded guilty to a felony or misdemeanor, other than a minor traffic offense.

(k) The applicant shall file three untouched photographs taken within the thirty days preceding the filing. Such photographs shall fit the identification card.

(l) The applicant shall swear or affirm before the Mayor or a notary public that the information on the application is true.

(m) The applicant shall be fingerprinted by the Police Department.

(n) The applicant shall give bond, in the amount of five thousand dollars (\$5,000), to the satisfaction of the Mayor.

(o) Except for private investigators holding a State license under Ohio R.C. Chapter 4749 and bona fide officers of a recognized law enforcement department of a political subdivision in the State, each applicant shall pay a license fee of fifty dollars (\$50.00). (Ord. 1986-37. Passed 6-11-86.)

#### 806.11 PRIVATE SECURITY SERVICES APPLICATION REQUIREMENTS; FEE.

Application requirements for private security services shall be as follows:

(a) List the name or names under which the business is to operated;

(b) List the address of the principal place of business;

(c) List the address and the name of the owner, partner and/or shareholders owning more than ten percent of the issued and outstanding stock in the corporation;

(d) List all felony convictions in the past ten years of every owner, partner or corporate officer of the business;

(e) Swear before the Mayor or notary public that the information on the application for the license is true;

(f) List the length of time the business has been in operation and the location where the business operated in the last ten years; and

(g) Except for private investigators holding a State license under Ohio R.C. Chapter 4749 and bona fide officers of a recognized law enforcement department of a political subdivision in the State, each applicant shall pay a license fee of five hundred dollars (\$500.00).

(Ord. 1986-37. Passed 6-11-86.)

COMMISSION OR LICENSE RENEWAL, DENIAL,  
SUSPENSION AND REVOCATION.

The following regulations shall apply to the renewal, denial, suspension and revocation of commissions or licenses hereunder:

(a) The Mayor and the Fire and Safety Committee shall review the records of a private security service and/or armed security guard at least once a year, and each license shall expire one year after issuance unless renewed as below.

(b) All commissions and licenses shall be renewed within ninety days prior to their expiration date. If not renewed prior to the expiration date, all authority of the commission or licenses terminates. The license fee shall be paid again with the application for renewal.

(c) Any failure to list a conviction or other information on any application shall be considered falsification of the application and shall be grounds for refusal to issue the commission or license.

(d) Any applicant denied a commission or license hereunder shall have the right to appeal to the Mayor.

(e) The commission of security guards or the license of a business providing security services may be revoked or suspended at any time by the Mayor on the following grounds:

(1) Violation of or failure to comply with any of the provisions of this chapter;

(2) Being convicted of a felony or misdemeanor involving the use or threat of the use of force or violence against the person of another or an offense involving moral turpitude;

(3) Giving a false statement to a law enforcement officer; or

(4) Giving false testimony or perjury.

(f) Any complaint, filed in writing with the Police Department, against a business providing security services or an armed security guard, or both, which alleges an act or acts described above may constitute grounds for suspension or revocation of the license of a private security service or the commission of an armed security guard.

(1) Upon the filing of a complaint, the Chief of Police, or his or her designate, shall fully investigate the matter alleged in the complaint. If he or she determines that facts exist which constitute probable cause for the suspension or revocation of the license or commission, or both, he or she shall schedule an adjudicatory hearing not earlier than fourteen days, nor later than thirty days, after receipt of the complaint, for the purpose of determining whether such business's license or armed security guard's commission shall be suspended or revoked. The Chief shall determine the date, time and place of such adjudicatory hearing.

(2) The Chief shall give notice to the business or an armed security guard, or both, at least fourteen days prior to the date of the adjudicatory hearing. Such notice shall be given by certified mail, return receipt requested, or by personal service and shall contain the time, date and place of the hearing. The notice shall include the charges or reasons for the hearings and the law or rule directly involved. The notice shall also inform the business owner or armed security guard, or both, that he or she may appear in person or by his or her attorney, that he or she may present his or her position or arguments in writing or orally, and that he or she may present evidence and/or examine witnesses appearing for or against him or her.

(3) The Mayor shall preside at the hearing and shall determine whether such business's license or an armed security guard's commission shall be suspended or revoked.

(4) A party aggrieved by the determination of the Mayor may appeal in writing to Council within thirty days of the date of the determination by the Mayor. (Ord. 1986-37. Passed 6-11-86.)

#### 806.13 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Nothing contained in this chapter shall relieve any person from the provisions and prohibitions contained in Section 678.02 of the General Offenses Code, Ohio R.C. 2923.12 or any other local law, State law or Federal law.

(Ord. 1986-37. Passed 6-11-86.)

#### 806.14 COMMISSION OR LICENSE REQUIRED.

No person shall act as an armed security guard in the Municipality without a commission issued by the Mayor, which commission shall be valid, current and not under suspension. No person shall furnish private security service in the Municipality without a license issued therefor by the Mayor, which license shall be valid, current and not under suspension. (Ord. 1986-37. Passed 6-11-86.)

#### 806.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

# BUSINESS REGULATION AND TAXATION CODE

CHAPTER 812  
Carnivals, Circuses and Other Shows

- 812.01 Definitions.
- 812.02 License required.
- 812.03 License application.
- 812.04 Liability insurance.
- 812.05 Income tax bond.
- 812.06 Surety bond.
- 812.07 Service of process.
- 812.08 License fees.812.09 Utility service charges.
- 812.10 License issuance; display.
- 812.11 Travel route; precautions.
- 812.12 License revocation.
- 812.13 Waiver; authority of Mayor.
- 812.99 Penalty.

CROSS REFERENCES

- Bingo - see GEN. OFF. 630.06 et seq.
- Safety of crowds at live entertainment performances - see  
GEN. OFF. 636.19
- Amusement devices - see B.R. & T. Ch. 804
- Amusement tax - see B.R. & T. Ch. 892

812.0 DEFINITIONS.

As used in this chapter:

“Carnival,” in addition to the definition commonly applied thereto, means a group of two or more traveling shows, exhibitions, concessions, attractions or amusements, usually operated under one sponsorship and exhibited in, on or about the same area, place or space.

“Circus,” in addition to the definition commonly applied thereto, means a traveling show or entertainment which is exhibited under canvas or tents, which usually consists of a menagerie, aerial, acrobatic and animal feats, sideshows and related amusements, with the main attraction normally conducted twice daily.

“Other show” means any single attraction, museum, show or exhibition which is operated exclusively and directly for private gain or profit and which is not conducted in a duly licensed theater or hall or pursuant to another

form of license or permit required by the Municipality. 812.0 LICENSE REQUIRED.

No person shall exhibit or participate in exhibiting any circus, carnival or other show, whether under canvas, tents or otherwise, without first obtaining a license therefor from the Mayor. The fee for the license shall be in accordance with Section 812.08.

812.0 LICENSE APPLICATION.

An application, in writing, for a circus, carnival or other show license, as required by Section 812.02, shall be made to the Mayor by the owner or operator of the circus, carnival or other show, and shall contain such information about the type of operation, sanitation procedures to be followed, provisions for providing electricity, maintenance of facilities to prevent fire and such other information as the Mayor may require.

812.0 LIABILITY INSURANCE.

No circus, carnival or other show license shall be issued until proof of current liability insurance is presented to the Mayor by the applicant for the license. The liability insurance policy shall be in amounts of not less than five hundred thousand dollars (\$500,000) for one person, one million dollars (\$1,000,000) for any one accident and one hundred thousand dollars (\$100,000) for property damage.

812.0 INCOME TAX BOND.

Before the issuance of a circus, carnival or other show license by the Mayor, a cash bond in the amount of five hundred dollars (\$500.00) shall be deposited with the Finance Director. The condition of the bond shall be that upon the conclusion of the circus, carnival or other show within the Municipality, there will be an income tax accounting with the Finance Director. If there is any remaining balance, it shall be returned.

812.0 SURETY BOND.

(a) The application for a circus, carnival or other show license shall be accompanied by a five hundred dollar (\$500.00) cash or surety bond with a company licensed to do business in the State and approved by the Director of Law. The condition of the bond shall be such that the circus, carnival or other show shall keep the premises in a clean, healthful and sanitary condition to the satisfaction of the County Board of Health, the Building and Zoning Inspector and the Fire Chief.

(b) The return of such money is contingent upon the operators of the carnival, circus or other show cleaning up its debris and trash and leaving the premises, upon departure, in as good a condition as they were at the time of occupancy, normal wear and tear and acts of God excepted.

812.0 SERVICE OF PROCESS.

Prior to the issuance of a circus, carnival or other show license, the Mayor shall require that a certain named person agree, in writing, to accept all citations, notices, processes and similar legal papers from the Municipality.

812.0 LICENSE FEES.

A license for a circus, carnival or other show operated for profit shall be issued only upon payment, in advance, of the appropriate license fee to the Mayor for credit to the General Fund, in accordance with the following schedule:

For each twenty-four hour day during which a circus is maintained for exhibition, two hundred fifty dollars (\$250.00);

For each twenty-four hour day during which a carnival is maintained for exhibition, two hundred fifty dollars (\$250.00);

For each twenty-four hour day during which another show is maintained for exhibition, fifty dollars (\$50.00); and

For each parade of any circus, carnival or other show, march or organized public demonstration, the route, nature and extent of which shall be designated by the Chief of Police and approved by the Mayor, one hundred fifty dollars (\$150.00). In addition, a deposit, as determined by the Mayor, shall be posted to provide payment for traffic control and other expenses incurred because of such parade, march or public demonstration.

#### 812.0 UTILITY SERVICE CHARGES.

No fee for a license for a circus, carnival or other show shall be deemed to include any charge by the Municipality for water or other utility service furnished by it to any circus, carnival or other show.

#### 812. LICENSE ISSUANCE; DISPLAY.

The Mayor may issue a circus, carnival or other show license to the owner or operator in compliance with this chapter, and the license shall be displayed at all times in a prominent location and produced upon demand by a police officer or other person designated by the Mayor.

#### 812. TRAVEL ROUTE; PRECAUTIONS.

Any person who obtains a circus, carnival or other show license under this chapter and who desires to move any part of the circus, carnival or other show or the property thereof over any portion of a paved street of the Municipality or over any cement crosswalks therein, shall first apply to the Mayor for permission to do so. The Mayor shall designate, in writing, the route which the circus, carnival or other show shall take and shall specify the methods to be employed by the licensee to prevent injury to the pavements, crosswalks and route during the use thereof.

812. LICENSE  
REVOCATION.

The Mayor is hereby authorized to withdraw any circus, carnival or other show license granted under this chapter upon the occurrence of any of the following:

- Failure to maintain proper health standards;
- Improper installation of equipment, including electrical apparatus;
- Misrepresentation of the type of show;
- Creation of a fire hazard; or
- Repeated violations of ordinances of the Municipality or statutes of the State.

#### 812. WAIVER; AUTHORITY OF MAYOR.

The Mayor is hereby authorized to waive the application of any of the provisions of this chapter to any charitable or nonprofit organization or group, or to any other person, for any reason deemed by the Mayor to justify such waiver.

#### 812.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 814  
Commercial Parking Lots

- 814.01 License required; fee; issuance.  
814.02 Plans; fences; openings onto highways.  
814.03 License revocation.  
814.99 Penalty.

CROSS REFERENCES

- Reckless driving on private property - see TRAF. 434.02(b)  
Loading zones at Northfield Plaza Shopping Center - see TRAF.  
452.18  
Parking in shopping center, store and school areas - see TRAF.  
452.19  
Littering - see GEN. OFF. 660.03  
Junk motor vehicle storage - see GEN. OFF. 660.07  
Nuisance abatement; annual clean-up - see GEN. OFF. 660.14

814.01 LICENSE REQUIRED; FEE; ISSUANCE.

No person shall operate a commercial parking lot in the Municipality without first obtaining a license therefor. The fee for such license shall be fifty dollars (\$50.00) per year. The Mayor shall issue such a license, upon the approval of the Planning Commission. (Ord. 1969-44. Passed 6-11-69.)

814.02 PLANS; FENCES; OPENINGS ONTO HIGHWAYS.

The following requirements for the operation of any commercial parking lot, not operated in conjunction with the main business of the operator or owner of the premises, shall be applicable:

- (a) Before a parking lot may be operated as a commercial parking lot, a plot plan of the lot must be presented and approved by the Planning Commission.  
(b) The complete parking lot must be enclosed the full 360 degrees with a cyclone-type fencing of at least five feet in height.  
(c) No opening onto a highway may exceed the width of twenty-five feet in the fence. (Ord. 1969-44. Passed 6-11-69.)

814.03            LICENSE REVOCATION.

A license to operate a commercial parking lot may be revoked at any time, without return of the license fee, upon satisfactory proof that any violation of law or ordinance is permitted or committed upon the licensed premises.

814.99            PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 816  
Garage and Public Sales

- 816.01 Permit required.
- 816.02 Application and issuance.
- 816.03 Traffic supervision.
- 816.04 Permit fee; effective period.
- 816.05 Display of permit upon demand.
- 816.06 Sale hours.
- 816.07 Permit revocation or suspension.
- 816.08 Signs.
- 816.99 Penalty.

CROSS REFERENCES

Posting of bills and other printed matter - see GEN. OFF. 642.13

Peace disturbances - see GEN. OFF. Ch. 648

Building and Zoning Inspector; permit applications - see B. & H. 1440.13

816.01 PERMIT REQUIRED.

No person, being the owner or occupant or in control or having the management of any residential parcel of real property located within the Village, shall hold or conduct or permit to be held or conducted upon such property the sale of any household goods, equipment, utensils, appliances, personal clothing or effects or other similar personal property unless a permit has been granted therefor and the sale is conducted in accordance with the provisions of this chapter. A permit shall not be required where six items or less are offered for sale. (Ord. 2001-69. Passed 10-24-01.)

816.02 APPLICATION AND ISSUANCE.

The application for a permit required by Section 816.01 shall be filed with the Building and Zoning Inspector. The application shall contain the name of the applicant, the address of the applicant's residence, the address where such tangible personal property is to be offered for sale, the dates on which the sale will be conducted, a general description of all of the tangible personal property included in the sale, and a statement as to whether or not such tangible personal property belongs to the applicant, and if not, the names and addresses of the other owners. (Ord. 2001-69. Passed 10-24-01.)

816.03 TRAFFIC SUPERVISION.

A copy of the application and permit shall be delivered to the Chief of Police so that traffic may be supervised, if necessary.

(Ord. 2001-69. Passed 10-24-01.)

816.04 PERMIT FEE; EFFECTIVE PERIOD.

(a) A permit fee of one dollar (\$1.00) for the duration of each sale shall be required.

(b) A permit fee for each sale shall be valid for three consecutive days. Not more than three permits shall be issued in any 12 month period, per residence, unless there has been a bona fide sale of the residence.

(Ord. 2001-69. Passed 10-24-01.)

