

**CODIFIED ORDINANCES OF TROTWOOD**  
**PART SEVEN - BUSINESS REGULATION CODE**

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**CODIFIED ORDINANCES OF TROTWOOD**  
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**CHAPTER 705**  
**General License Provisions**

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**CROSS REFERENCES**

Falsification - see GEN. OFF. 525.02

Giving false information to law enforcement officer - see  
 GEN. OFF. 525.16

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**705.01 LICENSE REQUIRED.**

No person shall engage in any of the trades, businesses or professions for which licenses are required by this Business Regulation Code or by any other ordinance or provisions of these Codified Ordinances without first applying for and obtaining a license from the Police Division or other duly authorized issuing authority.

(1987 Code 110.01)

**705.02 APPLICATION.**

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

- (1) The names of the applicant and of each officer, partner or business associate;
- (2) The applicant's present occupation and place of business;
- (3) The applicant's place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;

- (5) The period of time for which the license is desired;
- (6) If for a vendor, a description of the merchandise to be sold;
- (7) Any other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

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

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

(d) No person shall knowingly make any false statement or representation in his application.  
(1987 Code 110.02)

#### **705.03 ISSUANCE.**

Upon receipt of such application for a license accompanied by the proper fee, if approval by another officer or department is not required, the Police Division shall forthwith deposit the fee in the Treasury and issue to the applicant a proper license certificate. If for any reason the license is not issued, the aforesaid deposit, less one dollar (\$1.00) to cover expenses of considering the application, shall be returned to the applicant.  
(1987 Code 110.03)

#### **705.04 DATE AND DURATION.**

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued, except that at any time after December 14, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee shall be required of licenses irrespective of the date of issue of those licenses.  
(1987 Code 110.04)

#### **705.05 TRANSFERABILITY.**

Every license shall be issued to a real party in interest in the enterprise or business and, unless otherwise provided, no license shall be assigned or transferred.  
(1987 Code 110.05)

#### **705.06 DISPLAY OF LICENSE.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or resident shall exhibit the same.  
(1987 Code 110.06)

#### **705.07 REVOCATION OR SUSPENSION.**

(a) Any license may be revoked by the City Manager at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact

in the application discovered after issuance of the license; for violation of any provision of this Business Regulation Code or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for a violation of any federal, state or municipal law or ordinance involving moral turpitude. This revocation shall become effective upon notice served upon that licensee or posted upon the premises affected.

(b) As a preliminary to revocation, the City Manager, may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. The notice shall specify the reason for suspension and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.  
(1987 Code 110.07)

#### **705.08 APPEAL AND REVIEW.**

In case any applicant has been denied a license or if his license has been revoked or suspended, the applicant or licensee, as the case may be, shall within three business days, have the right to appeal to Council from that denial, revocation or suspension. Notice of appeal shall be filed in writing with the Municipal Clerk who shall fix the time and place for hearing, the same to be not later than one week thereafter. The Municipal Clerk shall notify the City Manager and all members of Council of the time and place of such hearing not less than twelve hours in advance thereof. Three members of Council shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of Council present at that meeting declare in favor of the applicant, the license shall be forthwith issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.  
(1987 Code 110.08)

#### **705.09 BUSINESS LICENSE FEE SCHEDULE.**

The City's business licenses shall be in the amounts set forth as follows:

<u>Business</u>	<u>Fee</u>
Carnivals, first day	\$50.00
Each day thereafter	15.00 (up to a maximum of \$100.00 in any one week)
Circuses (See Carnivals)	
Frozen dessert vendors (See Ice Cream Vendors)	
Garage sales, per applicant	2.00
Ice cream vendors, per vehicle and operator	40.00
Each additional operator	5.00
Junkyards, per year	50.00
Renewal fee	10.00
Menageries (See Carnivals)	

<u>Business (Cont.)</u>	<u>Fee (Cont.)</u>
Peddlers (Not for profit solicitation is exempt)	
1. Initial person/company applying for permit	\$ 25.00
2. Each additional person working under the permit	20.00
Solicitors (See Peddlers)	
Taxicabs	
Business operators, per cab per year	100.00
(If issued between July 1 - December 31)	50.00
Drivers, per year	10.00
(If issued between July 1 - December 31)	5.00
(1987 Code 110.09; Ord. 12-95. Passed 10-2-95.)	

**705.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this Business Regulation Code, for which another penalty is not provided, shall be guilty of a misdemeanor of the third degree.

(1987 Code 110.99)

**CHAPTER 707**  
**Alarm Systems**

<b>707.01</b>	<b>Purpose and scope.</b>	<b>707.11</b>	<b>Excessive false alarms.</b>
<b>707.02</b>	<b>Definitions.</b>	<b>707.12</b>	<b>Specific alarm provisions.</b>
<b>707.03</b>	<b>Alarm business license.</b>	<b>707.13</b>	<b>Application of standards to existing and future alarm systems.</b>
<b>707.04</b>	<b>Application for license.</b>	<b>707.14</b>	<b>Limitation of liability.</b>
<b>707.041</b>	<b>Application fee.</b>	<b>707.15</b>	<b>Surrender of license.</b>
<b>707.05</b>	<b>Contents of license application.</b>	<b>707.16</b>	<b>Exception.</b>
<b>707.06</b>	<b>Renewal of alarm business license.</b>	<b>707.17</b>	<b>Order to disconnect.</b>
<b>707.07</b>	<b>License not transferable.</b>	<b>707.18</b>	<b>Appeals from false alarm fees and disconnect orders.</b>
<b>707.08</b>	<b>Suspension and revocation of license.</b>	<b>707.99</b>	<b>Enforcement and penalty.</b>
<b>707.09</b>	<b>Appeal procedure.</b>		
<b>707.10</b>	<b>Alarm user's permit.</b>		

**CROSS REFERENCES**

Making false alarms - see GEN. OFF. 509.07

**707.01 PURPOSE AND SCOPE.**

(a) The purpose of this chapter is to protect the emergency services of the Police Department of the City of Trotwood from misuse, by responding to defective alarm systems and excessive false alarms.

(b) This chapter governs and regulates alarm systems, alarm users and alarm businesses. It provides for the licensing of alarm businesses, establishes fees, provides for suspension and revocation of licenses and provides penalties for violations and penalties for excessive false alarms.

(c) This chapter shall not have any application to fire alarm systems.

**707.02 DEFINITIONS.**

As used in this chapter, the following words and phrases shall have the meanings indicated:

- (a) "Alarm business" means the business by any individual, partnership, corporations or other entity of maintaining, servicing, repairing or installing any alarm system in or on any building, structure or facility.
- (b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an unauthorized entry or robbery. "Alarm system" does not include equipment to which the Fire Department is expected to respond nor any equipment signaling a medical emergency or vehicle alarm.

- (c) "Alarm user" means the person or entity of any kind who or which is:
  - (1) An owner (or lessee) and also the user of an alarm system, as the occupant of the premises where the system is installed (the "premises");
  - (2) The owner (or lessee) of such a premises which is occupied by another person or entity, if there is no written contract stating that the occupant (rather than the owner or lessee of the premises) is to be responsible for the alarm system;
  - (3) The occupant of such a premises, if there is a written agreement stating that the occupant is responsible for the alarm system.
- (d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by a voice message or code signal an emergency message indicating the need for an emergency response.
- (e) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system, or of his employees or agent. Such false alarms do not include any force majeure.
- (f) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes the telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (g) "Permit year" means a twelve month period beginning with the first day of February and ending on the last day of January of each year.
- (h) "Local alarms" means those alarms which activate an audible signal within the proximity of the premises only.
- (i) "Emergency alarm button" means an automatic alarm system signaling an unauthorized entry or robbery.
- (j) "Police Alarm Administrator" is the employee of the Police Department designated by the Chief of Police, whose responsibility is to coordinate the administration and documentation of the alarm business and alarm systems performance as it relates to the effective enforcement of the provisions of this chapter.
- (k) "Police Chief" means not only the Chief but also his designee.

#### **707.03 ALARM BUSINESS LICENSE.**

No person shall engage in the alarm business within the City whether personally, by agents or employees, singularly, or along with some other business or enterprise, without having first obtained a license to do so in accordance with the provisions of this chapter.

#### **707.04 APPLICATION FOR LICENSE.**

An application for an alarm business license shall be made on an application form obtainable from the Police Department. The license shall expire annually on January 31 of each year.

#### **707.041 APPLICATION FEE.**

An annual fee from January 1, 1996 shall be paid by an alarm business company doing business in the City, whether it is a corporation, proprietorship or individual.

If a new company registers for business in the City after July 1, 1995 and prior to January 31 of the following year, the fee shall be \$75.00. Thereafter, the fee annually shall be \$150.00 per year, due and payable January 31, and to continue thereafter until January 31 of the following year.

All fees are to be paid to the City Finance Director. Failure to register or reregister will result in the inability to operate within the City.  
(Ord. 8-95. Passed 9-5-95.)

