

## Title 11- Business Regulations

### TITLE 11. BUSINESS REGULATIONS

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#### Chapter 11.01. Auctioneers and Auctions.

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##### §11.01.01. Auction of jewelry; license required.

Any person desiring to conduct or engage in the sale for gain at public auction of jewelry, including solid or plated platinum, gold or silver pieces, or imitations thereof, precious, semi-precious or synthetic jewels or imitations thereof, with or without settings, watches and chains, rings, pins, necklaces, bracelets, earrings, or obtain a jewelry auction license, and pay the fee provided in *Section 11.10.02* herein. Each license shall terminate automatically at the end of the period for which it is issued, which shall not exceed thirty (30) days. (Penalty, see *§1.02.01*).

##### §11.01.02. Application for license.

The following information shall be furnished in addition to that required of licensees generally.

A. The length of time in which the applicant has been engaged in the jewelry business and location of his place or places of business. No applicant shall be eligible unless he has been engaged in the jewelry business for at least one year immediately preceding his application, and unless he has maintained a bona fide jewelry store in the City for the preceding three (3) months.

B. Names and addresses of the auctioneers, each of whom shall be duly licensed by the City as auctioneers, who will cry the merchandise.

C. Time, dates and place of holding such auction.

D. An itemized list or inventory of each article of jewelry to be offered for sale, with date of purchase and name and address of person from whom it was purchased. (Penalty, see *§1.02.01*).

##### §11.01.03. Indemnity bond.

In addition to the filing of the application and payment of the license fee, each applicant as a condition to obtaining a license shall post a bond with good and sufficient surety in the sum of twenty-five hundred dollars

(\$2,500.00), conditioned to indemnify any purchaser at such auction against loss due to misrepresentation of any article sold.

(Penalty, see *§1.02.01*).

##### §11.01.04. Each article to be labeled.

Each article of jewelry offered for sale shall bear a tag, label or stamp, accurately describing the kind, quality and percent of purity of the metal, stone or other composition thereof, and accurately stating whether it is solid, overlaid or plated, genuine, synthetic or imitation, new or second hand, and the true name or names of the manufacturers where known. (Penalty, see *§1.02.01*).

##### §11.01.05. Records to be kept.

A complete record of all sales made at such auction shall be kept open to inspection by purchasers and municipal authorities with the names and addresses of the purchaser of each item and the price paid. (Penalty, see *§1.02.01*).

Statutory reference:

Auto dealers and salesmen, see *ORC §4517.01 et seq.*

Pawnbrokers, see *ORC §4727.01 et seq.*

Second-hand stores and junk shops,  
see *ORC §4737.01 et seq.*

Employment agencies, see *ORC §4143.02 et seq.*

#### Chapter 11.02. Collection Agencies.

- §11.02.01. License; bond.
- §11.02.02. Definitions.
- §11.02.03. Exceptions.

##### §11.02.01. License; bond.

A. Every person engaged in, conducting, managing or carrying on the business of a collection agency in the City, shall pay a license tax of ten dollars (\$10.00) per year for each office or branch office maintained in the conducting, managing, or carrying on of the collection agency, and in addition shall execute and deliver to the City Auditor a bond in the principal sum of one thousand dollars (\$1,000.00) which bond shall run to the City. The bond shall be executed and acknowledged by the applicant as principal, and by a corporation which is licensed by the insurance department of this State to transact the business of fidelity and surety insurance, as surety, and the bond shall be conditioned that the principal shall and will, upon demand in writing, pay and turn over to and for the use of any client, patron and customer from whom any claim is taken or received for collection, the proceeds of such collection in accordance with the terms of the agreement made between the principal and the client, patron or customer, and conditioned further that the principal will comply with all requirements of the ordinances of the City and laws of the State of Ohio now in force or hereafter enacted with respect to the duties, obligations and liabilities of collection agencies.

B. The bond shall cover all matters placed with the licensee during the term of the license so applied for, or renewal thereof and the liability there under shall continue only for a period of two (2) years from and after the expiration or revocation of the license issued upon the filing of the bond, provided no action shall have been commenced upon the bond before the expiration of said period.

(Penalty, see §1.02.01).

**§11.02.02. Definitions.**

As used in *Business Regulations Chapter 11.02*:

A. "Collection Agency" means and include all persons, firms, corporations and voluntary associations engaging, directly or indirectly, and as a primary or secondary object, business, or pursuit, in soliciting claims for collection, and in the collection of claims owing, or due, or asserted to be owing or due to another, and any person, firm, corporation or voluntary association engaged in collecting accounts for another, whether the employment is for one or more persons, firms, corporations or voluntary associations, or in the selling or furnishing of any collection system or collection letter forms or collection letters, or any house agency, firm, person, corporation or voluntary association using a fictitious name in collecting its own accounts receivable with the intention of conveying to the debtor that a third party has been employed to collect such accounts. Any person, firm, or corporation soliciting or attempting to solicit claims for collection or collecting or attempting to collect claims due or owing, or asserted to be due or owing to another, by letter or by agent, or by any means whatsoever, from persons within the city, though not maintaining a fixed place of business in the city, shall be deemed to be engaged in conducting, managing or carrying on the business of a collection agency in the city and shall pay a license tax of ten dollars (\$10.00) per year to the City and shall file a bond with the City as provided above.

B. "Claim" means any obligation for the payment of money or its equivalent arising in the usual course of business or occupation.

**§11.02.03. Exceptions.**

A. The term "collection agency" shall not include attorneys at law, individuals regularly employed on a regular wage or salary in the capacity of credit men or in other similar capacity upon the staff of employees of any one firm, person, corporation or one voluntary association not engaged in the business of a collection agency, banks, abstract companies doing an escrow business, duly licensed real estate brokers making only collection arising out of real estate transactions, nor a merchants' nonprofit credit association, unless such banks, abstract companies, real estate brokers and merchant-owned nonprofit credit associations are conducting a collection agency.

(B) License must be refused to anyone as listed above who publishes names of debtors in any newspaper or other publicly distributed periodical.

**Chapter 11.03. Commercial Amusements.**

§11.03.01. Circuses, menageries, carnivals, etc.

§11.03.02. Deposit required.

§11.03.03. License fee may be waived in civic interest.

**§11.03.01. Circuses, menageries, carnivals, etc.**

A. Each person, desiring to conduct, stage or give a circus, menagerie, carnival, sideshow, musical or minstrel entertainment, or other exhibition of a transient nature, for which an admission charge is demanded or received, shall first obtain a license and pay the license fee or fees provided in *Section 11.10.02* herein.

B. The applicant for a license to conduct, stage or give such exhibition shall give at least one (1) weeks' notice in writing to the City Manager, stating the dates of the performance, and the location at which they are to be presented. The City Manager shall give his consent to the issuance of such license if he deems the location suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition is morally proper, and the use of said location will not throw too great a burden upon the police and fire departments.

C. No circus, menagerie or carnival shall be given for more than two (2) consecutive days, except in cases where Council by special resolution shall allow a longer period, or where such exhibition is to be conducted on City property and the use thereof for a longer period shall have been approved by Council.

D. These regulations are intended to supplement those required for transient vending, peddling and soliciting contained in *Chapter 11.04*. (Penalty, see §1.02.01).

**§11.03.02. Deposit required.**

At the time such application for a license is made, where use of grounds is contemplated, the applicant shall deposit with the Treasurer a cash bond of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the City government. In the event said grounds shall be restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise, the same shall be forfeited to the City. Any amount required in addition to the deposit shall be the responsibility of the license holder and the additional amount billed to said license holder. (Penalty, see §1.02.01).

**§11.03.03. License fee may be waived in civic interest.**

The City Manager, in his discretion, may authorize the Treasurer to grant without cost a license for the holding of a circus, carnival, sideshow, musical or minstrel entertainment or public dance for not more than six (6) consecutive days, where all of the performances are fostered and supervised by civic interests of said City, and a substantial part of the funds derived there from is expended for charitable or civic purposes.

**Chapter 11.04. Transient Vending, Peddling and Soliciting.**

§11.04.01. Definitions.

§11.04.02. License or registration required.

§11.04.03. License application and requirements.

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- §11.04.04. Registration for charitable or religious purpose.
- §11.04.05. Appeals.
- §11.04.06. Carrying and exhibiting license or registration; non-transferability; written receipt required.
- §11.04.07. Business hours restricted.
- §11.04.08. Notice prohibiting peddlers or solicitors.
- §11.04.09. Fraud prohibited; revocation of license or registration certificate.
- §11.04.10. Permit to solicit charitable contributions on highways.
- §11.04.99. Penalty.

**§ 11.04.01. Definitions.**

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

A. "Charitable" includes the words patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, civic, fraternal, veteran's medical and social research, either actual or purported.

B. "Religious or Religion" shall not include the word charitable, but shall be given their commonly accepted definitions as the expression of such is granted under the free exercise clause of *the First Amendment* to the *U. S. Constitution* where not overcome by government showing of a compelling interest.

C. "Solicitor" means any person who obtains or seeks to obtain funds or donations for any cause whatsoever by means of canvassing from business place to place or residential door to door.

D. "Transient vendor" means any person who opens a temporary place of business or who on the streets or while traveling about the City or while locating on private property carries with them for the purpose of sale at retail and immediate or future delivery, goods, wares, food or merchandise, or any person who in person as principal or agent canvasses, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food or merchandise, or services. A transient vendor may also be known as a "vendor" or "peddler". A person or organization conducting business from their permanent location but from temporary facilities and where the income from such activity is reported as normal but additional business income shall not be classified as a transient vendor.

**§ 11.04.02. License or registration required.**

A. Subject to *divisions (C) and (D)* below, no person shall engage in the business or activity of transient vendor, peddler or solicitor as defined above without first obtaining a license as provided below.

B. Subject to *divisions (C) and (D)* below, all persons acting for or hired by another as a transient vendor, peddler or solicitor in the municipality shall obtain a license as provided below prior to acting as a transient vendor, peddler or solicitor.

C. No license shall be required of any individual who, without compensation, acts as a transient vendor, peddler or solicitor on behalf of and for any recognized religious or charitable not for profit organization. However,

subject to *division (D)* below, no individual shall act as a transient vendor, solicitor or peddler on behalf of or for such organization without first having registered with the City Manager or his/her designee pursuant to the provisions below.

