

CODIFIED ORDINANCES OF MARYSVILLE
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF MARYSVILLE

PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 701

Dances and Dance Halls

701.01	Definitions.	701.06	Compliance with health, fire and sanitation regulations.
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CROSS REFERENCES

Power to regulate dancing academies or public ballrooms - see Ohio R.C. 715.61
 Intoxicating liquor in dance hall - see Ohio R.C. 4399.14

701.01 DEFINITIONS.

As used in this chapter:

- (a) "Public dance" means any dance to which admission may be had by the payment of a fee or by the purchase, possession or presentation of a ticket or token obtained for money, or any valuable thing; or in which a charge is made for caring of clothing or other property; or any other dance to which the public generally may gain admission with or without payment of a fee. Dances sponsored by church or school organizations on their premises are excluded from the provisions of this chapter.
- (b) "Public dance hall" means any hall, room or space within or without a building, which is used for the purpose of a public dance or dances.
 (Ord. 731. Passed 3-25-65.)

701.02 LICENSE REQUIRED.

No person shall hold any dance in a public hall unless such hall is licensed as provided herein.

(Ord. 731. Passed 3-25-65.)

701.03 FEE; TERM; DISPLAY.

Upon approval of the license application by the Director of Administration, he shall issue a license upon payment of the following fees:

(a) Ten dollars (\$10.00) for one year.

(b) Five dollars (\$5.00) for one day.

Such license shall be displayed in a prominent place on the premises.

(Ord. 25-83. Passed 4-14-83.)

701.04 REFUSAL TO ISSUE LICENSE.

The Director of Administration may decline to issue a license for any public dance or to any public dance hall, if there is evidence the applicant is not a suitable person to conduct the same, or considering any other circumstances or situations, the public dance or public dance hall would be detrimental to the peace or morals of the community.

(Ord. 19-83. Passed 3-24-83.)

701.05 REVOCATION.

The license issued for any public dance hall may be suspended by the Director of Administration for a violation of any of the provisions of this chapter or for disorderly or immoral conduct upon the premises. Upon appeal by the licensee this suspension shall be reviewed by Council at its next regular meeting.

701.06 COMPLIANCE WITH HEALTH, FIRE AND SANITATION REGULATIONS.

No license for a public dance hall shall be issued unless the owner of such hall complies with and conforms to the ordinances and health and fire regulations of the Municipality and the hall is properly ventilated and supplied with sufficient toilet conveniences, and is a safe and proper place for the purpose for which it is to be used.

(Ord. 731. Passed 3-25-65.)

701.07 HOURS OF OPERATION.

No dance in a public dance hall, or on a public street or alley shall be conducted between the hours of 2:00 a.m. and 8:00 a.m. on any day of the week.

(Ord. 19-83. Passed 3-24-83.)

701.99 PENALTY.

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

**CHAPTER 705
Electrician Licensing**

705.01 License required for electrical work; owner exception.
705.02 Licensee qualifications, bond and fee.

705.03 Work permit required.
705.99 Penalty.

CROSS REFERENCES

Power to license electricians - see Ohio R.C. 715.27(C)
 Electrical safety inspection - see Ohio R.C. Ch. 3783

705.01 LICENSE REQUIRED FOR ELECTRICAL WORK; OWNER EXCEPTION.

No person other than the owner, until he has first obtained a license therefor, shall repair, reconstruct or install electrical wiring in any resident property, or in any other building within the City. No person shall operate under a license issued to another unless he is working in his capacity as an employee of such person.
 (Ord. 46-82. Passed 10-28-82.)

705.02 LICENSEE QUALIFICATIONS, BOND AND FEE.

Licenses for electrical contractors shall be issued by the Director of Administration upon application in writing on a form to be prescribed by the Director showing facts deemed to be necessary to qualify any applicant to perform the service or work allowed under the license for which he applies. No electrical contractor shall be issued a license until the applicant has posted with the Director a bond in the sum of one thousand dollars (\$1,000) payable to the City, signed by the applicant and two personal sureties or one corporate surety to the satisfaction of the Director and conditioned among other things upon the faithful compliance with all ordinances and regulations by such applicant-obligor to be complied with and upon such applicant'-obligor's saving the City harmless from damages or loss arising or incurred by the City, by reason of applicant-obligor's failure to comply with pertinent ordinances or regulations or State law as provided for in the Ohio Basic Building Code, or by reason of the negligence of the obligor or his agents or employees. Each bond so posted shall first be approved in writing by the Director before the license applied for shall be issued. Licenses hereunder shall be issued for the term of one year only, renewable annually. The initial fee or the annual renewal for any license hereunder shall be as follows:

Contractor with up to five employees

(including himself)	\$10.00
Contractor with over five employees	
(including himself)	25.00
(Ord. 46-82. Passed 10-28-82.)	