**707.05 CONTENTS OF LICENSE APPLICATION.**

An alarm business application shall contain the following information:

- (a) The name, residence address and telephone number, date of birth, sex, and social security number of each individual, owner, partner, or if a corporation, each officer thereof, and the name, residence address and telephone number of the manager or person to be responsible for the operation of the business if different from such individual owner, partner or officers. Application will have an attached list of names, addresses, telephone numbers and social security numbers of every employee of the business who will engage in the installing, repairing, servicing, selling, leasing or maintaining an alarm system.
- (b) A description of the alarm systems and/or devices offered for sale or lease to the public and description of any services relating to alarm devices offered to the public. Each alarm system shall comply with applicable building codes, fire codes and current City ordinances for electrical wiring and alarm installation.
- (c) Trade names used during the previous five years by the applicant or such person signing the application along with the location of other business establishments operated in the State currently or during the previous five years.
- (d) A list of all felony and misdemeanor convictions of individual proprietors, partners, or directors, principal officers and employees of the applicant business. The date and location of each conviction shall also be included.
- (e) A statement as to whether the applicant has ever been denied a license or permit in any jurisdiction to engage in the alarm business or has had such license or permit revoked and the reason for the revocation.
- (f) A statement as to the length of time the applicant has been engaged in the alarm business and where engaged.
- (g) The trade name, business address and telephone number on behalf of which the application is made.
- (h) A statement that the applicant agrees to update the above information by written notice within ten days after substantial change in information required by this section.
- (i) License applications shall be accompanied by such fee as provided by ordinance.
- (j) Alarm businesses already engaged in providing services and/or alarm system equipment in the City, on the effective date of this chapter shall submit an application for a license no later than sixty days after the effective date. Said applicant may continue to do business while their license application is being processed. An applicant not previously engaged in providing services as an alarm business in the City, on the effective date of this chapter shall not commence doing business until his application is approved.

- (k) The Chief of Police shall review each applicant for a license and may conduct an investigation to determine whether the facts set forth in the application are true. He shall, within fifteen days after receipt of an application for such license, either approve or deny issuance of same and, accordingly, forward written notification to the applicant of said decision. A written notification of denial shall include the basis for said finding and if the grounds for denial are subject to correction, applicant shall be given ten days after receipt of such notice within which to make the required correction. The notice of denial shall inform the applicant that he may appeal the denial.
- (l) The Chief of Police shall deny the application for an alarm business license if he finds that the applicant or the individual having the authority and responsibility for the management and operation of the applicant's alarm business within the City or any of the applicants, owners, partners or principal corporate officers have:
  - (1) Committed any act which, if committed by a licensee, would be grounds for revocation of a license under this chapter, or
  - (2) While unlicensed, knowingly and willfully committed or aided and abetted in the commission of any act for which a license is required by this chapter, or
  - (3) Been convicted in any jurisdiction of a felony or misdemeanor if the Chief of Police finds that such conviction reflects unfavorably on the fitness of the applicant to engage in the alarm business.
- (m) The applicant will be notified in writing of the approval or disapproval of the application.

**707.06 RENEWAL OF ALARM BUSINESS LICENSE.**

Licenses for alarm businesses shall not be renewed by the Chief of Police in the manner hereinafter set forth if the licensee or any of the owners, partners, principal corporate officers or the individual having the authority and the responsibility for the management and operation of the alarm business within the City are:

- (a) Found to have violated any of the provisions of this chapter, any rule or regulation as set forth by the Chief of Police which violation the Chief of Police determines to reflect unfavorably upon the fitness of the licensee to engage in the alarm business;
- (b) Found to have knowingly and willfully given any false information or information of a material nature in connection with an application for a license or a renewal or reinstatement of a license;
- (c) Found to have been convicted in any jurisdiction of a felony or a misdemeanor if the Chief of Police determines that such conviction reflects unfavorably on the fitness of the applicant to engage in the alarm business;
- (d) Found to have committed any act while the license was not in effect which would be cause for revocation of a license. This would be grounds for the denial of an application for a license.
- (e) Application for renewal of an alarm business license shall be due on February 1 of each year and shall be accompanied by a nonrefundable fee as provided by ordinance.

**707.07 LICENSE NOT TRANSFERABLE.**

No license issued under the provisions of this chapter shall be transferred, or used by any person other than the one to whom it was issued.

**707.08 SUSPENSION AND REVOCATION OF LICENSE.**

(a) An alarm business license may be suspended or revoked by the Chief of Police for any of the following causes:

- (1) The license was knowingly obtained through any fraud or misstatement.
- (2) The business transactions of the alarm business have been marked by a practice of failure to perform contracts.
- (3) Licensee fails to comply with any provisions of this chapter which the Chief of Police deems contrary to the intent and purpose of this chapter.
- (4) Conviction of any felony or any misdemeanor reflecting on his suitability for a license.

(b) The suspension or revocation shall not take place until the Chief of Police has notified the licensee in writing of the cause or causes for such revocation or suspension which notice shall:

- (1) Contain a brief statement of the facts relating to the revocation or suspension;
- (2) Advise the licensee of the procedure for appeal; and
- (3) Be served upon the licensee in person or by leaving it at his address as stated in the application for a license or at the business address on file with the Chief of Police or by regular U.S. mail addressed to the licensee at such address.

**707.09 APPEAL PROCEDURE.**

(a) Any person aggrieved by the denial of application or renewal or by notice of suspension or revocation as provided in this chapter, may appeal and shall be granted a hearing on the matter by submitting a written request to the City Manager within fifteen days after the service of the denial, suspension or revocation notice.

- (1) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by regular U.S. mail at least ten days prior to the date set for the hearing.
- (2) The hearing shall be before the City Manager, or his designee.
  - A. The Chief of Police or his designee and the applicant shall have the right to present written and oral evidence.
  - B. The failure of the applicant or his representatives to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

(b) The proceedings at such hearings, including the findings and decisions of the City Manager or his designee, and the reasons for the decision shall be summarized and reduced to writing and entered as a matter of public record in the Police Department. The record shall also include a copy of every notice or connection with the matter. After the hearing, the City Manager or his designee may sustain, modify or reverse the decision appealed in writing.

**707.10 ALARM USER'S PERMIT.**

Within ninety days after the effective date of this chapter, every alarm user shall obtain an alarm user permit for each alarm system within the City from the Chief of Police.

- (a) An alarm user's permit application shall contain: names and address of the alarm user and of the residence or business or businesses in or upon which the alarm system has been or will be installed, and telephone number. The type of alarm system (local, direct connect, central station), the alarm business company name, address and telephone, installing, monitoring, inspecting, responding to or maintaining the alarm system. The names, addresses, telephone numbers of three persons who can be contacted twenty-four hours a day, seven days a week, to turn off or deactivate the alarm system when the alarm user cannot be contacted. It shall be the responsibility and obligation of the alarm user to keep the above information current and accurate by notifying the Police Department in writing within ten days after a change occurs.
- (b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 8-95, passed September 5, 1995.)

**707.11 EXCESSIVE FALSE ALARMS.**

If any alarm system produces three false alarms in any twelve consecutive month period, written notice of that fact shall be given by regular mail or delivery to the subscriber.

- (a) If more than three false alarms are produced by any alarm system in a twelve month period, an administrative fee of fifty dollars (\$50.00) shall be assessed against the alarm user for the fourth false alarm, and an administrative fee of one hundred dollars (\$100.00) shall be assessed for each successive false alarm thereafter. These fees shall be in addition to any criminal penalties imposed under Section 707.99. Such charges shall continue for each successive false alarm until six consecutive months have elapsed during which time no false alarms have been recorded. At that time the record will be cleared and the next false alarm shall be deemed to be the first such incident. The question of whether a false alarm has occurred may be appealed by the alarm user under the applicable procedures set forth later in Section 707.18 by an alarm user who has been assessed a false alarm administrative fee.

- (b) The permit issued to an alarm user may be revoked with the result that the alarm user may be required to disconnect the alarm system in such fashion that signals are not emitted so as to notify the Police Department either directly or indirectly. The procedure for such orders to disconnect is set forth in Section 707.17.
- (c) For the purposes of this section, a false alarm shall not be deemed to have occurred:
  - (1) If caused by some factor not within the control of the alarm user, e.g. equipment malfunction, phone line disruption, extremely severe weather, etc.; and
  - (2) If that cause is verified within forty-five days of the false alarm by a letter from the applicable alarm business, which letter identifies the problem, declares that it has been resolved, and describes the corrective measures that were taken.
- (d) An alarm system may be reconnected only if satisfactory evidence is provided to the Chief of Police that the alarm system has been repaired so that it does not emit further false alarms and upon payment of all delinquent charges assessed for false alarms.

#### **707.12 SPECIFIC ALARM PROVISIONS.**

(a) Entrance-Exit Device. All alarm installations incorporating an entrance/exit device must permit a delay of twenty seconds minimum before actual activation of the system.