D. No license or registration certificate shall be required of any person for the following:

(1) Vending, peddling or soliciting only the purchase of or subscription for newspapers having their principal sale or distribution in this municipality or Athens or Hocking Counties;

(2) Vending, peddling or soliciting only for wholesale delivery to merchants, manufacturers or other business or manufacturing establishments;

(3) Vending, peddling or soliciting in association with an exhibition, parade or procession where a permit has been issued by the City Manager or his/her designee in accordance with *Chapter 11.03* or *Chapter 11.07*.

(4) Vending, peddling or soliciting conducted only among the members of the entity or organization conducting the peddling or soliciting;

(5) Vending, peddling or soliciting in the form of collections or contributions at the regular assemblies, meeting or services of any recognized charitable or religious not for profit organization.

**§ 11.04.03. License application and requirements.**

A. Applications for licenses for peddlers or solicitors shall be filed with the City Manager on forms to be furnished by the City Manager, which shall require, at a minimum, the following information:

(1) The name of the applicant; and

(2) If the applicant is an individual, a physical description of the applicant; and

(3) The applicant's social security number or the business federal identification of whom the individual is employed; and

(4) The name and address of the person by whom the applicant is employed or for whom he is vending, peddling or soliciting; and

(5) The nature and character of the goods to be sold or services to be furnished by the applicant or the purpose for which funds are being vended, peddled or solicited; and

(6) The names of other municipalities in which the applicant has conducted vending peddling or solicitation activities within the past six (6) months; and

(7) Verification that the applicant or his employer has complied with the requirements of *Ohio Revised Code Chapter 1716* pertaining to charitable solicitations, if applicable; and

(8) If the applicant is a recognized religious or charitable not for profit organization, proof of tax exempt status; and

(9) Verification of registration with the City Auditor if wages earned will be subject to *Title 15, Taxes*, of the *Codified Ordinances of the City of Nelsonville, Athens County, Ohio*; and

(10) Such other information as the City Manager may require.

B. In lieu of items mentioned above, an individual, business or organization may present their application for and license number of an approved Ohio Department of Taxation Transient Vendor's License and/or Athens County Auditor's Transient Vendor's License.

C. Applications shall be made at least seventy-two (72) hours before the license may be issued.

D. If the City Manager or his/her designee determines after an investigation, that the information furnished under the requirements of *division (A)* above is correct; that the applicant proposes to engage in lawful commercial or professional enterprise and that neither the applicant nor the enterprise upon which the applicant proposes to engage constitutes a clear and present danger to the residents of the municipality, he shall issue a license to the applicant.

E. The license fee charged by the City Manager shall be five dollars (\$5.00) per day or twenty-five dollars (\$25.00) per month, whichever is less or as established by separate Council ordinance. Licenses shall expire on the date specified in the license.

**§ 11.04.04. Registration for charitable or religious purpose.**

A. Applications for registration certificates shall be filed with the Office of the City Manager on forms to be furnished by and available at the Office of the City Manager. Each application shall contain:

(1) The name, address and the telephone number of the person completing the application; and

(2) The name of an officer or official of the organization; and

(3) The name and nature of the charitable or religious organization and the purpose to which the contributions, donations or sale proceeds will be applied; and

(4) Other such information as the City Manager may require.

B. An organization which desires to place a number of vendors, peddlers or solicitors in the City simultaneously may make a group application to cover all of them; however, separate registration certificates shall be issued to each or, in lieu of separate registration certificates, separate information cards shall be issued to each vendor, peddler or solicitor by the organization. Such information cards shall be provided by the City Manager and include, at a minimum:

(1) The name of the organization; and

(2) A description of the purpose of the vending, peddling or solicitation;

(3) The period for which the registration certificate was issued;

(4) The name of the vendor, peddler or solicitor and the organization they represent; and

(5) A brief description of the vendor, peddler or solicitor, such as age, weight, and height; and

(6) The signatures of the vendor, peddler or solicitor and an officer or official of the organization.

C. A registration certificate shall be valid for a period of time approved by the City Manager. The registration certificate shall state the expiration date.

D. No fee shall be required for a registration certificate.

**§ 11.04.05. Appeals.**

Any person who has applied for a license or registration certificate in accordance with this chapter and to whom the City Manager or his/her designee has, after an investigation, denied a license or registration certificate may appeal to City Council. Notice of such appeal shall be filed with the Clerk of Council within five (5) days after the denial by the City Manager. Such appeal shall be heard by Council at the next regular meeting and its decision shall be final.

**§ 11.04.06. Carrying and exhibiting license or registration; non-transferability; written receipt required.**

A. The license or registration certificate issued under the provisions of this chapter shall at all times be conspicuously attached and exhibited on the outer clothing of the vendor, peddler or solicitor.

B. Licenses or registration certificates issued under the provisions of this chapter are non-transferable and shall not be used by any person other than the person identified on the license or registration certificate.

C. Upon request, all vendors, solicitors or peddlers shall provide a written receipt showing the name of the vendor, solicitor or peddler, the amount of the contribution or purchase and the date. Upon request, all persons acting as vendors, peddlers or solicitors on behalf of any recognized religious or charitable not for profit organization shall provide a statement attesting to the organization's exempt status under the *Federal Internal Revenue Code Section 501*.

**§ 11.04.07. Business hours restricted.**

A. No person shall vend, peddle, solicit or conduct market research, door to door, at dwelling houses or businesses at random, on sidewalks or streets, at public places, at private meeting places or in any other manner or place in the municipality between 9:00 p.m. and 9:00 a.m. or on any Sunday or Holiday.

B. This section does not apply to events sanctioned under *Chapter 11.03* or where other hours of operation have been approved by the City Manager.

C. This section does not apply to invitees or national charitable corporations licensed to do business in Ohio with recognized periods for campaigns, provided the organizations have been licensed to solicit by the City Manager.

**§ 11.04.08. Notice prohibiting transient vendors, peddlers or solicitors.**

A. The owners or occupants of any residence or place of business may evidence a determination to refuse to receive any uninvited vendors, peddlers or solicitors by displaying a weatherproof card, decal or sign not less than three (3) inches by four (4) inches in size nor more than one (1) square foot in total surface area upon or near the main entrance door to the residence or place of business, containing the words "*No Vendors, Peddlers or Solicitors Invited*" with letters at least one-third (1/3) inch in height.

Any such weatherproof card, decal or sign which complies with the requirements of this section shall be exempt from any additional or different requirements contained in the provisions of *Sign Regulations Chapter 27.05.16*.

B. No person shall go upon any premises and ring the door bell, rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupants thereof and engage in vending, peddling or solicitation in defiance of a notice displayed pursuant to *division (A)* above.

**§11.04.09. Fraud prohibited; revocation or license or registration certificate.**

A. No person shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the City or in any application or report filed under this chapter.

B. No person having entered into an agreement to conduct any vending, peddling or solicitation on behalf of any person or organization shall fail to remit or pay to the party entitled thereto the proceeds of such vending, peddling or solicitation in accordance with the terms of the agreement.

C. The City Manager or his/her designee may revoke at any time any license or registration certificate issued under the provisions of this chapter for violation of any provision of this chapter.

**§ 11.04.10. Permit to solicit charitable contributions on highways.**

A. The City Manager may issue a permit to solicit contributions on highways from the occupants of vehicles when all of the requirements of *division (B)* below have been met.

B. A charitable organization may apply for and obtain a permit to solicit contributions on highways, but not on freeways as provided in *Ohio Revised Code §4511.051*, as follows:

(1) The City Manager shall prescribe a form and receive applications for permits to solicit contributions on highways.

(2) Only a charitable organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to *Section 501(c)(3)* of the *Internal Revenue Code* as amended may apply for a permit to solicit contributions on highways. A copy of the Internal Revenue Service ruling or determination letter must be attached to the application.

(3) The application shall specify the date and times for which the permit to solicit contributions on highways is sought. A permit to solicit contributions on highways shall not be issued for more than one (1) day each calendar year, and the solicitation activities shall occur only from one (1) hour after sunrise until one (1) hour before sunset on that date.

(4) The application shall specify the

locations for which the permit to solicit contributions on highways is sought. A permit to solicit contributions shall be at no more than two (2) intersections.

(5) The application shall list the names and addresses of all agents authorized to solicit contributions on highways on behalf of the charitable organization.

(6) Prior to the issuance of a permit to solicit contributions on highways, the City Manager shall verify that the proposed solicitation at the locations and the date and times specified in the application does not conflict with a previously issued exhibition, parade or procession permit or scheduled public event. No more than one (1) permit shall be issued for the use of any intersection during any calendar day, and no more than one (1) charitable organization shall be permitted to solicit contributions on highways on the same calendar day.

(7) For each charitable organization issued a permit to solicit contributions on highways, the Police Chief shall be provided a copy of the charitable organization's application; its permit; and the names of the agents authorized to solicit contributions on highways on behalf of the charitable organization.

(8) All agents soliciting contributions on highways on behalf of a charitable organization shall possess a copy of such permit at all times during the period of such solicitation.

(9) All agents soliciting contributions on highways on behalf of a charitable organization shall wear light-colored clothing and/or safety vests and shall prominently display an identification of the charitable organization.

(10) The City Manager or his/her designee shall have the authority to revoke a charitable organization's permit to solicit contributions on highways, and the City Manager or the Police Chief, in their sole discretion, may order any and all of a charitable organization's agents to cease all activity if conditions become hazardous and/or inclement or if a charitable organization's agents fail to comply with the requirements of this section.

**§ 11.04.99. Penalty.**

Whosoever violates any provision of this chapter shall be guilty of a minor misdemeanor. Each day on which such activities are conducted shall constitute a separate offense.

**Chapter 11.05. Taxicabs.**

- §11.05.01. Taxicab; definitions.
- §11.05.02. Taxicab; business license fees.
- §11.05.03. Application for taxicab business license.
- §11.05.04. Issuance of taxicab business license.
- §11.05.05. Taxicab stands; call stations.
- §11.05.06. Rates; rules and regulations.
- §11.05.07. Displaying rates; excessive charges.
- §11.05.08. All taxicab drivers to be licensed.
- §11.05.09. Suspension or revocation of license.
- §11.05.10. Appeal and review.
- §11.05.11. Renewal of license.
- §11.05.12. Inspection.

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- §11.05.13. Group riding and load restrictions.
- §11.05.14. Drivers not to refuse service.
- §11.05.15. Receipts to be furnished upon request.
- §11.05.16. Transporting illegal drugs or open containers of alcoholic beverages prohibited.
- §11.05.17. Failure to pay fare.
- §11.05.18. Falsification.
- §11.05.19. Exclusions.
- §11.05.99. Penalties.