705.03 WORK PERMIT REQUIRED.

(a) No licensee shall repair or reconstruct or cause to be constructed or installed, any electric wiring within the City, unless such licensee first obtains from the Director of Administration a permit in writing to perform or do such service or work. No permit shall be issued until a licensee has filed with the Director an application in writing setting out facts demanded by Council including the nature and location of the service or work to be performed or done and the name of the owner or owners of the property upon or in which such service or work is to be performed or done, or any such service or work is to be begun or completed.

(b) If the City has contracted with another political subdivision to perform inspections for changes to or rearranging of the existing electrical installation, or installation of new electrical service, then the permit required under subsection (a) hereof shall be issued by that political subdivision.

(Ord. 44-82. Passed 9-23-82.)

705.99 PENALTY.

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

CHAPTER 709
Oil and Gas Wells

709.01	Permit required.	709.09	Disposition of wastes.
709.02	Permit fee.	709.10	Drilling requirements.
709.03	Unitized lease required.	709.11	Fencing.
709.04	Distance requirements.	709.12	Hours for drilling.
709.05	Storage tanks.	709.13	Abandonment of well.
709.06	Dike required.	709.14	Restoration of property.
709.07	Insurance requirement.	709.15	Discretion of Council.
709.08	Bond required.	709.99	Penalty.

CROSS REFERENCES

Water pollution - see Ohio R.C. 715.08, 743.25
 Power to regulate fences - see Ohio R.C. 715.27
 State law provisions - see Ohio R.C. Ch. 1509

709.01 PERMIT REQUIRED.

No person, firm, association or corporation shall drill or otherwise explore for gas or oil, or lay pipe, or locate storage tanks within the corporate limits without first obtaining a permit therefor, which permit shall expire six months from date of issuance unless the activity for which the permit was issued has been commenced and is being prosecuted with reasonable diligence. The permit shall allow the permittee to drill one well or dry hole, lay pipes or locate storage tanks in lengths and amounts specified on each permit.
 (Ord. 709. Passed 5-14-64.)

709.02 PERMIT FEE.

The charge for each permit shall be five hundred dollars (\$500.00).
 (Ord. 709. Passed 5-14-64.)

709.03 UNITIZED LEASE REQUIRED.

No permit shall be issued for oil or gas drilling except upon a tract of land under a single lease, comprised of lots, unplatted acreage or otherwise, which shall form a contiguous unit of at least ten acres or more.
 (Ord. 709. Passed 5-14-64.)

709.04 DISTANCE REQUIREMENTS.

No permit shall be issued and no oil or gas well shall be drilled within 200 feet of any dwelling or 100 feet from any building without first obtaining permission in writing from the owners.

(Ord. 709. Passed 5-14-64.)

709.05 STORAGE TANKS.

All tanks for the storage of oil from the drilling operation shall be of such strength and capacity, and be placed in such manner as to comply with the standards of the National Board of Fire Underwriters as found in N.B.F.U. No. 30, publication of June 1959.

(Ord. 709. Passed 5-14-64.)

709.06 DIKE REQUIRED.

Before any oil from the drilling operation shall be stored in any above ground storage tanks, there shall be constructed completely around all such tanks a dike or earthen fill of well compacted earth of sufficient capacity to store the total capacity of all such tanks so enclosed plus fifty percent additional of total capacity of the tanks.

(Ord. 709. Passed 5-14-64.)

709.07 INSURANCE REQUIREMENT.

No permit shall be issued until the applicant furnishes a copy of proof of carriage of liability insurance in the amount of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) and personal property damage insurance in the amount of fifty thousand dollars (\$50,000) and medical payment insurance in the amount of one thousand dollars (\$1,000). The insurance shall include a thirty day notice of cancellation to the Municipality.

(Ord. 709. Passed 5-14-64.)

709.08 BOND REQUIRED.

No permit shall be issued until the applicant furnishes an acceptable bond guaranteeing the performance of all requirements herein, in the amount of ten thousand dollars (\$10,000) per well.

(Ord. 709. Passed 5-14-64.)

709.09 DISPOSITION OF WASTES.

No salt water or any waste oil or any petroleum products shall be permitted to discharge into any storm or sanitary sewer, open ditches or waterways in the Municipality.

(Ord. 709. Passed 5-14-64.)

709.10 DRILLING REQUIREMENTS.

(a) The drilling preparation used in wells drilled with rotary equipment shall be capable of sealing off each oil, gas, brine or fresh water stratum above the producing horizon or objective formation and shall be capable of preventing blowouts and flows of salt or fresh water, in accordance with good oil field practice.

(b) The rotary tools shall have the innermost string of casing equipped with a blowout preventor properly installed and tested prior to drilling into any formation likely to contain oil or gas.