(b) Automatic Dialing or Calling Devices. Alarm systems that automatically dial or call the Police Department must be called on a special telephone line designated by the Police/Fire Department and shall comply with the following:

- (1) Total length of the recorded message being transmitted to the Department of Police (including repetition of message) shall not exceed forty-five seconds duration.
- (2) The recorded message transmitted shall be repeated not less than three nor more than four times and shall have an automatic abort feature to ensure this requirement.
- (3) The recorded message being transmitted shall incorporate language specifically identifying the message as a "recording" with the balance of the message identifying by street number and street name the location of the emergency and the nature of the event which caused the alarm system to activate. If the location of the event signaled by the alarm system is in a multi-family building, the message shall also identify by number and by floor this particular dwelling unit, office unit, or commercial unit in which the event occurred.
- (4) The recorded message being transmitted to the Department shall be appropriate for the purpose for which the alarm system was installed, and the message in its entirety shall be intelligible and spoken in the English language.

(c) Local Alarm. Shall not resemble the sound of any emergency signal or civil defense alarm or siren. All local alarms shall have the capacity to reset themselves within fifteen minutes from the time it was activated.

(d) Instructions. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located within the City shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(e) Emergency Alarm Buttons. Emergency alarm buttons are to be used only to send an automatic alarm to signal an unauthorized entry or a robbery to the Police Department.

- (1) The activation of a panic alarm is intended to signal the Police Department of an emergency situation.
- (2) Therefore, through the use of a device of this nature, the user grants to the Police Department the right to conduct any investigation deemed necessary to investigate and verify the authenticity of the alarm.
  - A. Panic alarm users will execute waivers to be submitted to the Chief of Police which intent is to allow the Police Department the right to enter onto the premises of the alarm user to verify the alarm.
  - B. The contents of such waiver is to be specified by the Law Department of the City.
- (3) It shall be deemed a violation of this chapter if a panic device is activated for anything other than that specified in this section.

#### **707.13 APPLICATION OF STANDARDS TO EXISTING AND FUTURE ALARM SYSTEMS.**

(a) Every new system installed after the effective date of this chapter shall comply with the above standards.

(b) Every alarm system existing before the effective date of this chapter shall be placed in compliance with the above standards no later than sixty days after such effective date.

#### **707.14 LIMITATION OF LIABILITY.**

The City shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm from such a device, nor for the failure or neglect of any person with a license issued pursuant to this chapter or with a franchise, in connection with the installation and operation of equipment, nor for the failure of the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the City finds it necessary to disconnect a defective automatic dialing system or signaling device, the City shall incur no liability by such action.

#### **707.15 SURRENDER OF LICENSE.**

If any license is revoked pursuant to this chapter, the licensee shall surrender said license to the Chief of Police.

**707.16 EXCEPTION.**

Any federal installation which demonstrates to the Police Department that this City is required to allow an alarm system at such installation to be interconnected to the Police Department shall be exempt from the revocation and disconnect order sections of this chapter but shall be subject to the administrative fee assessments as described in Section 707.11 and shall also be subject to the criminal penalties for violation of this chapter as provided in Section 707.99.

**707.17 ORDER TO DISCONNECT.**

(a) In addition to the administrative fees described in Section 707.11 and in addition to any criminal penalties imposed under Section 707.99, an alarm user who has more than six false alarms in a twelve month period (calculated as described in Section 707.11) and who is deemed by the Police Department not to have made reasonable efforts toward correction of the false alarm situation shall be issued an order to disconnect the alarm system so that signals are not emitted to notify the Police Department either directly or indirectly.

A similar order to disconnect shall be issued to any alarm user who has failed to deliver to the City full payment for any administrative fee levied under Section 707.11 (for excessive false alarms) within thirty days after written notice of that fee has been mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.

Further, a disconnect order shall be issued to any alarm user who has failed to obtain a user's permit as required by Section 707.10.

(b) The disconnection is to be completed by the alarm user within ten days after the written disconnect order is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.

(c) An alarm user subject to an order to disconnect has the right to appeal under the procedures set forth below in Section 707.18. Any disconnect order must refer to this right to appeal. If such an appeal is filed, the disconnection is to be completed within ten days after similar delivery of notice of the appellate decision, if that decision sustained the disconnect order.

(d) Once disconnected, an alarm system may be reconnected only if so ordered by the Chief of Police in a decision on an appeal or if a preponderance of the credible evidence available to the Police Chief indicates:

- (1) That the alarm system has been repaired so it will not emit further false alarms; or
- (2) If the disconnect order was based on failure to pay assessments when due, that all delinquent false alarm fees have been paid in full; or
- (3) If the disconnect order has been based upon failure to register or re-register so as to obtain a permit and keep it in effect as required by Section 707.10, that registration had been completed so as to obtain an original or renewal of a user's permit.

**707.18 APPEALS FROM FALSE ALARM FEES AND DISCONNECT ORDERS.**

- (a) The following persons may appeal under this section:
- (1) An alarm user who has been assessed a false alarm administrative fee may appeal the question of whether or not a false alarm has occurred.
  - (2) An alarm user subject to an order to disconnect for failure to make reasonable efforts toward correction of a false alarm situation may appeal the determination that such reasonable efforts were not made.
  - (3) An alarm user subject to an order to disconnect for failure to obtain or renew a user's permit as required by Section 707.10 may appeal the issue of whether or not that user had a permit in effect for the location in question or was required by this chapter to have such a permit.
  - (4) An alarm user subject to an order to disconnect for failure to pay when due an administrative fee assessed under Section 707.11 for excessive false alarms may appeal the issue of whether or not such payment was made on time.

(b) A written request for an appeal must be submitted to the Chief of Police within ten days after notice of the false alarm administrative fee or of a disconnect order was mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located. The alarm user-appellant shall have the right to present written and oral evidence to the Chief of Police at a hearing on the appeal and shall have the burden of proving his or her case by a preponderance of the credible evidence. Notice of the hearing date, hour and place shall be mailed or otherwise delivered to the last known address of the appellant or to the address at which the alarm system is located at least ten days prior to the hearing.

The Chief of Police may sustain, modify or reverse the decisions appealed from and the decision of the Police Chief shall be made in writing and shall constitute a final administrative order.

**707.99 ENFORCEMENT AND PENALTY.**

(a) Enforcement of any of the provisions of the chapter may be by civil action and/or criminal prosecution.

(b) Failure or omission to comply with any section or provision of this chapter shall be deemed a violation. Each day such a failure or omission continues to exist after written notice of that failure or omission is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located shall constitute a separate violation.

(c) Each violation of any section or provision within this chapter shall be a fourth degree misdemeanor.

**CHAPTER 711**  
**Home or Garage Sales**

<p><b>711.01</b> Definitions.</p> <p><b>711.02</b> Intent.</p> <p><b>711.03</b> Permit required.</p> <p><b>711.04</b> Application; fee; display.</p> <p><b>711.05</b> Number of residents permitted to conduct home sales.</p> <p><b>711.06</b> Time period between each home sale.</p>	<p><b>711.07</b> Hours and duration of sale.</p> <p><b>711.08</b> Resale of merchandise prohibited.</p> <p><b>711.09</b> Signs.</p> <p><b>711.10</b> Violations.</p> <p><b>711.99</b> Penalty.</p>
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**CROSS REFERENCES**

Theft by deception - see GEN. OFF. 545.05  
License fee - see BUS. REG. 705.09

**711.01 DEFINITIONS.**

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

"Home sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district to include, but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.

(1987 Code 112.01)

**711.02 INTENT.**

(a) It is the intent of this chapter to regulate, restrict and control home sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting home sales provided they conduct their sales on real estate owned or occupied by that organization.

(b) It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts.

(1987 Code 112.02)

**711.03 PERMIT REQUIRED.**

No person, firm or corporation shall conduct home sales within any residential zoning district in the City without first obtaining a permit from the duly authorized issuing authority.

(1987 Code 112.03)

**711.04 APPLICATION; FEE; DISPLAY.**

(a) The duly authorized issuing authority shall provide applications for permits and permit licenses for home sales. The application for a permit shall include the name of the applicant who shall be a resident of the City, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.

(b) The application for a permit shall be submitted to the Chief of Police or other responsible agent. The Chief of Police shall approve the application and shall regulate the hours of the home sale issued to the resident applicant, except, no home sale shall be commenced earlier than 9:00 a.m. nor shall such sale last later than 8:00 p.m.

(c) The duly authorized issuing authority shall charge a fee as set forth in Section 705.09.

(d) Every licensee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit same upon request.  
(1987 Code 112.04)

**711.05 NUMBER OF RESIDENTS PERMITTED TO CONDUCT HOME SALE.**

No home sale shall be conducted by more than one resident without the consent of the Chief of Police or his responsible agent.  
(1987 Code 112.05)

**711.06 TIME PERIOD BETWEEN EACH HOME SALE.**

No home sale shall be conducted by the same resident or member of his family or on the same residential property more than once in each nine-month period with the exception that a second home sale is permitted during such nine-month period if such second home sale falls within a week designated during the spring or fall season as a local community fix-up or clean-up period.  
(1987 Code 112.06)

**711.07 HOURS AND DURATION OF SALE.**

No home sale shall be conducted during hours other than those hours prescribed by the Chief of Police and in no event shall a home sale last more than three consecutive days.  
(1987 Code 112.07)

**711.08 RESALE OF MERCHANDISE PROHIBITED.**

No home sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at that home sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at the home sale.  
(1987 Code 112.08)

**711.09 SIGNS.**

No resident shall post more than one sign per use per street front on the lot on which the sign is located. The home sale sign shall not exceed four and one-half feet in area which advertises the home sale. This sign shall not be illuminated or animated. No other signs shall be permitted to be erected or maintained in any R-1 to R-4 Zoning District.  
(1987 Code 112.09)

**711.10 VIOLATIONS.**

No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.

