

CODIFIED ORDINANCES OF KENT

PART SEVEN - BUSINESS REGULATION CODE.

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CODIFIED ORDINANCES OF KENT

PART SEVEN - BUSINESS REGULATION CODE

**CHAPTER 701
Air Pollution Control**

**701.01 Adoption by reference.
701.02 Definitions.
701.03 Fees.**

**701.04 Kent Health District to appoint
member.
701.99 Penalty.**

CROSS REFERENCES

Power to prevent dense smoke - see Ohio R. C. 715.44
Air pollution - see Ohio R.C. Ch. 3704
Noxious or offensive odors - see GEN. OFF. 521.09

701.01 ADOPTION BY REFERENCE.

There is hereby adopted by Council, for the purpose of establishing rules and regulations for air pollution control a certain air pollution control ordinance known as Ordinance Number 293-1974, enacting a new chapter 755 of Title VII of the Code of the City of Akron, Ohio, entitled "Air Pollution", save and except such portions as are hereinafter deleted, modified or amended, of which ordinance not less than three copies have been and now are filed in the office of the Clerk of the Board of Health of the Kent City Health District, one copy is on file in the County and one copy is on file with the Clerk of this Council, and the same is hereby adopted and incorporated as fully as if set out in length herein and from the date on which this section (Ordinance 1974-127) takes effect the provisions thereof shall be controlling in all matters relative to air pollution control contained within the limits of the Board of Health of the Kent City Health District. (Ord. 1974-127. Passed 10-2-74.)

701.02. DEFINITIONS

Unless otherwise expressly stated, as used in this chapter:

- (a) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (b) Where terms are not defined in this chapter, they shall have their ordinarily accepted meanings or such as the context may imply.
- (c) Chapter 755 of Title VII of the Code of the City of Akron, Ohio, shall be known as the Air Pollution Control Regulation of the Board of Health of the Kent City Health District.
- (d) "City of Akron" means the Board of Health of the Kent City Health District.
- (e) "Director" means the Health Commissioner of the Board of Health of the Kent City Health District. (Ord. 1974-127. Passed 10-2-74.)

701.03. FEES.

All fees, as provided in Section 755.07 of the Air Pollution Control Ordinance of the City of Akron, Ohio, for permits issued within the jurisdiction of this Board, shall be accounted for and paid over in full to the Board of Health of the Kent City Health District. (Ord. 1974-127. Passed 10-2-74.)

701.04. KENT HEALTH DISTRICT TO APPOINT MEMBER.

The Kent City Health District shall appoint one member to the Air Pollution Control Advisory Committee. (Ord. 1974-127. Passed 10-2-74.)

701.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than ten thousand dollars (\$10,000) or imprisoned not more than six months, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 703
Water Pollution Control

703.01 Definitions.

703.02 Labeling of phosphate content

703.99 Penalty.

703.03

**Limitation on sale
of detergents.**

CROSS REFERENCE

Water pollution control - see Ohio R.C. Ch. 6111

703. 01 DEFINITIONS.

- (a) "Synthetic detergent" or "detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use which is composed of organic and inorganic compounds including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form.
- (b) "Polyphosphate builder" or "phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, tri-phosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a de-tergent ingredient, but shall not include "polyphosphate builders" or "phosphorus" which is essential for medical, scientific or special engineering use under such conditions and regulations as may be prescribed, after hearing, by the City Engineer.
- (c) "Recommended use level" means the amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level such synthetic detergent or detergent will effectively perform its intended function.
- (d) "Machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures.
- (e) "Dairy equipment", "beverage equipment" and "food processing equipment" means that equipment used in the production of milk and dairy products, foods and beverages, including the processing, preparation or packaging thereof for consumption.
- (f) "Industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly. (Ord. 1979-92. Passed 6-6-79.)

703.02. LABELING OF PHOSPHATE CONTENT.

No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form in the City after July 1, 1979 unless the container, wrapper or other packaging thereof shall be clearly labeled with respect to its polyphosphate builder or phosphorus ingredient content clearly and legibly set forth thereon in terms of percentage of phosphorus by weight, expressed as elemental phosphorus per container, wrapper or other packaging thereof, as well as grams of phosphorus, expressed as elemental phosphorus per recommended use level. (Ord. 1979-92. Passed 6-6-79.)

703.03. LIMITATION ON SALE OF DETERGENTS.

(a) No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing more than eight and seven/tenths percent of phosphorus by weight, expressed as elemental phosphorus, within the City after September 1, 1979. No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent which requires a recommended use level of such synthetic detergent or detergent which contains more than seven grams of phosphorus by weight expressed as elemental phosphorus, within the City after September 1, 1979. Notwithstanding the foregoing provisions herein, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitations herein set forth but are hereby made expressly to the provisions of subsection (b) hereof.

(b) No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing any phosphorus, expressed as elemental phosphorus, including synthetic detergents or detergents manufactured for machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment within the City after September 1, 1979.

(c) The concentration of phosphorus by weight, expressed as elemental phosphorus in any synthetic detergent or detergents shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.). (Ord. 1979-92. Passed 6-6-79.)

703.99. PENALTY.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any provision of this chapter, except when otherwise specifically provided, shall be fined not more than three hundred dollars (\$300.00) for the first offense, and not more than five hundred dollars (\$500.00) for the second and each subsequent offense, in any 180-day period, or imprisoned not more than six months, or both. A separate and distinct offense shall be regarded as committed each day on which such person shall continue or permit any such violation or failure to comply is permitted to exist after notification thereof. (Ord. 1979-92. Passed 6-6-79.)

CHAPTER 705
Auctions

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

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CHAPTER 709
Billiards and Pool

709.01	License required.	709.99	Penalty
709.02	Hours when closed.		

CROSS REFERENCES

Powers to regulate - see Ohio R.C. 715.51, 715.61

709.01 License required.

No person shall engage in or carry on the business of operating and conducting a billiard room or pool room within the City without first securing from the City Manager a license therefor and paying a license fee as follows: for the term commencing on the date of the issuance of such license and ending on December 31 of the year in which such license is issued, fifteen dollars (\$15.00) for one billiard table or pool table used in any such billiard room or pool room, and five dollars (\$5.00) for each billiard table or pool table exceeding one so used. (Ord. 599. Passed 4-18-32.)

709.02. HOURS WHEN CLOSED.

All billiard rooms or pool rooms shall be kept and remain closed from the hours of 12:00 p.m. until the hour of 6:00 a.m. of the succeeding morning. (1925 Code §190.)

709.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues. No person found guilty of violating any of the provisions of this chapter shall be granted a license to operate a billiard room or pool room within one year after such conviction, and the City Manager shall revoke any license thereto-fore issued to such person.

**CHAPTER 713
Bowling Alleys**

713.01 License required; fee. 713.99 Penalty.

**CROSS REFERENCE
Power to regulate, see Ohio R.C. 715.51, 715.61**

713.01. LICENSE REQUIRED; FEE.

No person shall engage in or carry on the business of operating and conducting a bowling alley within the City without first securing from the City Manager a license there for and paying a license fee as follows: for the term commencing on the date of the issuance of such license and ending on December 31 of the year in which such license is issued, eighteen dollars and seventy-five cents (\$18.75) for one alley, used in any such bowling alley, and six dollars and twenty-five cents (\$6.25) for each additional bowling alley kept in such place. (Ord. 1304. Passed 5-3-48.)

713.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed during or on which a violation occurs or continues. No person found guilty of violating any of the provisions of this chapter shall be granted a license to operate a bowling alley within one year after such conviction, and the City Manager shall revoke any license theretofore issued to such person.

CHAPTER 717
Circuses, Carnivals and Temporary Amusements

717.01	License required	717.04	Authority of Manager.
717.02	License application; fee.	717.05	Disposition of funds.
717.03	License regulations; separate concession license and fee.	717.06	Conducting amusements without a license.
		717.99	Penalty.

CROSS REFERENCES

Power to regulate - See Ohio R.C. 715.48, 715.63, 3765.02
 Contests or games at County fairs - see Ohio R.C. 1711.09, 1711.11
 County license for public shows - see Ohio R.C. Chapter 3765

717.01. LICENSE REQUIRED.

No person, firm or corporation shall conduct or operate a circus, carnival or any other related amusement of a temporary nature in the City without having first obtained a license as is provided in this chapter. (Ord. 1966-159. Passed 11-7-66.)

717.02. LICENSE APPLICATION; FEE

Applications for such licenses shall be made to the City Manager and shall specify the place in or on which the circus or carnival is to be conducted and shall further specify the number of days that the same shall be in operation.

The fee for a carnival, circus or related temporary amusement license shall be five dollars (\$5.00) per day for each license. (Ord. 1966-159. Passed 11-7-66.)

717.03. LICENSE REGULATIONS; SEPARATE CONCESSION LICENSE AND FEE.

A circus, carnival or related temporary amusement license shall be valid only for the person in whose name it is issued and for the conduct of such activity at the place designated therein. Such license shall not be assignable and it shall be conspicuously displayed at the place for which it is issued during the period that such amusement is in operation. Such license shall not be interpreted as permitting the operation of concessions in connection with a circus. Such concessions shall be separately licensed at the rate of two dollars (\$2.00) per day. (Ord. 1966-159. Passed 11-7-66.)

717.04. AUTHORITY OF MANAGER.

The City Manager shall, so far as not to be inconsistent with this chapter, have the right to prescribe such rules and regulations for the administration of this chapter, including the right to revoke or suspend licenses. (Ord. 1966-159. Passed 11-7-66.)

717.05. DISPOSITION OF FUNDS.

The money received by the City Manager under the provisions of this chapter shall be credited to the General Fund of the City. (Ord. 1966-159. Passed 11-7-66.)

717.06. CONDUCTING AMUSEMENTS WITHOUT A LICENSE.

No person, firm or corporation shall conduct or begin to conduct any form of circus, carnival or related amusement at a temporary place of amusement within the City without first having a license there for as provided in this chapter. No person shall operate a concession in connection with the operation of a circus, carnival or related amusement without first obtaining a license there for as provided in this chapter. (Ord. 1966-159. Passed 11-7-66.)

717.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). A separate offense shall be deemed committed during or on which a violation occurs or continues.

CHAPTER 721
Drive-In Businesses; Regulation of Vehicles

721.01	Definitions	721.03	Duty of business operator.
721.02	Prohibitions.	721.99	Penalty.

721.01. DEFINITION.

"Drive-in business", within the meaning of this chapter, includes, but is not limited to, drive-in restaurants, banks, gasoline stations, shopping centers, plazas and trade marts where parking is furnished by the business concern for patrons in automobiles, motorcycles or other vehicles on the premises. (Ord. 1965-29. Passed 3-1-65.)

721.02. PROHIBITIONS.

(a) No person, while on or adjacent to the premises of a drive-in business, shall race the motor of any car, suddenly start or stop any car, or make or cause to be made any other loud or unseemly noise. No person parked on the premises of such business shall blow or cause to be blown unnecessarily any automobile horn or motorcycle horn at any time while so parked.

(b) No patron or other person on the premises of a drive-in business, whether in or out of an automobile, shall drink any alcoholic beverage on the parking area. No group of three or more persons shall congregate and linger at any location on the premises of a drive-in business other than in the business building, or in a legally parked motor vehicle. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle onto the premises of a drive-in business and then from such premises without parking such motor vehicle, unless there is no unoccupied parking space available on the premises.

(c) No person shall leave any unoccupied motor vehicle on any drive-in business parking lot and leave the premises thereof, except with the knowledge and consent of the operator of the business. (Ord. 1965-29. Passed 3-1-65.)

721.03. DUTY OF BUSINESS OPERATOR.

It shall be the duty of the drive-in business operator to post on the premises in a conspicuous location one or more signs bearing the following legend:

CRUISING IN OR CONGREGATING AND LINGERING OUTSIDE OF A MOTOR
VEHICLE IS UNLAWFUL. NO UNOCCUPIED VEHICLE MAY BE LEFT ON
THESE PREMISES WITHOUT THE CONSENT OF THE BUSINESS
OPERATOR. (Ord. 1965-29. Passed 3-1-65.)

721.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

CHAPTER 725
Fortunetelling and Clairvoyancy

(EDITOR'S NOTE: Former Chapter 725 was repealed by Ordinance 1982-22, passed March 3, 1982).

**CHAPTER 737
JUNK DEALERS**

737.01	Definition.	737.06	Vehicles used in junk dealing.
737.02	License required.	737.07	License issuance.
737.03	License application.	737.08	Sign required.
737.04	Bond.	737.09	Hours of business; purchase from minors.
737.05	License fee.	737.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61

Secondhand dealers - see Ohio R.C. Ch.4737

Record of transactions required - see Ohio R. C. 4737.01, 4737.04

Dealing with minors prohibited; hours regulated - see Ohio R. C.
4737.03

737.01. DEFINITION.

"Junk dealer" means any person who purchases, sells, exchanges or receives second-hand articles of any kind, scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, except paper, rags, plow irons, old stoves and furniture, whether with a fixed place of business or as an itinerant peddler. (Ord. 961. Passed 6-21-40.)

737.02. LICENSE REQUIRED.

No junk dealer shall engage in the business as set forth in this chapter without first having obtained and paid for a license as hereinafter provided. (Ord. 961. Passed 6-21-40.)