**§11.05.01. Taxicab; definitions.**

A. The term "taxicab" shall mean any vehicle whose owner or driver solicits, secures or accepts passengers for hire upon hail or request on the public streets in the City and to include limousine services. It does not include a vehicle such as a bus, streetcar, trackless trolley or other vehicle furnishing transportation to the public on a fixed schedule or route.

B. The term "taxicab board" or "the board" shall mean the City Manager, the Director of Code Enforcement, and the Chief of Police. The City Manager shall serve as the Chair, the Director of Code Enforcement as the Treasurer and the Chief of Police as the Secretary.

**§11.05.02. Taxicab; business license fees.**

No person desiring to operate a taxicab or proffer the services of a taxicab shall operate without first obtaining a license before engaging in such business and shall pay the license fee provided herein for each taxicab employed in such business. Taxicab business licenses issued on or after July 1 of any year shall be issued at one-half (1/2) the annual license fee herein provided. A local annual fee of fifty dollars (\$50.00) or as established by separate Council ordinance is in addition to any fees required by the State of Ohio.

**§11.05.03. Application for taxicab business license.**

Each applicant for a taxicab business license shall present and file with the City Code Enforcement Office an application setting forth the information required of licensees by the general licensing provisions and in addition thereto the following:

- A. The trade name under which he intends to do business; and
- B. The number of vehicles for which a license is desired with a description of each; and
- C. The markings or letterings to be affixed on each taxicab; and
- D. Any other information required by rule or regulation of the Board.

**§11.05.04. Issuance of taxicab business license.**

A. The Taxicab Board shall investigate and hold a hearing upon each new application for license. If it finds from such investigation and hearing that the public convenience and necessity do not justify the operation of the vehicles for which license is desired, The Board shall forthwith notify the applicant of its finding. If The Board finds from such investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which license is desired, it shall

forthwith so notify the applicant. Within sixty (60) days thereafter, the applicant shall furnish and file with the Director of Code Enforcement the following:

(1) A full description of each vehicle for which license is desired, the name of the current and previous owner, and the State license number of each such vehicle;

(2) An unexpired official certificate from an authorized motor vehicle inspection station of the City or a neighboring city or a State of Ohio vehicle inspection that states that each such vehicle has been inspected and tested and found to meet the standards of safety fixed by State law and that each such vehicle is roadworthy and safe for operation as a taxicab;

(3) The name of each person who will operate such taxicabs with the taxicab operator/driver's license number of each such person, along with a sworn affidavit that all drivers, present and future, do not and will not have any convictions for an offense of violence as defined in *Ohio Revised Code §2901.01*, a felony drug conviction, a felony theft conviction, a felony sexual offense, or a driving while under the influence of drugs and/or alcohol conviction per guidelines issued by the Board; and

(4) A policy or policies of liability insurance issued for the life of the license applied for, or longer, by a responsible insurance company, approved as to sufficiency by the Board Treasurer and as to legality by the solicitor, covering the taxicab and its owner and taxicab operator/driver for liability for loss resulting from the operation of each such taxicab to the extent of fifty thousand dollars (\$50,000.00) on account of injury or death of one person in any one accident; one hundred thousand dollars (\$100,000.00) on account of injury or death of more than one person in any one accident; fifty thousand dollars (\$50,000.00) for property damage caused in any one accident.

B. In lieu of the policies of insurance above described, applicant may furnish a bond binding the principal and sureties to liability for damages to the extent of fifty thousand dollars (\$50,000.00), one hundred thousand dollars, (\$100,000.00) and fifty thousand dollars (\$50,000.00) respectively, as above set forth, with at least two (2) approved personal sureties or one (1) approved corporate surety approved as to legality by the Solicitor.

C. Thereupon, the Board shall examine such supporting information and documents, and being satisfied that applicant is the owner of any such vehicle, that the same is a safe and fit conveyance, and that satisfactory liability insurance or bond has been issued and is in force thereon, they shall, upon payment of the prescribed taxicab business license fee issue a license to the applicant, to be signed by the Board Treasurer, Board Secretary and the City Manager.

D. Taxicab business licenses are non-transferable.

E. A certified copy of such license shall be exhibited at all times in a prominent place in each taxicab.

F. It is the responsibility of the taxicab business owner to inform the Board of any major changes in business operation including but not limited to change of address, or change in medical or psychological condition of

the owner or any driver which would impact on the ability to operate a taxicab.

G. Any taxicab business operating without a taxicab business license or in violation of any other section of *Chapter 11.05* will be guilty of an organizational minor misdemeanor. Each day of operating without a license will be considered as a separate offense. A subsequent offense within a two (2) year period will be considered an organizational fourth degree misdemeanor. (Penalty, see *§1.02.04, §1.02.05, Ohio Revised Code §2901.23*)

**§11.05.05. Taxicab stands; call stations.**

At the time of issuing the license, the Chair may designate regular parking spaces for the taxicab or taxicabs licensed to stand, and he may prescribe rules for usage of such stands suitable to applicant's business and agreeable with the public convenience and welfare. He may authorize installation of call stations at convenient locations.

**§11.05.06. Rates, rules and regulations.**

The Board may establish schedules of maximum rates to charge passengers for transportation, establish or change passenger rates, determine additional charges for luggage and cargo, review rate changes requested in writing by a taxi company owner, and may adopt such rules and regulations for the conduct of the business of licensed taxicab operators as may be suitable to such business and for the promotion of the public convenience and general welfare of the City. Council at any time, by administrative order, may establish, amend, modify or rescind any such rate, requirement, rule or regulation.

**§11.05.07. Displaying rates; excessive charges.**

Every taxicab shall display at all times a printed list of the fares and rates to be charged to passengers for transportation; and it shall be unlawful for any owner or driver to charge an amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.

**§11.05.08. All taxicab drivers to be licensed.**

A. Except for automotive technicians performing maintenance on a taxicab, no person under twenty-one (21) years of age and no person other than a driver duly licensed as such under the laws of the State of Ohio and having a valid City issued taxicab operator driver's license shall operate a taxicab on any street of the City. Anyone operating a taxicab without a taxicab operator/driver's license shall be guilty of a misdemeanor in the fourth degree.

B. Each driver of a taxicab shall obtain from the Secretary of the Board a taxicab operator/driver's license application and shall pay the required fee of ten dollars (\$10.00). The fee shall be collected at the time such application is filed and an investigation will be concluded before the license is issued.

(1) The application will include a copy of the current Ohio driver's license, social security number, and any other requested information.

(2) The application will be investigated

for accuracy by the police department and will include a local records check.

(3) A BCI&I criminal history check must be submitted with the application; subsequent BCI&I criminal history check must be submitted annually by each taxicab operator/driver to the Secretary of the Board (Chief of Police).

C. Applicants and current licenses must be free of any conviction for an offense of violence as defined in *Ohio Revised Code §2901.01*, a felony drug conviction, a felony theft conviction, a felony sexual offense, or a driving while under the influence of drugs and/or alcohol conviction per guidelines issued by the Board. Applicants must also have a good driving record.

D. The taxicab operator/driver's license shall be prominently displayed in the taxicab.

E. Taxicab business licenses and operator driver's license shall expire a December 31<sup>st</sup> of the year the license was issued.

F. This section does not apply when riders are picked up from or delivered to points outside the city.

G. The taxi company owner will be responsible for reporting any felony or DUI conviction of their employees. Failure to report may be grounds for the suspension of the taxicab business license.

**§11.05.09. Suspension or revocation of license.**

Whenever a licensee shall violate a provision of this chapter or any rules, regulation or lawful order of the Board shall for a period of sixty (60) days fail to make a reasonable or consistent effort to operate any taxicab or taxicabs, fails to maintain the required insurance, fails to maintain the vehicle in a safe operating condition, or fails to abide by the sworn affidavit in *§11.05.04 (A) (3)*, or if the Board deems that continued performance by the license holder is a threat to public safety the Board Chair shall have power to temporarily suspend pending an hearing or revoke, following a Board hearing. This power to suspend or revoke shall not limit the powers granted to the City Manager elsewhere in this code.

**§11.05.10. Appeal and review.**

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three (3) business days have the right to appeal to the Council of the City from such denial, revocation or suspension. Notice of appeal shall be filed in writing with the Treasurer who shall fix the time and place for hearing, the same to be not later than one week thereafter. The Treasurer shall notify the City Manager and all members of Council of the time and place of such hearing not less than twelve (12) hours in advance thereof. Three (3) members of Council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by Council. If, after the hearing, a majority of the members of Council present at such meeting declare in favor of the applicant, such license shall be forthwith issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

**§11.05.11. Renewal of license.**

A. All owners of taxicabs hereby licensed, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year without a finding of convenience and necessity providing all other requirements of this Code have been complied with.

B. All drivers hereby licensed as taxicab operator/drivers, at the completion of the year for which license was issued, shall be entitled to a renewal for each succeeding year provided all other requirements of this Code have been complied with.

C. All taxicab vehicle licenses, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year providing all other requirements of this Code have been complied with and a current vehicle inspection will be required and a current proof of insurance will be required before a renewal is issued.

**§11.05.12. Inspection.**

A. The police department may inspect any taxi or taxi driver at any time. Such inspection will be for the purpose of determining:

- (1) The Taxi Business License is current;
- (2) The taxi operator/driver is licensed;
- (3) The taxi is in safe operating condition per State motor vehicle inspection standards;

(4) The operator/driver is not in violation of §11.05.04 (A) (3) or §11.05.07.

B. Failure to pass an inspection for any reason listed in *section (A)* or any other violation of the taxicab regulations found during the inspection or revocation of the license pursuant to §11.05.09.

**§11.05.13. Group riding and load restrictions.**

A. No driver or operator of any taxicab operated under license of the City, except with the consent of the first party engaging the taxicab, shall accept other parties for transportation in the same taxicab to different destinations as that for which it shall have been engaged by the first party.

B. No taxicab operated in the City shall carry more adult passengers, including the driver, than its rated seating capacity.

**§11.05.14. Drivers not to refuse service.**

No driver of a taxicab, when on duty and not engaged in rendering taxicab service to another, shall refuse to furnish trip service on demand for lawful reasons to any orderly person unless the person has been banned from service by the taxicab company.

**§11.05.15. Receipts to be furnished upon request.**

No driver of a taxicab operating under a license granted by the City, if requested, shall refuse to deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefore. Upon this receipt shall be legibly printed or written the name of the owner, a method of identifying the taxicab and its driver, all items for which the charge is made, the total amount paid and the date of payment. Every taxicab owner shall supply each of

his taxicab drivers with blank receipts assembled in book form in such a manner so that for every receipt issued there will be a carbon duplicate or stub retained in such receipt book. Such duplicate receipt or stub shall be retained by the taxicab owner for at least six (6) months.