816.05 DISPLAY OF PERMIT UPON DEMAND.

Every applicant who is issued a permit under this chapter shall have the issued permit in his possession at all times when conducting a sale within a residential district of the Village and shall display the same upon demand of any police officer or zoning official of the Municipality and upon demand of any person who attends such sale.

(Ord. 2001-69. Passed 10-24-01.)

816.06 SALE HOURS.

No permittee under this chapter shall conduct a sale before 9:00 a.m. or after 7:00 p.m. of any day.

(Ord. 2001-69. Passed 10-24-01.)

816.07 PERMIT REVOCATION OR SUSPENSION.

A permit issued pursuant to this chapter may be revoked by the Mayor, after notice and hearing, for any of the following causes. The Mayor may temporarily suspend a permit upon evidence of the following for a period, not to exceed one week, pending a hearing.

(a) Fraud, misrepresentation or any false statements contained in the application for a permit or false information given to the Police or Building & Zoning Departments;

(b) Failure to comply with the provisions of the permit, or violating any law of the Municipality or State while conducting the sale;

(c) A conviction of the permittee for a violation of any of the provisions of this chapter;

(d) Conducting a public sale in any unlawful manner or in such a manner as to constitute a breach of the peace.

(Ord. 2001-69. Passed 10-24-01.)

## 22C Garage and Public Sales 816.99

### 816.08 SIGNS.

No signs relating to such sales shall be mounted on any Village signs, traffic signs or any utility poles. All signs advertising such sales shall be at least six feet from the edge of any road and no larger than four square feet. In addition, the top of such signs shall be no more than 36 inches from the ground and may not be illuminated in any manner. Such signs may not be posted or placed more than 48 hours prior to the sale and must be removed within 24 hours of the final date of the sale. A fine of five dollars (\$5.00) per sign may be imposed for any sign not removed prior to the expiration of the above 24 hour period. (Ord. 2001-69. Passed 10-24-01.)

### 816.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 2001-69. Passed 10-24-01.)



CHAPTER 826  
Flea Markets

826.01	Definition.	826.04	Vendor fee.
826.02	License required.	826.99	Penalty.
826.03	License fee.		

CROSS REFERENCES

Bonds for transient vendors; information to be filed; municipal regulation - see Ohio R.C. 311.37

Flea market sales of baby food or formula or drug, cosmetic or medical device prohibited - see Ohio R.C. 3715.52

Temporary place of business defined - see Ohio R.C. 5739.17

Sales of animals - see GEN. OFF. 618.06

Sales of weapons and explosives - see GEN. OFF. 678.07 et seq.

Open-air food markets - see B.R. & T. Ch. 864

**826.01 DEFINITIONS.**

As used in this chapter, “flea market” means a market, whether outdoors or indoors, featuring multiple vendors offering items or goods for sale at or within the same location. (Ord. 2009-42. Passed 8-26-09.)

**826.02 LICENSE REQUIRED.**

No person shall operate a flea market facility within the Municipality without first obtaining a license therefor. Said license shall be obtained from the Building and Zoning Inspector. (Ord. 1982-50. Passed 2-24-82; Ord. 2009-42. Passed 8-26-09.)

**826.03 LICENSE FEE.**

The application fee for a flea market operator's facility license shall be fifty dollars (\$50.00). In addition, an additional license fee of fifty dollars (\$50.00) is required for each day that the facility is open to the public. Such daily license fees shall be payable to the Finance Director by the tenth day of the month following the month for which such fees are owed. (Ord. 1982-50. passed 2-24-82; Ord. 2009-42. Passed 8-26-09.)

**826.04 VENDOR FEE.**

In addition to the license fee paid by the operator of the facility, each flea market vendor shall be required to pay a three dollar (\$3.00) per day fee to the Municipality for each day the vendor is open for business at the flea market. The operator of the flea market is responsible for collecting such fee from its vendors and forwarding the same for the previous month to the Finance Director by the tenth day of each month. The operator of the flea market shall keep records as to all participating vendors for each day the flea market is open and the vendor fees collected from each participating vendor. Such records shall be available for inspection by the Finance Director or by a Municipal employee or elected official designated thereby, at all reasonable times.

(Ord. 1994-56. Passed 9-14-94; Ord. 2009-42. Passed 8-26-09; 2009-44. Passed 9-23-09.)

**826.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) for each offense, and be subject to up to six months in jail. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 1982-50. Passed 2-24-82; Ord. 2009-42. Passed 8-26-09.)

CHAPTER 862  
Oil and Gas Wells

862.01	Definitions.
862.02	Permits.
862.03	Development standards.
862.04	Operational standards.
862.05	Future development adjacent to well and storage sites.
862.06	Administration.
862.07	State regulations incorporated by reference.
862.99	Penalty.

CROSS REFERENCES

Oil and gas - see Ohio R.C. Ch. 1509  
 Hazardous and solid wastes - see Ohio R.C. Ch. 3734  
 Hazardous substances - see Ohio R.C. Ch. 3751  
 Gas generally - see S.U. & P.S. Ch. 1044

862.01 DEFINITIONS.

As used in this chapter:

- (a) "Division of Oil and Gas" means the State of Ohio Department of Natural Resources Division of Oil and Gas.
- (b) "Unitized lease" means lease arrangements between property owners and a driller which enables the driller to include more than one separately owned parcel as part of the well site and commits such parcels to compliance with the provisions of this chapter and the requirements of the Division of Oil and Gas.
- (c) "Well" means any borehole, whether drilled or bored, for the purpose of exploration or production of any gas or liquid mineral, excluding potable water, and includes wells for the direct production and indirect recovery or disposal of such gas or liquid.

(d) "Well workover" means re-entering of a well for any purpose after it is initially completed or abandoned. Well workover shall not include drilling or well servicing such as the installation or servicing of artificial lift equipment or the removal of tubing obstructions such as paraffin or sand.

(Ord. 1984-39. Passed 4-25-84.)

## 862.02 PERMITS.

Oil and gas exploration and production are permitted within the Municipality subject to the following conditions, covenants and/or restrictions:

(a) Permit Required. No person shall commence to drill, operate or change the operation of any well, except a well for potable water, within the Municipality, or place any related equipment on the site for the drilling or operation of such well, until such person has:

(1) Wholly complied with all provisions of this chapter and has been granted a permit by the Municipality;

(2) Obtained a permit for drilling and waste disposal from the Division of Oil and Gas of the Ohio Department of Natural Resources;

(3) Paid the application fee pursuant to paragraph (b)(13) hereof; and

(4) Posted the insurance and surety bond pursuant to Section 862.06(d) and (e).

(b) Permit Application. Any person proposing to drill, complete and operate a well for oil or gas within the Municipality shall submit a written application to the Mayor, which is signed by the applicant or some person duly authorized by the applicant, and which includes:

(1) The date of such application;

(2) The name and address of the applicant, and, if the applicant is a corporation, the state of incorporation, and, if the applicant is a partnership, the names and addresses of all general partners;

(3) The number of the drilling unit, the particular lot and block number of the tract in the drilling unit on which the proposed well is to be located;

(4) The type of well, whether oil or gas, and the proposed depth of the well;

(5) The number of acres in the lease or unitized lease over which the applicant has control of oil or gas rights and which the applicant shall be required to own in fee or hold under lease or drilling contract from the owner (lots and lands across a public street shall be deemed as being contiguous);

(6) A copy of the signed lease(s) between the property owner(s) and the applicant. Such lease(s) shall explicitly incorporate this chapter by reference and shall state, in bold letters, in the body of the lease, that: A permit issued pursuant to the Gas and Oil Well Regulations of the Municipality of Northfield (Ordinance No. 1984-39) is not transferable.

Any new owner of a proposed well, or well in operation, shall be issued a new permit by the Municipality and the Division of Oil and Gas. Before such permit can be issued the new owner shall comply with all regulations, procedures and standards of this chapter including the bonding and insurance requirements;

(7) A map or maps prepared by an Ohio registered surveyor showing and containing the following data:

A. The size and dimensions of the subject tract of land or drilling unit upon which the well is to be drilled, which shall show all parcels or tracts of land, with dimensions, for which a lease has been obtained;

B. All existing buildings, parking areas, drives and natural features, such as major areas of tree cover, streams, ditches or severe topography, on the parcel and on any portion of the adjacent parcel(s) which are within 500 feet of the proposed well location;

C. The location of the proposed well and the proposed location of oil storage tanks on the subject tract of land or drilling unit;

D. The location, size and slope of all drainage facilities, tiles, ditches, etc., which lie within the work limits of the proposed well and storage tank sites;

E. The location of any existing wells or storage equipment on the tract;

F. Dimensions, in feet, from the proposed well site and all storage tanks to the boundary lines of the subject tract or drilling unit and distances to all buildings and to existing wells or storage facilities;

G. The location and the specifications of planned improvements for the proposed access drive and related gates, fences and entrance landscaping; and

H. Proposed access routes to be used going to and from the site to State or Federal highways;

(8) A statement indicating the maximum loads of vehicles used during the drilling of the well and during production and the maximum load limits on the roads to be used from the site to State or County highways;

(9) The drilling and waste disposal applications submitted to the State and copies of the permits issued in connection with these applications;

(10) A plan for the restoration of the disturbed land upon completion of the drilling operations and a plan for the total restoration of the site when the well is abandoned;

(11) A spill prevention plan, if applicable, as required by Federal law, when drainage from the well site is into a navigable waterway;

(12) The proposed complete casing program for the well; and

(13) An application fee of two thousand dollars (\$2,000) per well, which shall be refunded if the permit is denied.

(c) Permit Issuance. Gas and oil wells are permitted in the Municipality subject to these regulations unless otherwise restricted by State and local laws, and the permit shall only be granted subject to the following:

(1) The proposed application shall be processed in accordance with the procedures for granting conditional zoning certificates, as set forth in Chapter 1220 of the Planning and Zoning Code.

(2) Any permit granted by the Planning Commission, in accordance with the conditional use procedures, shall be confirmed by Council resolution. If Council does not so confirm the approval of the Commission, the permit shall be denied;

(3) No well shall be proposed or permit granted unless access to the proposed well is from the following streets:

Houghton Road                      State Route 8  
Ledge Road      Sagamore Road

(4) No local permit shall be issued pursuant to this chapter until the applicant has received a permit for the proposed well from the Division of Oil and Gas (Department of Natural Resources) pursuant to Ohio R.C. Chapter 1509 and until a copy of such permit is submitted to the Mayor's office; and

(5) If drilling has not commenced within ninety days from the date of issuance of the permit, the permit may be revoked by the Mayor and the application fee is nonrefundable.

(Ord. 1984-39. Passed 4-25-84.)

#### 862.03 DEVELOPMENT STANDARDS.

(a) Well Location. Drilling sites, storage tanks and other equipment shall be located to conform to the following:

(1) They shall be 200 feet from existing buildings on the tract, except as provided in paragraph (a)(2) hereof. For nonresidential buildings, except for schools and other public places of assembly, this provision may be waived, in writing, by the owner and occupant of a building nearer than 200 feet from the proposed well site or storage equipment, provided that in no case shall such well or equipment be nearer than 100 feet from such building. Such written authorization shall be included with the application;

(2) They shall be 300 feet from schools or other public places of assembly as defined in the Ohio Basic Building Code;

(3) They shall be 300 feet from adjacent properties;

(4) They shall be 200 feet from a public street, provided that storage tanks and equipment may be within 100 feet of a public street right-of-way; and

(5) Any greater distances which may be required pursuant to Ohio R.C. Chapter 1509 shall govern.

These spacing requirements shall remain in effect until the well has been plugged to the satisfaction of the Municipality and the Division of Oil and Gas.

(b) Access Drives.

(1) Access drives from drilling sites or storage equipment to the public street shall be located to have the minimum impact on adjacent residential properties.

(2) Access drives shall be constructed of gravel, plank or appropriate material, as determined by the Building and Zoning Inspector to assure that the surface is dust-free and adequate for the vehicles intended.

(3) Gravel may be required by the Building and Zoning Inspector along the access drive near the public street to prevent mud and dirt from being tracked onto the public streets.

(4) A gate shall be installed across the access drive at a point adjacent to the public road. Such gate shall be locked at all times when the access road is not being used for well related purposes. Adjacent to the gate shall be sufficient barriers by fencing, landscaping or mounding to reasonably prevent unauthorized vehicle access to the well or storage sites. Sketch drawings and/or written descriptions of the proposed gates and barriers, adequate to indicate how the objective of preventing unauthorized access shall be achieved, shall be submitted with the permit application.

(c) General Requirements.

(1) No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air unless a plan for such venting, stating the amounts of gas to be vented, the times and frequency of venting and precautions to be taken, is first submitted, in writing, to the Fire Chief and approved by him or her in writing.

(2) Within thirty days after any oil and/or gas well has been completed for the production of oil and/or gas, or abandoned, the permittee shall remove any drilling rig or derrick, remove the excess sludge or mud, fill all pits and excavations, level off the surface of the working area, not allow any accumulation of sludge, oil or other offensive or dangerous substances, keep his or her premises in a sanitary and sightly condition, restore any disturbed drainage facilities and leave the premises in such a condition that no pooling of surface water shall result.

(3) Wooden derricks or steam-powered rigs shall not be permitted in connection with drilling or any workover operations.

(4) Two dual-controlled, fluid-operated blowout preventers, with working pressures equal to the maximum anticipated wellhead pressures, shall be used for all drilling or completion operations involving the use of drill pipe or tubing after the surface casing has been set. The mechanical operation of the preventers shall be checked every twenty-four hours and shall be tested with pump pressure with enough frequency to insure good working order at all times.

(5) No oil, waste water, sludge water or salt water, produced or used in connection with the drilling operation or production of oil or gas wells, shall be disposed of within the Municipality or not be permitted to empty into any sanitary sewer, storm sewer or surface drainage, unless, in an emergency, such waste is to be used by the Municipality and authorized for such use by the Mayor. However, temporary repositories for salt water, waste water or sludge water and basic sediment and water may be constructed of concrete, steel or other material and in the latter case such pits for temporary deposits shall be constructed so that no seepage shall result therefrom and so that surface water resulting from water drainage or rain cannot drain into such pits.

(6) Within six months of such completion or abandonment, the area shall be re-landscaped to assure that all areas, other than access drives, are restored with natural ground cover consistent with surrounding areas to avoid any further erosion.

(7) All producing wells, wellheads, tank batteries, pumping units and equipment appurtenant thereto shall be enclosed and protected by a six-foot galvanized or aluminum chain link-type fence with matching-type gates and effectively screened with evergreen plantings to the approval of the Building and Zoning Inspector.

(8) On residentially zoned land, each storage tank shall be a maximum of 100 barrels (4,500 gallons), and a maximum of two storage tanks shall be permitted for each well.

(9) The premises shall be kept in a clean and sanitary condition free from rubbish of every character, at all times, during the drilling operation and as long thereafter as oil and/or gas is being produced therefrom. The premises of all permittees shall be kept clear of high grass, weeds and combustible trash, or any other rubbish or debris that might constitute a fire hazard, within a radius of 100 feet around any oil tank or tanks or producing wells.