(1987 Code 112.10)

**711.99 PENALTY.**

Whoever violates or fails to comply with any provisions of this chapter shall be fined as a first offense, not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Whoever violates or fails to comply with any provision of this chapter as a second offense, shall be subject to the penalty provisions of Section 705.99.

(1987 Code 112.99)



**CHAPTER 717**  
**Ice Cream and Frozen Dessert**

<b>717.01</b>	<b>License required.</b>	<b>717.04</b>	<b>Sales from curb only; sales to minors.</b>
<b>717.02</b>	<b>Application and license requirements.</b>	<b>717.05</b>	<b>Exceptions.</b>
<b>717.03</b>	<b>Display of license; transfer.</b>	<b>717.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Frozen desserts - see Ohio R.C. 3717.51 et seq.  
License fees - see BUS. REG. 705.09

**717.01 LICENSE REQUIRED.**

No person shall operate any vehicle, cart or wagon for the sale of ice cream, custards, sherbets and frozen desserts without first obtaining a license for each vehicle, cart or wagon and the operator thereof, and paying a fee as set forth in Section 705.09 for each vehicle and operator and an additional fee as set forth in Section 705.09 for each additional operator. The license shall cover the vehicle, cart or wagon and its operator and shall be valid only during the calendar year in which issued.

(1987 Code 113.01)

**717.02 APPLICATION AND LICENSE REQUIREMENTS.**

(a) The license and application therefor shall describe the vehicle, cart or wagon applied for and the person to operate that vehicle.

(b) The operator shall be eighteen years of age or more, which fact shall be established by a duly authenticated birth certificate.

(c) The operator shall provide at his own expense a certificate of health from a physician designated by the Chief of Police.

(d) The application shall be referred to the Chief of Police who shall ascertain and certify that the operator has no known police record.

(e) The application and license shall contain a description of the operator showing the height, weight, age, color of eyes, color of hair and any other pertinent physical aspects which the Chief of Police may deem necessary.

(f) A recent photograph of the operator shall be affixed to the license.  
(1987 Code 113.02)

**717.03 DISPLAY OF LICENSE; TRANSFER.**

(a) Display. The license provided for herein shall be prominently displayed upon the vehicle, wagon or cart to be used by the operator and for which it is issued.

(b) Transfer. A license shall not be transferable to another vehicle but may be used by other operators upon payment of an additional fee after providing the data hereinbefore required for each additional operator.

(1987 Code 113.03, 113.04)

**717.04 SALES FROM CURB ONLY; SALES TO MINORS.**

(a) Sales or deliveries made from vehicles, carts or wagons shall be at the curb only.

(b) Sales to children under sixteen years of age, when made in the vicinity of their residences, shall be made at the curb in closest proximity to their residence.

(1987 Code 113.05)

**717.05 EXCEPTIONS.**

This chapter shall not be applicable to similar type sales made by religious, fraternal or other nonprofit organizations or associations in connection with a carnival, lawn fete or similar type of outdoor gathering when conducted on a single defined area of private or public premises for the profit of that organization.

(1987 Code 113.06)

**717.99 PENALTY.**

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

(1987 Code 113.99)

**CHAPTER 723**  
**Junk Yards**

<p><b>723.01</b> Definitions.</p> <p><b>723.02</b> License required; fee.</p> <p><b>723.03</b> Application for license.</p> <p><b>723.04</b> Issuance.</p> <p><b>723.05</b> Expiration; renewal fee.</p>	<p><b>723.06</b> Revocation.</p> <p><b>723.07</b> Fence required; maintenance.</p> <p><b>723.08</b> Periodic inspection.</p> <p><b>723.09</b> Violation; abatement.</p> <p><b>723.99</b> Penalty.</p>
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**CROSS REFERENCES**

State licensing and required fencing - see Ohio R.C. 4737.05 et seq.  
 Junk vehicles - see TRAF. Ch. 353  
 Conditional use - see P. & Z. 1171.02  
 License fee - see BUS. REG. 705.09

**723.01 DEFINITIONS.**

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

- (a) "Fence" means an enclosure at least six feet in height, constructed of nontransparent material and maintained so as to obscure the junk in the enclosure from the ordinary view of persons passing upon the State, County and Township roads in this State.
- (b) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale for melting purposes by an establishment having facilities for processing those materials.
- (c) "Junk yard" means an establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety days exclusively for storage, repair or resale without alteration.  
(1987 Code 114.01)

**723.02 LICENSE REQUIRED; FEE.**

(a) No person shall operate or maintain a junk yard in the City unless he has first obtained a license issued under this chapter.

(b) No licensee shall operate or maintain a junk yard in violation of this chapter.

(c) The fee for a license issued under this section shall be as set forth in Section 705.09.  
(1987 Code 114.02)

**723.03 APPLICATION FOR LICENSE.**

Application for a license to operate and maintain a junk yard or for a renewal thereof shall be made in writing, accompanied by the proper fee, setting forth the name and address of the applicant, the location of the junk yard, if the applicant is a firm, partnership or association, the names and addresses of each member, if the applicant is a corporation, the date and place of incorporation and the names and addresses of its officers and directors, and any other reasonable information as the issuing authority deems necessary. The application shall be signed and sworn to by the applicant.  
(1987 Code 114.03)

**723.04 ISSUANCE.**

The license required under Section 723.02 shall be issued pursuant to Chapter 705, unless otherwise specified herein.  
(1987 Code 114.04)

**723.05 EXPIRATION; RENEWAL FEE.**

All licenses issued under this chapter shall expire on December 31 following the date of issue. A license may be renewed from year to year upon paying the sum set forth in Section 705.09 for each renewal.  
(1987 Code 114.05)

**723.06 REVOCATION.**

Any license or renewal thereof issued under this chapter may be revoked by the City Manager after reasonable notice and opportunity to be heard, for any violation of this chapter by the licensee or by any of his officers, agents or employees. Whenever a license has been revoked under this section, the issuing authority shall not issue another license to the licensee, to the husband or wife of the licensee, or to any partnership or corporation of which he is an officer or member, until the expiration of at least one year from the date of revocation of that license.  
(1987 Code 114.06)

**723.07 FENCE REQUIRED; MAINTENANCE.**

(a) Any person operating or maintaining a junk yard within 1,000 feet of a state or county road or within 300 feet of a township road, prior to the effective date of this chapter, shall have one year thereafter to erect the required fence if that junk yard is not obscured by natural objects. If a junk yard is established within 1,000 feet of a state or county highway or within 300 feet of a township road, it shall be so located that the view thereof from that road is obscured by natural objects or a fence no less than eight feet in height. If the yard is so obscured, the person operating or maintaining it shall be entitled to a license.

(b) Any fence constructed under this chapter shall be neatly constructed, shall be nontransparent, shall be kept in good order and repair, and no advertisement shall be permitted thereon other than the name of the person under whose name the license has been issued and the nature of the business conducted therein.  
(1987 Code 114.07)

**723.08 PERIODIC INSPECTION.**

(a) Twice annually the Chief of Police shall inspect every junk yard located within the City for which a license has been issued under this chapter to obtain information with regard to whether the licensee's business has been and is being conducted in accordance with this chapter. The Chief of Police shall submit a written report of each such examination to the City Manager.

(b) The Chief of Police shall, for the purpose of this examination, have free access to the grounds and buildings used in the conduct of the junk yard business by the licensee.

(c) These inspections may be made at any time at the option of the Chief of Police, during the regular work hours of the licensee or between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.  
(1987 Code 114.08)

**723.09 VIOLATION; ABATEMENT.**

Whenever the Law Director is of the opinion that a junk yard is being operated or maintained in violation of any of the provisions of this chapter, he may apply, in the name of the City, to a court of competent jurisdiction, alleging the violation complained of and praying for an injunction or other proper relief. In such a case the court may order the junk yard abated as a nuisance or make any other order as may be proper. An action brought under this section shall not be deemed to be a bar to a prosecution under Section 723.99

**723.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000).  
(1987 Code 114.99)



**CHAPTER 729**  
**Peddlers and Solicitors**

<b>GENERAL PROVISIONS</b>		<b>729.10</b>	<b>Revocation of certificate.</b>
<b>729.01</b>	<b>Definitions; applicability of chapter.</b>	<b>HOME SOLICITATION SALES</b>	
<b>729.02</b>	<b>Application for solicitor's certificate.</b>	<b>729.11</b>	<b>Definitions.</b>
<b>729.03</b>	<b>Fees.</b>	<b>729.12</b>	<b>Application of provisions.</b>
<b>729.04</b>	<b>Appeals.</b>	<b>729.13</b>	<b>Home solicitation sale agreement.</b>
<b>729.05</b>	<b>Carrying or exhibiting certificate.</b>	<b>729.14</b>	<b>Cancellation provisions.</b>
<b>729.06</b>	<b>Restrictions.</b>	<b>729.15</b>	<b>Return of contract by seller.</b>
<b>729.07</b>	<b>Trespassing in violation of posted signs.</b>	<b>729.16</b>	<b>Effect of cancellation.</b>
<b>729.08</b>	<b>Loud noises and speaking devices.</b>	<b>729.99</b>	<b>Penalty.</b>
<b>729.09</b>	<b>Certificate transfer and use.</b>		