(c) Wells drilled with cable tools shall have the innermost string of casing equipped with a high pressure mastergate valve and control head and an oil saver, securely anchored by concrete, prior to drilling into any formation likely to contain oil or gas.

(d) All crews shall be trained in operation of a blowout preventor, control head and related equipment and all equipment to be used shall be in good condition.

(e) The permittee shall seal gas and oil wells to protect fresh water wells from salt water pollution in such proper manner as is in accordance with good oil field practice.
(Ord. 709. Passed 5-14-64.)

709.11 FENCING.

The permittee shall maintain a fence around the drilling and well operations in accordance with good oil field practice.
(Ord. 709. Passed 5-14-64.)

709.12 HOURS FOR DRILLING.

No drilling shall be permitted into any formation, likely to contain oil or gas except during the daylight hours. For the purpose of this section, daylight hours shall be defined as that time between sunrise and sunset.
(Ord. 709. Passed 5-14-64.)

709.13 ABANDONMENT OF WELL.

In the event that a well is abandoned, the owner of the property shall notify the Director of Administration of such abandonment. All permittees shall be required to pull or plug a well site on abandonment as required by any rules and regulations promulgated by any department or division of the State relative to pulling and plugging of oil or gas wells.

709.14 RESTORATION OF PROPERTY.

The permittee shall restore the streets, sidewalks and other public places of the Municipality, which have been damaged or disturbed by his drilling operations or preparing to drill or connected with drilling to their former condition, including clearing the area of all litter, rubbish, machinery, derricks, buildings, oil or other substances used or allied to use of drilling or producing operations. The permittee shall pay to the owners of any realty, crops, buildings, improvements, goods or chattels located in the area any extra cost of insurance on such property imposed by reason of the granting of the permit or the operations carried on thereunder, and any and all damages suffered by any person, persons or corporation as to property within the Municipality, from fire, over and above the insurance collected thereon, or from oil, gas or water, caused by or originating from the operation connected with such well, and shall hold the Municipality free and harmless from any and all liability growing out of the granting of such a permit.
(Ord. 709. Passed 5-14-64.)

709.15 DISCRETION OF COUNCIL.

Council shall have the sole discretion for determining whether an applicant for a permit to drill, lay pipe or locate storage tanks shall be granted or rejected. Council shall also have the right and power to grant variances from the provisions of this chapter upon good cause shown. (Ord. 709. Passed 5-14-64.)

709.99 PENALTY.

Whoever violates Sections 709.01, 709.04, 709.09 to 709.14, shall be fined not less than fifteen dollars (\$15.00) or more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense. The Law Director is further authorized to seek injunctive relief against any violation in any proper court of law or equity.

**CHAPTER 713
Peddlers and Solicitors**

713.01	Identification card required.	713.03	Revocation of card.
713.02	Application form; fee; period of validity.	713.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.
Home solicitation sales - see Ohio R.C. 1345.21 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716

713.01 IDENTIFICATION CARD REQUIRED.

No person shall enter upon the premises of any residence in the Municipality for the purpose of soliciting orders for, or selling goods, wares, merchandise or services of any kind or character, unless such person has first obtained an identification card as hereinafter provided. (Ord. 714. Passed 6-25-64.)

713.02 APPLICATION FORM; FEE; PERIOD OF VALIDITY.

(a) Whoever desires issuance of an identification card required by Section 713.01 hereof, shall file with the Chief of Police, a written application on a form to be provided, correctly containing the following information.

- (1) Full name of applicant.
 - (2) Address.
 - (3) Birth date, height, weight, color of eyes, color of hair, and finger prints.
 - (4) If applicant uses motor vehicle; the make, model, year and current registration number thereof.
 - (5) Date of issuance of driver's license and number thereof.
 - (6) Name and address of employer.
 - (7) Brief description of goods, wares, merchandise or services involved.
 - (8) Whether applicant has even been convicted of any crime, and, if so, the nature thereof and penalties therefrom.
- (Ord. 714. Passed 6-25-64.)

(b) Concurrent therewith, the applicant shall pay a fee of ten dollars (\$10.00) to compensate for the costs incident to the issuance thereof. (Ord. 27-83. Passed 4-14-83.)

(c) Upon compliance with the foregoing, such identification card shall be issued to the applicant which shall be valid for a period of one year from the date of issuance. (Ord. 714. Passed 6-25-64.)

713.03 REVOCATION OF CARD.

(a) Should any subsequent investigation disclose that the applicant has falsified any information required in his application which was the basis upon which such identification card was so issued, the Chief of Police shall revoke such identification card and notify the holder thereof, either in person or by certified mail of such action so taken.