(Ord. 1984-39. Passed 4-25-84.)

862.04 OPERATIONAL STANDARDS.

(a) On-Site.

(1) Noise levels.

A. Drilling operations shall be controlled, by double exhausts, or otherwise, so that the maximum noise level of actual drilling does not exceed seventy-five decibels at a 500-foot radius from the well.

B. All pumps and equipment operated in conjunction with a producing well shall be operated with electric motors and no internal combustion engines shall be permitted.

C. All engines shall be equipped with effective mufflers of adequate size and type to match the engine used.

(2) Hours of operation. No material, equipment, tools or pipe used for either drilling or producing operations at the well, and no oil produced, shall be delivered to or removed from the well site except between the hours of 7:00 a.m. and 7:00 p.m. of any day, except in case of emergency, or unless, based on the well location, this provision is waived prior to the issuance of the permit.

(3) Warning signs. Printed signs reading "DANGER, NO SMOKING ALLOWED" or similar words shall be posted in conspicuous places on each well, storage tank or battery of tanks.

(4) Meters. Each well shall have individual meters recording the volume of production.

(5) Lighting. No lighting shall shine directly on or constitute a nuisance to adjacent properties.

(6) Well workover. Any person operating any well(s) for oil or gas within the Municipality may perform any well workover operations without a permit, except for drilling deeper, provided the operator complies with the provisions of this chapter pertaining to such work. However, no well workover shall be performed without first informing the Building and Zoning Inspector.

(b) Off -Site.

(1) Prior to construction, laying, maintaining, operating, repairing, replacing or removing pipelines on any Municipal street, sidewalk, alley or other property, the applicant shall apply to Council for an easement if the applicant:

A. Does not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located within the rights-of-way or otherwise on Municipal property;

B. Furnishes the Building and Zoning Inspector with a plat showing the location of such pipelines;

C. Constructs such lines, or causes the same to be constructed, be properly cased and vented if under a street; and

D. Grades, levels and restores such property to the same condition, as nearly as practicable, as existed when the installation of the pipeline first commenced.

(2) No person shall permit any mud, water, oil, slush or other waste matter relating to the drilling or operating of any oil and/or gas well, to escape into any adjoining lots upon which the permittee does not have contractual rights to use the surface, or upon leases not owned by the permittee, or into the alleys, streets, gutters or sewers of the Municipality.

(3) Should any mud be carried on public streets from a drilling site, the permittee shall be required to clean up the streets to the satisfaction of the Municipality. Failure of a permittee to clean up the public streets to the satisfaction of the Municipality, or failure to take specific steps to reduce mud at a given location, as requested by the Municipality, shall be grounds for revocation of a permit and forfeiture of the bond posted under Section 862.06(e), and shall also constitute a misdemeanor punishable under Section 862.99.

(4) All trucks hauling oil, sludge water, salt water, and petroleum products or byproducts shall be closed and leakproof at all times, and the intake vent and outlet valves and pump connections shall be watertight and leakproof. (Ord. 1984-39. Passed 4-25-84.)

#### 862.05 FUTURE DEVELOPMENT ADJACENT TO WELL AND STORAGE SITES.

(a) No buildings for human occupancy shall be constructed on a well site except in compliance with the distances from the well and storage equipment specified in Section 862.03.

(b) After a well has been plugged to the satisfaction of the Municipality and the Division of Oil and Gas, the following development regulations shall apply:

(1) A minimum 100-foot radius open area shall be preserved on all sides of the plugged well. This area shall be designated as a permanent easement in any future subdivision of land.

(2) An additional easement for access, if necessary, shall be perpetually provided from a public street to the well site.

(3) No building or structures shall be constructed within the easements, pursuant to paragraphs (b)(1) and (b)(2) hereof, except fences, parking lots, walkways, playground equipment and other similar types of equipment and landscape features.

(Ord. 1984-39. Passed 4-25-84.)

862.06 ADMINISTRATION.

(a) Permits for On-Site Connections. A plumbing and heating permit from the County shall be required for any use or activity on the well site of a gas or oil well which will involve a direct connection of gas or oil lines from the wellhead.

(b) Changes of Ownership. A permit issued pursuant to this chapter is not transferable. A permit for a new owner of a proposed well, or a well in operation, shall only be issued when the new owner complies with all application procedures of this chapter and when the Municipality, according to the procedures set forth in this chapter, determines that such new owner is in compliance with all the regulations, standards, and requirements set forth herein.

(c) Inspections.

(1) Each well, related equipment and well site shall be inspected by the Municipality every six months to assure continued compliance with this chapter. Any areas of noncompliance with this chapter which are identified during these inspections shall be transmitted in writing to the owner of the well.

(2) After a reasonable period of time has elapsed, to enable the owner to correct the identified deficiency, the Municipality shall make an additional inspection (or inspections, as necessary) to assure that any areas of noncompliance have been satisfactorily corrected and that the well, related equipment and well site are in full compliance with this chapter. Fees for all such additional inspections shall accrue at the rate of fifty dollars (\$50.00) per hour with a minimum of fifty dollars (\$50.00) per inspection, and the owner shall reimburse the Municipality for all accrued costs for such additional inspections.

(d) Insurance. An applicant, before being issued a permit hereunder, shall post and maintain with the Building and Zoning Inspector, subject to the Mayor's approval, satisfactory evidence of liability insurance and yearly renewal coverage to compensate parties other than the applicant for damage arising from the activities permitted hereunder, in an amount of not less than five hundred thousand dollars (\$500,000) for property loss for each occurrence and five hundred thousand dollars (\$500,000) for bodily injury for each occurrence. The applicant shall establish such coverage for the benefit of the Municipality as well as himself, herself or itself, and shall be held to agree, by applying for the permit under this chapter, to indemnify and save the Municipality harmless from any liability or loss arising from the activities permitted hereunder. Such insurance policy shall remain in effect one year after the Municipality has received written confirmation from the Division of Oil and Gas that the well has been satisfactorily plugged in accordance with the regulations of the Division.

(e) Bonding and Bond Forfeitures.

(1) An applicant, before being issued a permit hereunder, shall execute and file with the Building and Zoning Inspector a surety bond, conditioned on compliance with the foregoing regulations, in the amount of twenty thousand dollars (\$20,000) per well, up to a maximum one hundred thousand dollars (\$100,000) per operator. The applicant may deposit with the Building and Zoning Inspector, in lieu of a surety bond, cash (or the equivalent of cash) in the amount of the surety bond prescribed above. The surety bond provided for in this section shall be executed by a surety company authorized to do business in the State. The Building and Zoning Inspector shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by his or her attorney in fact, with a certified copy of the power of attorney attached thereto.

(2) The Building and Zoning Inspector shall not approve such bond unless there is attached a certificate of the Ohio Superintendent of Insurance that the company is authorized to transact a fidelity and surety business in the State. All bonds shall be given in a form to be prescribed by the Building and Zoning Inspector and shall run to the Municipality as obligee.

(3) When the Building and Zoning Inspector finds that an applicant has failed to comply with regulations hereunder, he or she shall make a finding of fact and declare any surety bond (or cash), filed to ensure compliance, forfeited in an amount sufficient to correct any condition that adversely affects the public health and safety or any condition that is prescribed in Section 862.04, whereupon the Building and Zoning Inspector shall certify the forfeiture to the Director of Law who shall proceed to collect the amount thereof, with the approval of Council. In lieu of forfeiture, the surety, at its option, may cause the condition resulting in forfeiture to be corrected or pay to the Finance Director the costs thereof. All funds collected under this section may be expended by the Municipality to correct the conditions necessitating forfeiture.

(4) The owner may be released from the surety bond one year after the Building and Zoning Inspector has received written confirmation from the Division of Oil and Gas that the well has been satisfactorily plugged in accordance with the regulations of the Division. Until the surety bond is released by the Building and Zoning Inspector in writing, such bond shall remain in full force and effect for the benefit of the Municipality.

(Ord. 1984-39. Passed 4-25-84.)

862.07 STATE REGULATIONS INCORPORATED BY REFERENCE.

All rules and regulations promulgated by the Ohio Department of Natural Resources, Division of Oil and Gas, as amended, are hereby incorporated by reference as a part of this chapter. (Ord. 1984-39. Passed 4-25-84.)

862.99 PENALTY.

Whoever violates any of the provisions of this chapter, or any order issued under authority of this chapter, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 864  
Open-Air Food Markets

- 864.01 License required; fee.  
864.02 License issuance.  
864.03 Clean-up bond.  
864.04 License revocation.  
864.99 Penalty.

CROSS REFERENCES

Taxation of food prohibited - see Ohio Const. Art. XII, §§3, 13;  
Ohio R.C. 5739.02, 5739.10

Donation of perishables to needy - see Ohio R.C. 2305.37

Pure food and drug law - see Ohio R.C. Ch. 3715

Placing harmful substance in food or confection - see GEN. OFF.  
636.17

Flea markets - see B.R. & T. Ch. 826

864.01 LICENSE REQUIRED; FEE.

No person shall operate an open-air food market within the Municipality without first obtaining a license therefor. The fee for such license shall be fifty dollars (\$50.00) per year or any portion thereof.

864.02 LICENSE ISSUANCE.

The Mayor is hereby authorized and directed to issue the license to any individual, firm or corporation of good reputation.  
(Ord. 1964-64. Passed 4-28-64. )

864.03 CLEAN-UP BOND.

A clean-up bond of five hundred dollars (\$500,000) shall be deposited with the Finance Director at the time the license is issued, and upon approval, in writing, of the Health and Welfare Committee of Council, such bond shall be returned at the end of each season.

864.04            LICENSE REVOCATION.

The license may be revoked at any time, without return of the license fee, upon satisfactory proof that any violation of law or ordinance is permitted or committed upon the licensed premises.

864.99        PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

## CHAPTER 866

Transient Vendors Providing Goods or Services from  
Temporary or Outdoor Sales or Services Areas

- 866.01 Purpose.
- 866.02 Permitted acts.
- 866.03 Issuance of permit; criteria.
- 866.04 Display of license.
- 866.05 Application of chapter.
- 866.06 Revocation of permit.
- 866.99 Penalty.

## CROSS REFERENCES

- Bonds for transient vendors; information to be filed; municipal regulation - see Ohio R.C. 311.37
- Temporary place of business defined - see Ohio R.C. 5739.17
- Flea markets - see B.R. & T. Ch. 826

## 866.01 PURPOSE.

The purpose of this chapter is to regulate transient vendors providing goods and services from non-permanent structures or lots.  
(Ord. 2001-49. Passed 6-27-01.)

## 866.02 PERMITTED ACTS.

Upon the submission and approval of an application for a vendor's license pursuant to this chapter, the following acts shall be permitted:

(a) In a business, commercial, or industrial district, temporary retail sales and services, such as the sale of plants, flowers, trees, arts and crafts, or similar items on any lot or location shall be permitted for any for profit or not-for-profit individuals or organizations. A vendor's license valid for a period not to exceed 15 days shall only be issued four times for any particular lot or location within any 12 month period.

(b) In any district, temporary retail sales and services, such as sales of plants, flowers, trees, household items, arts and crafts, or similar items on any lot on which a church, school, or public use is operating shall be permitted for any not-for-profit organization. A vendor's license permit valid for a period not to exceed 15 days shall only be issued four times for any particular lot within any 12 month period.

(Ord. 2001-49. Passed 6-27-01.)

866.03 ISSUANCE OF PERMIT; CRITERIA.

(a) Any person that desires to sell or trade any goods or offer any services contemplated by this chapter in the manner specified herein shall first obtain a vendors license from the Building and Zoning Inspector. In order to obtain such a license, the applicant shall submit the following:

- (1) The name, address, and telephone number of the applicant;
  - (2) The applicant's social security number, state vendor's license number or federal tax ID number;
  - (3) A description of the goods to be sold or traded or services to be rendered;
  - (4) A map or diagram indicating the location of the property to be used and the exact location on the property on which the goods or services will be provided;
  - (5) A written statement from the property owner giving permission for such use;
- and
- (6) An application fee of fifty dollars (\$50.00).

(b) The location of the temporary sales or services area shall be located so as not to interfere with on sight traffic, required parking spaces, or adversely impact the permanent use on the property or adjacent properties.  
(Ord. 2001-49. Passed 6-27-01.)

866.04 DISPLAY OF LICENSE.

The vendor's license shall be prominently displayed at the temporary sales or services area.  
(Ord. 2001-49. Passed 6-27-01.)

866.05 APPLICATION OF CHAPTER.

The provisions of this chapter shall not apply to officers or employees of the Municipality, County, State, or Federal Government, or any subdivision thereof, when on official business.  
(Ord. 2001-49. Passed 6-27-01.)

866.06 REVOCATION OF PERMIT.

The license may be revoked at any time, without return of the license fee, upon satisfactory proof that any violation of law or ordinance has been permitted or committed on the licensed premises by the applicant, or for the following reasons:

- (a) Fraud or misrepresentation contained in the application;
- (b) Fraud, misrepresentation, or false statements made in the course of conducting the activities;

Transient Vendors Providing Goods or Services from  
38C Temporary or Outdoor Sales or Services Areas 866.99

(c) Conduct of the business in any unlawful manner or in such manner so as to constitute a menace to the health, safety, or general welfare of the public;

(d) The applicant ceases to possess the qualifications required by this chapter for the original registration. The revocation of a permit shall be in addition to any penalty provided in Section 866.99 or any other penalty that may be imposed upon the applicant.

(Ord. 2001-49. Passed 6-27-01.)

866.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) and imprisoned for not more than 30 days. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2001-49. Passed 6-27-01.)



CHAPTER 868  
Peddlers and Solicitors

- 868.01 Definitions.
- 868.02 Registration required.
- 868.03 Application for certificate.
- 868.04 Issuance of certificate; duration.
- 868.05 Display of registration certificate; return.
- 868.06 Restrictions.
- 868.07 Trespassing in violation of posted signs.
- 868.08 Revocation of certificate.
- 868.99 Penalty.

CROSS REFERENCES

Charitable solicitations - see Ohio R.C. Ch. 1716

Frozen desserts - see Ohio R.C. 3717.51 et seq.

Sale of goods and services within right-of-way of interstate and other state  
highways - see Ohio R.C. 5515.07

Trespassing - see GEN. OFF. 642.10, 642.11

Billposting - see GEN. OFF. 642.13

Littering - see GEN. OFF. 660.03

868.01 DEFINITIONS.

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

(a) "Canvassing" means any person who calls at business places or private residences without the invitation or previous consent of the owner(s) or occupant(s) of such premises for the purpose of any one or more of the following activities:

(1) Seeking to obtain from the occupant of any business place or residence an indication of such occupant's beliefs in regard to any social, political, religious or similar matters; or

(2) Seeking to influence the personal beliefs of the occupant of any business place or residence in regard to any social, political, religious or similar matters; or

(3) Taking of a poll or census of any person, firm or corporation other than a governmental body or agency thereof.