**CROSS REFERENCES**

Power to regulate - see Ohio R.C. 715.61 et seq.  
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
 Charitable solicitations - see Ohio R.C. Ch. 1716  
 Trespassing - see GEN. OFF. 541.05  
 Littering - see GEN. OFF. 521.08  
 Door to door sales activity of minors restricted - see Ohio R.C. 4109.21

**GENERAL PROVISIONS**

**729.01 DEFINITIONS; APPLICABILITY OF CHAPTER.**

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

- (1) "Itinerant vendor" or "transient dealer for profit" means the activity of any person who intends to engage in or conduct a temporary or transient business of selling goods, wares and merchandise for a period of not more than 120 days and hires, leases or occupies, either in whole or in part, a room, building or other structure for purpose of conducting his business.
- (2) "Peddling for profit" means the activity of any person who transports with him, for immediate sale and delivery, goods, wares or merchandise or who offers the immediate performance of services.

- (3) "Registered solicitor" means any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor on his person while engaging in soliciting.
  - (4) "Residence" means every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
  - (5) "Solicitor for profit" means any one or more of the following activities:
    - A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever, to be delivered or performed in the future; or
    - B. Seeking to obtain subscriptions to books, magazines, periodicals and every other type or kind of publication except newspapers of general circulation.
  - (6) "Soliciting not for profit" means any one or more of the following activities: seeking to obtain, by order or otherwise, gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable, political, medical, religious, civic or other nonprofit association, organization, corporation or project.
- (b) This chapter shall not apply to:
- (1) Minors;
  - (2) Persons selling on behalf of or making or seeking delivery of goods, wares, merchandise, foodstuffs or services sold by an establishment having a permanent place of business within the City;
  - (3) Persons soliciting and peddling at nonresidences;
  - (4) Wholesalers; or
  - (5) A person making sales of the following items for household consumption:
    - A. Baked goods;
    - B. Fruits, vegetables, eggs and similar agricultural products; or
    - C. Dairy products, except dealers of frozen desserts from vehicles.(1987 Code 116.01)

#### **729.02 APPLICATION FOR SOLICITOR'S CERTIFICATE.**

(a) No person, firm or corporation shall engage in the business or activity of soliciting for profit, soliciting not for profit or peddling for profit, or being an itinerant vendor or transient dealer for profit within the City without first applying for and receiving a solicitor's certificate as provided in this chapter. Such certificate shall be carried by the solicitor at all times. Solicitations not for profit by City residents or local organizations located in the City shall not require a solicitor's certificate.

(b) Persons engaged in soliciting for profit or peddling for profit, including itinerant vendors or transient dealers for profit, shall apply for a certificate of registration upon a form provided by the City. The applicant shall truthfully state in full the following information requested on the application:

- (1) The name and address of the present place of residence and length of residence at such address; also the business address if other than the present address;
- (2) The address and place of residence during the past three years if other than the present address;
- (3) Age of the applicant;
- (4) Physical description of the applicant;
- (5) The name and address of the person, firm, corporation or association by whom the applicant is employed or represents and the length of time of such employment or representation;
- (6) The name and address of the employer during the past three years if other than the present employer;
- (7) A description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (8) Period of time for which the certificate is applied;
- (9) The date, or approximate date, of the latest previous application for a certificate under Sections 729.01 to 729.10 if any;
- (10) Whether a certificate of registration issued to the applicant under Sections 729.01 to 729.10 has ever been revoked;
- (11) Whether the applicant has ever been convicted of a violation of a felony under the laws of this State or any other state, or under federal law of the United States;
- (12) The names of the three most recent communities where the applicant has solicited house-to-house;
- (13) Proposed method of operation;
- (14) Signature of the applicant; and
- (15) Social security number of the applicant.

(c) All statements made by the applicant on the application or in connection therewith shall be under oath.

(d) The applicant shall submit to fingerprinting and photographing by the Police Division in connection with the application for the certificate.

(e) The issuing authority shall cause to be kept an accurate record of every application received and acted on, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of Sections 729.01 to 729.10, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application on which it was issued.

(f) No certificate of registration shall be issued to any person who has been convicted of a felony under the laws of this State or any other state, or under federal law of the United States, within five years of the date of the application, nor to any person who has been convicted of a violation of any of the provisions of Sections 729.01 to 729.10, nor to any person whose certificate of registration issued hereunder has previously been revoked.

(g) Applications for solicitor's certificates shall be filed with the office of the Police Division and all certificates shall be issued therefrom.

(h) Persons engaged in soliciting not for profit who are not residents of the City or whose organization is not located within the City shall complete an application for a nonprofit solicitor's certificate upon a form provided by the City. The applicant shall truthfully state in full the following information requested on the application;

- (1) The applicant's name and address;
- (2) The name, address and purpose of the nonprofit cause or organization;
- (3) The name and address of the applicant's supervisor or group leader, if any;
- (4) The period of time for which the certificate is applied;
- (5) The proposed method of operation; and
- (6) The signature of the applicant.

(i) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of Sections 729.01 to 729.10, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of Sections 729.01 to 729.10. Immediately on such revocation, written notice shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his residence address as set forth in this application. Immediately on the giving of such notice the certificate of registration shall become null and void.

(j) The certificate of registration shall state the expiration date thereof.

(k) The Chief of Police should be notified of solicitations not for profit by residents of the City or whose organization is located within the City.  
(1987 Code 116.02)

#### **729.03 FEES.**

For certificates to be issued to solicitors for profit under the provisions of this chapter, each applicant shall pay to the City the sum set forth in Section 705.09. All certificates shall expire on the date specified in the certificate which shall not exceed twelve months. Certificates for soliciting not for profit shall be issued without charge.  
(1987 Code 116.03)

#### **729.04 APPEALS.**

Any applicant who has applied for a certificate in accordance with this chapter and to whom the City Manager or Chief of Police has, after an investigation, denied a certificate or revoked a certificate, may appeal to Council. Notice of an appeal shall be filed with the Municipal Clerk within five days after the denial or revocation by the City Manager or Police Chief. Council on appeal may affirm or reverse the action of the City Manager or Police Chief.  
(1987 Code 116.04)

**729.05 CARRYING OR EXHIBITING CERTIFICATE.**

The certificate issued under the provisions of Sections 729.01 to 729.10 shall be exhibited in the place of business by the itinerant vendor or transient dealer, shall be carried by the peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person being solicited or any police officer on request.

(1987 Code 116.05)

**729.06 RESTRICTIONS.**

Every person to whom a registration certificate is issued under the terms of Sections 729.01 to 729.10 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 Sections 729.01 to 729.10 shall peddle or solicit, except between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday. In addition, no person shall peddle or solicit on any legal holiday;
- (c) No peddler or solicitor shall enter or attempt to enter the house, apartment or dwelling of any resident in the City without an express invitation from the occupant of the house, apartment or dwelling;
- (d) No person subject to the terms of Sections 729.01 to 729.10 shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the Municipality;
- (e) No person subject to Sections 729.01 to 729.10 shall make any solicitation where solicitors are notified by a sign that peddling or soliciting is prohibited;
- (f) No peddler, solicitor, itinerant vendor or transient dealer shall engage in or transact any type of business or solicitation other than that specified on the registration application; and
- (g) No person subject to Sections 729.01 to 729.10 shall block, obstruct or restrict that free passage of pedestrians or vehicles of any kind in the lawful use of streets, sidewalks or any public way.