**§11.05.16. Transporting illegal drugs or open containers of alcoholic beverages prohibited.**

No taxicab operator/driver shall knowingly or recklessly use any taxicab to pick up or deliver illegal drugs or open containers of alcoholic beverages. Possession of such material within any taxicab may be grounds for the suspension of the license of such taxicab, the suspension of the taxicab operator/driver's license, and the taxicab business license, in addition to any other criminal penalties. Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

**§11.05.17. Failure to pay fare.**

No person shall refuse to pay the legal fare of any taxicab after having hired the same. No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value of such service. Whoever violates this section shall be guilty of a misdemeanor of the first degree.

**§11.05.18. Falsification.**

Any person who supplies false information on an application for a license in this section shall be guilty of falsification, a misdemeanor of the fourth degree.

**§11.05.19. Exclusions.**

The taxicab regulations do not apply to companies making one-way transports of persons from or to the City of Nelsonville to or from points outside the City of Nelsonville.

**§11.05.99. Penalties.**

Any violation of *Chapter 11.05* unless otherwise designated or violation of a section for which no specific penalty is identified shall be deemed a minor misdemeanor pursuant to *Ohio Revised Code §2929.21 (D)*, and each day of continued violation is deemed a complete and separate offense.

Where designated or where the violation regards business licensing, the violation shall be deemed an organizational offense pursuant to *Nelsonville City Code Sections 1.02.04 and 1.02.05 and Ohio Revised Code Section 2901.23*.

**Chapter 11.06. Alarm Systems.**

- §11.06.01. Purpose.
- §11.06.02. Definitions.
- §11.06.03. Compliance required; existing installations.
- §11.06.04. Contents of license application.
- §11.06.05. Issuance of license.
- §11.06.06. License fee.
- §11.06.07. Renewal of business license.
- §11.06.08. License not transferable.



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- §11.06.09. Suspension and revocation of license.
- §11.06.10. Appeals.
- §11.06.11. User's permit required.
- §11.06.12. User's permit fees.
- §11.06.13. User's permit application.
- §11.06.14. User's responsibility.
- §11.06.15. Suspension of penalties for false alarms from new systems.
- §11.06.16. False alarms; records.
- §11.06.17. Alarm validity determination.
- §11.06.18. Appeal of alarm validity determination.
- §11.06.19. Administrative fee for multiple false alarms.
- §11.06.20. Disconnection and disruption of service.
- §11.06.21. Alarm system reconnection and reestablishment of alarm response.
- §11.06.22. Other alarm system provisions.
- §11.06.23. Prohibited alarms.
- §11.06.24. Testing.
- §11.06.25. Signals originating outside corporate limits.
- §11.06.26. Limitation of liability.
- §11.06.27. Change of location.
- §11.06.28. Enforcement.
- §11.06.99. Penalty.

**§11.06.01. Purpose.**

A. The purpose of this chapter is to protect the police and fire emergency services of the City from misuse.

B. This chapter governs and regulates alarm systems, alarm users and alarm businesses. It establishes fees and provides for licensing of alarm businesses, suspension and revocation of licenses, penalties for violation and penalties for excessive false alarms.

**§11.06.02. Definitions.**

As used in this chapter:

A. "Alarm business" means the business of any individual, partnership, corporation or other entity selling, leasing, monitoring, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, monitored, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

B. "Alarm receiving equipment" means any equipment, by design that receives a signal from an alarm system reporting alarm activation.

C. "Alarm system" means all types of assembly or equipment, mechanical or electrical, arranged to signal the occurrence of an actual or attempted burglary, an actual or attempted robbery, a medical emergency, a fire or any other activity requiring urgent attention and to which the Police Department and/or Fire Department are expected to respond. Alarm System shall include any system monitored by a central alarm monitoring station that reports alarm activation to the Police Department and to which the Police Department and/or Fire Department are expected to respond.

D. "Alarm user" means a person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility where an alarm system is maintained.

E. "Applicant" means any person, partnership, corporation or other entity that files an application for a new or renewal license or permit as provided in this chapter.

F. "Automatic dialing device" means a device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message an emergency message indicating the need for an emergency response.

G. "Calendar year" means a twelve (12) month period beginning with the first day of January and ending with the last day of December.

H. "Digital communicator" means a device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number that connects the device with the alarm receiving equipment located at the Police Department, transmits by a coded electronic signal an alarm number and indicates the type of emergency response needed.

I. "False alarm" means any alarm condition which is registered at the Police Department or Fire Department or elsewhere, which is not the result of an actual or attempted criminal activity or problem otherwise requiring the legitimate response of Police Department or Fire Department personnel of the City.

(1) False alarms include:

(a) Negligently or accidentally activated signals;

(b) Signals, which are the result of faulty, malfunctioning or improperly installed, secured or maintained equipment;

(c) Signals which are the result of improperly installed, secured or maintained windows or doors or similar general areas of the building; and

(d) Signals which are purposely activated to summon the Police Department or Fire Department in non-emergency situations.

(2) Alarm conditions caused by the following extenuating circumstances shall not constitute a false alarm:

(a) Signals, which result from storm conditions or other acts of God;

(b) Signals being activated by persons working on the alarm system with prior notice to the Police Department and/or Fire Department;

(c) Signals activated by disruption or disturbance of the telephone or other communication services; and

(d) Signals activated willfully by alarm users upon good faith belief, as determined by the City, that an actual or attempted crime or other emergency has or is about to occur.

J. "Local alarms" means those alarms, which activate an audible signal within the proximity of the premises only.

K. "Panic alarm button" means a manually activated alarm system signaling an actual or attempted burglary, an actual or attempted robbery, a medical emergency or a fire.

L. "Police Alarm Administrator" means the employee of the Police Department whose responsibility is to coordinate the administration and documentation of

alarm businesses, alarm users and alarm system performance as it relates to the effective enforcement of the provisions of this chapter.

**§11.06.03. Compliance required; existing installations.**

A. No residence or business located within the City shall be equipped with an emergency alarm system, except for interior smoke alarms, for the purpose of detecting and signaling the presence of an actual or attempted burglary, an actual or attempted robbery, a medical emergency or a fire, except upon compliance with provisions hereinafter set forth.

B. Existing installations shall be subject to the requirements of this chapter, including those pertaining to permits.

**§11.06.04. Contents of license application.**

An alarm business application shall contain the following information:

A. The name, residence address, telephone number and social security number of each individual owner or partner, or, if a corporation, of each officer thereof, and the name, residence address and telephone number of the manager or person to be responsible for the operation of the business if different from the individual owner, partner or officer. The application will have an attached list of names, addresses, telephone numbers and social security numbers of every employee of the business who will engage in installing, repairing, servicing, selling, leasing or maintaining the alarm system; and

B. A description of the alarm systems and devices offered for sale or lease to the public and a description of any service relating to alarm devices offered to the public;

C. A list of all felony and misdemeanor convictions of individual proprietors, partners or directors and principal officers of the applicant business. The date and location of each conviction shall also be included.

D. A statement as to whether the applicant has ever been denied a license or permit in any jurisdiction to engage in the alarm business or has had such license or permit suspended or revoked;

E. A statement as to the length of time the applicant had been engaged in the alarm business and where engaged;

F. A statement that the applicant agrees to update the above information upon application for renewal of an alarm license annually as provided in this chapter; and

G. Certification that within sixty (60) days after the effective date of this chapter, or upon receipt of notice of approval of a license application, whichever date occurs later, a complete list of names and addresses of all persons or businesses in the City to whom alarm systems have been sold and who are currently under contract to the alarm business for service to said alarm systems, on or after the effective date of this chapter, shall be maintained for inspection by the Police Alarm Administrator during the course of his official business.

**§11.06.05. Issuance of license.**

A. The Police Alarm Administrator shall review each application for a license and may conduct an investigation to determine whether the facts set forth in the application are true. He/she shall, within sixty (60) days after receipt of an application for such license, either approve or deny issuance of the same and, accordingly, forward written notification to the applicant of said decision. A written notification of denial shall include the basis for said denial. If the grounds for said denial are subject to correction, the applicant shall be given ten days after receipt of such notice within which to make the required correction.

B. The Police Alarm Administrator shall deny the application for an alarm business license if he or she finds that the applicant or any owner, principal corporate officer or the individual having the authority and the responsibility for the management and operation of the applicant's alarm business within the City has:

(1) Committed any act which, if committed by a licensee, would be grounds for revocation of a license under §11.06.09;

(2) While unlicensed, knowingly and willfully committed or aided and abetted the commission of any act for which a license is required by this chapter; or

(3) Been convicted in any jurisdiction of a felony or misdemeanor if the Police Alarm Administrator finds that such conviction reflects unfavorably on the fitness of the applicant to engage in the alarm business.

**§11.06.06. License fee.**

The initial license fee for an alarm business license is twenty-five dollars (\$25.00). For a renewal license, the fee is ten dollars (\$10.00). Payment of the fee shall accompany the application for the initial license and/or the renewal of a license, and no part of such fees shall be refundable.

**§11.06.07. Renewal of business license.**

A. Application for renewal of an alarm business license shall be made annually within thirty (30) days immediately preceding December 31 of each year and shall be accompanied by a non-refundable fee of ten dollars (\$10.00). Application forms for the renewal of a license shall be obtainable from the Police Alarm Administrator. An applicant for renewal may continue to do business while the renewal application is being processed.

B. A license for an alarm business may not be renewed if the licensee or any owner, partner, principal corporate officer or individual having the authority and the responsibility for the management and operation of the alarm business within the City is found to have:

(1) Violated any of the provisions of this chapter and rules or regulations as set forth by the Police Alarm Administrator; or

(2) Knowingly and willfully given any false information of a material nature in connection with an application for a license or a renewal or reinstatement of a license; or

(3) Been convicted in any jurisdiction of a felony, if the Police Alarm Administrator determines that

such a conviction reflects unfavorably on the fitness of the applicant to engage in the alarm business; or

(4) Committed any act while the license was not in effect which would be cause for the revocation of a license, or grounds for the denial of an application for a license; or

(5) Committed any act, which would be grounds for suspension or revocation under §11.06.09.

C. The Police Alarm Administrator shall, within thirty (30) days after receipt of an application to renew a license, either approve or deny the renewal of the license and shall forward written notification of the decision to the applicant. A notification that the renewal has been denied shall include the basis for said denial.