(b) "Peddling" means any person who travels door to door either by foot, automobile, truck or any other type of conveyance and calls upon business places, or private residences, including any house, apartment or other dwelling within the Municipality taking or attempting to take orders for profit for the sale of goods, wares, merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed immediately or in the future.

(c) "Soliciting" means any person seeking to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance in calling upon business places or private residences including any house, apartment or other dwelling within the Municipality. The solicitation by a minor newspaper carrier of customers for newspapers which he regularly delivers or will regularly deliver shall not be included in this definition.

(Ord. 2004-51. Passed 9-8-04.)

#### 868.02 REGISTRATION REQUIRED.

No person shall peddle or solicit within the Municipality without first registering with the Police Chief or designee. A separate registration must be made for every peddler or solicitor, agent or employee peddling or soliciting within the Municipality. Canvassers are not required to register pursuant to this section.

(Ord. 2004-51. Passed 9-8-04.)

#### 868.03 APPLICATION FOR CERTIFICATE.

(a) Each applicant for a certificate of registration shall, not less than five nor more than 90 days prior to the commencement of peddling or soliciting, furnish the Police Chief, or designee, with the following information, in person, on forms provided by the Municipality.

- (1) Name, age and physical description of the applicant;
- (2) Complete permanent and local address of application and telephone number;
- (3) Name, address and 24-hour phone number of the person, firm, corporation or association for whom the peddling or solicitation is presently being made, and the name of at least one officer or other official of such organization, and any other person, firm, corporation or association for whom the applicant has peddled or solicited during the past three years;
- (4) A description of the nature of the business and goods, service or wares to be sold or otherwise sufficient to identify the subject matter of the peddling or soliciting in which the applicant will engage;

(5) The names of all other municipalities in which the applicant has conducted peddling or soliciting activities during the past six months;

(6) Whether the applicant has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations, if applicable;

(7) Whether the applicant has ever been denied a license or had his or her or its permit revoked, including the time and place of such denial or revocation;

(8) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude, including the time and place of such conviction;

(9) The proposed dates and times of the peddling or soliciting and the routes to be followed in conducting same, and the nature of the goods or services for which orders will be taken;

(10) The make, model, year, color and license plate number of automobiles used by the applicant during the period of peddling or soliciting within the Municipality, and the number of the applicant's driver's license and state of issuance;

(11) Such other information as the Police Chief may require.

(b) Such application shall be accompanied by a fee of twenty dollars (\$20.00). Any person, group of persons or organizations acting on behalf of a tax exempt organization as defined by Section 501 of the Internal Revenue Code shall be exempt from such application fee.

(Ord. 2004-51. Passed 9-8-04.)

#### 868.04 ISSUANCE OF CERTIFICATE; DURATION.

(a) Not more than four days after completion of the application form provided in this chapter, the Police Chief, or designee, shall issue a certificate of registration to the applicant unless he has determined:

(1) That the applicant has made a false, misleading or deceptive statement in providing the information required under this chapter.

(2) That the applicant has been convicted of a felony violation or misdemeanor violation involving moral turpitude during the past five years.

(b) Such registration shall be valid for a period of 90 days. No registration certificate issued hereunder shall be assigned or transferred to any other person.

(Ord. 2004-51. Passed 9-8-04.)

868.05 DISPLAY OF REGISTRATION CERTIFICATE; RETURN.

Each registrant shall carry the registration certificate at all times when in the Municipality and shall exhibit it to any resident or Municipal official upon request. At the conclusion of the period for which the registration certificate was issued, the registration certificate shall be returned to the Police Chief.

(Ord. 2004-51. Passed 9-8-04.)

868.06 RESTRICTIONS.

Every peddler or solicitor to whom a registration certificate is issued under the terms of this chapter and every canvasser shall be governed by the following rules and regulations:

(a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(b) No person subject to the provisions of this chapter shall peddle, canvass or solicit, except between the reasonable business hours of 9:00 a.m. and 9:00 p.m. In addition, no person shall peddle, canvass or solicit on any legal holiday.

(c) No peddler, canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.

(d) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's peddling, soliciting or canvassing activity within the Municipality.

(e) No person subject to this chapter shall peddle, canvass or make any solicitation where peddlers, canvassers or solicitors are notified by sign that peddling, canvassing and/or soliciting is prohibited as provided in this chapter.

(f) No peddler or solicitor shall engage or transact any type of business or solicitation other than that specified on the registration application.

(Ord. 2004-51. Passed 9-8-04.)

868.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No peddler, canvasser or solicitor shall knock at the door or ring the bell of any place of business or residence in the Municipality upon which is displayed at the entrance a notice which reads, "No Peddlers or Solicitors Allowed", or which otherwise clearly purports to prohibit peddlers, canvassers or solicitors on the premises, unless such peddler, canvasser or solicitor is, or has been, invited upon the premises by the owner, lessee or occupant thereof. Such notice shall be no less than three inches by four inches nor more than one square foot in total surface area and is exempt from any additional requirements of the Planning and Zoning Code.

(Ord. 2004-51. Passed 9-8-04.)

868.08 REVOCATION OF CERTIFICATE.

(a) A certificate of registration issued under this chapter may be revoked by the Mayor, or designee, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for certificate of registration/permit;

(2) The registrant is convicted of a felony violation or misdemeanor violation involving moral turpitude;

(3) Fraud, misrepresentation, or a false statement made in the course of carrying on the business of peddler, solicitor, canvasser, or agent as provided in this chapter;

(4) Any violation of this chapter;

(5) Conducting the business of peddler, solicitor, canvasser, or agent, as provided in this chapter, in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for the revocation of a certificate of registration/permit shall be given in writing setting forth the time and place of the hearing. The notice shall be handed to the registrant or be mailed to the registrant at the address listed on the certificate of registration at least five days prior to the date set for the hearing. Personal service of the notice upon the registrant may be given instead of, or in addition to, the notice by mail. The hearing shall be conducted by the Mayor, or the Mayor's designee. At the hearing, the registrant shall be given specific notice of the grounds for the revocation of the certificate of registration/permit. The registrant will be then given an opportunity to respond. Registrants may appeal any decision made by the Mayor or designee pursuant to Ohio law.

(Ord. 2004-51. Passed 9-8-04.)

868.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree and be subject to a fine of up to two hundred fifty dollars (\$250.00) and/or 30 days in jail.

(Ord. 2004-51. Passed 9-8-04.)

## CHAPTER 870

## Pool Rooms, Billiard Halls and Bowling Alleys

- 870.01 License required.  
 870.02 License issuance; fee; tax.  
 870.03 License revocation.  
 870.04 Hours; minors.  
 870.99 Penalty.

## CROSS REFERENCES

- Gambling - see GEN. OFF. Ch. 630  
 Peace disturbances - see GEN. OFF. Ch. 648  
 Disorderly conduct - see GEN. OFF. 648.04  
 Amusement devices - see B.R. & T. Ch. 809

## 870.01 LICENSE REQUIRED.

No person shall open, maintain, operate or conduct a pool room, billiard hall or bowling alley, for money or other consideration, without first obtaining a license therefor as provided in this chapter. (Ord. 1998-10. Passed 2-25-98.)

## 870.02 LICENSE ISSUANCE; FEE; TAX.

A license required by Section 868.01 may be issued by the Mayor to a person of good character and repute, only upon written application therefor, setting forth the name and address of the owner and the person to be in charge thereof, the proposed location within the Municipality and the number of tables or alleys to be used. The fee for the license shall be fifty dollars (\$50.00) per year or any part thereof. Should the Mayor refuse issuance of a license to any applicant, an appeal therefrom may be made by the applicant to Council within ten days of the date of the Mayor's decision to deny the license. In the event an appeal is filed, the appeal shall be heard by Council at its next regularly scheduled meeting or at another alternative date which is acceptable to the applicant.

In addition to the annual license fee set forth above, there is hereby levied a tax in the amount of one-half of one percent of the gross fees collected by such establishments listed in Section 870.01 for table or alley rental or use. Such tax shall be payable by the pool room, billiard hall or bowling alley and shall be paid to the Municipality on or before the twentieth day of the month following the month in which such gross fees are received. The Mayor or a designated representative of the Mayor is hereby authorized to require such verification as is needed to determine the actual amount due to the Municipality pursuant to this section. (Ord. 1998-10. Passed 2-25-98.)

870.03            LICENSE REVOCATION.

A license issued under this chapter may be revoked at any time without return of the license fee, upon satisfactory proof that any violation of law or ordinance is permitted or committed upon the licensed premises. (Ord. 1998-10. Passed 2-25-98.)

870.04            HOURS; MINORS.

No minor under eighteen years of age shall be permitted within a pool room or billiard hall between the hours of 10:00 p.m. and 5:30 a.m. of the following day unless accompanied by a parent or guardian. In addition, minors shall not be permitted within a pool room or billiard hall on school days between the hours of 8:30 a.m. and 2:30 p.m. unless their presence is specifically related to a school function. (Ord. 1998-10. Passed 2-25-98.)

870.99          PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. (Ord. 1998-10. Passed 2-25-98.)

**CHAPTER 878**  
**Snow Removal Contractors**

878.01	Permit required; effective period; fee; insurance; display; illumination of equipment.	878.02	Disposal of snow.
		878.99	Penalty.

**CROSS REFERENCES**

Assessments for snow removal - see Ohio R.C. 727.01  
 Snow removal equipment - see Ohio R.C. 4513.18, 5501.41  
 Snowmobiles - see TRAF. 432.41, Ch. 446  
 Snow emergencies parking ban - see TRAF. 452.17  
 Duty to keep sidewalks free of snow and ice - see GEN. OFF. 660.05  
 Snow removal for senior citizens and/or physically disabled residents - see S.U. & P.S. Ch. 1070  
 Snow removal in subdivisions - see P. & Z. 1250.06(c)

**878.01 PERMIT REQUIRED; EFFECTIVE PERIOD; FEE; INSURANCE; DISPLAY; ILLUMINATION OF EQUIPMENT.**

(a) Any individual, firm, corporation or other person, who contracts or performs snow removal services in the Village on property which he, she, it, or they has or have no interest, shall make application to the Mayor's office for a snow removal permit for each snow removal vehicle used by the applicant in the Village. Each permit shall be granted for a one-year period, starting October 1 of each year and expiring on September 30 of the following year, at the cost of twenty dollars (\$20.00) per vehicle. Permits applied for after October 1 of each year shall not be valid for a full year, but shall, rather, expire on September 30. In addition to other requirements, the applicant must display, prior to securing such permit, an insurance liability policy with coverage as prescribed by the financial security laws of the State. The permit as issued from the office of the Mayor shall be conspicuously displayed on the windshield of the snow removal vehicle.

(b) Snow removal equipment shall be illuminated with emergency flashers as provided by the laws of the State.

(c) Snow removal vehicles and equipment shall be defined as any type of vehicle which is authorized and licensed by the State or by any other state, giving permission for such vehicle to transgress on public thoroughfares, and where such vehicle is used by the

owner or lessee, on a full or part-time basis, for the removal of snow from driveways, parking lots or sidewalks.

(Ord. 1996-62. Passed 10-23-96; Ord. 2001-16. Passed 2-14-01; Ord. 2003-52. Passed 11-12-03; Ord. 2010-08. Passed 3-10-10.)

### **878.02 DISPOSAL OF SNOW.**

Snow removal from any driveway, parking lot or sidewalk, either public or private, industrial, commercial or residential, shall be disposed of by the person removing such snow in such a manner as not to obstruct the sidewalk, public streets or other rights-of-way for pedestrians or motor vehicles. Snow removed from any driveway, parking lot, sidewalk, parcel or lot, as described in this section, shall be disposed of on the lot or parcel from which the same is being removed, or on the tree lawn immediately in front of such lot or parcel on that same side of the street, in such a manner so as to permit a person to see over the piles of snow when such person is either driving into or backing out of the driveway of the premises, or to see around the corners. No person shall create any snow pile or otherwise pile snow within fifteen feet of the intersection of any street or public way, or within fifteen feet of any entrance to or exit from any premises.

For properties abutting State Route 8, no snow shall be piled within eight feet of the street line of State Route 8.

(Ord. 1999-82. Passed 11-10-99.)

### **878.99 PENALTY.**

Whoever violates any of the provisions of this chapter for the first time is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Whoever is convicted of a second or subsequent violation of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

In addition to the above, offenders under this chapter shall be liable for a Public Service Department fee in the event the Village is required to remove any snow or snow piles tracked into a street or sidewalk as a result of a violation of this chapter. Such a fee shall be assessed at one hundred dollars (\$100.00) per hour for the work performed with a minimum of one hour's assessment for each time such work is performed.

A fourth or subsequent offense of this chapter may result in revocation of the offender's snow removal permit by the Building and Zoning Inspector. In the event such permit is revoked, the permit holder shall have the right to appeal such action as provided for in Section 1476.12 of these Codified Ordinances.

(Ord. 1996-62. Passed 10-23-96.)

CHAPTER 882  
Tattoo Establishments

- 882.01 Definitions.
- 882.02 License required; fees.
- 882.03 General requirements.
- 882.04 Inspections.
- 882.05 Patrons under the influence; minors.
- 882.06 Waste disposal.
- 882.99 Penalty.

CROSS REFERENCES

- Hazardous and solid waste - see Ohio R.C. Ch. 3734
- Physical harm to persons defined - see GEN. OFF.  
606.01(l), (t)
- Endangering children - see GEN. OFF. 636.12

882.01 DEFINITIONS.

As used in this chapter:

- (a) "Building and Zoning Inspector" means the Municipality's Building and Zoning Inspector or his or her authorized representative.
- (b) "Certificate of inspection" means written approval from the Building and Zoning Inspector or his or her authorized representative that a tattooing establishment has been inspected and meets all of the terms of this chapter.
- (c) "Operator" means any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed, and any individual who performs or practices the art of tattooing on the person of another.
- (d) "Tattoo", "tattooed" or "tattooing" refers to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin, with ink or any other substance, resulting in the coloration of the skin, by the aid of needles or any other instruments designed to touch or puncture the skin. (Ord. 1998-9. Passed 1-28-98.)

882.02 LICENSE REQUIRED; FEES.

(a) No person shall engage in the business of operating a tattoo establishment in the Municipality without first obtaining a license to engage in such business in accordance with the provisions of this chapter.

(b) An application for a license shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00), provided, however, that no application fee shall be received for renewal of an existing license.

(c) In addition to the application fee set forth in subsection (b) hereof, the license fee for engaging in the business of operating a tattoo establishment within the Municipality shall be fifty dollars (\$50.00) per year.

(Ord. 1998-9. Passed 1-28-98.)