737.03. LICENSE APPLICATION.

Every applicant for a license to engage in the business of junk dealer shall file with the City Manager a written application upon a form prepared and provided by the City, signed by the applicant. Such application shall state:

(a) The names and residences of the applicants, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.

(b) The premises where such business is located or carried on or a description of the vehicle used by an itinerant peddler. (Ord. 961. Passed 6-21-40.)

737.04. BOND.

The license application shall be accompanied by a bond to the City approved as to form by the Solicitor in the penal sum of two hundred dollars (\$200.00) with a surety or collateral security approved by the City Manager conditioned for the due observance during the term of the

license of all laws, ordinances, rules and regulations which are now in force or may here-after be adopted by duly constituted authorities applicable to junk dealing. (Ord. 961. Passed 6-21-40.)

737.05. LICENSE FEE.

Every junk dealer shall pay an annual license fee of twenty dollars (\$20.00). All licenses shall be issued as of January 1 of each year and shall continue in force until one year next succeeding the date of issuance thereof. (Ord. 961. Passed 6-21-40.)

737.06. VEHICLES USED IN JUNK DEALING.

Each holder of a junk dealer's license shall be entitled to have, keep and operate one vehicle in connection with such business for the purpose of collecting junk within the City. For each additional vehicle used in and about such business for the purpose of collecting junk within the municipal limits, the additional sum of twenty dollars (\$20.00) shall be paid. (Ord. 961. Passed 6-21-40.)

737.07. LICENSE ISSUANCE.

Upon the filing of the application and the bond, as herein provided, the City Manager shall, upon his/her approval of such application after investigation and of such bond as to sufficiency of sureties or collateral security, and the payment to the City of the license fee herein provided, issue to the applicant a license to engage in business as provided in this chapter. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the junk business or describe the motor vehicle or other conveyance used by the itinerant peddler, the date of issuance and expiration of the license and the name and address of the licensee. (Ord. 961. Passed 6-21-40.)

737.08. SIGN REQUIRED.

A junk dealer shall post in a conspicuous place in or upon his/her shop, store, wagon, boat or other place of business, a sign having his/her name and occupation legibly inscribed thereon. word. 961. Passed 6-21-40.)

737.09. HOURS OF BUSINESS; PURCHASE FROM MINORS.

No person shall purchase or receive by sale, barter, exchange or otherwise, any article mentioned in this chapter, of a minor or apprentice, knowing or having reason to believe him/her to be such, or from any person between the hours of 9:00 p.m. and 7:00 a.m. (Ord. 961. Passed 6-21-40.)

737.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). (Ord. 961, Passed 6-21-40.)

**CHAPTER 741
Pawnbrokers**

741.01	Records required; inspections by police.	741.02	Hours; Sunday operation prohibited.
		741.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61

Pawnbrokers - see Ohio R.C. Ch. 4727

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

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

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

741.01. RECORDS REQUIRED; INSPECTIONS BY POLICE.

Each pawnbroker shall keep a correct list and description, in a book for that purpose, of every article pledged or deposited with him/her on which advances of money have been made or which has been purchased by him/her. Such list and description shall at all times be open to the inspection of the Police Chief or any other member of the Police Department. Each pawnbroker shall, at all times when required by the Police Chief or any member of the Police Department, produce and show any article so listed and described which may be in his/her possession. He/she shall also register in such book the name and place of residence of each depositor and the time each deposit was made. All entries made in such book shall be written in indelible ink in the English language. No entry shall be erased, obliterated or defaced. (Ord. 1961-38. Passed 4-17-61.)

741.02. HOURS; SUNDAY OPERATION PROHIBITED.

No person shall carry on or conduct the business of a pawnbroker between the hours of 6:00 p.m. and 8:00 a.m. on any day of the week, except that on Saturday such business may be conducted between the hours of 8:00 a.m. and 9:00 p.m. No person shall carry on or conduct the business of a pawnbroker on Sunday. (Ord. 1961-38. Passed 4-17-61.)

741.99. PENALTY.

Whoever violates any provision of this chapter shall, for the first offense, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). For a second or any succeeding offense after the second offense, such person shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both. (Ord. 1961-38. Passed 4-17-61.)

CHAPTER 745
Peddlers and Solicitors

745.01	Definition.	745.08	Exhibition of license.
745.02	Permit and license required.	745.09	Duty of police to enforce.
745.03	Application.	745.10	Records.
745.04	Investigation and issuance.	745.11	Revocation of license.
745.05	Fees.	745.12	Appeal.
745.06	Bond.	745.13	Expiration of license.
745.07	Badges.	745.99	Penalty.

CROSS REFERENCES

Power to inspect food products - see Ohio R. C. 715.46
 Power to regulate - see Ohio R.C. 715.61 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Frozen desserts - see Ohio R. C. 3717.51 et seq.
 Littering - see GEN. OFF. 521.08
 Trespassing - see GEN. OFF. 541.05

745.01 DEFINITION.

As used in this chapter, "canvasser" or "solicitor" means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, and shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of taking orders for future delivery. This definition shall not apply to persons selling by sample only, nor to any agricultural articles or products offered for sale by the producer. (Ord. 1970-23. Passed 5-13-70.)

745.02. PERMIT AND LICENSE REQUIRED.

No person shall engage in such business within the corporate limits without first obtaining a permit and license therefor in compliance with this chapter. (Ord. 1970-23. Passed 5-13-70.)

745.03. APPLICATION.

Applicants for permits and licenses under this chapter must file with the City Manager a sworn application in writing, in duplicate, on a form to be furnished by the City Manager which shall give the following information:

- (a) Name and description of the applicant;
- (b) Permanent home address and full local address of the applicant;

- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right to do business is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery;
- (g) A photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) The names of at least two reliable property owners of the County of Portage, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (i) A statement as to whether or not the applicant has been convicted of or pleaded guilty to any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (j) At the time of filing the application, a fee of two dollars (\$2.00) shall be paid to the City Manager to cover the cost of investigation of the facts stated herein.

745.04. INVESTIGATION AND ISSUANCE.

- (a) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he/she deems necessary for the protection of the public good.
- (b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his/her disapproval and his/her reasons for the same, and return the application to the City Manager, who shall notify the applicant that his/her application is disapproved and that no permit and license will be issued.
- (c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his/her approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application to the City Manager, who shall, upon payment of the prescribed license fee, deliver to the applicant his/her permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of such licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Manager shall keep a permanent record of all licenses issued. (Ord. 1970-23. Passed 5-13-70.)

745.05. FEES.

(a) The license fee which shall be charged by the City Manager for such license shall be one dollar (\$1.00) per day, five dollars (\$5.00) per week, fifteen dollars (\$15.00) per month and one hundred dollars (\$100.00) per year.

(b) None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he/she may apply to the City Manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his/her method of business and the gross volume or estimated gross volume of business and such other information as the City Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Manager shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he/she shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the City Manager determine the gross sales measure of the fee to be the fair basis, he/she may require the applicant to submit, either at the time of termination of the applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsection (a) hereof. (Ord. 1970-23. Passed 5-13-70.)

745.06. BOND.

Every applicant, not a resident of the City, or who being a resident of the City represents a firm whose principal place of business is located outside the State shall file with the City Manager a bond acceptable to him/her running to the City in the amount of one hundred dollars (\$100.00), conditioned that the applicant shall comply fully with all the provisions of the ordinances of the City and the statutes of the State regulating and concerning the business of solicitor and guaranteeing to any citizen of the City that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the City doing business with such solicitor, that the property purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought in the name of the City to the use or benefit of the aggrieved person, but must be brought within sixty days after the expiration of the license of such solicitor. (Ord. 1970-23. Passed 5-13-70.)

745.07. BADGES

The City Manager shall issue to each licensee at the time of delivery of his/her license a badge which shall contain the words "licensed solicitor", the period for which the license is issued and the number of the license, in letters and figures easily discernible from a distance of ten feet. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his/her outer garment in such a way as to be conspicuous. (Ord. 1970-23. Passed 5-13-70.)

745.08. EXHIBITION OF LICENSE.

Solicitors and canvassers are required to exhibit their licenses at the request of any citizen. (Ord. 1970-23. Passed 5-13-70.)

745.09. DUTY OF POLICE TO ENFORCE.

It shall be the duty of any police officer of the City to require any person seen soliciting or canvassing, who is not known by such officer to be duly licensed, to produce his/her solicitor's or canvasser's license and to enforce this chapter against any person found to be violating the same. (Ord. 1970-23. Passed 5-13-70.)

745.10. RECORDS.

The Chief of Police shall report to the City Manager all convictions for violation of this chapter and the City Manager shall maintain a record for each license issued and record the reports of violations therein. (Ord. 1970-23. Passed 5-13-70.)

745.11. REVOCATION OF LICENSE.

(a) Permits and licenses issued under this chapter may be revoked by the City Manager after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor or as canvasser;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
or
- (5) Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five days prior to the date set for hearing. (Ord. 1970-23. Passed 5-13-70.)

745.12. APPEAL.

Any person aggrieved by the action of the Chief of Police or the City Manager in the denial of a permit or license as provided in Section 745.04 or the action of the City Manager in the assessing of the fee as provided in Section 745.05(c) or the action of the City Manager in revoking a permit or license as provided in Section 745.05(c), shall have the right of appeal to Council. Such appeal shall be taken by the filing with Council, within fourteen days after notice of

the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 745.11 for notice of hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive. (Ord. 1970-23. Passed 5-13-70.)

745.13. EXPIRATION OF LICENSE.

All annual licenses issued under this chapter shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license. (Ord. 1970-23. Passed 5-13-70.)

745.99. PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree as defined in Section 501.99. (Ord. 1979-61. Passed 4-4-79.)

CHAPTER 747
Sales and Special Sales

747.01	Definitions.	747.05	Effect of license; term and renewal.
747.02	License required.		
747.03	Application of regulations; exemptions.	747.06	Duties of licensee.
747.04	Application requirements; license fee.	747.99	Penalty.

CROSS REFERENCES

Consumer sales practices - see Ohio R.C. 1345.01 et seq.

747.01 DEFINITIONS.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "City" means the City of Kent, Ohio.
- (b) "City License Officer" means the City Manager of the City.
- (c) "Fire and other altered goods sale" means a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other means.
- (d) "Going-out-of-business sale" means a sale held out in such a manner as to reason-ably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of administrators; benefit of creditors; benefit of trustees; building coming down; closing; creditor's committee; creditor's end; executor's; final days; forced out; forced out of business; insolvents'; last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's; trustee's; quitting business.
- (e) "Goods" means and includes any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.
- (f) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (g) "Removal of business sale" means a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the City or will then continue business from other existing locations in the City. (Ord. 1962-83. Passed 7-2-62.)

747.02. LICENSE REQUIRED.

A license issued by the City License Officer shall be obtained by any person before selling or offering to sell any goods at a sale to be advertising or held out by any means to be one of the following kinds:

- (a) Going-out-of-business sale;
- (b) Removal of business sale;
- (c) Fire and other altered stock sale. (Ord. 1962-83. Passed 7-2-62.)

747.03. APPLICATION OF REGULATIONS; EXEMPTIONS.

- (a) Established Business Requisite. Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least six months prior to the date of the proposed sale shall not be granted a license. Upon the death of a person doing business in this City, his/her heirs, devisees or legatees shall have the right to apply at any time for a license hereunder.
- (b) Interval Between Sales. Any person who has held a sale, as regulated hereunder, at the location stated in the application, within one year last past from the date of such application shall not be granted a license.
- (c) Restricted Location. Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application, and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.
- (d) Persons Exempted. The provisions of this chapter shall not apply to or affect the following persons:
 - (1) Persons acting pursuant to an order or process of a court of competent jurisdiction;
 - (2) Persons acting in accordance with their powers and duties as public officials;
 - (3) Duly licensed auctioneers, selling at auction;
 - (4) Persons conducting a sale of the type regulated herein on August 1, 1962, unless such sale is continued for a period of more than thirty days from and after such effective date, in which event, such person, at the lapse of the thirty-day period, shall comply with the provisions of this chapter;
 - (5) Any publisher of a newspaper, magazine or other publication who publishes in good faith any advertisement without knowledge of its false, deceptive or misleading character, or without knowledge that this chapter has not been complied with. (Ord. 1962-83. Passed 7-2-62.)

747.04. APPLICATION REQUIREMENTS; LICENSE FEE.

- (a) Written Information Required. A person desiring to conduct a sale regulated by this chapter shall make a written application to the City License Officer setting forth and containing the following information:

- (1) The true name and address of the owner of the goods to be the object of the sale;
 - (2) The true name and address of the person from whom he/she purchased the goods to be sold and the price therefor, and, if not purchased, the manner of such acquisition;
 - (3) A description of the place where such sale is to be held;
 - (4) The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;
 - (5) The dates of the period of time in which the sale is to be conducted;
 - (6) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;
 - (7) The means to be employed in advertising such sale together with the proposed content of any advertisement;
 - (8) A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Such inventory shall be attached to and become part of the required application.
 - A. Bona fide orders. All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.
 - B. Goods purchased for sale hereunder. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase or additions to the stock of goods of the business hereby affected within thirty days before the filing of an application hereunder shall be deemed to be of such character.
- (b) License Fee. Any applicant for a license hereunder shall submit to the City License Officer with his/her application a license fee of twenty dollars (\$20.00). Any applicant for a renewal license hereunder shall submit to the City License Officer with his/her renewal application a renewal license fee of ten dollars (\$10.00). (Ord. 1962-83. Passed 7-2-62.)