**§11.06.08. License not transferable.**

No alarm business license shall be transferable or assigned or used by any person other than the one to whom it was issued.

**§11.06.09. Suspension and revocation of license.**

A. An alarm business license may be suspended or revoked by the Police Alarm Administrator for any of the following causes:

(1) The license was knowingly obtained through any fraud or misstatement; or

(2) The business transactions of the alarm business licensee have been marked by a practice of failure to perform contracts, dishonest business dealings, fraud or bad faith; or

(3) The licensee has failed to comply with any provisions of this chapter, which the Police Alarm Administrator deems contrary to the intent and purpose of this chapter; or

(4) The licensee has been convicted in any jurisdiction of a felony or misdemeanor, if the Police Alarm Administrator finds that such a conviction reflects unfavorably on the fitness of the applicant to engage in the alarm business.

B. The suspension or revocation shall not take place until the Police Alarm Administrator has notified the licensee in writing of the cause or causes for such revocation or suspension. Such notice shall:

(1) Contain a brief statement of the facts relating to the revocation or suspension; and

(2) Advise the licensee of the procedure for appeal; and

(3) Be served upon the licensee in person or by leaving it at his address as stated in the application for a license, or at the address on file with the Police Alarm Administrator, or by certified or registered mail addressed to the licensee at such address.

**§11.06.10. Appeals.**

A. Any person aggrieved by the denial of an application or renewal or by notice of suspension or revocation as provided in this chapter may appeal and shall be granted a hearing on the matter by submitting a written request to the City Manager within fifteen (15) days after the service of the denial, suspension or revocation notice.

(1) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by regular U.S. mail at least ten days prior to the date set for the hearing.

(2) The hearing shall be before the City Manager or his or her designee.

(a) The Chief of Police or his or her designee and the applicant shall have the right to present written or oral evidence.

(b) The failure of the applicant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

B. The proceeding at such hearings, including the findings and decisions of the Service Director or his or her designee and the reasons for the decisions, shall be summarized and reduced to writing and entered as a matter of public record in the Police Department. The record shall also include a copy of every notice.

C. After the hearing, the City Manager or his or her designee may sustain, modify or reverse the decision appealed in writing.

**§11.06.11. User's permit required.**

A. Every alarm user in the City shall apply to the Police Alarm Administrator of the Police Department for an alarm user's permit for each system in use. Applicants already employing an alarm system on the effective date of this chapter shall submit an application for a permit no later than ninety (90) days from the effective date of this chapter. Otherwise, the use of the alarm system is prohibited until the permit is secured.

B. If an alarm user has more than one alarm system protecting two or more separate structures having different addresses, a separate permit shall be required for each system.

C. An alarm user's permit is required for alarm users that employ a central alarm monitoring company.

**§11.06.12. User's permit fees.**

The initial permit fee for an alarm user's permit and the renewal permit fee is twenty dollars (\$20.00). Payment of the fee shall accompany the application for the initial alarm user's permit and/or the renewal of a permit, and no part of such fee shall be refundable.

**§11.06.13. User's permit application.**

The alarm user's permit application shall include the following information:

A. The name, address, zip code and telephone number of the protected business or residential property; and

B. The name, address, zip code and telephone number of the alarm company, if any, which installed or maintained the applicant's alarm system; and

C. In case of a business entity, the names, addresses, zip codes and telephone numbers of three responsible employees of the business who can be contacted by the Police Department if needed; and

D. In case of a residential entity, the names, addresses, zip codes and telephone numbers of at least three (3) responsible persons who can be contacted by the Police Department if needed; and

E. Other information, such as special hazards or instructions, as required.

**§11.06.14. User's responsibility.**

A. All equipment used in the installation of an alarm system shall meet the applicable standards of the Underwriters' Laboratories of the United States, Factory Mutual, the National Fire Protection Association or other recognized industry standards. The owner, installer or user may be required to submit evidence of the reliability and suitability of the equipment to be installed.

B. It shall be the responsibility of the alarm user to instruct employees or others who may have occasion to activate an alarm that alarm systems are to be activated only in emergency situations to summon an immediate police or fire response. Alarm users shall also instruct appropriate employees or others as to the operation of the alarm system, including setting, activating and resetting of the alarm.

C. Alarm users shall be responsible for seeing that alarm systems are maintained in good working order and that defects that could cause false alarms are promptly repaired.

**§11.06.15. Suspension of penalties for false alarms from new systems.**

After the installation of a new alarm system in a business or residence, the alarm user will have fourteen (14) days in which any false alarm received by the Police Department will not be counted against the alarm user. This fourteen (14) day period will allow the alarm user time to make necessary adjustments to the alarm system to insure proper operation.

**§11.06.16. False alarms; records.**

A. The Police Alarm Administrator shall monitor the number of false alarms to which the Police Department and Fire Department respond, keeping records of the same. Such records shall indicate the date of all false alarms to which the Police Department or Fire Department responds, the name and address of the alarm users of the system generating the false alarm, the time of the false alarm and the weather conditions existing at the time of the false alarm.

B. When the Police Alarm Administrator records a false alarm from any of the alarm premises within a calendar year, the procedure in §11.06.17 will be followed.

**§11.06.17. Alarm validity determination.**

A. Whenever an alarm is activated, requiring an emergency response to the location by the Fire Department or the Police Department, the officer in charge at the location of the alarm shall inspect the areas protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system.

B. If the inspecting officer in charge at the location determines that the signal is false, the officer in charge shall make a report of the false alarm to the Police Alarm Administrator.

C. The Police Alarm Administrator, after receiving a report of a false alarm, shall notify the alarm

user, that a false alarm report was received. The notification shall include:

(1) The date and time of the false alarm report; and

(2) The number of false alarms received in the present calendar year; and

(3) A copy of §11.06.18 and;

(4) A copy of §11.06.19.

D. The notification set forth in *division (C)* of this section, shall be mailed to the address of the alarm user as set forth in the permit by ordinary mail, if four (4) or less false alarms in the calendar year have occurred at the address of the alarm system. Upon the fifth (5<sup>th</sup>) false alarm in any calendar year and all false alarm reports thereafter, the Police Alarm Administrator shall notify the alarm user, by certified mail or personal service at the address of the alarm system.

**§11.06.18. Appeal of alarm validity determination.**

A. Upon receipt of any false alarm report from the Police Alarm Administrator, the alarm user may elect to respond in writing to explain the actual cause of such alarm. Such response must be made within five (5) days from the date of receipt of the false alarm report. If the Police Alarm Administrator upholds the false alarm determination, the alarm user will have ten (10) days from the date of notification in which to request an appeal.

B. The City Manager or his or her designee shall hear appeals from the alarm user on the issue of whether the alarm system in question activated a false alarm, as determined by the officer in charge of such activated alarm.

C. At the hearing, which must be concluded within ten (10) days from the date the request for the hearing is received, the alarm user shall have the right to present evidence or testimony.

D. The hearing officer shall make a decision as to whether to uphold or disallow the false alarm report and will notify the alarm user and the Police Alarm Administrator within ten (10) days from the date the hearing is concluded.

**§11.06.19. Administrative fee for multiple false alarms.**

A. Alarm users shall be responsible for multiple false alarms sent by alarm systems on premises under their control. The fees imposed shall be based on the number of false alarms sent by the one alarm system within a calendar year.

B. There is hereby imposed on alarm users an administrative fee, based on the cost of administration and police response to false alarms, as follows:

(1) For one (1) through six (6) false alarms, no fee shall be imposed.

(2) For seven (7) through ten (10) false alarms, a fee of fifty dollars (\$50.00) for each false alarm shall be imposed.

(3) For the eleventh (11<sup>th</sup>) and any additional false alarms, a fee of one hundred dollars (\$100.00) for each false alarm received shall be imposed.

C. If the alarm user changes to a central alarm monitoring company, changes central alarm monitoring

companies, or changes to a direct line to the Police Department, the alarm count will remain the same.

D. No fee shall be imposed until five (5) days after written notification has been sent to the alarm user that a false alarm has been recorded against the alarm system.

E. Any fee not paid within thirty (30) days after it is imposed will result in the alarm user being ordered to disconnect immediately.

F. If an appeal of alarm validity determination is filed as outlined in §11.06.18, the fee is due thirty (30) days after the decision.

**§11.06.20. Disconnection and disruption of service.**

A. With the receipt of notice of the twelfth (12<sup>th</sup>) false alarm signal in a given calendar year, or in the case of an alarm user who causes or permits a high incidence of false alarms over a multi-calendar year period (i.e. six (6) or more false alarms per year), the Police Alarm Administrator shall inform the alarm user that a show cause hearing will be scheduled before the City Manager. During the hearing, the alarm user must appear and show cause as to why the City should not require the disconnection of the alarm system from the alarm receiving equipment at the Police Department, or, if the user employs a central alarm monitoring company, why the City should not discontinue response to additional alarms when contacted by the alarm monitoring company.

B. Following the hearing, the City Manager may order the disconnection of the alarm equipment from the alarm receiving system of the City or instruct the Police Department and/or the Fire Department of the City to ignore alarm signals from the subject user when contacted by the alarm monitoring company. The City Manager may also order other appropriate action, including, but not limited to, placing the alarm user on a probationary status.

C. No person shall fail to disconnect his or her alarm from the City's alarm receiving equipment after being so ordered by the City Manager.

**§11.06.21. Alarm system reconnection and reestablishment of alarm response.**

A. When an alarm user has had his alarm equipment disconnected from the City's alarm receiving system, or where non-response to future alarms from an alarm user has been ordered by the City Manager, the alarm user who wishes to have service restored may apply for reconnection or restoration of service under the following procedure:

(1) A written report shall be submitted to the Police Alarm Administrator, detailing the action the alarm user and/or alarm business that maintains the user's equipment has taken to prevent future additional false alarms;

(2) The Police Alarm Administrator shall review the submitted report and determine the sufficiency of the response. If the response is deemed by the Police Alarm Administrator to be sufficient, he or she shall make a recommendation to the City Manager that service be re-established; and

(3) After receiving the report from the Police Alarm Administrator, the City Manager shall conclude that

service not be restored, be restored as recommended by the Police Alarm Administrator or be restored upon the satisfaction of further conditions that the Service Director may prescribe.

B. The alarm user whose service is being restored shall pay an administrative fee of one hundred dollars (\$100.00) and be current with the payment of any and all past false alarm fees before being permitted to reconnect or otherwise have service re-established.