882.03 GENERAL REQUIREMENTS.

(a) Each person who operates a tattooing establishment shall comply with the following requirements:

(1) The room in which tattooing is done shall have an area of not less than 100 square feet. The walls, floors and ceilings shall have an impervious, smooth and washable surface.

(2) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.

(3) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color with a smooth washable finish and shall be separated from waiting customers or observers by a panel at least six feet high or by a door.

(4) The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair.

(5) The operator shall wash his or her hands thoroughly with soap and water before starting to tattoo each customer or patron; the hands shall be dried with individual, single-use towels.

(6) No tattooing shall be done on any skin surface that has a rash, pimples, boils or infections or manifests any evidence of an unhealthy condition.

(7) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.

(8) Safety razors with a new, single-service blade for each customer or patron, or a straight-edge razor, may be used and shall be thoroughly cleaned and sterilized before each use on each customer or patron.

(9) The area to be tattooed shall first be thoroughly washed for a period of two minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of iodine or bentadyne shall be applied to the area with a single-use sponge used and applied with a sterile instrument.

(10) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent as approved by the Building and Zoning Inspector, shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

(11) The use of styptic pencils, alum block or other solid styptics to check the flow of blood is prohibited.

(12) An inquiry shall be made, and anyone giving a history of recent jaundice or hepatitis shall not be tattooed.

(13) Single-service or individual containers of dye or ink shall be used for each patron, the container therefor shall be discarded immediately after completing work on a patron, and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one person and then immediately discarded. After work is completed on any person, the tattooed area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the Building and Zoning Inspector, or a seventy percent alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.

(b) All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet when not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(1) A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any person. (Alternative sterilizing procedures may only be used when specifically approved by the Building and Zoning Inspector.) Sterilization of equipment will be accomplished by exposure to live steam for at least thirty minutes at a minimum pressure of fifteen pounds per square inch at a temperature of 240 degrees Fahrenheit or 116 degrees Celsius.

(2) The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing that they will not be contaminated.

(c) Permanent records of each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishments, the date and his or her name, address, age, serial number (if a member of the Armed Forces) and signature. Such records shall be maintained in the tattoo establishment and shall be available for examination by the Building and Zoning Inspector. Records shall be retained by the operator or licensee for a period of not less than two years. In the event of a change of ownership or closing of the business, all such records shall be made available to the Building and Zoning Inspector.

(d) No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the Building and Zoning Inspector by the person owning or operating the tattooing establishment, and the infected client shall be referred to a physician.

(e) All pigments, dyes or colors used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. The pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer or patron.

(f) All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile.  
(Ord. 1998-9. Passed 1-28-98.)

882.04 INSPECTIONS.

(a) An applicant for a license to operate a tattooing establishment shall first obtain a certificate of inspection from the Building and Zoning Inspector, indicating that this establishment has been inspected and is in compliance with the provisions of this chapter.

(b) The Building and Zoning Inspector may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing therein are in compliance with all applicable health provisions contained in this chapter and other pertinent ordinances. No operator of a tattooing establishment or other person shall willfully prevent or restrain the Building and Zoning Inspector from entering any licensed establishment where tattooing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator. After completion of inspection, the Building and Zoning Inspector may revoke the license for noncompliance with any of the provisions of this chapter. (Ord. 1998-9. Passed 1-28-98.)

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882.05 PATRONS UNDER THE INFLUENCE; MINORS.

No person shall tattoo any individual who is under the influence of alcohol and/or drugs or any minor.

(Ord. 1998-9. Passed 1-28-98.)

882.06 WASTE DISPOSAL.

All waste to be disposed of as a result of tattooing shall be considered medical waste and shall be subject to any and all State and Federal regulations governing the disposal of the same, including Ohio R.C. Chapter 3734 pertaining to infectious wastes.

(Ord. 1998-9. Passed 1-28-98.)

882.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. In addition, the operator's and establishment's license may be permanently revoked for serious or multiple violations of this chapter.

(Ord. 1998-9. Passed 1-28-98.)

CHAPTER 886  
Self-Service Mini-Storage Facility Regulations

- 886.01 Purpose.
- 886.02 Use of land.
- 886.03 Inspections.
- 886.04 Lease agreement.
- 886.05 Applications.
- 886.99 Penalty.

886.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and welfare through the regulation of self-service mini-storage facilities.  
(Ord. 2004-26. Passed 5-26-04.)

886.02 USE OF LAND.

The use of land, buildings or other structures as a self-service mini-storage facility must comply with the regulations and standards of this chapter and the Municipality's Zoning and Building Codes.  
(Ord. 2004-26. Passed 5-26-04.)

886.03 INSPECTIONS.

The Fire Chief, the Fire Prevention Officer, and all firefighters, as directed by the Chief, shall have access to the individual self-service mini-storage units for the purpose of inspection to determine compliance with this chapter and with the Ohio Fire Code. Owners or operators of self-service mini-storage facilities and the lessees of each individual self-service storage unit shall allow access to the individual units for this inspection up to three times per calendar year. The Fire Chief is authorized to draft regulations establishing procedures for these inspections. The Fire Chief shall enforce this inspection procedure pursuant to Chapter 1610 of the Fire Prevention Code and any and all other applicable laws.  
(Ord. 2004-26. Passed 5-26-04.)

886.04 LEASE AGREEMENT.

Owners or operators of self-service mini-storage facilities must include language within the lease for the individual self-storage units advising the lessees of the regulations drafted pursuant to this chapter and shall further contain a provision authorizing inspection of the units by the Fire Department up to three times per calendar year.  
(Ord. 2004-26. Passed 5-26-04.)

886.05 APPLICATIONS.

Section 886.04 shall apply to all leases existing on the effective date of this chapter.  
(Ord. 2004-26. Passed 5-26-04.)

886.99 PENALTY.

Whoever violates any provision of this chapter and upon conviction thereof, shall be guilty of a misdemeanor of the second degree. Each day that such violation continues shall constitute a separate offense.

(Ord. 2004-26. Passed 5-26-04.)

## TITLE FOUR - Taxation

Chap. 890.	Earned Income Tax.
Chap. 892.	Admissions, Parking and Amusement Device Tax.
Chap. 894.	Hotel Room Tax.
Chap. 896.	Owners of Rental Property Required to Provide Certain Information to Finance Director.

CHAPTER 890  
Earned Income Tax

890.01	Levy of tax; purpose.
890.02	Definitions.
890.03	Rate and income taxable.
890.04	Effective period.
890.05	Method of determination of tax.
890.06	Sales made in the Municipality.
890.07	Total allocation.
890.08	Rentals.
890.09	Operating loss carry-forward.
890.10	Sources of income not taxed.
890.11	When returns are required to be made.
890.12	Form and content of return.
890.13	Extension of time for filing returns.
890.14	Consolidated returns.
890.15	Amended returns.
890.16	Payment of tax on filing of return.
890.17	Collection at source.
890.18	Declarations of income not collected at source.
890.19	Filing of declaration.
890.20	Form of declaration.
890.21	Payment to accompany declaration.
890.22	Annual return.
890.23	Extension of time for filing, payment, etc.
890.24	Interest on unpaid tax.
890.25	Penalties on unpaid tax.
890.26	Exceptions to penalty assessment.
890.27	Abatement of interest and penalty.
890.28	Violations.
890.29	Limitation on prosecution.
890.30	Failure to procure forms not excuse.
890.31	Unpaid taxes recoverable as other debts.
890.32	Refunds of taxes erroneously paid.
890.33	Amounts of less than one dollar.
890.34	Credit for tax of another Municipality.
890.35	Disbursement of funds collected.

890.36 Duties and authority of the Administrator.

(Cont.)

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- 890.37 Refusal to produce records.
- 890.38 Confidential nature of information obtained; disclosure.
- 890.39 Taxpayer required to retain records.
- 890.40 Authority to contract for administration and central collection.
- 890.41 Assignment of duties and authority of the Administrator.
- 890.42 Board of Review.
- 890.43 Declaration of legislative intent; severability.
- 890.44 Collection of tax after termination of chapter.
- 890.99 Penalty.

#### CROSS REFERENCES

Power to tax - see Ohio Const. Art. XVIII, Sec. 3

Municipal income taxes - see Ohio R.C. Ch. 718

Payroll deductions - see Ohio R.C. 9.42

Bond required for carnivals, circuses and other shows - see B.R. & T. 812.05

#### 890.01 LEVY OF TAX; PURPOSE.

There is hereby levied a tax on all salaries, wages, commissions and other compensation, and on net profits as hereinafter provided, for the purposes of providing funds for special improvements of the Municipality.

(Ord. 1968-82. Passed 8-28-68.)

#### 890.02 DEFINITIONS.

For the purpose of this chapter, certain words, terms, phrases, and their derivatives shall have the meanings given in this section. The singular includes the plural and the masculine includes the feminine and the neuter.

(a) "Administrator" means the individual designated to administer and enforce the provisions of the Municipality's income tax. The Finance Director, or his or her appointee, shall serve as Administrator.

(b) "Association" means any partnership, limited partnership or any other form of unincorporated enterprise owned by two or more persons.

(c) "Board of Review" means the Board created by and constituted as provided in Section 890.42.

(d) "Business" means any enterprise, activity, profession or undertaking of any nature conducted for profit, or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, excluding, however, all nonprofit corporations which are exempt from the payment of Federal income tax.

(e) "Corporation" means a corporation or joint stock association organized under the laws of the United States, the State or any other state, territory or foreign country or dependency.

(f) "Employee" means one who works for wages, salary, commission or other type of compensation in the service of any employer.

(g) "Employer" means an individual, partnership, association, corporation, governmental body, unit or agency or any other entity, whether or not organized for profit, who or that employs one or more persons on a salary, wage, commission or other basis of compensation.

(h) "Fiscal year" means an accounting period of twelve months or less, ending on any day other than December 31.

(i) "Gross receipts" means the total income from any source whatever.

(Ord. 1968-82. Passed 8-28-68.)

(j) "Net profits" means a net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary and necessary expenses either paid or accrued in accordance with the accounting system used by the taxpayer for Federal income tax purposes, but subject to adjustment in accordance with the regulations and rules adopted by the Administrator and without deduction of taxes imposed by this chapter, Federal taxes, State taxes and other taxes based on income, and, in the case of an association, without deduction of salaries paid to partners and other owners.

(Ord. 1983-18. Passed 1-26-83.)

(k) "Nonresident" means an individual domiciled outside the Municipality.

(l) "Nonresident unincorporated business entity" means an unincorporated business entity not having an office or place of business within the Municipality.

(m) "Person" means every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person", as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to a corporation, the officers thereof.

(n) "Place of business" means any bona fide office, other than a mere statutory office, factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his or her regular employees in attendance.

(o) "Resident" means an individual domiciled in the Municipality.

(p) “Resident unincorporated business entity” means an unincorporated business entity having an office or place of business within the Municipality.

(q) “Taxable income” means wages, salaries and other compensation paid by an employer or employers before any deduction, and/or the net profits from the operation of a business, profession or other enterprise or activity adjusted in accordance with the provisions of this chapter and shall also include the following:

(1) “Business income” means income arising from transactions, activities, and sources in the regular course of a trade or business and includes income from tangible and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of a trade or business operation.

(2) “Compensation” means any form or remuneration including, but not limited to, wages, salaries, commissions, or other types of compensation in service of an employer, paid to an employee or individual for personal services.

(3) “Games of chance winnings” means those monetary prizes received by an individual or an estate after playing a game of chance. These winnings are considered non-business income and are not considered to be intangible income.

(4) “Intangible income” means income of any of the following types: income yield interest, dividends or other income arising from the ownership, sale, exchange or other disposition of intangible property including, but not limited to, investments, deposits, money or credits as those terms are defined in Ohio R.C. Chapter 5701.

(5) “Non-business income” means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, or lottery winnings, prizes and awards.

(6) “Winnings from games of chance” as defined by the Internal Revenue Service Code.

(r) “Taxable year” means the calendar year or the fiscal year, upon the basis of which the net profits are to be computed under this chapter, and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

(s) “Taxpayer” means a person, whether an individual, partnership, association, corporation or other entity, required hereunder to file a return or pay a tax.

(Ord. 1968-82. Passed 8-28-68; Ord. 2003-41. Passed 8-27-03.)

### 890.03 RATE AND INCOME TAXABLE.

An annual tax for the purpose specified in Section 890.01, shall be imposed on and after January 1, 1995, through December 31, 2004, at the rate of one and one-half percent per annum and on and after January 1, 2005, at the rate of two percent per annum, upon the following:

(a) On all taxable income received during the effective period of this chapter, by residents of the Municipality, including, but not limited to, bonuses, incentives and profit sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during periods of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan (401K, 403B, IRA, KEOUGH, and other similar plans).

(b) On all taxable income received during the effective period of this chapter by non-residents for work done or services performed or render in this Municipality, including, but not limited to, bonuses, incentive and profit sharing payments, vacation pay, payments received under a wage continuation plan from an employer or third party during periods of disability or sickness, and contributions made by or on behalf of an employee to a tax deferred annuity plan (401K, 403B, IRA, KEOUGH, and other similar plans). In addition, on all taxable income during the effective period of this chapter received or won in the Village by non-residents constituting winnings from wagers or horse races or on games of chance as defined by the Internal Revenue Service Code.

(c) (1) On the portion attributable to the Municipality of the net profits earned during the effective period of this chapter of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the Municipality.

(2) On the portion of the distributive shares of the net profits earned during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the Municipality and not levied against such unincorporated business entity of the Municipality.

(d) (1) On the portion attributable to the Municipality of net profits earned during the effective period of this chapter of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done or services performed or rendered and business or other activities conducted in the Municipality, whether or not such unincorporated business entity has an office or place of business in the Municipality.

(2) On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a non-resident unincorporated business entity not attributable to the Municipality and not levied against such unincorporated business entity by the Municipality.

(e) On the portion attributable to the Municipality of net profits earned during the effective period of this chapter of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the Municipality, whether or not such corporations have an office or place of business in the Municipality.

- (f) (1) The rental of real estate is ordinarily a business activity, and the income from such rentals are taxable, provided, however, where the taxpayer's entire rental activity produces gross rentals of three thousand dollars (\$3,000.00) per year or less, it will be prima facie evidence that such rentals are not a business activity. If gross rentals of any and all real properties in the aggregate exceed three thousand dollars (\$3,000.00) per year, the entire net income from rentals is taxable and shall be included in the computation of net profits from business activities.
- (2) Rentals received by a taxpayer engaged in the business of buying and selling real estate shall be considered as part of business income.
- (3) Real property, as the term is used in this chapter, shall include commercial property, residential property, farm property and any and all other types of real estate with the exception of farm property located outside the corporate limits of the Municipality.
- (4) In determining the taxable income from rentals, the deductible expenses shall be of the same nature, extent and amount as are allowed by the Internal Revenue Service for Federal income tax purposes.
- (5) Residents of this Municipality are subject to taxation upon the net income from rentals (to the extent specified above), regardless of the location of the real property owned.
- (6) Non-residents of this Municipality are subject to such taxation only if the real property is situated within the Municipality limits.  
(Ord. 1994-36. Passed 8-10-94; Ord. 2003-41. Passed 8-27-03; Ord. 2004-34. Passed 7-14-04. Ord. 2006-51. Passed 10-25-06.)