747.05. EFFECT OF LICENSE; TERM AND RENEWAL.

A license shall be issued hereunder on the following terms:

- (a) Licensing Period. The license shall authorize the sale described in the application for a period of not more than thirty consecutive days, Sundays and legal holidays excluded, following the issuance thereof.
- (b) Renewal Procedure. The City License Officer shall renew a license for one period of time only, such period to be in addition to the thirty days permitted in the original license and not to exceed thirty consecutive days, Sundays and holidays excluded, when he/she finds:
 - (1) That facts exist justifying the license renewal;
 - (2) That the licensee has filed an application for renewal;
 - (3) That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

For the purpose of this subsection, any application for a license under the provisions of this chapter covering any goods previously inventoried as required hereunder shall be deemed to be an application for renewal, whether presented by the original applicant or by any other person.

- (c) Nature of Sale. The license shall authorize only the one type of sale described in the application at the location named therein.
- (d) Saleable Goods. The license shall authorize only the sale of goods described in the inventory attached to the application.
- (e) Surrender of General License. Upon being issued a license hereunder for a going-out-of-business sale, the licensee shall surrender to the License Officer all other business licenses he/she may hold at that time applicable to the location and goods covered by the application for a license under this chapter.
- (f) Nontransferability. Any license herein provided for shall not be assignable or transferable. (Ord. 1962-83. Passed 7-2-62.)

747.06. DUTIES OF LICENSEE.

A licensee hereunder shall:

- (a) Adhere to Inventory. Make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for a license.
- (b) Advertise Properly. Refrain from employing any untrue, deceptive or misleading advertising.
- (c) Adhere to Advertising. Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- (d) Keep Duplicate Inventory. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and present such duplicate to inspecting officials upon request.
- (e) Segregate Noninventoried Goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods. (Ord. 1962-83. Passed 7-2-62.)

747.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00) for a first offense; for a second offense or any succeeding offense after the second offense, not more than one hundred dollars (\$100.00) or imprisonment not more than thirty days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 1962-83. Passed 7-2-62.)

CHAPTER 749
Taxicabs

(EDITOR'S NOTE: Former Chapter 749 was repealed by Ordinance 1993-95, passed December 15, 1993.)

(Next printed page is page 35)

CHAPTER 753
Trailers and Trailer Camps

753.01	Definitions	753.04	Trailer camps prohibited
753.02	Trailers prohibited as homes	753.99	Penalty
753.03	Temporary stopping or parking limited.		

CROSS REFERENCES

Trailer parks and ports - see Ohio R.C. Ch. 3733

Licensing and fees by Board of Health - see Ohio R.C. 3733.03

et seq.

Tax levy on house trailers - see Ohio R.C. 4503.06 et seq.

Register; information open to inspection - see Ohio R.C.

4503.062

753.01. DEFINITIONS.

Whenever used in this chapter, unless a different meaning appears from the context:

- (a) "Automobile trailer", "trailer coach" or "trailer" means any vehicle or structure so designated and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business, profession, occupation or trade (or use as a selling or advertising device) and so designated that it is or may be mounted on wheels and used as a conveyance on highways or City streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. (Ord. 1402. Passed 8-1-49.)
- (b) "Permanent residence", when applied to automobile trailers, whether or not mounted on wheels, means a permanent residence when it remains on any lot or parcel of land longer than thirty days and is used as sleeping or living quarters. (Ord. 1955-87. Passed 12-20-55.)
- (c) "Person" includes individuals, partnerships, firms, companies, corporations, tenants, owners, lessees or licensees, their agents, heirs or assigns.
- (d) "Trailer camp" means any park, trailer park, trailer court, court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location of accommodations for any trailer coaches and upon which any trailer coaches are parked and includes all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not.
- (e) "Unit" means a section of ground in a trailer camp or private property of not less than 1,000 square feet of occupied space in an area designated as the location for only one automobile and one trailer. (Ord. 1402. Passed 8-1-49.)

753.02. TRAILERS PROHIBITED AS HOMES.

No person shall, within the City, use as a place of abode, temporarily, permanently or for indefinite periods of time, any trailer on any lot, parcel or tract of land. (Ord. 1956-66. Passed 10-1-56.)

753.03. TEMPORARY STOPPING OR PARKING LIMITED.

Emergency or temporary stopping or parking is permitted on any street for not longer than two hours, subject to any other prohibitions, regulations or limitations imposed by traffic or parking regulations or ordinances for that street. (Ord. 1956-66. Passed 10-1-56.)

753.04. TRAILER CAMPS PROHIBITED.

No person shall establish, operate, maintain or permit to be established, operated or maintained upon any property within the City owned or controlled by him/her, a trailer camp, except as may be otherwise provided in the Zoning Code. (Ord. 1970-23. Passed 5-13-70.)

753.99. PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed during or on which a violation occurs or continues.

CHAPTER 755
Transportation Systems

755.01	Definitions.	755.08	Council's authority over certificate.
755.02	Compliance; certificate and license.	755.09	License required; fee.
755.03	Certificate application; contents.	755.10	License for driver.
755.04	Referral; hearing.	755.11	Safety inspections.
755.05	Council approval; issuance of certificate.	755.12	Nontransferability.
755.06	Insurance.	755.13	Vehicle identification.
755.07	Fare rates.	755.14	Retroactive measures.
		755.15	City Manager's powers and duties.
		755.99	Penalty.

CROSS REFERENCES

Licensing and accidents - see TRAF. Ch. 335

755.01 DEFINITIONS.

As used in this chapter:

- (a) "Operator" means every person, corporation, partnership or association engaged in the business of transporting in a vehicle for hire any member of the general public but excluding the transportation of persons in taxicabs or buses.
- (b) "Vehicle" means any motor propelled vehicle which has a seating capacity of not more than eighteen persons, excluding the driver, excluding taxicabs and buses.
- (c) "Driver" means the person in actual physical control of a vehicle.
- (d) "Street" means any street, alley or public way within the corporate limits of the City. (Ord. 1970-67. Passed 8-19-70.)

755.02. COMPLIANCE; CERTIFICATE AND LICENSE.

No operator shall begin to operate any vehicle for the transportation of the general public for hire over any streets of the City, without first obtaining from Council a certificate declaring that the public convenience and necessity requires such operation and obtain the license required by Section 755.09. (Ord. 1970-67. Passed 8-19-70.)

755.03. CERTIFICATE APPLICATION; CONTENTS.

An application for a certificate of public convenience and necessity under the provisions of this chapter shall be filed with the City Manager on such a form as he/she shall prescribe. This application shall provide for the inclusion of information as follows:

- (a) The name and address of the applicant and the nature of the business to be transacted.
- (b) The nature and description of the equipment proposed to be used.
- (c) The number and seating capacity of each vehicle proposed to be operated.
- (d) The schedule showing the rates to be charged and the rules applicable to such rates.
- (e) The inclusion of such other factual information deemed pertinent. (Ord. 1970-67. Passed 8-19-70.)

755.04. REFERRAL; HEARING.

Whenever any applicant for a certificate of public convenience and necessity has complied with all conditions and regulations relative to the filing of an application, the City Manager shall forward such application to Council at its next regular meeting. Such application shall be referred to the proper committee of Council by the President of Council, for the purpose of having a hearing thereon to determine the public convenience and necessity as hereinafter set forth; notice of such hearing shall be given to all interested parties, not less than five days before the date set for such hearing. The kind of notice, place of hearing and all facts relative to such hearing shall be regulated by the committee. (Ord. 1970-67. Passed 8-19-70.)

755.05. COUNCIL APPROVAL; ISSUANCE OF CERTIFICATE.

After the hearing pursuant to Section 755.04, the committee of Council to which such application has been referred by the President of Council shall report their finding and recommendation to Council. If Council grants such application, that fact shall be communicated in writing by the Clerk of Council to the City Manager. Upon receipt of such written communication from the Clerk and upon compliance by such operator with the requirements of this chapter as herein set forth, the City Manager shall issue a certificate of public convenience and necessity to such operator. (Ord. 1970-67. Passed 8-19-70.)

755.06. INSURANCE

No certificate shall be issued to engage in the business of transporting for hire any member of the general public until there is deposited with the City Manager a policy of liability insurance for each vehicle so used. Such insurance shall be subject to the approval of the Law Director and shall indemnify the policy holder in the sum of twenty-five thousand dollars (\$25,000) for injury or death to one person, fifty thousand dollars (\$50,000) for injury or death to more than one person, and five thousand dollars (\$5,000) for property damage arising out of any one accident through the operation of a vehicle as defined herein.

The policy shall further contain a clause obligating the insurance company writing such policy to give ten days written notice to the City Manager before cancellation of such policy. Upon the lapse, expiration or termination of such policy and insurance, the certificate issued to the operator herein shall expire. (Ord. 1970-67. Passed 8-19-70.)

755.07. FARE RATES.

The rates of fare to be charged by an operator are set forth as follows:

Rates of Fare
(Intra City)

- (a) Cost of Fares - Adult.
\$.55 each if purchased on board
.50 each if purchased by book of 10 tickets
.45 each if purchased by book of 40 tickets
- (b) Cost of Fares - Senior Citizens 62 Years of Age or Older; Young Citizens 5 to 18 Years of Age.
\$.50 each if purchased on board
.45 each if purchased by book of 10 tickets
.40 each if purchased by book of 40 tickets
- (c) These fares include one free transfer - (point of origination to point of destination).
- (d) The book tickets may be used any day or at any time.
- (e) There shall be no change in the Rate of Fare provided for herein unless authorized by majority vote of Council.
- (f) A printed copy of the Rates of Fare shall be exhibited in all vehicles in such a way as to be read easily at any time during the day or night.
- (g) The operating schedule to meet the approval of the City Manager. (Ord. 1970-67. Passed 8-19-70.)

755.08. COUNCIL'S AUTHORITY OVER CERTIFICATE.

Council for good cause shown and upon at least thirty days written notice to the holder of any certificate of public convenience and necessity, and after granting an opportunity to be heard, may revoke, alter or amend any certificate granted under the authority of this chapter. (Ord. 1970-67. Passed 8-19-70.)

755.09. LICENSE REQUIRED; FEE.

No operator shall permit a vehicle to be used on any street or public place within the City without first obtaining a license to do so from the City Manager. No license shall be issued unless the applicant has obtained a certificate of public convenience and necessity.

The City Manager shall issue a license in conformity with this chapter provided that the applicant therefor pays a license fee of twenty-five dollars (\$25.00) payable in advance on January 1 of each year, for each vehicle operated under this chapter for one year. No license shall be issued by the City Manager until the vehicle that is to be licensed has been approved as safe as provided for in Section 755.11.

No license shall be issued for less than six months and when such license is issued any time from January 1 to June 30, inclusive, the full fee for that half year shall be charged, and likewise the full fee shall be charged for all licenses issued from July 1 to December 31 inclusive.

Such license shall be exhibited in a prominent place in such vehicle in full view of the passengers carried therein. The proceeds that arise from the collection of fees shall be placed in the fund for the repair of public streets and disposed of in the manner provided by law for the maintenance and repair of public streets. (Ord. 1970-67. Passed 8-19-70.)

755.10. LICENSE FOR DRIVER.

No driver of a vehicle shall be hired by an operator or drive a vehicle without first obtaining from the City Manager a license to do so. An applicant for a license must be at least twenty-one years of age.

The applicant shall pay a fee for such license in the amount of one dollar (\$1.00) per year. The permit issued under such licenses shall be certified by the City Manager and Chief of Police. The fee shall be paid into the General Fund. (Ord. 1970-67. Passed 8-19-70.)

755.11. SAFETY INSPECTIONS.

The Police Department is hereby directed to conduct a safety inspection of all vehicles at quarterly intervals each year between the first and tenth day of January, April, July and October. If any vehicle fails to conform with the standards of safety required by the Traffic Code, the inspecting officer shall inform the City Manager of such fact and the City Manager shall revoke the license for such vehicle until the defects have been corrected. (Ord. 1970-67. Passed 8-19-70.)

755.12. NONTRANSFERABILITY .

No license issued under any provision of this chapter shall be sold, leased, transferred or assigned to any person, corporation, partnership or association by any holder of such license. (Ord. 1970-67. Passed 8-19-70.)

755.13. VEHICLE IDENTIFICATION.

On both sides of all vehicles, either on the vehicle itself, or on detachable signs there shall be painted the following, in letters and figures not less than two inches in height and three-eighths inch in width, the operator name and location and the operator number. (Ord. 1970-67. Passed 8-19-70.)

755.14. RETROACTIVE MEASURES.

Any and all provisions herein which apply or refer to a certificate of public convenience and necessity shall have retroactive effect to May 13, 1970. (Ord. 1970-67. Passed 8-19-70.)