(1987 Code 116.06)

**729.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.**

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

(1987 Code 116.07)

**729.08 LOUD NOISES AND SPEAKING DEVICES.**

No peddler, solicitor, itinerant vendor or transient dealer, or any person on his behalf, shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the

streets, alleys, parks or other public places of the City or on any private premises in the City, where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which is being proposed to be sold.  
(Ord. 1987 Code 116.08)

#### **729.09 CERTIFICATE TRANSFER AND USE.**

No certificate shall be assigned or transferred. No registrant shall authorize any person, firm or corporation to solicit other than the one named to do business. No registrant shall conduct any other business than that listed in his application to be transacted. A separate certificate shall be required for each individual peddler or solicitor, whether or not employed by one person, firm or corporation.  
(1987 Code 116.09)

#### **729.10 REVOCATION OF CERTIFICATE.**

Any certificate issued under the provisions of Sections 729.01 to 729.10 may be revoked at any time, should the person to whom it is issued be guilty of any fraud, misrepresentation or unlawful act in connection with his business, or is found to be a person not fit to be engaged in such business, or who violates any of the provisions of Sections 729.01 to 729.10.  
(1987 Code 116.10)

### **HOME SOLICITATION SALES**

#### **729.11 DEFINITIONS.**

For the purpose of Sections 729.11 to 729.16, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Goods" means all personal property and also includes chattels, fixtures and goods which at the time of sale or subsequently are so affixed to realty as to become part thereof, whether or not separable therefrom.
- (b) "Home solicitation sales" means a sale of goods or services by cash or credit in which the seller, his representative or a person acting from him solicits or consummates a sale of goods or services at the home or residence of the buyer. "Home solicitation sales" includes those solicitations and sales made as a result of unsolicited contracts at the home or residence and also those sales made at the home as the result of appointments solicited by the seller by telephone or by the buyer by telephone in response to an advertisement made by the seller. "Home solicitation sales" shall not include sales made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services of a similar nature are offered or exhibited for sale by the seller.
- (c) "Services" means work, labor and services of any kind performed in conjunction with a sale, but not including services for which the prices charged are required by law to be established and regulated by the Federal Government, State or City.  
(1987 Code 116.15)

**729.12 APPLICATION OF PROVISIONS.**

Every home solicitation sale made in the City and for which the total contracted price is twenty-five dollars (\$25.00) or over for all sales made to the residents of a household during a calendar day of twenty-four hours, shall be subject to the provisions of Sections 729.11 to 729.16. (1987 Code 116.16)

**729.13 HOME SOLICITATION SALE AGREEMENT.**

In a home solicitation sale, unless the goods or services are provided as set forth in the cancellation provisions of Section 729.14(d), the seller shall present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction, the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with the provisions of Sections 729.11 to 729.16. This statement shall appear in the agreement or offer to purchase under the conspicuous caption: "Buyers' right to cancel." The statement shall read substantially as follows:

"If this agreement or contract was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing or delivering a written notice to the seller. This notice shall say that you do not want the goods or services and shall be mailed, telegraphed or delivered before midnight on the third calendar day after you sign the agreement. This notice shall be mailed, telegraphed or delivered to: (insert name and mailing address of seller)."

"If you cancel, this transaction is automatically void and you are entitled to receive a refund of any partial or total payment, trade-in or other consideration. You shall tender to seller, the goods, at the place where you received them, or any part thereof, delivered to you in this transaction."  
(1987 Code 116.17)

**729.14 CANCELLATION PROVISIONS.**

(a) In addition to any right otherwise to revoke an offer or cancel a contract, the buyer or seller in a home solicitation sale may revoke an offer, or promise to purchase, cancel a contract or rescind a consummated sale and purchase until midnight of the third calendar day after the day on which the buyer signs an agreement or offer to purchase, signs a contract to purchase or consummates a sale and purchase.

(b) Cancellation occurs when the buyer give written notice of cancellation to the seller at the address stated in the agreement, contract or offer to purchase. Notice of cancellation given by the buyer need not take any particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.

(c) Notification by mail shall be considered given at the time mailed; notification by telegram shall be considered given at the time filed for transmission; and notification by other writing shall be considered given at the time delivered to the creditor's designated place of business.

(d) The buyer may not cancel a home solicitation sale if the seller in good faith makes a substantial beginning of performance of services before the buyer gives notice of cancellation, and in the case of goods, that the goods cannot be returned to the seller in substantially as good condition as when received by the buyer.

(e) If goods are to be returned to seller, the buyer shall tender delivery thereof at the location where the seller made delivery to the buyer. If the seller or creditor does not take possession within ten days after tender by the customer, ownership of the property vests in the customer without obligation on his part to pay for it, provided the buyer has afforded to the seller reasonable time and access to take possession.

(f) The right to cancel, granted herein, may not be waived by the parties either by express or implied agreement. Except as provided in subsection (d) hereof, receipt of goods or services shall not be construed as affecting the right to cancel in any way.  
(1987 Code 116.18)

#### **729.15 RETURN OF CONTRACT BY SELLER.**

Except as provided in this section, within ten days after a buyer has cancelled a home solicitation sale provided herein, the seller shall tender at the location where the contract was signed, the contract or agreement, deposit, partial or total payment, trade-in or any consideration whatsoever made in addition to the payment and any note or other evidence of indebtedness.  
(1987 Code 116.19)

#### **729.16 EFFECT OF CANCELLATION.**

When a buyer exercises his right to cancel as provided in Sections 729.11 to 729.16, he is not liable for any finance or other charges, and any security interest becomes void upon such a cancellation.  
(Ord. 1987 Code 116.20)

#### **729.99 PENALTY.**

Whoever violates any provision of Sections 729.01 to 729.10 shall be deemed guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense.  
(1987 Code 116.99)

**CHAPTER 735**  
**Taxicabs**

<b>GENERAL PROVISIONS</b>		<b>735.18</b>	<b>Issuance of license; information to be on form.</b>
<b>735.01</b>	<b>Definitions.</b>	<b>735.19</b>	<b>Revocation of operator's license.</b>
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<b>735.08</b>	<b>Receipts.</b>	<b>735.25</b>	<b>Record to be kept of licenses.</b>
<b>735.09</b>	<b>Maintenance of trip records.</b>	<b>FARES</b>	
<b>735.10</b>	<b>Color scheme and insignia.</b>	<b>735.26</b>	<b>Rates of fare.</b>
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<b>735.12</b>	<b>Inspection of taxicabs.</b>	<b>735.28</b>	<b>Refusal of passenger to pay legal fare.</b>
<b>735.13</b>	<b>Certain acts prohibited.</b>	<b>735.99</b>	<b>Penalty.</b>
<b>TAXICAB BUSINESS OPERATOR</b>			
<b>735.14</b>	<b>Certificate of convenience and necessity required.</b>		
<b>735.15</b>	<b>Taxicab operator's license required; application.</b>		
<b>735.16</b>	<b>Operator's license fee.</b>		
<b>735.17</b>	<b>Bond and insurance requirements.</b>		

**CROSS REFERENCES**

Chauffeur's license not required - see Ohio R.C. 4501.01(y)  
 Operation by minor prohibited - see Ohio R.C. 4507.321  
 Operation and equipment - see TRAF. CODE  
 Use of taxicab and bus stands - see TRAF. 351.10  
 Defrauding a livery - see GEN. OFF. 545.13

**GENERAL PROVISIONS**

**735.01 DEFINITIONS.**

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

- (a) "Compensation" means any fare, reward or donation or other thing of value which a driver and/or owner of a vehicle accepts or receives in return for furnishing taxicab services.

- (b) "Public convenience and necessity" means:
- (1) A genuine need for additional taxicab transportation facilities in order to adequately and properly serve the needs and convenience of the general public of the City.
  - (2) In the determination as to whether "public convenience and necessity", as herein defined, shall require the issuance of additional licenses, Council shall consider the following:
    - A. The resulting effect upon the business of existing holders of licenses and upon the existing agencies of mass transportation.
    - B. The effect upon traffic congestion and safety on the public streets.
    - C. The effect upon working conditions and wages or other compensation paid to drivers of taxicabs or existing holders of licenses.
    - D. Whether persons holding licenses for the operation of taxicabs are, under normal conditions, adequately serving the public.
    - E. Whether the requirements of "public convenience and necessity" can be adequately met and complied with by the issuance of additional licenses.
- (c) "Taxicab" means:
- (1) Any vehicle operated for compensation which receives passengers at a place within the City, to be driven to a destination either within or without the City, over any streets which may be available for any travel. Vehicles furnishing mass transportation of persons, such as trolleycoaches and gasoline or diesel buses, or other mass transportation vehicles which are operated on fixed routes and schedules or between fixed termini are hereby expressly excluded.
  - (2) The place at which such passengers are received may be either:
    - A. A fixed base from which the taxicab operates;
    - B. A place designated by a telephone call or other communication received at the base from which the taxicab operates;
    - C. A taxicab stand as hereinafter defined;
    - D. A place previously arranged with the passenger; or
    - E. Any place which, when hailed, is en route.
- (d) "Taxicab driver" means any person driving a taxicab. It is the intent of this definition that when the owner or lessee of a taxicab engages in the driving thereof, in addition to being licensed as an operator, shall also be qualified and licensed as a driver.
- (e) "Taxicab operator" means any person, firm or corporation engaged in the taxicab business. It is the intent of this definition that anyone who drives a taxicab in any capacity other than as an employee, shall be deemed an operator and shall, in addition to being licensed as a driver, also be required to be licensed as an operator.

- (f) "Taxicab stand" means any space on any street or way designated by Council by resolution as a proper place for the exclusive use of taxicabs awaiting patronage.
- (g) "Taximeter" means a mechanical device by which the fee due for the hire of a taxicab is mechanically computed upon the distance traveled and upon the waiting time, upon the face of which device such charge is indicated by figures visible to the passengers.
- (h) "Waiting time" mean the time during which the taxicab is not in motion after arriving at the place to which it has been called and the time consumed while standing at the passenger's orders. No charge shall be made for any time lost by reason of delay caused by mechanical difficulties of the taxicab, time lost by premature arrival in response to a call or time lost in route to the destination because of any traffic conditions or delays.  
(1987 Code 117.01)

#### **735.02 TAXICAB SERVICE.**

All persons, firms or corporations engaged in the taxicab business in the City, operating under the provisions of this chapter, shall render a continuous and overall service to the public. Holders of operator's licenses shall maintain a central place of business properly zoned and keep the same open twenty-four hours daily to receive calls and dispatch cabs. They shall respond to all calls received by them for service as soon as they can do so. In the event that services cannot be furnished, they shall state the reason therefor. Any hauler who refuses to accept a call anywhere within the City, when cabs are available therefor, or who fails or refuses, except for conditions beyond his control, to furnish continuous and overall service, shall be deemed to have violated this chapter and the license held by him may be revoked at the discretion of the City Manager. At the time of any application for an operator's license, the applicant shall, in addition to other requirements of this chapter, demonstrate his ability to provide the services required by this section.