**§11.06.22. Other alarm system provisions.**

A. Entrance/exit device.

All police alarm installations incorporating an entrance/exit device must permit a delay of thirty (30) seconds minimum before actual activation of the system.

B. Digital communicator.

All alarm systems that use a digital communicator to contact the alarm receiving equipment at the Police Department must call the telephone number designated by the Police Department.

C. Local alarms.

Local alarms shall not resemble the sound of any emergency signal or civil defense alarm or siren. All local alarms shall have the capacity to reset themselves after fifteen (15) minutes.

D. Instructions.

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

E. Panic alarm buttons.

Panic alarm buttons are to be used only to send a manually-activated alarm to signal an actual or attempted assault, an actual or attempted robbery, an actual or attempted burglary, a medical emergency or a fire to the Police Department. The signal must comply with the following:

(1) The activation of a panic alarm is intended to signal the Police Department of an emergency situation. Therefore, through the use of a device of this nature, the user grants the right to conduct any lawful investigation deemed necessary to investigate and verify the authenticity of the alarm.

(2) It shall be deemed a violation of this chapter if a panic alarm is activated for anything other than that specified above.

F. Application of section.

Provisions outlined in *divisions (B), (C) and (E)* of this section are in addition to the provision of §11.06.11, which is applicable to all alarm users, alarm businesses and alarm systems.

G. Compliance by political subdivisions.

All political subdivisions shall be required to comply with all sections of this chapter, except that they shall be exempt from paying any initial or renewal permit fees.

**§11.06.23. Prohibited alarms.**

A. No person shall install, cause to be installed or permit to be installed any alarm device, by whatever name known, which automatically selects a telephone line for the purpose of playing a recorded message to report any emergency on any telephone line dedicated to the Police Department.

B. No supervision-type alarm systems will be monitored. Only alarm systems that report the occurrence of an actual or attempted burglary, an actual or attempted robbery, a medical emergency, a fire or other occurrence requiring urgent attention and to which the Police Department or Fire Department is expected to respond, will be monitored by alarm receiving equipment at the Police Department.

**§11.06.24. Testing.**

Routine testing, not more frequent than once in a thirty (30) day period and as required for proper system maintenance, will be permitted, provided, however, that immediately prior thereto, the Police Dispatcher is notified by telephone of the test to assure it will not interfere with normal police function.

**§11.06.25. Signals originating outside corporate limits.**

The provisions of this chapter shall apply to all emergency alarm devices whose signal originates outside the corporate limits of the City, provided that said signal terminates within the Police Department.

**§11.06.26. Limitation of liability.**

A. The City shall not be liable for any of the alarm user's losses or damages, irrespective of origin, to person or to property, whether directly or indirectly caused by performance or non-performance of the obligations imposed by this chapter upon the City or by any negligent acts or omissions of the City, its agents or employees.

B. The alarm user's application shall contain an agreement with the City which, among other things, shall advise the alarm user that the city is not an insurer of any loss; that the alarm user should obtain its own insurance; that the permit fees set forth in §11.06.12 are based upon the value of services offered by the City and such permit fees are not related at all to the value of the property belonging to the alarm user; that the City makes no warranty, expressed or implied, that the system it installs or the services it furnishes will avert or prevent consequences.

**§11.06.27. Change of location.**

If the location of either or both of the Police and Fire communications facilities should be changed at any time, permittees under this chapter shall not charge or attempt to charge the City with any resulting cost of moving an emergency alarm or any part thereof.

**§11.06.28. Enforcement.**

A. Enforcement of any of the provisions of this chapter may be by civil action and/or criminal prosecution.

B. Failure or omission to comply with any section or provisions of this chapter shall be deemed a violation.

**§11.06.99. Penalty.**

Whosoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days, or both, for each offense.

**Chapter 11.07. Exhibitions, Processions and Parades.**

§11.07.01. Exhibition: permit required.

§11.07.02. Processions and parades: permit required.

§11.07.03. Blocking streets or sidewalks for exhibitions, processions, or parades.

§11.07.99. Penalty.

**§11.07.01. Exhibition: permit required.**

A. Each person, company, group, or organization desiring to conduct, stage, or give an event, circus, festival, menagerie, carnival, sideshow or exhibition on public property, or if there is necessity to close a public street, alley, or sidewalk in association with an exhibition or event on private property shall first obtain a permit issued by the Nelsonville City Manager and pay a permit fee of fifty dollars (\$50.00) or an amount established by separate Council ordinance.

B. An applicant for a permit to conduct such an exhibition or event shall apply to the City Manager for a permit no less than one (1) week prior to the activity for which the permit is required. Such application shall be sworn and contain the following:

(1) Name of the sponsoring individual, company, group, or organization and if an individual, a statement that they not have been convicted of a felony in any state; and

(2) Name of the applicant authorized to submit the application; or

(3) If a company, group, or organization, the names of the organization's officers and their titles and a statement that neither the company, group, or organization nor any officer has been convicted of a felony in any state; and

(4) Copy of a liability insurance coverage in the amount of one million dollars (\$1,000,000.00) per incident with the City of Nelsonville, Ohio named as an additional insured; and

(5) Date(s) and time(s) of the exhibition or event for which the permit is issued; and

(6) Location of the exhibition, including, but not limited to a site drawing indicating, the required fenced in area if beer and/or wine service and consumption are proposed and the location of vehicular barricades and delineated areas; and

(7) Type and name of exhibition or event; and

(8) A statement that adequate sanitary facilities will be provided in accordance with requirements of the Athens City-County Health Department, if necessary; and

(9) A statement that the sponsor of the exhibition or event shall provide grounds cleanup and restore the grounds where the exhibition or event was held to the same condition as existed prior to the exhibition or

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event, together with an acknowledgement and agreement that if the City is required to perform grounds cleanup and restoration due to the sponsor's failure to do so, that the sponsor shall be responsible for any expense incurred by the City in so doing; and

(10) A bond or other surety of fifty dollars (\$50.00) or in an amount determined by the City Manager to be sufficient to cover replacement costs for public signage, barricades, or other devices or equipment used in association with the event.

C. The City Manager shall review an application and issue a permit, provided he deems that the exhibition or event for which the permit is required meets the following criteria:

- (1) Is in a suitable location; and
- (2) Is properly insured and bonded; and
- (3) Has no applicants or officers with a felony record in any state.

D. No permit shall be issued for any exhibition or event for more than seven (7) consecutive days unless otherwise permitted by City Council.

E. No person, company, group, or organization shall sell or otherwise provide any intoxicating liquor, beer, or wine on any public property, street, alley, or sidewalk in association with a permit issued under this section unless in an area delineated and approved by the Ohio Department of Commerce, Division of Liquor Control and within the area of the Public Square. For administrative purposes of this section, the Public Square shall be defined as the street and fountain area of the Nelsonville Public Square but not including any public sidewalk or any portion of Washington Street or Columbus Street. Any violation of this sub-section by any person, company, group, or organization associated with permit issued under this section shall cause such permit to be invalidated and immediately revoked.

F. No person, company, group, or organization shall conduct an exhibition without a required permit.

**§11.07.02. Processions and parades: permit required.**

A. Each person, company, group, or organization desiring to conduct a procession or parade shall first obtain a permit from the Chief of Police with a permit fee due in an amount established by separate ordinance.

B. An applicant for a permit to conduct such a procession or parade shall apply to the Chief of Police for a permit no less than (1) week prior to the activity for which the permit is required. Such application shall be sworn and contain the following:

- (1) Name of the sponsoring individual, company, group, or organization;
- (2) Name of the applicant authorized to submit the application;
- (3) The exact route of the procession or parade;
- (4) Date and time of the procession or parade and the direction of march or travel for which the permit is required;

C. It shall be unlawful to conduct a procession or parade in violation of this section except such provisions shall not apply to marches or maneuvers of Military Forces of the United States.

D. No person, company, group, or organization shall conduct a procession or parade without a required permit.

**§11.07.03. Blocking streets or sidewalks for exhibitions, processions, or parades.**

No person, company, group or organization shall block or hinder any public street, alley, or sidewalk for purposes of an exhibition, procession or parade without having first obtained a required permit.

**§11.07.99. Penalty.**

Whosoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree.

**Chapter 11.08. Rental Property Registration.**

- §11.08.01 Purpose.
- §11.08.02 Definitions.
- §11.08.03 Certificate of registration required.
- §11.08.04 Owner or agent to operate rental dwelling units; service of notice or process.
- §11.08.05 Exempt rental units.
- §11.08.06 Registration forms.
- §11.08.07 Registration term and renewal.
- §11.08.08 Fees.
- §11.08.09 Periodic inspections.
- §11.08.10 Responsibility of designated agent.
- §11.08.11 Transfer of ownership.
- §11.08.12 Right of entry.
- §11.08.13 Vacating a rental unit.
- §11.08.14 Disclaimer of liability.
- §11.08.15 Saving clause.
- §11.08.16 Validity.
- §11.08.99 Penalty.

**§11.08.01. Purpose.**

It is the purpose of this chapter to protect the public health, safety and welfare of the citizens of Nelsonville, Athens County, Ohio, to provide for the notification of owners of residential, commercial or industrial rental property regarding *Nelsonville City Code Chapter 15.01, Income Tax Rules and Regulations*, to protect an owner's investment in and value of real property, to identify and provide contact information for property owners and their agents, and to provide for the timely notification to owners and their agents of violation of measures, rules, regulations, ordinances and codes for the exterior premise condition of property and other minimum standards related to the occupancy of rental dwelling units, commercial and industrial business spaces, and their premises.

**§11.08.02. Definitions.**

As used in this chapter, the words and terms below shall have the following meanings respectively prescribed to them in this chapter:

A. "Lease" means the written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental units.

B. "Notice of Violation" means a notice issued by the City Manager, his/her designee, or the Code Enforcement Official to the owner of real property or to their designated agent that there has been a violation of a provision of this chapter or any other applicable section of the *Nelsonville City Code*, ordinance, rule or regulation concerning the occupancy or condition of a premises that is leased or for lease, vacant or occupied.

C. "Premises" means a real property parcel of land and the structures on that parcel containing at least one (1) residential dwelling unit or one (1) commercial or industrial business space, including lots in manufactured home parks or platted lots or parcels outside a manufactured home park where a mobile home, manufactured home or industrialized unit may be located.

D. "Owner" means any person who, alone or jointly or severally with others, shall have the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. The term "owner" shall also include partnerships and other unincorporated associations. Any individual owner, regardless of whether he or she shares ownership responsibility with any other person, any general partner of a partnership, and any officer of a corporation or unincorporated association, shall have direct and personal responsibility and liability for compliance with the provisions of this chapter.