755.15. CITY MANAGER'S POWERS AND DUTIES.

The City Manager is vested with the power and authority:

- (a) To supervise and regulate the operation of all vehicles, as defined herein, within the City.
- (b) To require the filing of annual reports, schedules and other data by any operator to provide full compliance with all provisions of this chapter.
- (c) To prescribe rules and regulations and to issue orders in conformity with this chapter. (Ord. 1970-67. Passed 8-19-70.)

755.99. PENALTY.

(a) Whoever violates Section 755.02 shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day of violation shall constitute a separate offense.

(b) Whoever violates Section 755.10 shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day of violation shall constitute a separate offense. (Ord. 1970-67. Passed 8-19-70.)

CHAPTER 757
Massage Establishments

757.01	Definitions.	757.13	Inspections.
757.02	Permit required.	757.14	Employment of person under the age of eighteen prohibited.
757.03	Filing of application; fee.		Identification card.
757.04	Application for massage establishment permit.	757.15	Transfer of permits.
757.05	Issuance of permit for a massage establishment.	757.16	Display of permit.
757.06	Revocation or suspension of permit for massage establishment.	757.17	Employment of masseurs and masseuses.
		757.18	Time limit for filing application for permit.
757.07	Masseur or masseuse permit.	757.19	Nonapplicability of this chapter.
757.08	Application for masseur or masseuse permit.	757.20	Rules and regulations.
757.09	Issuance of masseur or masseuse permit.	757.21	Keeping of records.
757.10	Revocation of masseur or masseuse permit.	757.22	Persons under age eighteen.
757.11	Facilities necessary.	757.23	Maintaining a public nuisance.
757.12	Operating requirements.	757.24	Review.
		757.25	Penalty.
		757.99	

CROSS REFERENCES

Sexual misconduct - see GEN. OFF. Ch. 533
Endangering children - see GEN. OFF. 537.07

757.01 DEFINITIONS.

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

- (a) "Massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice.
- (b) "Applicant" means person applying for a permit under this chapter and must include all partners, including limited partners, of a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than two percent (2%) of the stock of a corporate applicant.

- (c) "Massage establishment" means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on, any of the activities mentioned in subsection (a) hereof.
- (d) "Masseur" or "masseuse" means any individual who, for any consideration whatsoever, engages in the practice of massage as herein defined.
- (e) "Employee" means any and all persons other than the masseurs or massesues, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.
- (f) "Person" means any individual, copartnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (g) "Health Commissioner" means the Commissioner of the Department of Health of the City or his/her authorized representative.
- (h) "Permittee" means the operator of a massage establishment.
- (i) "Sexual or genital area" includes the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female. (Ord. 1980-166. Passed 10-15-80.)

757.02. PERMIT REQUIRED.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a massage establishment as herein defined, without first having obtained a permit from the Board of Health, after approval of the Health Commissioner. (Ord. 1980-166. Passed 10-15-80.)

757.03. FILING OF APPLICATION; FEE.

Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in duplicate under oath, with the Health Department upon a form provided by the Health Department and pay a nonrefundable filing fee of one hundred dollars (\$100.00) to the Director of Finance who shall issue a receipt which shall be attached to the application filed with the Health Department.

The Health Department shall, within five days, refer copies of such application to the Fire Department, the Building Department and the Police Department. Those departments shall, within thirty days, inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Health Department concerning compliance with the codes that they administer.

Within ten days of receipt of the recommendations of the aforesaid department, the Health Department shall notify the applicant that his/her application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional thirty days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Health Department shall advise the applicant, in writing whether the applicant ion is granted or denied.

Whenever an application is denied or held for further investigation, the Health Department shall advise the applicants in writing of the reasons for such action.

The failure or refusal of the applicant to give promptly any information relevant to the investigation of the application or his/her refusal to submit to or cooperate with any inspection required by this chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Health Commissioner. (Ord. 1980-166. Passed 10-15-80.)

757.04. APPLICATION FOR MASSAGE ESTABLISHMENT PERMIT.

The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, and the proposed place of business and facilities therefor.

In addition to the foregoing, any applicant for a permit, including any partner, or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than two percent (2%) of the stock of a corporate applicant, shall furnish the following information:

- (a) Name and address.
- (b) Written proof that the individual is at least eighteen years of age.
- (c) All residential addresses for the past three years.
- (d) The applicant's height, weight, color of eyes and hair.
- (e) The business, occupation, or employment of the applicant for the three years immediately preceding the date of application.
- (f) The massage or similar business license history of the applicant; whether such person in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason there for and the business activity or occupation subsequent to such action of suspension or revocation.
- (g) All criminal or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations, within the last five years.
- (h) The fingerprints and two front-face portrait photographs of the applicant taken within thirty days of the date of the application and at least two inches by two inches in size.
- (i) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation. (Ord. 1980-166. Passed 10-15-80.)

757.05. ISSUANCE OF PERMIT FOR A MASSAGE ESTABLISHMENT.

Upon receipt of the certificate of the Health Department that the establishment is in compliance with all of the requirements of the Health Code and the certificate of the Building Inspector and Fire Inspector that the building meets the Building Code and the Chief of Police that the applicant or applicants have not been convicted in a court of competent jurisdiction of the crimes listed in subsection (b) hereof, the Health Commissioner shall issue a permit to maintain, operate or conduct a massage establishment, unless he/she finds:

- (a) That the operation, as proposed by the applicant, if permitted would not have complied with all applicable laws of the City; or
- (b) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of a felony, an offense involving sexual misconduct with children, prostitution, soliciting for purposes of prostitution, pandering, keeping a place

of prostitution, pimping, any crime involving dishonesty, fraud or deceit, within the last five years.

Every massage establishment permit issued pursuant to this chapter will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked. (Ord. 1980-166. Passed 10-15-80.)

757.06. REVOCATION OR SUSPENSION OF PERMIT FOR MASSAGE ESTABLISHMENT.

Any permit issued for a massage establishment may be revoked or suspended by the Health Commissioner after a hearing for good cause or in any case where any of the provisions of this article are violated or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at permittee's place of business, which violates any of the provisions of this chapter or any State law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this chapter or in any case where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the City to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Health Commissioner after a hearing, upon the recommendations of the Health Commissioner, that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

Any violation of this chapter by any employee of the permittee including a masseur or masseuse, shall be cause for suspension of the permit for not more than thirty days in the first instance. Any subsequent violation of this chapter by any employee of the permittee, including a masseur or masseuse, shall be cause for suspension or revocation of the permit.

The Health Department, before revoking or suspending any permit, shall give the permittee at least ten day's written notice of the charges against him/her and the opportunity for a public hearing before the Health Commissioner, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. (Ord. 1980-166. Passed 10-15-80.)

757.07. MASSEUR OR MASSEUSE PERMIT.

Any person, including an applicant for massage establishment permit, who engages in the practice of massage as herein defined, shall file an application for a masseur or masseuse permit with the Health Department upon a form provided by the Health Department and shall pay a nonrefundable filing fee of fifty dollars (\$50.00) for an original application and twenty-five dollars (\$25.00) for a renewal application to the Director of Finance, who shall issue a receipt which shall be attached to the application filed with the Health Department. (Ord. 1980-166. Passed 10-15-80.)

757.08. APPLICATION FORM FOR MASSEUR OR MASSEUSE PERMIT.

The application for a masseur or masseuse permit shall contain the following:

- (a) Name and residence address;
- (b) Social security number and driver's license number, if any;
- (c) Applicant's weight, height, color of hair and eyes;
- (d) Written evidence that the applicant is at least eighteen years of age;
- (e) Business, occupation, or employment of the applicant for the three years preceding the date of application.

- (f) Whether the applicant has been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond involving a charge of committing any crime except minor traffic violations within the last five years. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction, plea or forfeiture was had, the specific charge under which the conviction, plea or forfeiture was obtained, and the sentence imposed as a result thereof;
- (g) The Chief of Police, or his/her delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted;
- (h) All persons who desire to perform the services of masseur or masseuse at a massage establishment shall first undergo a physical examination for contagious and communicable diseases, which shall include a recognized blood test for syphilis, a culture for gonorrhea, a test or tests which will demonstrate freedom from tuberculosis, which is to be made and interpreted by a licensed physician acceptable to the Health Commissioner, and such other laboratory tests done in a laboratory acceptable to the Health Commissioner, as may be necessitated by the above examination, and shall furnish to the Health Commissioner a certificate based upon the applicant's physical examination and issued within thirty days of such examination, signed by a physician duly licensed by the State and stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of such diseases to others. Such persons shall undergo the physical examination referred to above and submit to the Health Commissioner the certificate required herein prior to commencement of their employment and at least once every six months thereafter. (Ord. 1980-166. Passed 10-15-80.)

757.09. ISSUANCE OF MASSEUR OR MASSEUSE PERMIT.

The Health Commissioner may issue a masseur or masseuse permit within twenty-one days following application, unless he/she finds that the applicant for masseur or masseuse permit has been convicted within the last five years of a felony; an offense involving sexual misconduct with children; keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution, or pandering or any crime involving dishonesty, fraud, or deceit, or is presently the carrier of a communicable disease as defined by the Ohio Revised Code.

Every masseur or masseuse permit issued pursuant to this chapter shall terminate at expiration of one year from the date of issuance, unless sooner suspended. (Ord. 1980-166. Passed 10-15-80.)

757.10. REVOCATION OF MASSEUR OR MASSEUSE PERMIT.

A masseur or masseuse permit issued by the Health Commissioner shall be revoked or suspended where it appears that the masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter or has contracted a communicable disease as defined by the Ohio Revised Code.

The Health Commissioner, in revoking or suspending a masseur or masseuse permit, shall give the permit holder a written notice specifying the grounds there for. Such person may, within ten days of such revocation or suspension, file a written request with the Health Commissioner for a public hearing before the Board of Health, at which time the masseur or masseuse may present evidence bearing upon the question. (Ord. 1980-166. Passed 10-15-80.)

757.11. FACILITIES NECESSARY.

No massage establishment shall be issued a permit, nor be operated, established or maintained in the City unless an inspection by the Health Commissioner, Building Inspector and Fire Inspector reveals that the establishment complies with each of the following minimum requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the Building Code of the City;
- (b) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;
- (c) Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided;
- (d) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.
- (e) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;
- (f) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein:

- (g) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;
- (h) The premises shall be equipped with a service sink for custodial services;
- (i) The premises shall meet the Building Code and Fire Code of the City.

The Health Commissioner, the Building Inspector and the Fire Inspector shall certify that the proposed massage establishment complies with all the requirements of this section of this article and shall send such certification to the license inspector. (Ord. 1980-166. Passed 10-15-80.)

757.12. OPERATING REQUIREMENTS.

- (a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (c) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital area, whose use is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises and each dressing room shall contain a tub or shower in good working order and individual lockers for each employee and customer. Doors to such dressing rooms shall open inward and shall be self-closing.
- (d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (e) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.
- (f) It shall be unlawful for any person, knowingly, in a massage establishment, to place his/her hand upon, to touch with any part of his/her body, to fondle in any manner, or to massage a sexual or genital area of any other person.
- (g) No masseur or masseuse, employee, or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's genital area.
- (h) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

- (i) Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.
- (j) Eating in the massage work areas shall not be permitted. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.
- (k) Each masseur and masseuse shall wash his/her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron. (Ord. 1980-166. Passed 10-15-80.)

757.13. INSPECTIONS.

The Police Department and the Department of Public Health, shall from time to time and at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purposes of determining that the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner. (Ord. 1980-166. Passed 10-15-80.)

757.14. EMPLOYMENT OF PERSON UNDER THE AGE OF EIGHTEEN PROHIBITED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any massage establishment to employ any person who is not at least eighteen years of age. (Ord. 1980-166. Passed 10-15-80.)

757.15. IDENTIFICATION CARD.

The Police Department/Health Department shall provide each masseur and masseuse granted a permit with an identification card which shall contain a photograph of the masseur or masseuse and the full name and permit number assigned to the masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this chapter. (Ord. 1980-166. Passed 10-15-80.)

757.16. TRANSFER OF PERMITS.

No permits for the operation of a massage establishment issued pursuant to the provisions of this chapter shall be transferable except with the written consent of the Board of Health and approval of the Health Commissioner; provided, however, that upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit. (Ord. 1980-166. Passed 10-15-80.)

757.17 DISPLAY OF PERMIT.

Every permittee shall display a valid permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises. (Ord. 1980-166. Passed 10-15-80.)

757.18. EMPLOYMENT OF MASSEURS AND MASSEUSES.

It shall be the responsibility of the permittee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this chapter. (Ord. 1980-166. Passed 10-15-80.)

757.19. TIME LIMIT FOR FILING APPLICATION FOR PERMIT.

All persons who presently operate a massage establishment or who are employed as a masseuse or masseur must file for a permit within one week of the effective date of this chapter. Applications for renewal of permits must be filed not more than two months nor less than one month prior to termination of an existing permit. (Ord. 1980-166. Passed 10-15-80.)

757.20. NONAPPLICABILITY OF THIS CHAPTER.

This chapter shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of the State, or persons working under the direct supervision and in their presence, of any such persons or in any such establishments, nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State. (Ord. 1980-166. Passed 10-15-80.)

757.21. RULES AND REGULATIONS.

The Board of Health may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this chapter. (Ord. 1980-166. Passed 10-15-80.)