#### **890.04 EFFECTIVE PERIOD.**

The Municipal income tax shall be levied, collected and paid with respect to the salaries, wages, commissions and other compensation, and with respect to the net profits of businesses, professions or other activities, earned on and after October 1, 1968. (Ord. 1968-82. Passed 8-28-68.)

#### **890.05 METHOD OF DETERMINATION OF TAX.**

(a) In the taxation of income which is subject to the Municipal income tax, if the books and records of a taxpayer conducting a business or profession both within and outside the boundaries of the Municipality shall disclose with reasonable accuracy what portion of its net profit is attributable to that part of the business or profession conducted within the boundaries of the Municipality, then only such portion shall be considered as having a taxable situs in the Municipality for the purpose of Municipal income taxation. The portion of the entire net profits of a taxpayer to be allocated as having been derived from within the Municipality, in the absence of actual records thereof, shall be determined as follows:

Multiply the entire net profits by a business allocation percentage to be determined by a three-factor formula of property, payroll and sales, each of which shall be given equal weight, as follows:

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(1) The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the Municipality, during the taxable period to the average net book value of all real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in the preceding paragraph, real property includes property rented or leased by the taxpayer, the value of which shall be determined by multiplying the annual rental thereon by eight.

(2) Wages, salaries and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the Municipality to wages, salaries and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed.

(3) Gross receipts of the business or profession from sales made and services performed during the taxable period in the Municipality to gross receipts of the business or profession during the same period from sales and services performed anywhere.

(b) In the event that the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result. (Ord. 1968-82. Passed 8-28-68.)

### 890.06 SALES MADE IN THE MUNICIPALITY.

As used in Section 890.05(a)(3) "sales made in the Municipality" means:

(a) All sales of tangible personal property which is delivered within the Municipality, regardless of where title passes, if shipped or delivered from a stock of goods within the Municipality.

(b) All sales of tangible personal property which is delivered within the Municipality, regardless of where title passes, even though transported from a point outside the Municipality, if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the Municipality, and the sales result from such solicitation or promotion.

(c) All sales of tangible personal property which is shipped from a place within the Municipality to purchasers outside the Municipality, regardless of where title passes, if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(Ord. 1968-82. Passed 8-28-68.)

### 890.07 TOTAL ALLOCATION.

Add together the percentages determined in accordance with Section 890.05(a), or such of the aforesaid percentages as are applicable to the particular taxpayer, and divide the total so obtained by the number of percentages used in deriving this total in order to obtain the business allocation percentage referred to in Section 890.05.

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A factor is applicable even though it may be allocable entirely in or outside the Municipality.  
(Ord. 1968-82. Passed 8-28-68.)

890.08 RENTALS.

Rental income received by a taxpayer shall be included in the computation of net profits from business activities under Section 890.03(c) to (g), only if and to the extent that the rental ownership, management or operation of the real estate from which such rentals are derived, whether rented, managed or operated by a taxpayer individually or through agents or other representatives, constitutes a business activity of the taxpayer, in whole or in part.

Where gross monthly rental of any and all real properties, regardless of number and value, aggregates in excess of one hundred twenty-five dollars (\$125.00) per month, it shall be prima-facie evidence that the rental, ownership, management or operation of such properties is a business activity of such taxpayer, and the net income of such rental property shall be subject to tax. However, in the case of commercial property, the owner shall be considered engaged in a business activity when the rental is based on a fixed or fluctuating percentage of gross or net sales, receipts or profits of the lessee,

whether or not such rental exceeds one hundred twenty-five dollars (\$125.00) per month. Further, in the case of farm property, the owner shall be considered engaged in a business activity when he or she shares in crops or when the rental is based on a percentage of the gross of net profits derived from the farm, whether or not the gross income exceeds one hundred twenty-five dollars (\$125.00) per month. Further, the person who operates a licensed rooming house shall be considered in business whether or not the gross income exceeds one hundred twenty-five dollars (\$125.00) per month.

(Ord. 1968-82. Passed 8-28-68.)

#### 890.09 OPERATING LOSS CARRY-FORWARD.

(a) The portion of a net operating loss sustained in any taxable year subsequent to January 1, 1995, allocable to the Municipality, may be applied against the portion of the profit of succeeding tax years allocable to the Municipality until exhausted, but in no event for more than five taxable years immediately following the year in which the loss occurred. No portion of a net operating loss shall be carried back against net profits of any prior year.

(b) The portion of net operating loss sustained shall be allocated to the Municipality in the same manner as provided herein for allocating net profits to the Municipality.

(c) The Administrator shall provide by rules and regulations the manner in which such net operating loss carry-forward shall be determined.

(Ord. 1968-82. Passed 8-28-68.)

#### 890.10 SOURCES OF INCOME NOT TAXED.

The tax provided for in this chapter shall not be levied on the following:

(a) Pay or allowance of active members of the Armed Forces of the United States or the income of religious, fraternal, charitable, scientific, literary or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities.

(b) Poor relief, unemployment insurance benefits, old age pensions or similar payments, including disability benefits received from local or state governments or the Federal Government or charitable, religious or educational organizations.

(c) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities or gratuities not in the nature of compensation for services rendered, from whatever source derived.

(d) Receipts from seasonal or casual entertainment, amusements, sporting events and health and welfare activities when such are conducted by bona fide charitable, religious or educational organizations and associations.

- (e) Alimony received.
  - (f) Personal earnings of any natural person under eighteen years of age.
  - (g) Compensation for personal injuries or for damage to property, by way of insurance or otherwise.
  - (h) Interest, dividends and other revenue from intangible property.
  - (i) Gains from involuntary conversion, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State and which the Municipality is specifically prohibited from taxing, and the income of a decedent's estate during the period of administration, except such income from the operation of a business.
  - (j) Salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce.
  - (k) Salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of the Municipality to impose net income taxes.
- (Ord. 1968-82. Passed 8-28-68.)

890.11                    WHEN RETURNS ARE REQUIRED TO BE MADE.

Each taxpayer, except as herein provided, shall, whether or not a tax is due thereon, make and file a return on or before April 30 of the year following the effective date of this chapter (October 1, 1968) and on or before April 30 of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within four months from the end of such fiscal year or period. The Administrator is hereby authorized to provide by regulation that the return of an employer, showing the amount of tax deducted by such employer from the salary, wages, commissions or other compensation of an employee, and paid by him or her or them to the Administrator, shall be accepted as the return required of any employee whose sole income, subject to tax under this chapter, is such salary, wages, commissions or other compensation. (Ord. 1968-82. Passed 8-28-68.)

890.12                    FORM AND CONTENT OF RETURN.

The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, setting forth:

- (a) The aggregate amounts of salary, wages, commissions and other compensation earned, and gross income from a business, profession or other activity, less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to the tax;
- (b) The amount of tax imposed by this chapter on such earnings and profits; and
- (c) Such other pertinent statements, information returns or other information as the Administrator may require. (Ord. 1968-82. Passed 8-28-68.)

890.13

EXTENSION OF TIME FOR FILING RETURNS.

Upon the request of the taxpayer, the Administrator may extend the time for filing the annual return for a period not to exceed six months, or one month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal Income Tax Return. The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon, by the date the return is normally due. No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

(Ord. 1968-82. Passed 8-28-68.)

890.14

CONSOLIDATED RETURNS.

(a) Filing of consolidated returns may be permitted or required in accordance with rules and regulations prescribed by the Administrator.

(b) In the case of a corporation that carried on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within the Municipality constituting a portion only of its total business, the Administrator shall require such additional information as he or she deems necessary to ascertain whether net profits are properly allocated to the Municipality. If the Administrator finds that net profits are not properly allocated to the Municipality by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates or transactions with such division, branch, factory, office, laboratory or activity, or by some other method, he or she shall make such allocation as he or she deems appropriate to produce a fair and proper allocation of net profits to the Municipality.

(Ord. 1968-82. Passed 8-28-68.)

890.15

AMENDED RETURNS.

(a) Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due or claim a refund of tax overpaid, subject to the requirements, limitations, or both, contained in Sections 890.31 through 890.34. Such amended return shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for the filing of the original return.

(b) Within three months from the final determination of any Federal tax liability affecting the taxpayer's Municipal tax liability, such taxpayer shall make and file an amended Municipal return showing income subject to the Municipal tax based upon such final determination of Federal tax liability, and pay any additional tax shown to be due thereon or make a claim for a refund of any overpayment.

(Ord. 1968-82. Passed 8-28-68.)

890.16 PAYMENT OF TAX ON FILING OF RETURN.

(a) The taxpayer making a return shall, at the time of the filing thereof, pay to the Administrator the amount of taxes shown to be due thereon, provided, however, that where any portion of the tax so due has been deducted at the source pursuant to Section 890.17, or where any portion of such tax has been paid by the taxpayer pursuant to Section 890.18, or where an income tax has been paid to another municipality, credit for the amount so paid, in accordance with Section 890.34, shall be deducted from the amount shown to be due, and only the balance, if any, shall be due and payable at the time of filing such return.

(b) A taxpayer who has overpaid the amount of tax to which the Municipality is entitled under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder or, at his or her election, indicated on the return, such overpayment, or a part thereof, shall be refunded, provided that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded. (Ord. 1968-82. Passed 8-28-68.)

890.17 COLLECTION AT SOURCE.

(a) In accordance with rules and regulations prescribed by the Administrator, each employer within or doing business within the Municipality shall deduct, at the time of the payment of any salary, wage, commission or other compensation, the amount of tax imposed by Section 890.03 on the gross salaries, wages, commissions or other compensation due by the employer to the employee and shall, on or before the twentieth day of the month following the close of each calendar quarter, make a return and pay to the Administrator the amount of taxes so deducted, subject to the provisions of subsections (d) to (f) hereof. Returns shall be on a form prescribed by or acceptable to the Administrator and shall be subject to the rules and regulations prescribed therefor by the Administrator. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld. (Ord. 1996-5. Passed 2-14-96.)

(b) In addition to the requirements set forth in subsection (a) hereof, and in accordance with rules and regulations prescribed by the Administrator, any person or other entity who or which acts as an agent, promoter or employer, or engages services, charges a fee for entering a premises or permits wagering, in connection with a contest involving the racing of horses, dogs or other animals, or cars or other mechanical devices, and makes any payment or disburses any money arising from such event shall be deemed to be an employer and shall, for the purposes of the collection of the income tax, be required to withhold or otherwise calculate, report and pay over to the Administrator a tax on the gross amount of all such payments or disbursements at the rate provided by the Board of Review. The person or other entity making the payment

shall, on or before the twentieth day of the month following the month in which the payment or disbursement was made, pay to the Administrator the amount of taxes so deducted or calculated pursuant to this section. Returns shall be on a form prescribed by or acceptable to the Administrator and shall be subject to the rules and regulations prescribed therefor by the Administrator. The person or other entity making the payment shall be liable for the payment of the tax required to be withheld and/or paid by this section, whether or not such taxes have in fact been withheld.

The person or other entity required to make the above payment shall also submit an annual statement showing the Social Security numbers or Federal identification numbers, the names and addresses, the gross amount paid and the amount of tax withheld or otherwise paid, for all applicable individuals or other entities, to the Administrator on or before February 28 following the year in which the tax was withheld.

Persons from whom such tax is withheld or otherwise paid may submit an annual return on a form provided upon request by the Administrator or on a form acceptable to the Administrator and claim any itemized expenses permitted by that form and Ohio R.C. 718.02 and may claim a refund of all or a portion of the tax withheld or otherwise paid. The Administrator is hereby authorized to require such verification as is needed to determine the actual liability and the validity of the expenses claimed. Persons from whom such tax is withheld or for whom such tax is otherwise paid pursuant to this subsection are not required to file an annual tax return with respect to the income from which taxes were withheld or otherwise paid as a result of this subsection.

(Ord. 1997-56. Passed 10-22-97.)

(c) Such employer, in collecting the tax, shall be deemed to hold the same, until payment is made by such employer to the Municipality, as a trustee for the benefit of the Municipality, and any such tax collected by such employer from his or her employees shall, until the same is paid to the Municipality, be deemed a trust fund in the hands of such employer.

(d) Any employer who deducts the tax of one hundred dollars (\$100.00) or more per month shall pay to the Administrator, before the twentieth day of the following month, the amount of taxes so deducted on a monthly basis beginning with the first month the employer exceeds one hundred dollars (\$100.00) in taxes withheld.

(e) Payments shall be on a form furnished by or obtainable upon request from the Administrator.

(f) No person shall be required to withhold the tax on wages or other compensation paid domestic servants employed by him or her exclusively in or about such person's residence, even though such residence is in the Municipality, but such employee shall be subject to all of the requirements of this chapter.

(Ord. 1996-5. Passed 2-14-96.)

890.18                    DECLARATIONS OF INCOME NOT COLLECTED AT SOURCE.

Every person who anticipates any taxable income which is not subject to Section 890.17, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 890.03, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any, provided, however, that if a person's income is wholly from wages from which the tax will be withheld and remitted to the Municipality in accordance with Section 890.17, such person need not file a declaration.

(Ord. 1968-82. Passed 8-28-68.)

890.19                    FILING OF DECLARATION.

(a) The declaration required by Section 890.18 above shall be filed on or before April 30 of each year during the effective period set forth in Section 890.04, or within four months of the date the taxpayer becomes subject to tax for the first time.

(b) Those taxpayers reporting on a fiscal year basis shall file a declaration within four months after the beginning of each fiscal year or period.

(Ord. 1968-82. Passed 8-28-68.)

890.20                    FORM OF DECLARATION.

(a) The declaration required by Section 890.18 shall be filed upon a form furnished by or obtainable from the Administrator, provided, however, that credit shall be taken for Municipal tax to be withheld from any portion of such income. In accordance with the provisions of Section 890.34, credit may be taken for tax to be paid or to be withheld and remitted to another taxing municipality.

(b) The original declaration, or any subsequent amendment thereof, may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

(Ord. 1968-82. Passed 8-28-68.)

890.21                    PAYMENT TO ACCOMPANY DECLARATION.

Such declaration of estimated tax to be paid to the Municipality shall be accompanied by a payment of at least one-fourth of the estimated annual tax and at least a similar amount shall be paid on or before the last day of the sixth, ninth and twelfth months after the beginning of the taxable year, provided, however, that in case an amended declaration has been filed, the unpaid balance shown to be due thereon shall be paid in equal installments on or before the remaining payment dates.

(Ord. 1968-82. Passed 8-28-68.)

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890.22 ANNUAL RETURN.