(1987 Code 117.02)

#### **735.03 TAXICAB STANDS.**

The Chief of Police may designate certain street spaces along the curb as taxicab stands. These areas shall be restricted from the general parking of vehicles and such restriction shall be appropriately indicated by a sign setting forth that fact. No vehicle other than a taxicab shall park within such restricted zone. Taxicabs which are occupying that space shall be parked in conformity with municipal ordinances regulating the parking of automobiles on the streets of the City except that no time limit shall be set on the parking of taxicabs, provided that the taxicab is not left unattended.

(1987 Code 117.03)

#### **735.04 SOLICITATION OF PASSENGERS.**

(a) No person shall solicit passengers by the sounding of a taxicab horn, by spoken word or in any other manner at any place other than lawfully designated taxicab stands.

(b) Nothing herein shall be construed to interfere with accepting passengers at other places when such is previously arranged with the passenger or when hailed while en route. (1987 Code 117.04)

**735.05 PASSENGERS OCCUPYING FRONT SEATS.**

When two or more passengers are being transported in the rear of the taxicab or when a new driver is being trained, the driver may permit a passenger or other person to ride in the front seat with him. Otherwise, no driver of a taxicab may permit any passenger or other person to ride in the front seat. (1987 Code 117.05)

**735.06 ADDITIONAL PASSENGERS.**

No operator or driver having a passenger in his taxicab shall solicit any other passenger for carriage without the consent of the original passenger. If two or more passengers are transported to different transportation, the charge for the second passenger shall be the same as if he entered the taxicab at the time of the discharge of the first passenger, but if they are transported to the same destination, only the extra fee provided shall be charged. (1987 Code 117.06)

**735.07 DELAY OF PASSENGERS PROHIBITED.**

When one or more persons employ a taxicab and occupies it as a passenger, the driver shall not cause his vehicle to remain parked and delay the transporting of the passenger to the requested destination for a period in excess of two minutes after the passenger has entered the taxicab. (1987 Code 117.07)

**735.08 RECEIPTS.**

The driver of any taxicab licensed upon demand by the passenger shall be required to render a receipt to the passenger for the amount charged, either by mechanically printed receipt or specifically prepared receipt on which shall be the name of the owner and the name and identification number of the driver. (1987 Code 117.08)

**735.09 MAINTENANCE OF TRIP RECORDS.**

(a) Every licensed taxicab driver shall keep an accurate daily call sheet or trip record containing a complete record of the operation of each cab driven by him each day, and turn this call sheet or trip record over to the taxicab operator at the end of his tour of duty.

(b) Every operator of a taxicab business shall keep on file at the office thereof, a trip record containing a complete record of the daily operation of each licensed taxicab of the operator and make the record immediately available to and submit the same for inspection by the Police Division upon request. The record shall be kept for at least two years. (1987 Code 117.09)

**735.10 COLOR SCHEME AND INSIGNIA.**

(a) No taxicab covered by the terms of this chapter shall be licensed whose color scheme, or the name, monogram or insignia used thereon is in conflict with or, in the opinion of the Chief of Police, imitates a color scheme, monogram, name or insignia used by any other person, firm or corporation operating a taxicab or taxicabs, in such manner as to be misleading or tending to deceive or defraud the public. If, after a license has been issued to a taxicab hereunder, the color scheme, name, monogram or insignia thereof is changed so as to be in conflict or, in the opinion of the Chief of Police, imitates any color scheme, monogram, name or insignia used by any other person, firm or corporation operating a taxicab or taxicabs, in such manner as to be misleading or attempting to deceive or defraud the public, the license of that taxicab or taxicabs shall be revoked.

(b) The full name of the monogram or insignia of the owner of each taxicab shall be conspicuously displayed on each side of each taxicab, on the outside of either the front or rear doors, or both, in letters at least two inches high, or in the case of a monogram or insignia, not less than eight inches high.

(c) Within thirty days after a request by the Chief of Police, the operator shall present a photograph in color of the color scheme, monogram or insignia of the operator which photograph shall be delivered to the Division of Police.  
(1987 Code 117.10)

**735.11 CLEANLINESS AND SANITATION OF THE TAXICAB.**

Each taxicab operated under this chapter shall at all times be kept in a clean and sanitary condition. The violation of this section, after reasonable notice to the operator and an opportunity duly afforded to comply therewith, shall be grounds for revocation of the operator's license.  
(1987 Code 117.11)

**735.12 INSPECTION OF TAXICABS.**

The Chief of Police shall, from time to time as he may deem necessary or convenient, cause to be made an inspection of all licensed taxicabs. If any taxicab is found unsafe or unfit for the public transportation of passengers or in an unclean or unsanitary condition, notice shall be given to the holder of the license therefor and no person shall operate that taxicab in taxicab service until the same has been put in safe and in fit condition and reinspected and approved for service.  
(1987 Code 117.12)

**735.13 CERTAIN ACTS PROHIBITED.**

No operator or driver of a taxicab shall:

- (a) Deceive or attempt to deceive any passenger, prospective passenger or other passengers by any misrepresentation as to the number, ownership or other identity of his taxicab;

- (b) Coerce any persons for the purpose of securing or attempting to secure them as passengers in that taxicab;
- (c) Make use of any profane, boisterous or improper language;
- (d) Be the cause of or engage in any quarrelling, fighting or unlawful disturbance;
- (e) Loiter around a taxicab stand except in the driver's seat of his own cab; or
- (f) Solicit patronage while at a taxicab stand except when seated in the driver's seat of his taxicab or solicit patronage by a loud, boisterous outcry.  
(1987 Code 117.13)

### **TAXICAB BUSINESS OPERATOR**

#### **735.14 CERTIFICATE OF CONVENIENCE AND NECESSITY REQUIRED.**

(a) No taxicab operator's license to operate a particular taxicab or taxicabs shall be issued unless and until Council shall, by resolution, declare that the public convenience and necessity requires the issuance of additional operator's licenses in such number as may be set forth in the order so made and certified to the issuing authority. Upon receipt of the certification and compliance with any other requirements as may hereafter be set forth, the issuing authority shall be authorized to issue the specific additional number of operator's licenses to the person, firm or corporation named in such order, in conformity with the subsequent provisions of this chapter.

(b) Council shall hold a public hearing whenever it has determined whether or not public convenience and necessity require the issuance of as such additional operator's licenses, the number of licenses, if any, so required, and the person, firm or corporation to which the operator license should be issued. All interested parties have the right to submit applications to and be heard by Council at a public hearing with relation to a determination.

(c) Application for orders and certification thereof shall be made by filing the same not less than forty-five days prior to the public hearing. All applications shall be deemed to be public records and shall be available for inspection by all interested persons.  
(1987 Code 117.25)

#### **735.15 TAXICAB OPERATOR'S REQUIRED; APPLICATION.**

(a) No person, firm or corporation shall engage in the business of operating one or more taxicabs within the City without first procuring and at all times maintaining in full force and effect, a taxicab operator's license for each taxicab so operated.

(b) Application shall be made for a taxicab operator's license by filing the same by any person, partnership or corporation desiring to engage in the business of operating one or more taxicabs within the City. Each applicant shall complete an application form provided by the Chief of Police. All applications for operator's licenses shall be submitted to the Chief of Police for investigation and report including, but not limited to, both major and minor criminal offenses, including

traffic offenses. The license shall be denied in the event of a conviction by the applicant, if an individual, who within ten years prior to the application, has been convicted of an offense involving gambling, illegal criminal activity including the use of intoxicating liquor, alcohol or drugs, or against public morals. When the applicant is a corporation, it shall be a corporation duly authorized to do business under the laws of this State for the purpose of engaging in the business of operating taxicabs.

(c) Applications for corporations or partnerships shall be as prescribed on the form required by the Chief of Police and shall include, but not be limited to, the name of the president, general manager, stockholders and any other requirements as set forth in the required application form.