757.22. KEEPING OF RECORDS.

Every person who operates a massage business or practices or provides a massage shall, at all times, keep an appointment book in which the name and address of each and every patron shall be entered, together with the time, date, service provided, and the price charged.

Such appointment book shall be available at all times for inspection by either the Police Chief or the Tax Commissioner, or his/her respective authorized representative. (Ord. 1980-166. Passed 10-15-80.)

757.23. PERSONS UNDER AGE EIGHTEEN.

No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage business establishment, as a patron or employee. (Ord. 1980-166. Passed 10-15-80.)

757.24. MAINTAINING PUBLIC NUISANCE.

Any building used as a massage establishment in violation of this chapter with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this chapter are hereby declared to be a nuisance. (Ord. 1980-166. Passed 10-15-80.)

757.25. REVIEW.

The decision of the Health Department with regard to the issuance, suspension or revocation of any permit under this chapter shall be reviewable by the Board of Health upon the written request of the party filed with the Board of Health within ten days of such refusal, revocation or suspension. The Board of Health shall review evidence previously submitted to the Health Department and any additional evidence presented with the written request for review. The decision of the Board of Health, upon such review, shall be a final, appealable order. (Ord. 1980-166. Passed 10-15-80.)

757.99. PENALTY.

Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a permit and paying a license fee to do so from the City or violates any provision of this chapter is guilty of a first degree misdemeanor with such penalty- as provided in Section 501.99. (Ord. 1980-166. Passed 10-15-80.)

CHAPTER 759
Late Night Sales

759.01	Definitions.	759.04	Compliance.
759.02	Police training course.	759.99	Penalty.
759.03	Signs; safety lighting; alarm.		

CROSS REFERENCES

Commissioning of private police - see ADM. 137. 06 et seq.
Police emergency alarms - see GEN. OFF. Ch. 559

759.01 DEFINITIONS.

As used in this chapter:

- (a) "Late night retail establishment" means any person, partnership, corporation or other entity which:
 - (1) Derives fifty percent (50%) or more of its gross income from the sale of goods, merchandise or other articles of value, and
 - (2) Sells goods, merchandise or other articles of value in their original containers between the hours of 10:00 p.m. and 6:00 a.m.

Specifically excluded from this definition are establishments whose owners are the sole operators and/or clerks present during the subject hours of operation.

- (b) "Late night gas station" means any person, partnership, corporation or other entity who sells gasoline or other petroleum fuel to the public between the hours of 10:00 p.m. and 6:00 a.m. Specifically excluded from this definition are establishments whose owners are the sole operators and/or clerks present during the subject hours of operation. (Ord. 1982-116. Passed 9-15-82.)

759.02. POLICE TRAINING COURSE.

Any employee who works at a late night retail establishment or late night gas station shall complete the course of robbery prevention and behavior training given by the Police Department within thirty days after he/she first works between the hours of 10:00 p.m. and 6:00 a.m. The owners and/or management shall insure that their employees are in compliance with this training requirement. The Police Department shall determine the cost of training per employee to the City, and the late night retail establishment or late night gas station shall pay that cost to the City prior to the training of the employee. The Police Department shall have sole authority to certify training programs that can be substituted for the course required by this section. (Ord. 1991-15. Passed 3-6-91.)

759.03. SIGNS; SAFETY LIGHTING; ALARM.

All late night retail establishments and late night gas stations shall:

- (a) Post a sign in the window which is conspicuous and states that there is a safe on the premises and that it is not accessible to the employees on the premises.
- (b) Post a sign in the window which is conspicuous and states that the cash register has fifty dollars (\$50.00) or less in it.
- (c) So arrange the signs posted in the windows as to provide a clear and unobstructed view of the interior of the store. In no case shall signs obstruct the view of the register from the street.
- (d) Have a drop-safe on the premises which is bolted to the floor, or weighs at least 500 pounds.
- (e) Position their registers so that those in close proximity to the registers are visible from the street.
- (f) Have the area of the parking lots of late night retail establishments and gas stations commonly utilized by customers and employees lighted and maintained at a minimum of five foot-candles per square foot. The level of lighting shall be measured at a height of three feet above pavement level.
- (g) Have an enclosed, secured area for employees, or maintain more than one employee during the hours as set forth above or acceptable alarms or any systems that are designed to provide directly or indirectly immediate notification to the Police Department of a robbery or other life threatening situation, and are installed and used pursuant to the requirements of the City alarm ordinance. (Ord. 1982-116. Passed 9-15-82.)

759.04. COMPLIANCE.

- (a) All establishments or stations which are covered by this chapter shall have thirty days from the effective date of this section to comply with Sections 759.02 and 759.03(a) to (c).
- (b) All establishments or stations which are covered by this chapter shall have until January 1, 1983 to comply with Section 759.03(d) and (g).
- (c) All establishments or stations which are covered by this chapter shall have until January 1, 1984 to comply with Section 759.03(e) and (f). (Ord. 1982-116. Passed 9-15-82.)

759.99. PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree; on each subsequent offense such person, partnership, corporation or other entity is guilty of a misdemeanor of the first degree. It is not the intent of this section that any person be imprisoned for violation of this chapter. (Ord. 1982-116. Passed 9-15-82.)

**CHAPTER 761
Hazardous and Toxic Substances**

**(THIS CHAPTER WAS STRICKEN BY KENT CITY COUNCIL, ORD. NO. 1996-15, ON
FEB. 21, 1996 PURSUANT TO THE SUNSET PROVISION AS SET FORTH IN §761.16)**

(NEXT PRINTED PAGE IS PAGE 70)

CHAPTER 763

STREET AND SIDEWALK FOOD VENDORS

763.01	Definitions	763.99	Penalty
763.02	Food vending areas		
763.03	Pedestrian/Vehicular Impediments		

763.01 DEFINITIONS

For purposes of this chapter, the following definitions shall apply:

- (a) "Motor vehicle" means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.
- (b) "Stand" means any table, showcase, bench, rack, push-cart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.
- (c) "Food Vendor" means any person, firm, partnership, corporation or other business engaged in the selling or offering for sale, of food and/or beverages from a stand or parked motor vehicle or from his/her person. Specifically exempted from this definition are stands, parked motor vehicles or persons selling within 50 feet of the main entrance of their own existing business.
- (d) "Public streets or sidewalk" includes all public streets, sidewalks, roadways, highways, parkways, alleys, public parks, public parking lots or any other public way. (Ord. 1993-32, passed 5/5/93)

763.02. FOOD VENDING AREAS.

All vending of food and/or beverages on public streets and sidewalks of the City of Kent shall be conducted only within the central business district of the City as shown on the attached map. Food vendors shall not locate within fifty (50) feet of the main entrance of an existing business which sells food.

No vending shall take place anywhere else on the public streets and sidewalks of the City of Kent. (Ord. 1993-32, passed 5/5/93)

763.03. PEDESTRIAN/VEHICULAR IMPEDIMENTS.

No part of the vending equipment may block, impede or hamper pedestrian movement or cause any hazard to pedestrians. The vending equipment must be capable of being immediately moved upon a determination by the City that the equipment is causing blockage or impediment to pedestrians or vehicular traffic. (Ord. 1993-32, passed 5/5/93)

763.99. PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not less than one hundred dollars (\$100.00).

Each day of operation in violation of this chapter shall be considered a separate offense. (Ord. 1993-32, passed 5/5/93)

CHAPTER 765

TATTOO OPERATIONS AND/OR DERMAGRAPHIC ART STUDIO

765.01	Definitions.	765.06	Minimum sanitation standards
765.02	Permit required.		
765.03	Permit Application and Issuance.	765.07	Inspections
765.04	Permit revocation or suspension.	765.08	Variance provisions
765.05	Plan requirements.	765.09	Unconstitutionality Clause
		765.99	Penalty

765.01 DEFINITIONS.

- (a) The term "tattoo" shall mean any permanent design of the skin by puncturing the skin and inserting indelible colors.
- (b) The term "Board of Health" means the Board of Health of the Kent City Health District, as created by the provisions of Section 3709.07 of the Ohio Revised Code.
- (c) The term "Health Commissioner" shall mean the Health Commissioner of the Kent City Health District, or his/her authorized representative.
- (d) The term "operator" or "tattoo artist" shall mean any person who places a tattoo on another person either for free or for a consideration.
- (e) The term "person" shall mean any person, firm, corporation, partnership or association.
- (f) The term "tattoo operation" or "dermagraphic art studio" shall mean any place whether temporary or permanent, stationary or mobile, in a private home or a public business where the art of tattooing is practiced. (BOH 1993-5, PASSED 9/8/92)

765.02. PERMIT REQUIRED.

- (a) No tattoo operation or dermagraphic art studio shall be operated in the Kent City Health District without a permit from the Board of Health. Such permit shall be displayed within the operation in a place conspicuous to the public.

(b) All permits issued by the Board of Health to operate a tattoo operation or dermagraphic art studio shall expire on December 31st following the date of issuance.

(c) The annual fee for tattoo operation or dermagraphic art studio permits shall be one hundred dollars (\$100.00). (BOH 1992-5, PASSED 9/8/92)

765.03. PERMIT APPLICATION AND ISSUANCE.

(a) During the month of December of each year, every operator or tattoo artist of a tattoo operation or dermagraphic studio proposing to operate a tattoo operation during any part of the next year shall apply for a permit from the Board of Health.

(b) Any person, firm, association, corporation or partnership who, subsequent to January 1, of any year, proposes to operate a tattoo operation during any remaining part of the year, after the effective date of this resolution, shall apply for a permit from the Board of Health no less than ten (10) days before the tattoo operation is to be opened for business.(BOH 1992-5, Passed 9/8/92)

765.04. PERMIT REVOCATION OR SUSPENSION.

(a) A permit to operate a tattoo operation or dermagraphic art studio may be suspended or revoked by the Board of Health upon violation by the holder of any of the terms of this resolution; however, such suspension or revocation shall not take place until the permitter has first notified such permittee in writing, called specific attention to the violation and afforded one (1) to thirty (30) days, based on the severity of the violation, to make satisfactory correction. The permittee shall then be given a hearing before the Health Commissioner to try to resolve the violation. Should there be no resolution of the violation at such hearing, the permittee shall be given a hearing before the Board of Health to show cause why the suspension or revocation should not immediately be invoked. Said hearing shall be open to the public and said permittee may be represented by counsel. Only the Board of Health can revoke or suspend a permit to operate a tattoo operation or dermagraphic art studio. (BOH 1992-5, Passed 9/8/92)

765.05. PLAN REQUIREMENTS.

(a) No person, firm, association, corporation or partnership shall construct, install, operate, equip, or extensively alter a tattoo operation until the plans therefore-have been submitted to and approved in writing by the Health Commissioner. When such plans are submitted to the Health Commissioner, they shall be acted upon within thirty (30) days after date of receipt.

(b) The plans and specifications submitted for the approval of the Health Commissioner shall clearly show and describe what applicable provisions of this regulation can be adequately met and shall include:

1. The total area (square feet) to be used for the tattoo operation.
2. Entrances and exits
3. Location, number and types of plumbing fixtures, including all water supply facilities
4. Plan of lighting, both natural and artificial

(c) All equipment, both new and used, to be utilized in the tattoo operation must be approved by the Health Commissioner. (BOH 1992-5, Passed 9/8/92)

765.06. MINIMUM SANITATION STANDARDS.

(a) Prior to Tattooing

1. The operator shall inquire of a patron on a written questionnaire for the following conditions:

- a. History of jaundice or hepatitis;
- b. History of lymphadenopathy or lymphadenitis (swelling of lymph node);
- c. History of AIDS, positive HIV Test;
- d. History of blood donation exclusion (for other than hypertension and immediate illness);
- e. History of skin disease or skin cancer;
- f. History of allergies that have caused an anaphylactic reaction

Those indicating a history of any of the above shall not be tattooed.

2. Any individual who is inebriated or obviously under the effects of alcohol or drugs shall not be tattooed.

3. The operator shall verify the age of the patron confirmed by a driver's license or state identification card. No minor (anyone under the age of eighteen years) shall be tattooed.

(b) Operator or Tattoo Artist

1. Clothing - all operators while tattooing, shall wear light colored, clean, washable covering garments.

2. Hand Washing - Immediately prior to beginning any tattooing operation, each operator shall wash his/her hands in *running* water for at least three (3) minutes with liquid or granulated soap, or equivalent, as approved by the Health Commissioner. An

individual hand washing brush shall be used by each operator. After washing hands, as herein required, the operator(s) shall rinse their hands in seventy percent (70%) alcohol (rubbing alcohol) or in an antiseptic solution approved by the Health Commissioner. The operator's fingernails shall be kept clean and short with no rings.

3. The operator shall wear and then discard a separate set of disposable examination gloves for each client. Should the gloves develop a break or tear, they will be immediately replaced.

4. Lap Cloth - All operators who utilize lap cloths shall launder the lap cloth at least daily.

5. There shall be no smoking by the patron or the operator during the tattooing operation.

(c) The Tattooing Operation

1. Tattooing Surface - Tattooing shall be done on normal healthy skin surface. No tattooing shall be done on scar tissue. No tattooing operator shall remove tattoo marks.