E. "Designated agent" means a business entity located in or an individual person eighteen (18) years or older residing in Athens or Hocking Counties with an address other than a post office box and named by an owner as a secondary point of contact regarding the use or condition of land and the occupancy and physical condition of structures on a platted lot or parcel of land.

F. "Rental Dwelling Unit" means any structure or part thereof used by a person or persons other than the owner for residential purposes. Rental dwelling units may also be known as a rental dwelling, rental unit, dwelling unit, or housekeeping unit and may be a mobile home, manufactured home, or industrialized unit.

**§11.08.03. Certificate of registration or zoning certificate required.**

No person shall lease, rent, or cause to be occupied a residential rental unit until first obtaining a certificate of registration issued by the City Manager or his/her designee in the name of the owner and designated agent for that specific residential dwelling unit. The certificate shall be retained by the owner or designated agent and a copy provided to any tenant or prospective tenant prior to occupancy. In the case of a written lease, a copy of the certificate of registration shall be incorporated in or attached to the lease agreement.

**§11.08.04. Owner or agent to operate rental units; service of notice or process.**

Every owner of a rental unit shall designate an agent who in addition to the owner shall be responsible for operation of the unit and who may accept service of process and official notices on behalf of the owner. An official notice or service of process issued to a designated agent

shall be deemed as served or delivered upon the owner of record. Each owner or designated agent shall maintain a list of the name and number of tenants in each rental unit and advise the tenants of all known applicable City regulations regarding occupancy and premise conditions. Failure to maintain a property or to maintain any requirements regarding registration shall be grounds for revocation of an existing certificate or denial of issuance of a renewal certificate of registration.

**§11.08.05. Exempt residential rental units.**

Certain types of residences shall be exempt from the requirements of this chapter including but not limited to:

A. Single-family, owner-occupied dwellings and dwelling units.

B. Hotels, motels, recreational vehicle parks and camps without continuous occupancy by the same tenant for more than thirty (30) days.

C. Dormitories owned and operated by a college or university.

D. Adult Family Homes, Adult Group Homes, Community Residential Facilities, Family Homes, Family Foster Homes, Foster Family Homes, Foster Homes, Group Homes, Supported Living Homes, and Type "A" or Type "B" Homes operated under *Ohio Revised Code Title 51*.

E. Nursing homes and similar residential care facilities.

F. Prisons, jails, work facilities or other places of incarceration or correction including but not limited to halfway houses, residential facilities under community control sanctions, post-release control sanctions, or parole.

**§11.08.06. Registration forms.**

A. Application for registration of residential rental dwelling units shall be on forms provided by the City Manager or his/her designee and shall include all information required by the City Manager but at a minimum the following:

(1) Name, address, telephone, and e-mail address, if applicable, of an individual owner, sole proprietor or a corporate officer or business representative of a corporation, trust or other entity capable of holding title; and

(2) Name, address, telephone number, and e-mail address, if applicable, of a company or designated agent who must located in or be a resident of Athens or Hocking Counties; and

(3) Parcel identification number and date of building construction obtained from the Athens County Auditor's Office; and

(4) Address of each rental dwelling unit; and

(5) Number of detached structures on the lot or parcel and number of units per structure; and

(6) Number of parking spaces on the lot or parcel used for residential dwelling purposes.

B. No post office boxes shall be accepted as a legal address for purposes of this chapter.

C. Registrations shall be retained at the Office of the City Manager as a public record and made available to any other city department or public entity upon request.



D. Every person required to register a residential rental dwelling unit shall complete a new application upon amendment or change of any required information.

E. Upon sale or transfer of a residential premise, the previous owner shall notify the City Manager or his/her designee of the name and contact information of the new owner so that they may complete a new application for certificate of registration. If a new owner is not made aware of this requirement upon sale and transfer of the property, it shall be the responsibility of a new owner once notified to complete and submit a new rental registration form within five (5) days of notice.

F. Upon construction of new residential rental dwelling units or conversion of existing building space not previously used for residential purposes and in addition to obtaining a zoning certificate prior to construction or conversion required by *Nelsonville City Code Title 27, Zoning Code*, an owner shall complete and submit a rental registration form for each building or portion thereof used for residential rental purposes.

**§11.08.07. Registration term and renewal.**

Registration shall be made within ninety (90) days of the enactment of this chapter. The term of the certificate of registration shall be valid so long as all of the original information and all fees established by separate ordinance are current. Sale or transfer of property shall cause the certificate to expire and be no longer valid. Any new owner shall make new application for a certificate of registration for each residential dwelling unit prior to closing so as to maintain a continuous record of ownership in case of damage, vandalism, premise condition or other requirement necessitating public notification to the owner, but in no case more than five (5) days after sale or transfer.

**§11.08.08. Fees.**

A schedule of fees for an original, single unit residential dwelling or certificate covering two (2) or more units in a single building, change or amendment of application information, certificate of renewal, or new ownership shall be established by separate ordinance.

**§11.08.09. Periodic inspections.**

The City Manager, his/her designee, or the Code Enforcement Official may conduct periodic exterior inspections of rental units registered under this chapter in order to enforce existing or future codes and ordinances related to clean, safe and sanitary premise conditions. Inspection may be from the public right-of-way or conducted on premise with the presentation of proper credentials.

**§11.08.10. Responsibility of designated agent.**

Designation of an agent by an owner shall cause the agent to be an additional responsible party for purposes of this chapter and other chapters that may apply regarding the operating of a premise. All official notices of the City may be issued to the designated agent as well as the owner and in such case as a notice is served upon a designated agent such notice issued shall be deemed as having been served upon the owner of record.

**§11.08.11. Transfer of ownership.**

It shall be unlawful for the owner of any residential rental dwelling unit having received a notice of violation to transfer, convey, lease enter into contract or sell their ownership or interest in any way to another unless such owner shall have first furnished to the grantee, lessee, transferee or vendee a true copy of such notice of violation and a verified statement received by the City Manager, his/her designee, or the Code Enforcement Official acknowledging the receipt of same.

**§11.08.12. Right of entry.**

Absent emergency circumstances, whenever necessary to make inspection to enforce the provisions of *Nelsonville City Code §9.16.01, Procedures for the Condemnation and Demolition of Structures Which Constitute a Public Nuisance*, the City Manager, his/her designee, or the Code Enforcement Official may enter such building or premises at any and all reasonable times to inspect the same, provided such entry is pursuant to the law, and further provided if such building or premises is occupied, the investigating agent provides proper credentials at request of entry. If entry is denied, the investigating agent has authority to seek lawful entry pursuant to an administrative search warrant or other lawful means. A certificate of registration shall not be construed as consenting to a search or entry into a rental unit except as provided by this section and other applicable law.

**§11.08.13. Vacating a rental unit.**

In the event that that a rental unit is not occupied for more than six (6) months, it shall be considered vacant and shall not be reoccupied unless a valid certificate of registration be issued. It shall be the responsibility of the owner to secure the unit against trespass or vandalism by any means including but not limited to the boarding of windows and doors and securing doors with locks. If the unit or units constitute the entire area of a building then the building shall be subject to the provisions of *Nelsonville City Code Chapter 9.17, Registration of Vacant Buildings*.

**§11.08.14. Disclaimer of liability.**

A certificate of registration is not a warranty or guarantee that there are no defects in a rental dwelling unit and the City shall not be held liable to any person for the condition of the property.

**§11.08.15. Saving clause.**

All proceedings pending and all rights and liabilities existing and acquired at the effective date of this chapter are saved and may be consummated according to the law in force when they were commenced.

**§11.08.16. Validity.**

Should any section, clause, or paragraph of this chapter be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part declared invalid.

**§11.08.99. Penalties.**

Any owner or designated agent who violates the provisions of this chapter shall be guilty of a minor misdemeanor with each rental dwelling unit and day of violation constituting a separate offense. A second and subsequent offense within a calendar year shall constitute a misdemeanor of the fourth degree.

**Chapter 11.09. Contractor Registration.**

- §11.09.01. Purpose.
- §11.09.02. Definitions.
- §11.09.03. Registration required.
- §11.09.04. City Income Tax registration required.
- §11.09.05. Licensure with State of Ohio Contractor Industry Licensing Board required.
- §11.09.06. Fees.
- §11.09.07. Term and renewal.
- §11.09.08. Assignment, transfer, use by third persons.
- §11.09.09. Suspension and revocation.
- §11.09.10. Exceptions.
- §11.09.11. Right of appeal.
- §11.09.99. Penalties.

**§11.09.01. Purpose.**

This chapter shall be applicable to all businesses and individuals, unless otherwise exempted, who perform construction, repair, and alteration services for buildings and facilities as herein defined and for the purpose of protecting the health, safety, and general welfare of the citizens of the City of Nelsonville, Athens County, Ohio; to efficiently collect information for purposes of income taxation as required by *Nelsonville City Code Title 15, Taxes* and to protect, enhance, and preserve the value of property within the City of Nelsonville.

**§11.09.02. Definitions.**

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

A. “General Contractor” means those persons, business or companies that directly engage in building construction and/or hire subcontractors to provide construction services involving home improvement, specialty, or skilled trades, either on one, two, or three family dwellings or on projects where registration is required under *Ohio Revised Code Chapter 4740 and permitting under Ohio Administrative Code Chapter 4101*. A general contractor may perform limited work, as the City Manager determines, on projects that are listed under the specialty or skilled trade category. However, all work that involves more than limited work must be completed by persons, businesses, or companies registered with the City of Nelsonville and under the applicable skilled trade category for projects requiring permitting under *Ohio Administrative Code Chapter 4101*.

B. “Home Improvement Contractor” or “Specialty Contractor” means those persons, businesses or companies that directly engage in specific construction activities, alterations, or renovations. Home improvement or specialty contractors are permitted to perform limited work, as determined by the City Manager, on one, two and

three-family residential projects and those projects that are otherwise listed under the skilled trades category. However, all work that involves more than limited work must be completed by persons, businesses, or companies registered under the applicable skilled trade category and licensed with the Ohio Construction Industry Licensing Board (OCILB).

C. “Skilled Trades Contractor” means those persons, businesses or companies that directly engage in activities requiring licensing pursuant to *Ohio Revised Code Chapter 4740, Construction Industry Licensing Board* or similar activities on one, two, and three family construction where no State licensing is required.

Types of home improvement and specialty contractors:

D. “Drywall/Plaster” means those persons, businesses or companies that provide drywall (gypsum board) or cement plaster installation, repair or replacement in or on a building structure.