(d) The recommendation by the Chief of Police of a certificate of convenience and necessity shall be required prior to Council's decision as to the issuance of a certificate. The issuing authority shall issue the license or licenses applied for if approved by Council. (1987 Code 117.26)

#### **735.16 OPERATOR'S LICENSE FEE.**

A fee as set forth in Section 705.09 per cab per annum shall be paid to the City. This fee shall be collected only once, although the particular taxicab shall be used as a taxicab by more than one operator. As to licenses issued between July 1 and December 31 of any license year, the fee shall be one-half of the foregoing amount. (1987 Code 117.27)

#### **735.17 BOND AND ISSUANCE REQUIREMENTS.**

(a) Each applicant for a taxicab operator's license shall also file, at the time of payment of the license fee, a good and sufficient indemnity bond or liability insurance policy issued by a company licensed to do business in the State, payable to the City, and for the benefit of any person or persons injured either in person or in property, which bond or insurance policy shall be in the sum of fifty thousand dollars (\$50,000) for each person indemnified with a total liability of one hundred thousand dollars (\$100,000) for any one accident, which bond or insurance policy shall be subject to the approval of the City Manager. The bond or insurance policy shall remain in these sums at all times and until every claim against the operator, damages, injuries or death incurred or suffered by property or persons, through neglect or wrongful act of the taxicab operator, his agents or drivers, and the conduct of the business is completely satisfied.

(b) The bond or insurance policy shall be so conditioned that the taxicabs of the operator will be operated in accordance with the laws of the State and the Charter and ordinances of the City, and that any judgment rendered in any court against the operator arising out of damage or injury to any person or property caused by the operation of the taxicab and due to the negligence or wrongful acts of the operators, agents or drivers, shall be paid.

(c) The bond or insurance policy shall further contain express provisions of the effect that it shall not become void on first recovery but may be sued upon and recovery had from time to time until the full amount is exhausted. In the event of payment of damages, by either the surety or insurer, the operator shall, at once, give additional bond in the amount so paid to the end that there shall be, at all times, in effect the principal sum herein specified available for compensation as aforesaid.

(d) Further provisions shall be contained in either the bond or insurance policy that the bankruptcy or insolvency of the operator shall not release the surety or insurer from payment required, but shall remain in full force and effect and shall be available to any person indemnified, the same as though the operator was not insolvent or bankrupt.

(e) Any bond or policy may make provisions for compensation for damages caused only to the property of any person other than the licensee in the sum of not less than fifty thousand dollars (\$50,000).

(f) The bond or insurance policy shall further provide that no notice of any acts creating any liability thereunder shall be required and that the bond or policy shall not be canceled before ten days' written notice of the intention to cancel has been given to the City Manager and that the bond or policy shall remain in full force and effect until after the expiration of ten days from the date of service of that written notice. The bond or policy shall be renewed annually to the satisfaction of the City Manager.

(1987 Code 117.28)

#### **735.18 ISSUANCE OF LICENSE; INFORMATION TO BE ON FORM.**

Upon compliance with the applicable conditions enumerated herein, an operator's license shall be issued for a period expiring December 31 of each calendar year unless sooner revoked by Council. The form required shall include a statement of the number of taxicabs used by the operator, the make and motor number of each taxicab, the registration number and any other information reasonably required by the Chief of Police.

(1987 Code 117.29)

#### **735.19 REVOCATION OF OPERATOR'S LICENSE.**

(a) Council may revoke the license of any taxicab operator who is convicted by a court of competent jurisdiction of any of the following offenses:

- (1) Any felony offense under state or federal law, or three minor traffic misdemeanor offenses which occur within one twelve month calendar year period.
- (2) Permitting a taxicab to be operated for hire by one not licensed as a driver, as hereinafter provided.
- (3) Any false statement in the application for the operator's license.
- (4) The violation of any other provision of this chapter.
- (5) Conviction of any offense relating to the use of intoxicating liquor, alcohol or drugs.

- (6) Offenses against public morals.
- (7) Conviction of any offenses involving the possession, the sale or other illegal trafficking in drugs.

(b) The failure to provide adequate and reasonable service within the discretion of Council but on the condition that the revocation of the operator's license shall be made definite and certain by itemization served upon the taxicab operator by regular mail.

(c) If the person is convicted and is an executive officer of a corporation or a partnership in a firm or partnership at the date of the offense, the license shall be revoked only if it appears that the partnership or corporation sanctioned, aided in or had knowledge of the offense for which the conviction was made.

(d) Upon revocation of any operator's license, Council shall cause a notice in writing to be served upon or left at the usual place of business of the licensee, whereupon the licensee shall surrender his licenses together with all taxicab registration tags. No operator shall engage in the taxicab business until or unless a new license has been issued to him. No new license shall be issued to that licensee for a period of five years from the time of any revocation. In the event of any subsequent conviction of an operator for the violation of any of the offenses set forth in this section, his license shall be permanently revoked and no further license shall be issued.  
(1987 Code 117.30)

## **TAXICAB DRIVERS**

### **735.20 LICENSE REQUIRED.**

No person shall drive a taxicab within the City without first obtaining and maintaining at all times in full force and effect, a taxicab driver's license.  
(1987 Code 117.40)

### **735.21 APPLICATION FOR DRIVER'S LICENSE.**

The issuance of a license shall not be permitted until submitting to the Chief of Police, if an individual, a duplicate photograph of the applicant and the payment of the required license fee. Photographs shall not be less than three inches by two inches in size. The applicant shall further present himself to the Chief of Police or his designate for examination as to his qualifications and shall truthfully answer all questions and submit to all tests required tending to disclose whether he possesses those qualifications. If, after examination, the Chief of Police is satisfied that the applicant possesses all of the qualifications, he shall issue an order in writing certifying that fact, whereupon the issuing authority shall be authorized to issue a driver's license to the applicant upon the payment of the license fee.  
(1987 Code 117.41)

### **735.22 DRIVER'S LICENSE FEE.**

(a) Each taxicab driver shall pay an annual license fee in the amount set forth in Section 705.09. Each licensed driver shall display on the dashboard of the vehicle, in plain view and with proper lighting effects, his duplicate of the photograph provided for in Section 735.21, together with a card, not less than three inches by five inches in size showing his name and driver's license number so that any passenger occupying the vehicle may have a clear view of the photograph and number.

(b) The fee for a driver's license issued after July 1 of any calendar year shall be one-half of the annual fee set forth in Section 705.09.  
(Ord. 1987 Code 117.42)

**735.23 LICENSE YEAR; RENEWAL.**

(a) Taxicab licenses shall be valid from July 1 until June 30 of the following year.

(b) Any taxicab driver or operator desiring to continue the business of operating or driving a taxicab after the expiration of the license period shall, within thirty days prior to the expiration of his license, apply for the renewal of license and the renewal license shall be issued in the same manner and upon the same conditions as prescribed herein for an original license.  
(1987 Code 117.43)

**735.24 DENIAL OF TAXICAB DRIVER'S LICENSE.**

A taxicab driver's license may be denied to any applicant who, within three years prior to the filing of his application, has been convicted of a felony, or has been convicted of an offense involving illegal trafficking or the operation of any vehicle involving the use of intoxicating liquor, alcohol or drugs, or any act of personal violence or any act involving gambling or immoral enterprise.  
(1987 Code 117.44)

**735.25 RECORD TO BE KEPT OF LICENSES.**

The issuing authority shall file and keep a complete record of all driver's license applications, fees paid and licenses issued, with the name and address of each licensee and name of the business address of the operator under whose license he drives. The license shall be in a form as Council shall prescribe.  
(1987 Code 117.45)

**FARES**

**735.26 RATES OF FARE.**

(a) No taxicab operator or driver shall charge any fare for the taxicab service in excess of the following:

- (1) For the first passenger for the first one-seventh mile, one dollar and twenty cents (\$1.20).
- (2) For the first passenger and for each subsequent one-seventh mile, ten cents (10¢).
- (3) For each passenger in addition to the first, for the trip, twenty cents (20¢).
- (4) For each child under six years of age when accompanied by a paying fare, no fare.
- (5) For the first two pieces of hand luggage per passenger, no fare.
- (6) For each piece of hand luggage over two per passenger, ten cents (10¢).
- (7) For each one minute of waiting time, twenty cents (20¢).

(b) Each taxicab operator shall adjust the taximeter on each of his taxicabs in such a manner that it will indicate the fare due on each trip to be not in excess of the fare provided for the distance in the schedule of maximum rates herein prescribed.  
(1987 Code 117.55)

**735.27 DISPLAY OF FARES.**

(a) Licensed operators shall have the foregoing schedule of rates printed on cards in a form capable of being displayed in the interior of the taxicab. The schedule of rates shall be in a form capable of being displayed as issued by the City Manager.

(b) Each taxicab operator and each taxicab driver shall see that the card containing the schedule of rates is posted within the interior of the taxicab operated or driven by him in such a manner that it is in the sight of and can be read by the passengers.  
(1987 Code 117.56)

**735.28 REFUSAL OF PASSENGER TO PAY LEGAL FARE.**

No person shall refuse to pay the legal fare of any taxicab after having hired it. No person shall hire any taxicab with the intent to defraud the person from whom it is hired for the value of the service.  
(1987 Code 117.57)

**735.99 PENALTY.**

Any person violating the provisions of this chapter shall be guilty of a minor misdemeanor for a first offense, and guilty of a misdemeanor of the fourth degree for a second or subsequent offense. Every violation of this chapter shall constitute a separate offense. Violations occurring simultaneously shall be prosecuted as separate offenses, but two violations at the same time shall not require that the accused actually be given a separate sentence of imprisonment. However, in case of a third offense, the court shall have the discretion to do so.  
(1987 Code 117.99)