2. Razors - Separate disposable razors with single service blades shall be used for each patron and then discarded.

3. Shaving - Before shaving, the area to be tattooed shall be thoroughly cleansed with tincture of green soap (U.S.P.) or its equivalent, as approved by the Health Commissioner, and washed with alcohol. After shaving the area to be tattooed, seventy percent (70%) alcohol (rubbing alcohol) shall be applied to the skin.

4. Skin Lubricant - Only sterile petroleum jelly in collapsible metal or plastic tubes single use (unit dose), or its equivalent as approved by the Health Commissioner, shall be used on the area to be tattooed and shall be applied by use of sterile gauze, but not directly with the fingers.

5. Treatment of Blood Flow - No operator shall use styptic pencils, alum blocks, or other solid styptic to check the flow of blood.

6. Dyes or Inks - All dyes or inks used in tattooing shall be manufactured by a reputable manufacturer and used without adulteration of the original formula. Single service or individual containers of dye or ink shall be used for each patron and the container and the remaining dye or ink discarded. The single use containers shall be disinfected prior to use. If non-disposable containers are used, they must be sterilized before reuse. Excess dye or ink shall be removed from the skin with an individually

wrapped sterile gauze, individually wrapped sterile cotton squares, or clean disposable tissue. The completed tattoo shall be washed with pieces of sterile gauze or individual sterile cotton saturated with germicidal solution approved by the Health Commissioner or seventy percent (70%) alcohol. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube single use (unit dose) or its equivalent, as approved by the Health Commissioner, shall be applied. An approved surgical dressing and tape shall be applied to the site.

7. Infections - All infections resulting from the practice of tattooing which become known to the operator, shall be reported to the Health Commissioner by the person owning or operating the tattoo operation and the patient shall be referred to a private physician. Printed instructions, approved by the Board of Health, shall be given to each patron on the care of the skin after tattooing.

8. Tattooing, including the changing or repairing of previous tattoos, shall not be performed on the hands below the wrist line, on the feet below the ankle, or the head or face above the collar line, on the genitalia, scrotum, or in the anal area. Nor shall such tattooing be undertaken over the site of an obviously recent hypodermic injection.

9. Dressing and Materials - The use of paper napkins and other material and tape for dressing is prohibited. Only recognized and approved surgical dressings and tapes shall be used on patrons.

10. All used items must be autoclaved at fifteen (15) pounds per square inch at two hundred fifty (250) degrees Fahrenheit for twenty (20) minutes then discarded in accordance with the Ohio Environmental Protection Agency Rules for Disposal of Infectious Waste.

(d) Care of Instruments

1. Preparation of instruments for sterilization - After each tattoo job, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and needle bars. When this process is completed, the tubes and needle bars shall be removed from the tattoo machines. They shall then be placed into a covered container for sterilization by autoclaving. Use an enzymatic cleaner in ultrasonic - hollow needles must be thoroughly flushed with cleaning solution.

2. Sterilizing of Instruments - Steam sterilizers, approved by the Health Commissioner, shall be provided for each tattoo operation. All needle bars, grips, and tubes, shall be sterilized before using on each customer by autoclaving under fifteen (15) pounds per square inch pressure for twenty (20) minutes. Temperatures in autoclaving shall not be less than two hundred fifty (250) degrees Fahrenheit or one hundred twenty-one (121) degrees Celsius. Time of sterilization cycle shall not begin until temperature and pressure have been met. Spore test autoclave weekly and after any autoclave repair or maintenance.

- (a) Bacillus stearothermophilus (steam sterilizers)
- (b) Bacillus subtilis var. niger - dry heat sterilizers.

3. Solder used for the attachment of needles to the needle bars shall be lead-free.

4. Storing of Instruments - All tubes, grips and needle bars shall be left in the wrappers or sterilizer bags used during the autoclaving process. These wrapped articles shall be stored in a closed glass case or storage cabinet. This closed glass case or storage cabinet shall be maintained in a sanitary manner at all times. The wrappers shall not be removed from the tubes, grips, or needle bars until the tattoo job is to begin.

(e) Tattoo Operation Environment

1. Minimum Floor Space - Tattoo operations shall have not less than one hundred fifty (150) square feet of usable floor space. If more than one operator is engaged in the tattooing profession in the same operation, there shall be a minimum of one hundred (100) square feet of floor space for each operator. The building shall be enclosed on four sides and maintained free from dust, dirt, or contamination.

2. Illumination - The tattoo operation shall be provided with artificial light sources equivalent to at least twenty (20) foot candles at a distance of thirty (30) inches above the floor throughout the operation. A minimum of forty (40) foot-candles of light shall be provided at the level where the tattooing is being performed. Spot-lighting may be utilized to achieve this required degree of illumination.

3. Walls, Ceilings, and floors - The floors, walls and ceiling shall be of an impervious, smooth, washable surface and shall be maintained in a sanitary manner at all times.

4. Toilet Facilities - A toilet and lavatory shall be conveniently located and accessible to the operator.

5. Hand Washing Sink - A lavatory or hand washing sink, with hot and cold running water, liquid or granular soap, and single-use towels shall be located in close proximity for each tattoo operator.

6. Plumbing, Waste Lines - There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the operation.

7. Solid Waste Disposal - Sufficient receptacles shall be provided for the disposition of trash, etc. Each trash receptacle shall have a lid and be kept closed at all times. All infectious waste must be discarded in accordance with Ohio EPA Rules for disposal of infectious waste.

8. Operating Tables or Chairs - All operating tables and chairs shall be constructed of easily cleanable material and shall be located at least six (6) feet from any observer or waiting customers and separated by a panel at least four (4) feet high.

9. Records - The operator shall keep records on all patrons receiving tattoos indicating the name, address and age of each individual tattooed, and the name of the tat-too artist completing the job. These records shall be recorded and kept on file for a minimum of one year.

10. Posting of Regulations - The owner, proprietor or manager of the tattoo operation shall keep a copy of regulations posted in a place conspicuous to the patrons in the tattoo operation. Such copy shall be provided by the Kent City Health District.

765.07. INSPECTIONS.

(a) The Health Commissioner, or his/her authorized representative, may at any reasonable time make inspections of the tattoo operation to insure compliance with this resolution.

(b) All tattoo operations within the Kent City Health District will be inspected a minimum of four (4) times per year by the Health Commissioner or his/her authorized representative.

765.08. VARIANCE PROVISION.

The Board of Health may grant a hearing to a tattoo operator and authorize, for specific cases, such variance from the requirements of this regulation as will not be contrary to the public interest and when the operator shows that because of practical difficulties or other special conditions, their strict

application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.

765.09. UNCONSTITUTIONALITY CLAUSE.

If any section, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portion of these regulations shall not be affected thereby.

765.99. PENALTIES.

Any person who fails to comply with any requirement of this regulation or any order issued pursuant thereto, shall be subject to the penalties set forth in the Ohio Revised Code and any other administrative and/or legal action which may be deemed appropriate by the Kent City Health District. Specifically, any person who violates or shall cause to be violated any of the stipulations and/or requirements set forth in this regulation shall be in violation of Section 3707.48 of the Ohio Revised Code and shall be subject to the penalties provided for in Section 3707.99 of the Ohio Revised Code. Each and every violation of this regulation shall constitute a separate offense.

CHAPTER 767

CABLE TELEVISION

767.01	Designation of City's Standards	767.04	Customer Service Policy
767.02	Definitions	767.05	Rates for Basic Tier & Related Equipment
767.03	Cable Television Commission	767.06	Public Access Channels

767.01. DESIGNATION OF CITY'S POLICY.

It is the City's policy to monitor through this Chapter 767, the provision of cable television service to the citizens of Kent in the general areas of customer service, rate regulation and public access channels. The provisions of this Chapter shall supersede any inconsistent provisions in any franchise agreements for the provision of cable television service. Specifically, the customer service standards are adopted pursuant to Ohio Law and Section 632 [47 U.S.C. §552] of the Cable Television Consumer Protection and Competition Act of 1992 and Federal Communications Commission regulations adopted thereunder, and the regulations governing the rates for basic tier services are adopted pursuant to Section 623 [47 U.S.C. §543] of the Cable Television Consumer Protection Act of 1992 and Federal Communications Commission regulations adopted thereunder. (Ord. 1994-47. Passed 6-8-94.)

767.02. DEFINITIONS.

For the purposes of this Chapter 767, the following terms, phrases, words, and their derivations shall have the meanings given herein.

"1992 Cable Act" means the Cable Television Consumer Protection and Competition Act of 1992.

"Cable Commission" means the City of Kent Cable Commission.

"Cable Television Service" means:

1. The one-way transmission to subscribers of video programming or other programming service; and
2. Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

"City Contract Person" means the secretary of the Cable Commission.

"Provider" means the business entity providing cable television service under franchise with the City.

"Service Interruption" means the loss of picture or sound on one or more cable channels. (Ord. 1994-47. Passed 6-8-94.)

767.03. CABLE TELEVISION COMMISSION.

There is hereby created a Cable Television Commission of the City of Kent which shall consist of five (5) members appointed by City Council for terms of four (4) years. The initial terms shall be as follows: one (1) member for a term of one (1) year; one (1) member for a term of two (2) years; one (1) member for a term of three (3) years; and two (2) members for terms of four (4) years. All subsequent appointments shall be for terms of four (4) years. The Chairperson of the Utilities Committee of Council shall be a non-voting member of the Commission. All members of the Commission shall be residents of the City of Kent. The Cable Commission shall have a Secretary designated by the City Manager. A member of the City Law Department shall be in attendance at Cable Television Commission meetings when determined to be necessary by the City Manager.

The Cable Television Commission shall have the following duties and responsibilities:

1. To hear complaints of subscribers regarding alleged violation of the customer service standards set forth in this Chapter 767. The Commission shall endeavor to informally resolve all such complaints. In the event any complaint is unable to be informally resolved, a hearing shall be held by the Commission on the complaint with at least ten (10) days' written notice to the Provider and the complainant. After hearing, the Commission shall make findings and conclusions and issue an order and/or assess a penalty if appropriate as provided in Section 767.041. All formal decisions of the Cable Television Commission regarding customer service complaints shall be subject to review by City Council which may act to affirm, overrule or modify the decision of the Cable Television Commission or any aspect of the decision within thirty (30) days of announcement of the decision. In the event City Council takes no action within said thirty (30) day period, the decision of the Cable Television Commission shall be deemed final.
2. The Cable Television Commission shall have responsibility for reviewing requests for the establishment of all cable television rates and rate changes and making recommendations for approval or disapproval to City Council. In reviewing requests by a provider for initial rates or for rate changes, the Commission may utilize City staff and/or outside professional assistance at the direction of the City Manager. The Provider shall reimburse the City for the cost of any outside professional assistance in reviewing rate changes as set forth in Section 767.05C. After review of a rate request, the Cable Television Commission shall make a recommendation to City Council for approval or disapproval. No cable television rate shall be deemed approved or disapproved until approved or disapproved by City Council. The Commission shall hold a public hearing on all requests for rate changes.
3. The Cable Television Commission shall have responsibility for general oversight of the public access channels. In performing its responsibilities with respect to general oversight, it shall hear complaints from the general public and users of the public access channels and shall attempt to informally resolve complaints with the Provider. In the event it is unable to informally resolve complaints or in the event it discovers violations of the rules governing public access channels through its own investigation or as a result

of a Complaint, it shall make findings and recommendation to the City Manager with copies to the Law Director, Clerk of Council and the Provider. The Cable Television Commission shall make an annual written report to City Council on public access channels within the City of Kent, which report shall include information regarding usage, equipment, general compliance with the rules and regulations governing the public access channels and suggestions for improvements.

The Cable Television Commission shall establish a schedule of regular meetings and shall meet at such regularly scheduled meetings at least four (4) times per year. The Commission may hold special meetings to review particular complaints or rate change requests or other matters. Notice of special meetings shall comply with the City's general notice requirements for special meetings of its Boards and Commissions and shall include written notice to all Providers. The Commission, with the assistance of the law department, may establish its own rules to govern the conduct of its meetings. (Ord. 1994-47. Passed 6-8-94.)

767.04. CUSTOMER SERVICE STANDARDS.

Any provider of cable television service in the City shall comply with the following customer service standards effective ninety (90) days after written notice of their adoption is given to the provider:

A. Subscriber Complaint Practices.

1. Provider shall maintain a local office which shall be open during normal business hours at least nine (9) hours per weekday and four (4) hours on Saturdays. This office shall accept payments, handle adjustments to subscriber bills, respond to installation, repair, and/or maintenance requests and other service calls. Provider shall have a publicly-listed toll-free telephone number and be so operated as to receive Subscriber Complaints and requests on a twenty-four (24) hours-a-day, seven (7) days-a-week basis. At least ninety percent (90%) of the time, Provider shall connect a telephone caller to a live service representative staff member within thirty (30) seconds, seven (7) days per week, at least during the hours of 7:00 a.m. to 11:00 p.m. Provider shall maintain written or computer-generated records demonstrating, to the satisfaction of the City, its ability to meet the standards in this Section. A written log shall be maintained listing all Complaints and their dispositions. A copy of the written log shall be provided for the Cable Commission's review at said Commission's periodic meetings.
2. Within Provider's local office, monitors of reasonably recent vintage shall display programming available on the local cable system allowing subscribers to view a properly received cable picture.
3. Provider shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the System. A written log available for City inspection shall be maintained for all service interruptions.