On or before the last day of the fourth month of the year following that for which a declaration or amended declaration was filed, an annual return shall be filed, and any balance which may be due the Municipality shall be paid therewith in accordance with the provisions of Section 890.16.

All residents of the Municipality shall file an annual return or exemption certificate on or before the last day of the fourth month following the end of the year for which the return is due. Joint returns may be filed by husband and wife.

(Ord. 1981-124. Passed 12-9-81.)

890.23 EXTENSION OF TIME FOR FILING, PAYMENT, ETC.

(a) The Administrator may extend the time for filing of any return required, making of any payment, or performing any other act required by this chapter, for a period not to exceed six months beyond the original required date.

(Ord. 1968-82. Passed 8-28-68.)

(b) Individuals serving in the Armed Forces of the United States in a combat zone or in support of the Armed Forces in a combat zone shall be granted an extension of time in which to file their Municipal income tax returns, pay any Municipal income tax due and/or file a claim for credit or refund of Municipal income tax. Said extension shall be for the period of service plus 180 days thereafter.

(Ord. 1991-18. Passed 2-13-91.)

890.24 INTEREST ON UNPAID TAX.

All taxes imposed and all moneys withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one and one-half percent per month or fraction thereof.

(Ord. 1981-125. Passed 12-9-81.)

890.25 PENALTIES ON UNPAID TAX.

In addition to interest as provided in Section 890.24, penalties based on the unpaid tax are hereby imposed as follows:

(a) For failure to pay taxes due other than taxes withheld: one and one-half percent per month or fraction thereof.

(b) The minimum penalty for failure to file an annual return shall be twenty-five dollars (\$25.00).

(c) For failure to pay taxes withheld from employees: ten percent per month or fraction thereof. (Ord. 1981-125. Passed 12-9-81.)

890.26 EXCEPTIONS TO PENALTY ASSESSMENT.

A penalty shall not be assessed on an additional tax assessment made by the Administrator against a taxpayer when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator. Further, in absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a Federal audit, provided that an amended return is filed and the additional tax is paid within three months after a final determination of the Federal tax liability. (Ord. 1968-82. Passed 8-28-68.)

890.27 ABATEMENT OF INTEREST AND PENALTY.

Upon the recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and/or interest, the Board may nevertheless abate penalty or interest, or both, for good cause shown. (Ord. 1968-82. Passed 8-28-68.)

890.28 VIOLATIONS.

No person shall:

(a) Fail, neglect or refuse to make any return or declaration required by this chapter;

(b) Make an incomplete, false or fraudulent return;

(c) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter;

(d) Fail, neglect or refuse to withhold the tax from his or her employees or remit such withholding to the Administrator;

(e) Refuse to permit the Administrator, or any duly authorized agent or employee, to examine his or her books, records, papers and Federal Income Tax Returns relating to the income or net profits of a taxpayer;

(f) Fail to appear before the Administrator and to produce his or her books, records, papers or Federal Income Tax Returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator;

(g) Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer;

(h) Fail to comply with the provisions of this chapter or any order or subpoena of the Administrator authorized hereby;

(i) Give to any employer false information as to his or her true name, correct social security number and residence address or fail to promptly notify an employer of any change in his or her residence address or the date thereof;

(j) Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and Municipal tax withheld, or knowingly give the Administrator false information; or

(k) Attempt to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.

(Ord. 1968-32. Passed 8-28-68.)

#### 890.29 LIMITATION ON PROSECUTION.

All prosecutions under this chapter must be commenced within the time limits specified by Ohio R.C. 718.06.

#### 890.30 FAILURE TO PROCURE FORMS NOT EXCUSE.

The failure of any employer or person to receive or procure a return, declaration or other required form shall not excuse him or her from making any information return, return or declaration, from filing such form or from paying the tax.

(Ord. 1968-82. Passed 8-28-68.)

#### 890.31 UNPAID TAXES RECOVERABLE AS OTHER DEBTS.

All taxes imposed by this chapter shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable. Except in the case of fraud, of omission of a substantial portion of income subject to this tax or of failure to file a return, an additional assessment shall not be made after three years from the time the return was due or filed, whichever is later, provided, however, that in those cases in which the Commissioner of Internal Revenue and the taxpayer have executed a waiver of the Federal statute of limitations, the period within which an additional assessment may be made by the Administrator shall be one year from the time of the final determination of the Federal tax liability.

(Ord. 1968-82. Passed 8-28-68.)

#### 890.32 REFUNDS OF TAXES ERRONEOUSLY PAID.

Taxes erroneously paid shall not be refunded unless a claim for refund is made within three years from the date on which such payment was made or the date on which the return was due, or within three months after the final determination of the Federal tax liability, whichever is later. (Ord. 1968-82. Passed 8-28-68.)

#### 890.33 AMOUNTS OF LESS THAN ONE DOLLAR.

Amounts of less than one dollar (\$1.00) shall not be collected or refunded.  
(Ord. 1968-82. Passed 8-28-68.)

890.34 CREDIT FOR TAX OF ANOTHER MUNICIPALITY.

(a) After December 31, 1994, and for the 1995 tax year and all years thereafter, when a resident of the Municipality is subject to a municipal income tax in another municipality on the same income taxable under this chapter, a credit shall be allowed against the Northfield income tax based on the amount of the net tax for which he or she is liable under the ordinance of such other municipality, but such credit shall not exceed the amount of the tax due hereunder. However, a resident of Northfield shall not be entitled to such credit if he or she fails, neglects or refuses to timely file a tax return or form as is prescribed by the Administrator and required by this chapter.

(b) Additional revenues from the tax increase provided for herein shall be used for the servicing and repairing of the Municipality's roads.  
(Ord. 1994-36. Passed 8-10-94.)

890.35 DISBURSEMENT OF FUNDS COLLECTED.

The funds collected under the provisions of this chapter shall be disbursed in the following manner:

(a) First, such part thereof as shall be necessary to defray all expenses of collecting the tax and of administering and enforcing the provisions of this chapter shall be paid.

(b) The balance remaining after payment of the expenses provided for in subsection (a) hereof shall be deposited in the Special Improvement Fund. (Ord. 1968-82. Passed 8-28-68.)

890.36 DUTIES AND AUTHORITY OF THE ADMINISTRATOR.

(a) Duty to Receive Tax Imposed. The Administrator shall receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers, keep an accurate record thereof and report all moneys so received.

(b) Duty to Enforce Collection. The Administrator shall enforce payment of all taxes owed to the Municipality, keep accurate records for a minimum of five years, showing the amount due from each taxpayer required to file a declaration and make any return, or both, including taxes withheld, and show the dates and amounts of payments thereof.

(c) Authority to Make and Enforce Regulations. The Administrator is hereby charged with the enforcement of the provisions of this chapter and is hereby authorized, subject to the approval of the Board of Review, to adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the collection of taxes under this chapter and the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns.

(d) Authority to Arrange Installment Payments. The Administrator is hereby authorized to arrange for the payment of unpaid taxes, interest and penalties on a schedule of installment payments, when the taxpayer has proved to the Administrator that, due to certain hardships and conditions, he or she is unable to pay the full amount of the tax due. Such authorization shall not be granted until proper returns are filed by the taxpayer for all amounts owed by him or her under this chapter.

Failure to make any deferred payment when due shall cause the total unpaid amount, including penalty and interest, to become due and payable upon demand, and the provisions of Sections 890.28 and 890.31 shall apply.

(e) Authority to Determine Amount of Tax Due. In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the Municipality from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any.

(f) Authority to Make Investigations. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and Federal Income Tax Returns of any employer or of any taxpayer or person subject to, or whom the Administrator believes is subject to, the provisions of this chapter, for the purpose of verifying the accuracy of any return made or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer, is hereby directed and required to furnish, upon written request by the Administrator, or his or her duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.

(g) Authority to Compel Production of Records. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him or her and may examine such person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and Federal Income Tax Returns and the attendance of all persons before him or her, whether as parties or witnesses, whenever he or she believes such persons have knowledge of such income or information pertinent to such inquiry.

(Ord. 1968-82. Passed 8-28-68.)

890.37 REFUSAL TO PRODUCE RECORDS.

The refusal to produce books, papers, records and Federal Income Tax Returns, or the refusal to submit to such examination, by any employer or person subject or presumed to be subject to the tax, or by any officer, agent or employee of a person subject to the tax or required to withhold the tax, or the failure of any person to comply with the provisions of this chapter or with an order or subpoena of the Administrator authorized hereby, shall be deemed a violation of this chapter, punishable as provided in Section 890.99. (Ord. 1968-82. Passed 8-28-68.)

890.38 CONFIDENTIAL NATURE OF INFORMATION OBTAINED;  
DISCLOSURE.

Any information gained as the result of any returns, investigations, hearings or verifications required or otherwise authorized by this chapter shall be confidential except for official purposes, or except in accordance with proper judicial order. No person shall divulge such information in violation of this section.  
(Ord. 1968-82. Passed 8-28-68. )

890.39 TAXPAYER REQUIRED TO RETAIN RECORDS.

Every taxpayer shall retain all records necessary to compute his or her tax liability for a period of five years from the date his or her return is filed or the withholding taxes are paid. (Ord. 1968-82. Passed 8-28-68.)

890.40 AUTHORITY TO CONTRACT FOR ADMINISTRATION AND  
CENTRAL COLLECTION.

The Mayor is hereby authorized to enter into an agreement on behalf of the Municipality with any other municipal corporation, firm or private corporation to permit such other municipal corporation, firm or private corporation to act as agent for the Municipality for the purpose of administering the income tax laws of the Municipality and for the purpose of providing a central collection facility for the collection of the income tax on behalf of the Municipality. Such agreement shall be approved by Council. (Ord. 1968-82. Passed 8-28-68.)

890.41 ASSIGNMENT OF DUTIES AND AUTHORITY OF THE  
ADMINISTRATOR.

In the event the Mayor, on behalf of the Municipality, enters into an agreement with any other municipal corporation, firm or private corporation, to act as agent for the purpose of administering the income tax laws of the Municipality and for the purpose of providing a central facility for the collection of the income tax, as provided in Section 890.40, then all or part of the duties and authority of the Administrator may be assigned by such agreement to such other entity. Such agreement shall be approved by Council. (Ord. 1968-82. Passed 8-28-68.)

890.42 BOARD OF REVIEW.

(a) Establishment. A Board of Review, consisting of the Chairperson of the Finance Committee of Council or a person designated by him or her, the Law Director and a resident elector appointed by Council, is hereby created. The Board shall select, each year for a one-year term, one of its members to serve as Chairperson and one to serve as Secretary. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board shall be conducted privately and the provisions of Section 890.38 with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on Appeal.

(b) Duty to Approve Regulations and to Hear Appeals. All rules and regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this chapter, must be approved by the Board of Review, subject to confirmation of Council, before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator and, at the request of the taxpayer or Administrator, is authorized to substitute alternative methods of allocation.

(c) Right of Appeal. Any person dissatisfied with any ruling or decision of the Administrator which is made under the authority conferred by this chapter may appeal therefrom to the Board of Review within thirty days from the announcement of such ruling or decision by the Administrator, and the Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. (Ord. 1968-82. Passed 8-28-68.)

890.43 DECLARATION OF LEGISLATIVE INTENT; SEVERABILITY.

If any sentence, clause, section or other part of this chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such sentence, clause, section or other part of this chapter, and shall not affect or impair any of the remaining sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or other part of this chapter not been included herein.

(Ord. 1968-82. Passed 8-28-68.)

890.44            COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.

(a) This chapter shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and the actions and proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective and until all of such taxes levied in the aforesaid period are fully paid and until any and all suits and prosecutions for the collection of the taxes or for the punishment of violations of this chapter have been fully terminated, subject to the limitations contained in Sections 890.28 through 890.33.

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Sections 890.11 and 890.17 as though the same were continuing. (Ord. 1968-82. Passed 8-28-68.)

890.99    PENALTY.

(a) Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. In the case of a violation of Section 890.38, each disclosure shall constitute a separate offense.

(b) In addition to the penalty provided in subsection (a) hereof, each employee of the Municipality who violates Section 890.38, relative to the disclosure of confidential information, shall be immediately dismissed from the service of the City.

**CHAPTER 892**  
**Admissions, Parking and Amusement Device Tax**

EDITOR'S NOTE: This chapter, formerly titled "Admissions Tax" was re-titled "Admissions, Parking and Amusement Device Tax" by Ordinance 2004-24, passed May 12, 2004.

892.01	Levy of tax; rate; application; machine rides.	892..05	Remittance of tax; confidentiality of information.
892.02	Person defined.	892.06	Appeals.
892.03	Exemptions.	892.07	Violations.
892.04	Collection.	892.08	Severability.
		892.99	Penalty.

**CROSS REFERENCES**

Power to tax - see Ohio Const. Art. XVIII, Sec. 3

Bingo - see GEN. OFF. 630.06 et seq.

Carnivals, circuses and other shows - see B.R. & T. Ch. 812

**892.01 LEVY OF TAX; RATE; APPLICATION; MACHINE RIDES.**

(a) There is hereby levied a tax upon every person who operates or pays an admission and/or parking charge for the right or privilege to use or enter a theater, auditorium, dance hall, roller or skating rink, athletic field, swimming pool, outdoor amusement park, mechanical amusement device for playing or riding, automobile and/or motorcycle race or contest, horse race meet, horse race meet conducted for any stake, purse or award, horse show, dog show, circus, sideshow attraction, parking lot, amusement device as defined in Section 804.01 of these Codified Ordinances, and/or any other public exhibition or performance for profit. This extends to persons who are admitted free of charge or at reduced prices to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations, within the Municipality. The tax imposed shall be five percent of the amount of money paid for the admission, or five percent of the value of the right of admission, and/or five percent of the amount charged for the use of the mechanical or electronic amusement devices. This includes admissions by meet or season tickets, passes or subscriptions, whether paid for or not.

(Ord. 1982-39. Passed 4-14-82; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04.)

(b) Such tax shall apply to every admission charge for any such place or event sponsored within the Municipality, notwithstanding the fact that the sale of the ticket or right of admission was made outside the corporate limits of the Municipality.

(c) Any designation of such admission charge as a rental, service charge or similar designation shall not be construed to avoid the application of an admissions tax if such charge is, in effect, a charge for the right or privilege to enter the place or event sponsored.

(d) In the matter of machines that give rides to young patrons, the operator of such machine rides is required to make a tax return as provided in Section 892.05(c) and shall be required to pay no tax hereunder unless the total income from all such machine rides on his or her premises exceeds one hundred dollars (\$100.00) annually. The tax return is required whether this amount is exceeded or not.

(Ord. 1967-82. Passed 9-25-67; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

#### **892.02 PERSON DEFINED.**

As used in this chapter "person", unless the context otherwise requires, includes all personal, natural and artificial, partners, principals, agents, employees, corporations, companies, associations, societies or any group of individuals acting as a unit, whether mutual, cooperative, fraternal or otherwise.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

#### **892.03 EXEMPTIONS.**

(a) No admissions, parking or amusement device tax shall be levied with regard to any charge for a right or privilege of admission, to park or use an amusement device, if the entire proceeds of the place or event sponsored insure exclusively to the benefit of any religious, civic, charitable, educational, municipal, military or war veteran institutions, societies, groups, organizations or auxiliary units.