Deck- means those persons, businesses or companies that provide services to install, repair or replace an exterior floor system supported on at least two opposing sides by adjoining structure and/or posts, piers, or other independent supports.

E. “Demolition/Hauling” means those persons, businesses or companies that provide services to demolish structures and remove construction materials from a specific location.

F. “Excavator/Tapper” means those persons, businesses or companies that provide services to remove, replace, compact or grade earth for construction projects and to install, tap into, repair or replace sewer, water, gas or other utilities lines or cables.

G. “Framing” means those persons, businesses or companies that provide services to install, repair or replace structural components, beams, framework, or deck work in a building structure.

H. “Gutter/Spouting” means those persons, businesses or companies that provide installation, repair or replacement on any system of water collection or diversion of water from a roof system through drain lines on or about a building or structure.

I. “Landscaping” means those persons, businesses or companies that provide the installation of lawns, tree, shrubbery or bushes at or about building construction sites or are engaged in the care, maintenance, or removal of existing landscaping features.

J. “Masonry/Cement/Asphalt” means those persons, businesses or companies that provide services for installation of block, bricks, stone, cement or asphalt at or on a building structure or construction site.

K. “Roofing” means those persons, businesses or companies that provide services to install replace or repair a system designed to provide weather protection and resistance to design loads consisting of roof decking, vapor retarder, substrate and roof covering.

L. “Siding” means those persons, businesses or companies that provide services to install, replace or repair a covering material on the exterior of building structures as to protect the structure against weather elements.

M. "Sign & Graphics" means those persons, businesses or companies that provide services to install, repair, replace or modify publicly displayed boards that contain information, advertising or symbols including any form of visual artistic representation.

N. "Swimming Pool" means those persons, businesses or companies that provide services to dig and install, repair or replace indoor or outdoor tank(s) of water and pumping and filtering equipment used for human swimming purposes.

O. "Waterproofing" means those persons, businesses or companies that provide services to install, apply or remove materials applied to building foundations, walls, and floors to prevent the penetration of water into the interior of a building structure.

P. "Windows" means those persons, business or companies that provide services to install, repair or replace framed glass structures installed on the exterior of building structures.

Types of skilled trade contractors:

Q. "Electrician" means those persons, businesses or companies that provide services to install, repair or replace electrical apparatus or appurtenances within or about a building structure or specific location.

R. "Fire/Security Detection & Suppression" means those persons, businesses or companies that provide services to install, repair, test and replace fire or security detection equipment, reporting devices, fire sprinklers and piping, stand pipes, fire suppression equipment and suppression hoods.

S. "Hydronics" means those persons, businesses or companies that provide services to install, repair or replace fluid, steam or gas pressure piping systems within a structure.

T. "HVAC" means those persons, businesses or companies that provide services to install, repair or replace heating, ventilating, and air-conditioning systems within a building.

U. "Plumber" means those persons, businesses or companies that provide services to install, repair or replace pipes and fixtures used to transport water and sewage within or about a building structure or property.

V. "Refrigeration" means those persons, businesses or companies that provide services to install, repair and replace systems that vaporize and liquefy a fluid used for refrigerate storage systems and other components attached.

**§11.09.03. Registration required.**

All general, home improvement, specialty, and skilled trade contractors or subcontractors who do work in the City of Nelsonville, Athens County, Ohio shall register with the City Manager upon such forms and including such information as the City Manager may deem necessary in order to accomplish the purpose of this chapter. Upon review and approval of a perfected application, the City Manager shall cause a certificate of registration to be issued verifying compliance.

**§11.09.04. City Income Tax registration required.**

All general, home improvement, specialty, and skilled trade contractors or subcontractors who do work in the City of Nelsonville, Athens County, Ohio shall register with the City Auditor and shall present him/her a list of all employees, subcontractors, contractors, or others who may do work for them whose profits, wages, or earnings are not presently subject to withholding of the Nelsonville City income tax but may be subject to such tax upon commencement of business activity. The City Auditor shall provide the contractor proof of income tax registration which shall be submitted with the application for contractor registration required herein or shall verify that the contractor is not subject to the provisions of *Nelsonville City Code Title 15, Taxes*, for reasons including but not limited to conducting business twelve (12) or fewer days where such activity is not subject to said regulations.

**§11.09.05. Licensure with State of Ohio Contractor Industry Licensing Board required.**

All skilled trades contractors subject to licensure pursuant to *Ohio Revised Code Chapter 4740, Construction Industry Licensing Board*, shall provide such proof of licensure with the application for registration.

**§11.09.06. Fees.**

Fees for initial registration of contractors and any annual renewal fee shall be twenty-five dollars (\$25.00) or as established by separate Council ordinance.

**§11.09.07. Term and renewal.**

A registration certificate issued pursuant to this chapter shall be valid from the day of issuance until December 31<sup>st</sup> of the year of issuance and shall be renewed annually thereafter. There shall be no pro-rating of registration fees based upon the date of application. Annual renewal may occur during the month of December but in no case shall a contractor previously registered but lacking renewal perform any work until such renewal is accomplished.

**§11.09.08. Assignment, transfer, use by third persons.**

A registered contractor shall not assign, transfer, or allow any other person to use his/her certificate of registration for any purpose. Such use shall result in immediate suspension of the certificate until such time as the certificate is reinstated.

**§11.09.09. Suspension and revocation.**

The City Manager shall revoke or suspend any certificate issued upon false or inaccurate application; failure to maintain state licensure, if applicable; unauthorized use of a certificate by a third party; or failure to provide any necessary documentation or remittance to the City of Nelsonville Department of Income Tax.

**§11.09.10. Exceptions.**

The following are exempt from the registration requirements of this chapter:

A. Homeowners: No provision for registration shall be interpreted to require that the owner of his/her established residence performing such work upon the premise occupied is subject to this chapter. In order to verify exemption, the City Manager may require submission of a Homeowner Registration Affidavit upon such forms provided by the City Manager.

B. Government Agencies, Private Industry Maintenance, and Public Utilities: Provision for registration shall not apply to Federal, State, County, Township, or municipal government agencies; to public utilities furnishing services to the City under municipal franchise agreement; to industrial, commercial, or institutional organizations, or firms wherein a maintenance department is performing regular and routine maintenance and repairs. This exception for organizational exemption shall not extend to contact service providers subject to City income tax requirements and registration herein required shall be accomplished.

C. Charitable or non-profit organizations: Any charitable or non-profit organization constructing housing accommodations which utilize volunteers to perform construction activities normally performed by contractors shall not be subject to the requirements of this chapter. However, such organizations shall provide proof of liability insurance to the City Manager. Any providers of contract services for projects herein described shall be registered and this exception shall not extend to any hired contractors.

D. Owners of Rental Property: No provision of registration shall be interpreted to require the owner of rental property performing regular maintenance and repair on their own property or persons in their employment who are covered by or exempt from workers' compensation and whose wages are otherwise reported to the Internal Revenue Service and the Nelsonville City income tax department to be subject to the provisions of this chapter.

E. Individuals under the age of eighteen (18) years providing services such as lawn care, painting and other activities required for normal property maintenance and preservation.

**§11.09.11. Right of appeal.**

Any person, organization, or company aggrieved by a decision, requirement, or denial of an original

**Chapter 11.10. Licenses and Permits.**

- §11.10.01. Licenses required to engage in certain trades, businesses or professions.
- §11.10.02. Schedule of license fees.
- §11.10.03. Application for license.
- §11.10.04. Issuance of license.
- §11.10.05. Date and duration of license.
- §11.10.06. License not transferable.
- §11.10.07. License certificate to be displayed.
- §11.10.08. Revocation or suspension.
- §11.10.09. Appeal and review.

**§11.10.01. Licenses required to engage in certain trades, businesses or professions.**

No person shall engage in any of the trades, businesses or professions for which licenses are required by

*Title XI* or by any other ordinance or provision of the *Nelsonville City Code* without first applying for and obtaining a license from the City Manager or other duly authorized issuing authority. Penalty, see §1.02.01

**§11.10.02. Schedule of license fees.**

Before granting such license. The city treasurer, unless otherwise directed by lawful authority, shall collect the license fees prescribed below or elsewhere in this code for the trades, businesses and professions requiring licenses as provided in the respective sections of this code of ordinances. Unless otherwise specified, the term of each license shall be for the calendar year.

<u>License Classification</u>	<u>Section</u>	<u>Fee</u>
Auction of jewelry	11.01.01.	\$25.00 (30 days)
Collection agencies	11.02.01.	\$10.00
Commercial Amusement	11.03.01.	\$50.00
Transient Vendor and Solicitor	11.04.02.	\$5.00/\$25.00 (day/month)
Taxicabs, each	11.05.02.	\$50.00
Alarm Systems	11.06.06.	\$25.00/\$10.00 (initial/renew)
Rental Registration	11.08.08.	TBD
Contractor Registration	11.09.06.	\$25.00

**§11.10.03. Application for license.**

A. All original applications for licenses, unless otherwise specifically provided, shall be made to the city treasurer in writing on forms to be furnished by him and shall contain:

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

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

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

D. It shall be unlawful knowingly to make any false statement or representation in said application. (Penalty, see §1.02.01.)

**§11.10.04. Issuance of license.**

Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the treasurer shall forthwith deposit the fee in the treasury and issue to the applicant a proper license certificate signed by such treasurer with a certificate as to the amount paid. If for any reason the license is not issued, the aforesaid deposit, less one dollar (\$1.00) to cover expenses of considering such application, shall be returned to the applicant.

**§11.10.05. Date and duration of license.**

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

**§11.10.06. License not transferable.**

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred. (Penalty, see §1.02.01).

**§11.10.07. License certificate to be displayed.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the same. (Penalty, see §1.02.01).

**§11.10.08. Revocation or suspension.**

A. Any license may be revoked by the treasurer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a license for any federal, state or city law or ordinance involving moral turpitude. Such revocation shall become effective upon notice served upon such licensee or posted upon the premises affected.

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

**§11.10.09. Appeal and review.**

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three (3) business days have the right to appeal to the Council of the City from such denial, revocation or suspension.

Notice of appeal shall be filed in writing with the treasurer who shall fix the time and place for hearing, the same to be not later than one (1) week thereafter. The treasurer shall notify the City Manager and all members of Council of the time and place of such hearing not less than twelve (12) hours in advance thereof. Three (3) members of Council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of Council present at such meeting declare in favor of the applicant, such license shall be forthwith issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.