4. Provider shall maintain adequate telephone lines and trained personnel to respond in a timely manner to schedule service calls and answer Subscriber Complaints or inquiries as required by this Section 753.04.
5. Work on subscriber requests for maintenance or repairs received prior to 2:00 p.m., Monday through Friday, shall be commenced the same day.
6. Work on subscriber requests for maintenance or repairs received after 2:00 p.m., Monday through Friday, shall be commenced within twenty-four (24) hours of the request.
7. Work on subscriber requests for maintenance or repairs received on Saturdays or Sundays shall be commenced within twenty-four (24) hours of the request.
8. Service calls for maintenance or repair shall be performed at no charge; provided, however, if such maintenance or repair is required as a result of damage caused by a Subscriber then provider may charge according to its actual cost for time and material.
9. If Provider fails to correct a service problem [other than a service interruption which is governed by 767.04A(10) and (11) below] within twenty-four (24) hours after Provider receives notification of a service problem, Provider shall credit one thirtieth (1/30) of the monthly charge to the Subscriber for each twenty-four (24) hours or fraction thereof after the first twenty four (24) hours during which a Subscriber is with reduced service. The credit shall be made automatically by Provider without requiring subscriber request. Provider shall, as part of the complaint log to be provided pursuant to Section 767.04A(1), inform the Commission, on a monthly basis, regarding the disposition of all credits provided by Grantee to subscribers pursuant to this Section 767.04A(9).
10. Provider shall respond within two (2) hours to all service interruption reports affecting at least one (1) channel for five percent (5%) or more of the System's Subscribers.
11. In the event any service interruption continues for more than twelve (12) hours after Provider is first notified of the service interruption, Provider shall credit one sixtieth (1/60) of the monthly charge to all Subscribers affected by the service interruption for each twelve (12) hours or fraction thereof after the first twelve (12) hours during which the Subscriber is with reduced service.

B. Installation.

1. Subscribers who request installation or maintenance or repairs shall be given the schedule option of morning, afternoon, evening or Saturday appointments. Persons requesting installation of cable service shall be

afforded a right of rescission between the time cable service is requested and the time service is actually installed. All new installations, reconnects, service upgrades or downgrades shall be performed within seven (7) business days of the date the order was placed by the Subscriber. If a Provider representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the subscriber shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient to the customer.

2. Installation of connection boxes to the exterior of Subscriber's homes shall be made with prior approval of the Subscriber as to the location, unless said approval is waived in writing by Subscriber. Installation shall be made in a workmanlike manner.
3. Only those homes which require drops in excess of 350 feet shall be required to pay for Provider's materials and time at the rate per foot. All other installations shall be performed at the advertised installation rate.

C. Subscriber Information.

Provider shall provide to the City and all new Subscribers and, at least once a year, to existing Subscribers, written Subscriber service information in conspicuous print which shall include, but not be limited to, the following:

1. The procedure for investigation and resolution of Subscriber service Complaints, including the name and telephone number of the secretary of the Cable Commission with the City;
2. Programming services, rates, and charges for all services, including public access related charges;
3. Billing practices as required by Section D hereof;
4. A/B switch;
5. Service termination procedures;
6. Change in service procedures;
7. Refund and credit policy;
8. Office hours;
9. Converter/VCR hookup information and use instructions;
10. Pay-per-view; and
11. Parental control devices.

D. Subscriber Billing Practices.

1. Provider shall notify each of its Subscribers, through the written service information, of its billing practices. The service information shall describe Provider's billing practices including, but not limited to, the following: frequency of billing, time

- periods upon which billing is based, advance billing practices, security deposit requirements, charges for late payments or returned checks, payments required necessary to avoid account delinquency, availability of credits for service outages, procedures to be followed to request service deletions including the notice period a Subscriber must give to avoid liability for such services and procedures to be followed in the event of a billing dispute.
2. Provider shall notify all affected Subscribers not less than thirty (30) days prior to any change in the billing practices and such notice shall include a description of the changed practice.
 3. The Subscriber bill shall contain the following information presented in plain language and format and in conspicuous print:
 - (a) Name and address of Provider;
 - (b) The period of time over which each chargeable service is billed including prorated periods as a result of the establishment and termination of service;
 - (c) Each rate or charge levied for programming services, equipment provided, and other services or items offered;
 - (d) The amount of the bill for the current billing period, separate from any balance;
 - (e) Provider's telephone number and a statement that the Subscriber may call this number with any questions or complaints about the bill; and
 - (f) The date on which payment is due from the Subscriber.
 4. The account of a Subscriber shall not be considered delinquent until at least thirty (30) days have elapsed from the due date of the bill, which shall be a date certain. The following provisions shall apply to the imposition of late charges on Subscribers:
 - (a) Provider shall not impose a late charge on a Subscriber unless a Subscriber is delinquent, Grantee has given the Subscriber written notice of the delinquency in a clear and conspicuous manner, and the Subscriber has been given at least eight (8) business days from the mailing of the notice to pay the balance due.
 - (b) A charge of not more than Five Dollars (\$5.00) may be imposed monthly as a late charge.
 - (c) No late charge may be assessed on the amount of a bill in dispute if found in favor of the Subscriber.
 - (d) Any charge for returned checks shall be reasonably related to the costs incurred by Grantee in processing such checks.
 5. In the event Provider provides bills, statements, invoices, or notices to Subscribers which separately itemize the portion or portions of Provider's charges which are attributed to any tax or fee, the itemization format first shall be reviewed by the City. At a minimum, if Provider itemizes any tax or fee on a subscriber's bill, Provider

shall itemize all of its taxes or fees in a like manner. In no event shall any such itemization by Provider be inconsistent with applicable law.

E. Parental Control Option.

Provider shall provide, free of charge, parental control devices to all Subscribers who wish to be able to delete any objectionable programming from the cable service entering the Subscriber's home.

F. Periodic Subscriber Survey.

1. Commencing in 1994, and every two (2) years thereafter, Provider shall conduct a written random survey of City Subscribers in a form and manner approved by the City. Each questionnaire shall be prepared and conducted in good faith so as to provide reasonably reliable measures of Subscriber satisfaction with:
 - (a) Signal quality;
 - (b) Response to Subscriber Complaints;
 - (c) Billing practices;
 - (d) Programming services.
 - (e) Installation practices.
2. The survey shall be conducted in conformity with such requirements, including supervision and review of returned surveys, as the City may prescribe. Grantee may satisfy the requirements of this Section 767.04F through a telephone survey conducted by an independent person in the business of regularly conducting telephone surveys.
3. Provider shall provide the City with the results of the survey and shall report in writing what steps Provider is taking to implement the findings of the poll survey, such as correcting problems and expanding services.

G. Charges for Disconnection or Downgrading of Service.

1. Provider may impose a charge reasonably related to the Provider's actual cost incurred for a downgrade of service, except that no such charge may be imposed when:
 - (a) A Subscriber requests total disconnection from the System;
or
 - (b) A Subscriber requests the downgrade within a thirty (30) day period following any rate increase relative to the service in question.
2. If a Subscriber requests disconnection from service prior to the effective date of an increase in rates, the Subscriber shall not be charged the increased rate if

Provider fails to disconnect service prior to the effective date. Any Subscriber who has paid in advance for the next billing period and who requests disconnection from service shall receive a prorated refund of any amounts paid in advance.

H. Orders and Penalties.

The Cable Commission may make orders and assess monetary penalties against the Provider for violation of any of the Customer Service Standards set forth herein. The order may require the Provider to undertake an activity which the Provider is required to undertake pursuant to these Customer Service Standards and may assess a penalty not to exceed \$300.00 per day for each day that the Provider fails to comply with the order. An order of the Commission shall be final only after a hearing and referral to Council as set forth in Section 767.03 herein.(Ord. 1994-47. Passed 6-8-94.)

767.05. RATES FOR BASIC TIER AND RELATED EQUIPMENT.

A. Systems Covered. All rates and charges for basic cable service and any other cable programming services, as defined by the 1992 Cable Act and applicable FCC regulations, shall, to the extent permissible, be subject to regulation by the City in a manner provided by this Section 767.05.

B. Procedure for Establishing Initial Rates and Approving Rate Changes

1. The City hereby adopts and shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N. Prior to approving or disapproving any rates, the City shall provide an opportunity for consideration of the views of interested parties.
2. Within thirty (30) days after receipt of a notice from the City to complete Form 393, Provider shall have thirty (30) days to respond with rate and benchmark information utilizing FCC Form 393 - Determination of Maximum Initial Permitted Rates for Regulated Cable Services and Actual Cost of Equipment.
 - (a) If the initial rates and/or any subsequent rate increases are within the FCC standards, the rates will be effective thirty (30) days after submission.
 - (b) If the City is unable to determine whether the rate at issue is within the FCC's standards, based on the material before it, or if the Provider has submitted a cost-of-service showing seeking to justify a rate above the FCC's reasonable rate level, the City may take an additional period of time to make a final determination and toll the effective date of the proposed rates for a commensurate period.
 - (1) The City may take an additional ninety (90) days if it requires more time to ensure that a rate is within the FCC's rate standards.
 - (2) The City may take an additional one hundred fifty (150) days to evaluate a cost-of-service showing seeking to justify a rate above the reasonable rate level.

- (3) The City must issue a brief written decision regarding its invocation of the additional time period.
 - (c) In all cases, the City shall issue a written decision to approve the rate schedule, disapprove the rate schedule or continue for review.
 - (d) If rates are in excess of the FCC's standards, the rates may be reduced by the City pursuant to applicable FCC regulations.
3. After the initial rate schedule procedures are followed, as described in this Section, Provider shall, in conjunction with each change in the rates and charges applicable to basic cable service, conform to the standards of the FCC. Before any rate change is effective, Provider shall notify the City of its requested rate change by giving the City thirty (30) days advance written notice before the change is effective and by providing the City with its rates and applicable information pursuant to FCC regulations.
4. To the extent specifically permitted by federal law and applicable FCC rules, Provider may appeal to the FCC for a review of the decision of the City.

C. Reimbursement For Costs.

1. The City may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the City, to properly evaluate and analyze rates and charges.
2. All costs for the review of initial rates or rate changes shall be paid by the Provider upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City. (Ord. 1994-47. Passed 6-8-94.)

767.06. PUBLIC ACCESS CHANNELS.

The public access channels shall be made available to all citizens of the City of Kent on a reasonable basis. Rules and regulations governing use of the public access channels shall be recommended by the Provider and approved by the City pursuant to the franchise agreement. After approval by the City, the rules and regulations governing the public access channels shall be given to Subscribers through a direct mailing at least one (1) time per year. They shall also be filed with the secretary of the Cable Television Commission. (Ord. 1994-47. Passed 6-8-94.)

**CHAPTER 769
GARAGE SALES**

769.01	Definitions	769.03	Penalty
769.02	Duration and hours of sales		

769.01 DEFINITIONS.

As used in this chapter, "garage sale" means any casual sale to the public, from the premises of an owner or occupier of property not zoned for commercial use, of personal property, and includes any sale denominated as a garage sale, lawn sale, basement sale, attic sale, rummage sale, porch sale, or such other term for a casual sale. (Ord. 2003-69. Passed 05/7/03)

769.02 DURATION AND HOURS OF SALE.

No garage sale shall be of a duration longer than three days in length in a thirty-day period (There must be thirty days between each sale at the same location) and shall be held only between the hours of 8:00 a.m. and 6:00 p.m. Items for sale, display signs and other material relating to the sales shall be removed from public view not later than 8:00 p.m. on the last day of sale. (Ord. 2003-69. Passed 05/7/03)

769.03 PENALTY.

Whoever violates any provision of Chapter 769 shall be guilty of a minor misdemeanor on the first offense. If the offender has been previously convicted of violating this chapter within two years, the offender shall be guilty of a misdemeanor of the fourth degree. (Ord. 2003-69. Passed 05/7/03)

**CHAPTER 770
AMUSEMENT ARCADES**

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770.01 PURPOSE AND FINDINGS.

- (a) Purpose. That the purpose of this Chapter is to establish reasonable and uniform regulations to minimize and control the negative effects of amusement arcades within the City in order to promote the health, safety and welfare of the citizens of the City. It is not the purpose or intent of this Chapter to restrict or deny access to recreational and skilled-based amusement machines.
- (b) Findings. The State of Ohio currently allows certain games of skill while games of chance are deemed illegal. Based upon experience within the State of Ohio, certain arcades identified as operating games of skill, have generated various complaints by citizens involving thefts, questionable pay practices, considerable sums of cash being transacted, food management concerns, fire code and access, and other issues of compliance with local and state laws.

These businesses may be located throughout the City in general business districts, in areas which attract adults and children. It is the specific finding that games of skill operated electronically, may easily be altered to illegal games of chance. Further, that the City has a duty to its citizens to require businesses open to the public to maintain safe ingress and egress, to maintain adequate security where a considerable volume of cash is transacted, and to otherwise operate within the bounds of the law.