(b) Such an exemption from this tax shall not be granted to any institution, society, group, organization or auxiliary unit that does not, exclusively or directly, control the sale of admissions to the place or event sponsored; the management of the parking lot, collection of the parking fees and employees working the lot; and the management and employees of the place housing the amusement devices.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

**892.04 COLLECTION.**

(a) The tax hereby levied shall be paid by and collected from the person seeking admission to the place, event and/or parking lot, and/or utilizing the amusement device at the time the charge thereto is paid.

(b) Every person receiving any payment of an admission, parking and/or amusement device charge, not exempt as hereinbefore provided, on which a tax is hereby levied, shall be deemed to be a trustee and to hold in trust, for the Municipality, the amount of such tax until the gross amount thereof shall be paid by such person to the Finance Director as hereinafter provided.

(c) Every person required to collect such tax hereby levied, who fails to collect the amount thereof or, having collected such tax, fails to remit the full amount thereof collected to the Finance Director, shall be personally and strictly liable to the Municipality for the entire amount of such tax and, in addition thereto, shall be deemed guilty of a violation of this chapter and subject to the penalties hereinafter provided.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

**892.05 REMITTANCE OF TAX; CONFIDENTIALITY OF INFORMATION.**

(a) Every person required to collect the tax levied by this chapter, if the place or the event sponsored is of a temporary or transitory nature only, shall make a complete report and full remittance of such tax forthwith to the Finance Director upon the conclusion of the performance, exhibition or event sponsored, or at such later time as the Finance Director determines such admissions tax shall be paid.

(b) The Finance Director is hereby authorized to determine whether such tax shall be remitted forthwith upon the conclusion of the performance, exhibition or event sponsored, or at a later time thereafter.

(c) Every person required to collect the tax levied by this chapter, if the place, event, activity, mechanical device or parking lot is of a duration or in operation longer than one week, shall make a complete report and full remittance of such tax monthly, or on or before the last day of the month immediately after the month during which the tax was or should have been collected.

(d) The operator shall keep a complete set of all records of the operations at the premises at all times, including all Federal, State and local tax records, all records of any payments and receipts, all records of expenses and revenues relating to the operation, all banking records, all contracts, leases and agreements affecting the premises, equipment and operation and all personnel and other records pertaining to the business. Records shall be maintained for at least six years. The books, records or accounts of any person required by

this chapter to collect the tax levied shall, at all reasonable times, be made available and subject to examination and audit by the Finance Director or Building and Zoning Inspector should he or she choose to verify the correctness of the information contained in any license application or the amount of tax due and payable to the Municipality.

(e) All information relating to the business or transactions of any person required to collect the tax levied by this chapter, which comes to the knowledge or possession of the Finance Director or any other official or employee of the Municipality, except pertaining directly to the tax, shall be privileged and confidential and no disclosure thereof shall be made unless ordered by a law enforcement agency, magistrate or court having jurisdiction of the subject matter involved. The Finance Director may furnish, upon proper request therefor, to the Commissioner or Bureau of Internal Revenue of the United States, copies of tax payments made pursuant to this chapter.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

#### **892.06 APPEALS.**

Whoever desires to appeal from any decision of the Finance Director, in the performance of his or her duties herein provided, shall make such appeal in writing, within 30 days, to the President of Council, setting forth briefly the reasons therefor. Council shall have authority to annul, modify or affirm any such decision.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

#### **892.07 VIOLATIONS.**

(a) No person shall willfully refuse or fail to pay the tax levied by this chapter.

(b) No person shall willfully refuse or fail to charge and collect the amount of tax levied by this chapter.

(c) No person shall willfully refuse or fail to pay to the Finance Director the full amount of tax collected and received as and when due, pursuant to this chapter.

(d) No person shall willfully refuse to make available to the Finance Director, upon request to do so at a reasonable time, the books, records or accounts of such person for examination and audit to verify the amount of tax due and payable as provided in this chapter.

(e) No person shall willfully refuse or fail to comply with the direction or determination of the Finance Director, as provided in Section 892.07, to make a complete report and full remittance of such tax.

(Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

**892.08 SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase, or portion thereof. Council hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, phrase or other portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions thereof may be declared invalid or unconstitutional.

(Ord. 1958-14. Passed 8-11-58; Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)

**892.99 PENALTY.**

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) for each offense and be subject to a jail term of up to 180 days. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition to the penalties set forth herein, the Municipal business license issued pursuant to Chapter 804 of the person or entity convicted of a violation of this chapter may be permanently revoked.

(Ord. 2004-24. Passed 5-12-04; Ord. 2004-35. Passed 7-14-04; Ord. 2010-35. Passed 11-22-10.)



CHAPTER 894  
Hotel Room Tax

894.01	Levy of tax; purpose.	894.09	Failure to procure forms.
894.02	Definitions.	894.10	Disbursement of receipts of tax collected.
894.03	Rate.	894.11	Duties and authority of the Director of Finance.
894.04	Collection at source.	894.12	Taxpayer required to retain records.
894.05	Quarterly return.	894.99	Penalty.
894.06	Extensions.		
894.07	Interest on unpaid tax.		
894.08	Penalties on unpaid tax.		

CROSS REFERENCES

Hotels - see Ohio R.C. Ch. 3731

Innkeepers - see Ohio R.C. 4721

Power to levy - see Ohio R.C. 5739.02

Theft from livery or hostelry - see GEN. OFF. 672.14

894.01 LEVY OF TAX; PURPOSE.

To provide funds for the purposes of general municipal functions in the Municipality, there is hereby levied a tax on all hotel and motel room rental charges.

(Ord. 2000-113. Passed 10-25-00.)

894.02 DEFINITIONS.

As used in this chapter:

(a) "Hotel or motel" means a building or part thereof operated as a public inn and containing rooms for lodgings, meetings, or other rooms rented out by the day, night, or for longer periods of time.

(b) "Rental charge" means the charge made by a hotel or motel for the right or privilege to occupy a hotel or motel room for any purpose whatsoever.

(Ord. 2000-113. Passed 10-25-00.)

894.03 RATE.

There is hereby levied and imposed upon every person or entity who pays a hotel room rental charge to any hotel or motel in the Municipality a tax at the rate of three

percent (3%) on the amounts received for the rental of a hotel room. The tax shall apply to every rental of every hotel room or motel room within the Municipality for which a charge is made, notwithstanding that the agreement under which the hotel room is rented is made outside of the Municipality.

(Ord. 2000-113. Passed 10-25-00.)

894.04 COLLECTION AT SOURCE.

(a) In accordance with the terms and provisions of this chapter or the rules and regulations prescribed by the Mayor, each hotel or motel room in operation within the Municipality shall charge each hotel guest or other person renting a room the tax provided and fixed by this chapter at the time that charges are made by the hotel for the rental of any hotel or motel room.

(b) The manager of each hotel or motel in the Municipality shall, on or before the last of the month following the close of each calendar quarter, make a return and pay to the Director of Finance the amount of taxes so charged and collected. Such return shall be on a form or forms prescribed by or acceptable to the Director of Finance and shall be subject to the terms and conditions of this chapter or the rules and regulations prescribed by the Mayor. Such hotel or motel or the manager thereof shall be liable for the payment of the tax required to be charged and withheld, whether or not such taxes have in fact been charged and withheld.

(c) Such hotel or motel and the manager thereof, in charging and collecting the tax, shall be deemed to hold the same, until payment is made by such hotel or motel or the manager thereof to the Municipality, as a trustee for the benefit of the Municipality, and any such tax collect by such hotel or motel or the manager thereof, or its employees, shall until the same is paid to the Municipality, be deemed a trust fund in the hands of such hotel, motel, or the manager thereof.

(Ord. 2000-113. Passed 10-25-00.)

894.05 QUARTERLY RETURN.

On or before 30 days after the end of any calendar quarter, a quarterly return shall be filed by each hotel or motel in the Municipality showing the gross receipts of the hotel or motel for hotel room rental charges during the foregoing calendar quarter. The return shall be accompanied by a remittance in cash or check of the tax to be levied pursuant to the terms and conditions of this chapter. In the event of dishonor of the check for any reason, the taxes herein levied shall be deemed to not have been paid.

(Ord. 2000-113. Passed 10-25-00.)

894.06 EXTENSIONS.

The Director of Finance may extend the time of filing any return required or making any payment or performing any other act required by this chapter for a period not to exceed 60 days beyond the original required date.

(Ord. 2000-113. Passed 10-25-00.)

894.07 INTEREST ON UNPAID TAX.

All taxes imposed and all moneys withheld or required to be withheld by hotels, motels, or the managers thereof under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one percent (1%) per month or fraction thereof.

(Ord. 2000-113. Passed 10-25-00.)

894.08 PENALTIES ON UNPAID TAX.

In addition to the interest as provided in Section 894.07, penalties based on unpaid tax are hereby imposed as follows:

(a) For failure to pay taxes due, one percent (1%) per month or fraction thereof;

(b) For failure to remit taxes collected from hotel guests or room renters, two percent (2%) per month or fraction thereof.

(Ord. 2000-113. Passed 10-25-00.)

894.09 FAILURE TO PROCURE FORMS.

The failure of any hotel or motel or the manager thereof, or the person imposed with the duty of collecting and remitting the tax herein levied, to receive or procure appropriate forms shall not excuse him or her from making any payment, return, declaration or filing such forms or from paying the tax herein levied.

(Ord. 2000-113. Passed 10-25-00.)

894.10 DISBURSEMENT OF RECEIPTS OF TAX COLLECTED.

The funds collected by the Director of Finance pursuant to the terms and conditions of this chapter shall be deposited in the General Fund of the Municipality for municipal purposes.

(Ord. 2000-113. Passed 10-25-00.)

894.11 DUTIES AND AUTHORITY OF THE DIRECTOR OF FINANCE.

The Director of Finance shall receive and collect the taxes herein imposed; enforce the collection of such taxes; make and enforce necessary regulations; determine the amount of the tax owed and make investigations; compel production of records; prosecute those who violate the terms and conditions of this chapter; keep all information gained in the administration of this chapter confidential and disclose or

divulge the same only in a court of law upon order of the judge. In performing the above duties, the Director of Finance may engage the assistance and services of the Tax Administrator.

(Ord. 2000-113. Passed 10-25-00.)

#### 894.12 TAXPAYER REQUIRED TO RETAIN RECORDS.

Every taxpayer shall retain all records necessary to compute its tax liability for a period of five years from the date the return is filed, or the date the tax collected hereunder is paid, whichever date is later.

(Ord. 2000-113. Passed 10-25-00.)

#### 894.99 PENALTY.

Any hotel, motel or the manager thereof, or any person charged by the management of said hotel or motel with the duty of collecting and remitting the tax herein levied and who shall:

- (a) Fail, neglect or refuse to make any return or declaration required by this chapter;
- (b) Make any incomplete, false or fraudulent return;
- (c) Fail, neglect, or refuse to pay the tax, penalties; or interest imposed by this chapter;
- (d) Fail, neglect, or refuse to withhold the tax from hotel guests or room renters or remit such withholding to the Director of Finance;
- (e) Refuse to permit the Director of Finance or any duly authorized agent or employee of the Municipality to examine his or her books, records, papers, and income statements relating to hotel or motel room rental receipts;
- (f) Fail to appear before the Director of Finance or Tax Administrator and to produce his or her books, records, papers, income statements or other appropriate records relating to the gross receipts from hotel guests or room renters upon order of the Director of Finance;
- (g) Refuse to disclose to the Director of Finance or Tax Administrator any information with respect to the gross receipts from hotel or motel room guests or renters of rooms;
- (h) Fail to comply with the provisions of this chapter or any order of the Director of Finance or Tax Administrator authorized hereby;
- (i) Fail to use ordinary diligence in collecting the tax herein levied and maintaining proper records of income received for the rental of hotel rooms or concerning the taxes collected or to knowingly give the Director of Finance or Tax Administrator false information; or
- (j) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax herein levied, penalties or interest imposed by this chapter;

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shall be guilty of a misdemeanor of the first degree and be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months or both, for each offense.  
(Ord. 2000-113. Passed 10-25-00.)



CHAPTER 896  
Owners of Rental Property Required to Provide  
Certain Information to Finance Director

- 896.01 Purpose.
- 896.02 Landlord's duty to provide information.
- 896.03 Definitions.
- 896.04 Confidentiality of reports.
- 896.99 Penalty.

896.01 PURPOSE.

The purpose of this chapter is to promote the equitable administration and enforcement of the Municipality's tax ordinance and to assist and ensure that all residents and commercial tenants of the Municipality file the required income tax returns.

(Ord. 2004-30. Passed 6-23-04.)

896.02 LANDLORD'S DUTY TO PROVIDE INFORMATION.

(a) The owner or authorized representative thereof of any rental property in the Municipality, shall, by or before September 1, 2004, file with the Finance Director of the Municipality a report indicating the name, address, and federal tax ID or social security number of each of his, her or its tenants that are leasing residential or commercial property in the Municipality as of the date of the report.

(b) From the date the first report pursuant to this section is filed by each landlord or beginning September 1, 2004, whichever date is earlier, the owner or authorized representative of any rental property in the Municipality, shall within 30 days after a new tenant occupies the landlord's property within the Municipality, file with the Finance Director, a report indicating the names, addresses and federal tax ID or social security numbers of any such new tenants and the names of any tenants that have vacated the premises since the last report required by this section was filed. Such report shall also contain the date the tenancy commenced and/or the date the tenant vacated the premises.

(Ord. 2004-30. Passed 6-23-04.)

896.03 DEFINITIONS.

For the purposes of this chapter, "tenant" shall mean:

(a) If there is a written lease or rental agreement, the persons or entities that executed and/or are listed in any lease agreement for residential or commercial property in the Municipality.

(b) If there is an oral lease or rental agreement, the persons or entities with whom the owner has entered into an oral lease or rental agreement.

(Ord. 2004-30. Passed 6-23-04.)

896.04 CONFIDENTIALITY OF REPORTS.

Due to the fact that the reports contain personal and sensitive information and are intended for tax information and enforcement purposes, the landlord reports required by this chapter shall be maintained by the Municipality's Finance Department, Tax Department and Tax Agents on a confidential basis and be exempt for disclosure pursuant to the provisions of the Ohio Public Records Act.

(Ord. 2004-30. Passed 6-23-04.)

896.99 PENALTY.

Whoever violates the provisions of this chapter shall be guilty of a misdemeanor of the second degree and be subject to a fine of up to seven hundred fifty dollars (\$750.00) and up to 90 days in jail.

(Ord. 2004-30. Passed 6-23-04.)