770.02 DEFINITIONS.

As used in this Chapter, except where the context clearly indicates a different meaning:

- (a) "Amusement arcade" means any place of business where one (1) or more skill based amusement machines are located for the use or entertainment of persons patronizing the place of business.
- (b) "Skill-based amusement machine" means a skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine's offering or to activate the machine, provided that all of the following apply:

- (i) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition, or tournament.
- (ii) The outcome of an individual's play and participation is not determined largely or wholly by chance. For purposes of this Chapter, "largely or wholly" means at least by fifty-one percent (51%).
- (iii) The outcome of play during a game is not controlled by a person not actively participating in the game.
- (iv) The machine charges a price to play a task, game, play, contest, competition, or tournament.
 - (a) All of the following apply to any machine that is operated as described in (b) of this section:
 1. As used in this section, "task," "game," and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes of cash payments or for the value of winnings, credits, rewards or prepayments based on the results of play, the prizes or rewards shall be established prior to the individual placing a wager, and the individual shall be aware of what prize or reward will occur prior to the start of play.
 2. Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
 3. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of prizes without payment of additional consideration.
 - (v) No machine shall have a guessing game at the end of a successfully completed task, game, play, contest, competition, or tournament.

"Amusement device" does not include vending machines, pinball machines, or other arcade games that do not pay out cash or similar credits for the value of winnings, credits, rewards or prepayments.
- (c) "Game machine" means any skill based amusement device.
- (d) "Good moral character" means not having been convicted of a crime involving moral turpitude within five (5) years next preceding the date of this application.
- (e) "Malfunction" means failure to operate in accordance with design.
- (f) "Moral turpitude" means a conviction for a theft offense, fraud, falsification, drug offense, sex offense, an offense involving gambling, or a felony.

- (g) "Operator" means any individual, corporation, or other entity conducting the business of an amusement arcade.
- (h) "Owner" means any individual, corporation, or other entity owning title to any amusement device or the real property at which an amusement arcade is operated.
- (i) "Playing area" means that portion of the premises where the primary use is for customer play on amusement devices.

770.03 OPERATION; LICENSE REQUIRED.

- (a) No individual, corporation or other entity shall be an operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated, issued by the City of Kent.
- (b) No individual, corporation or other entity shall permit or cause to be permitted any skill based amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license issued by the City of Kent for that machine displayed thereon.
- (c) No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the City.

770.04 APPLICATION INFORMATION.

The original and renewal application for an amusement arcade license and the license for each skill-based amusement machine, game machine, or amusement device shall be upon a form prescribed by the Director of Public Safety and shall set forth therein information such as the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the year for which the license is sought, the number of skill-based game machines or amusement devices located at such place of business, the name and address of the owner of each machine, a detailed explanation of the machine operation, applicable software license authorization, player skills, and training required qualifying each machine as a game of skill, and such other information as the Director of Public Safety reasonably requires. The application shall be signed by the operator in whose name the city licenses are to be issued as well as the owner of the real property.

770.05 CORPORATIONS, TRUSTS, AND PARTNERSHIPS.

- (a) If the operator filing the application for a license under this Chapter is a corporation, the application shall list the names and addresses of all officers and directors and any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of every class of stock of such corporation.
- (b) If the operator filing the application for a license is a partnership, the application shall list the names and addresses of all partners.
- (c) If the operator filing the application for a license is a trust, the application shall list the names and addresses of all trustees and/or co-trustees.
- (d) The listing required of any corporation, trust or partnership shall be repeated and further repeated for any corporation, partnership or other entity who or which appears as a shareholder, trustee, co-trustee, or partner on the application.

770.06 AFFIDAVIT REQUIRED.

The application for a license under this Chapter shall be submitted on forms provided by the Director of Public Safety and be accompanied by an affidavit attesting that the operator and all employees and agents of the operation have not been convicted of a crime of moral turpitude and to the truth of the matters set forth in such application. No person shall swear falsely in any affidavit required to be filed under this section.

770.07 LICENSE ISSUANCE; EFFECTIVE PERIOD; FEE.

The Director of Public Safety is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses for machines that pay cash prizes or produce a ticket or card that may be exchanged for cash, or cash equivalents, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of all of the following conditions:

- (a) The operator of the amusement arcade has properly filed the application required by this Chapter. The owner of the game machines and the real property owner shall sign the application;
- (b) A fee of One Thousand Dollars (\$1,000.00) per arcade location per year has been paid;
- (c) A fee of One Hundred Dollars (\$100.00) per machine per month has been paid in advance annually;
- (d) The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the past five (5) years;
- (e) The Director of Public Safety has determined that no other reasonable cause exists to deny the issuance of such license;
- (f) Compliance with Section 770.09;
- (g) License fees are non-refundable except upon approval by this Council.

770.08 LICENSE ADMINISTRATION.

- (a) It shall be the duty of the Director of Public Safety or his designee to administer the licensing regulations of this Chapter.
- (b) The Director of Public Safety or his designee is hereby empowered to adopt and enforce such rules and regulations relating to any matter or thing pertaining to the issuance, administration, and enforcement of this Chapter.
- (c) The burden shall rest on the owner, applicant, operator, and/or agent of the operator, owner, or applicant to timely produce the complete, accurate, and true records, documents, programs source codes, or other data or objects necessary to substantiate the licensing requirements of this Chapter. Absent such substantiation, the decision of the Director of Public Safety shall be final subject to Section 770.15.
- (d) A license shall be issued within forty-five (45) days of receipt of complete application and compliance with this Chapter.
- (e) No arcade license shall be issued until all individual amusement devices are licensed.

770.09 SUBMISSION OF SOURCE CODE FOR APPROVAL.

- (a) Each applicant, within forty-five (45) days of submitting an application for an amusement arcade license, shall submit to the Director of Public Safety:

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- (i) A written report prepared by an independent laboratory satisfactory to the Director of Public Safety stating that the specific amusement device, including but not limited to the source code, has been tested and examined under the requirements of the Ohio Revised Code and this Chapter and the specific amusement device is largely or wholly a game of skill.
 - (ii) A report must be prepared for each amusement device to be licensed.
 - (iii) An exact and sealed copy of the source code for each device shall accompany the report. Such sealed code shall be deemed proprietary and shall be held by the Director of Public Safety or his designee until the license is expired, revoked, or there are reasonable grounds to believe a violation of this Chapter has occurred. If reasonable grounds exist, the sealed source code will be provided to law enforcement for investigation. Otherwise, the source code will be returned to the licensee.
- (b) The Director of Public Safety shall provide the names of at least two (2) laboratories deemed satisfactory.

770.10 LICENSE VALIDITY AND DISPLAY.

Each license under this Chapter shall be valid for only so long as the amusement arcade is operated by the operator listed on such license, at the place of business listed thereon. Each skill-based amusement machine and/or amusement device shall be valid for operation or use only so long as the game machine and/or amusement device has displayed on it a current license, or until the license is revoked by the City or until such machines are determined to be games of chance or otherwise deemed illegal by the State of Ohio or a court of competent jurisdiction.

770.11 OPERATION OF ARCADE.

- (a) No person under the age of eighteen (18) years shall be permitted on the premises.
- (b) No doors shall be locked preventing ingress or egress by members of the public while patrons are on the premises.
- (c) The operator shall adopt and enforce a no loitering policy on the premises.
- (d) The premises of every amusement arcade shall be equipped with exterior lighting of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
- (e) Each arcade shall be maintained so that it is handicap accessible throughout.
- (f) Each arcade shall be operated with a glass storefront allowing full visibility at the sidewalk or right-of-way from the front through the playing area to the rear of the facility, exclusive of restrooms. No machines shall be placed in restrooms.
- (g) Windows shall be clear and free of tint. No obstructions shall prevent observing at least fifty percent (50%) of the arcade games from outside the front door.
- (h) The operator shall maintain a record of each game machine taken out of play for any reason, including but not limited to, machine malfunction. The record shall include, but not be limited to the following: name of operator taking the device out of play; name and address of player who last played; the amount reflected as won but not paid or lost by the arcade; a description of the malfunction; a description of how the game machine was designed to operate; time and date of removal from play; make, model, and serial number of the game machine. Said record shall be maintained on the premises for at

least two (2) years from date of removal. Further, the record shall be available for inspection to the Director of Public Safety, his agents, and designees during regular business hours.

- (i) No arcade shall operate during the hours of 1:00 a.m. to 7:00 a.m.
- (j) Each operator shall maintain a record of the full name, address, telephone number, date, tax identification number, and gross value amount for each player receiving consideration or anything of value exceeding Two Hundred Dollars (\$200.00). This record shall be filed with the Director of Finance for the City of Kent at least quarterly. Further, such record shall be available for inspection to the Director of Public Safety, his agents, and designees during regular business hours for a period of two (2) years.
- (k) Each operator shall clearly post in a conspicuous place all circumstances in which a player may not "cash out", be reimbursed, or receive a cash payment for the value of winnings, credits, rewards, or prepayments.
- (l) Each operator, employee, and agent thereof shall wear a full name identification nameplate during working hours.
- (m) All on premises food service shall comply with state and local health regulations.
- (n) Each operator shall conspicuously display by posting with each skill-based amusement machine the established prize or reward for each play. This information shall be posted so that the player can observe it prior to and during play.
- (o) Each operator shall make available and have on display forms as prescribed by the Director of Public Safety for the recovery of losses pursuant to R.C. 3763.
- (p) No weapons, firearms, or dangerous ordnances are permitted on the premises.

770.12 LICENSE REVOCATION.

It shall be cause for revocation of any license required under this Chapter, by the issuing authority, or for non-renewal of such license, for an operator or operator's officers, directors, agents, or employees, trustee, twenty-five (25%) percent of the shareholders of an operator, or any other person to:

- (a) Operate an amusement arcade without a valid license;
- (b) Operate or permit to be operated an amusement device or game machine without a valid license for that machine or device;
- (c) Fail to display any license required by this Chapter;
- (d) Provide any false or misleading information in the material submitted during the application process;
- (e) Permit any violation of (1) an ordinance or regulation of the City; (2) regulation of the County, including but not limited to rules of the City of Kent Department of Health; or (3) statute of the State, any for which a criminal penalty may be invoked, to take place at any amusement arcade operated by such operator; or
- (f) Knowingly allow gambling on the premises;
- (g) Transfer or alter any license issued under this Chapter;
- (h) Failure to comply with any provision of this Chapter;

- (i) Be convicted of a crime involving moral turpitude.

770.13 REVOCATION PROCESS.

- (a) The Director of Public Safety shall notify the licensee in writing, at the address of the amusement arcade, of the reason for revocation. Service shall be made by regular first class mail with proof of service or personally.
- (b) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

770.14 TRANSFER OF LICENSE.

- (a) An amusement arcade license is not transferable from one licensee to another or from one location to another. Any purported transfer of an amusement arcade license shall automatically and immediately revoke that license.
- (b) A skill-based amusement machine or amusement device license is not transferable from one machine or device to another or to a machine or device moved to a different location. Any purported such transfer of a license shall automatically and immediately revoke that license.

770.15 APPEAL.

- (a) Any licensee may appeal the decision of the Director of Public Safety for the denial of the issuance of a license, the denial of a renewal of a license or the revocation of a license. An appeal must be filed within ten (10) days of notice of non-issuance, non-renewal or revocation, in writing, to the Licensing Appeal Board, c/o Director of Public Safety, 319 South Water Street, Kent, Ohio 44240 stating the reason for the appeal.
- (b) The Licensing Appeal Board shall consist of five (5) residents of the city, appointed by the City Council, for terms of four (4) years. Appeals shall be heard within five (5) days of filing. Such Board shall determine whether the denial of any license under this chapter was arbitrary, capricious, or unreasonable.
- (c) Any decision of the Board shall be a final, appealable order, and the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- (d) Terms for the first people appointed to the Board shall be staggered. One member shall serve for one (1) year, one member shall serve for two (2) years, one member shall serve for three (3) years, and two (2) members shall serve for four (4) years. Thereafter all terms shall be for four (4) years. No member shall serve more than eight (8) consecutive years.

770.16 INSPECTION.

- (a) The Police Department shall, from time to time, inspect that portion of the arcade business open to the public licensed hereunder in order to assess compliance with the provisions of this Chapter.
- (b) The Director of Public Safety shall, from time to time, request the City Health Department to inspect that portion of each arcade business open to the public and licensed hereunder, in order to assess compliance with the provisions of this Chapter and relevant Health Department regulations.

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- (c) That the Fire Marshall and Building Official shall, from time to time, inspect that portion of the arcade business open to the public and licensed hereunder in order to assess compliance with all applicable fire, building, and zoning code regulations.

770.17 NUISANCE.

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

770.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection, or clause of this Chapter shall be deemed to be unconstitutional or otherwise invalid, the validity and enforcement of the remaining sections, subsections, and clauses shall not be affected.

770.19 FEES COLLECTED.

All license fees collected shall be deposited into a Law Enforcement Gaming Fund. Such monies shall be used for criminal investigations, police weapons, training and equipment, electronic and gaming experts, consultants, and other costs related to gaming activities. Up to twenty-five percent (25%) of such funds shall be allocated to the Fire Department for training.

770.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter, for which no penalty is otherwise provided, is guilty of a second-degree misdemeanor and shall be subject to the penalties set forth in Section 501.99. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