(b) Any person whose identification card is revoked, may, within ten days after receipt of revocation notice, appeal to Council by filing with the Clerk a signed written statement briefly setting forth his ground of appeal, giving the Chief of Police due notice thereof by certified mail, whereupon a time and place shall be set for the hearing. The appellant may appear before Council in person or by attorney and the decision of Council shall be final. (Ord. 714. Passed 6-25-64.)

713.99 PENALTY.

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

CHAPTER 717
Sewer Tapper Licensing

717.01	License required.	717.04	Expiration.
717.02	Application made to Director of Administration.	717.05	Revocation.
717.03	License fee.	717.06	Surety bond.
		717.99	Penalty.

CROSS REFERENCES

Power to license sewer tappers - see Ohio R.C. 715.27(C)
 Sewers - see S.U. & P. S. Ch. 921

717.01 LICENSE REQUIRED.

No person shall conduct, carry on or engage in the business of sewer tapping or sewer building, or excavate for, tap or construct any sewer, or excavate for any reason whatsoever, in any street, avenue, alley, lane, right of way or public place in the Municipality, except in cases of emergency, without first securing a license to engage in such business.
 (Ord. 711. Passed 5-28-64.)

717.02 APPLICATION MADE TO DIRECTOR OF ADMINISTRATION.

Any person desiring to conduct, carry on or engage in the business of sewer tapping or sewer building, or excavate for, tap or construct any sewer, or excavate for any reason whatsoever, shall, upon blank forms furnished by the Municipality, make written application for a license to the Director of Administration.

717.03 LICENSE FEE.

The Director of Administration shall, upon payment of a twenty-five dollar (\$25.00) fee to the Director of Finance, issue or cause to be issued to the applicant a license authorizing him to conduct, carry on or engage in the business of excavating, sewer tapping or sewer building for the whole or remaining portion of the current calendar year.
 (Ord. 24-83. Passed 4-14-83.)

717.04 EXPIRATION.

All licenses issued under the provisions of this chapter shall expire at midnight, December 31 of the calendar year in which such license was issued.
 (Ord. 711. Passed 5-28-64.)

717.05 REVOCATION.

Any license provided for in this chapter may at any time be revoked by the Director of Administration for incompetency, fraudulent use thereof or violation of the State laws, the provisions of this chapter or other ordinances of the Municipality relative to excavating, sewer tapping and sewer building. After a revocation for cause, no license shall be issued to such party until at least three months have elapsed. In any case of reissuance of licenses, the same fee shall be required as specified for the original license.

717.06 SURETY BOND.

Prior to the issuing of the license, the person making application for such license shall give to the Municipality a surety bond in the amount of five thousand dollars (\$5,000) issued by a surety company authorized to do business in the State, conditioned that such person shall guarantee proper execution and completion of the work authorized by any permit issued under such license for a period of one year after the expiration date of such license and shall completely restore to its original condition and to the full satisfaction of the Director of Administration, any street, alley, public grounds, sewer or any other structure or service which may have been opened or disturbed by such person and shall strictly comply with the conditions and provisions of this chapter and with the conditions of any permit issued pursuant thereto. (Ord. 26-83. Passed 4-14-83.)

717.99 PENALTY.

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

CHAPTER 721
Video Service Authorizations

721.01	Definitions.	721.06	Fee payment requirements.
721.02	VSP Fee.	721.07	PEG origination point.
721.03	VSP fee notice provision.	721.08	Notice requirement.
721.04	VSP access provision.	721.09	Application to incumbent cable providers.
721.05	Access programming requirement.	721.99	Penalty.

CROSS REFERENCES

Unauthorized connections - see Ohio R.C. 4933.42

721.01 DEFINITIONS.

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

- (a) "Incumbent Cable Provider" means any person who on the effective date of this section is the holder of a cable franchise agreement with the City as granted pursuant to requirements of 47 U.S.C. 541.
- (b) "PEG" means activities or actions performed for the benefit of public, educational and government video programming by the City.
- (c) "Video Service" means the service defined in Ohio R.C. 1332.21(J).
- (d) "Video Service Authorization or VSA" means the authorization granted to a video service provider in accordance with the requirements of Ohio R.C. 1332.21 to 1332.34 et seq.
- (e) "Video Service Provider Fee or VSP Fee" means the fee paid by a VSP in accordance with the requirements of Ohio R.C. 1332.32.
- (f) "Video Service Provider or VSP" means a person, firm or corporation granted a video service authorization under Ohio R.C. 1332.21 to 1332.34 et seq.
(Ord. 2-08. Passed 1-10-08.)

721.02 VSP FEE.

In accordance with the requirements of Ohio R.C. 1332.32, all VSPs providing video service in the City pursuant to a VSA obtained from the Director of the Ohio Department of Commerce shall pay a VSP Fee in the amount of five percent (5%) of gross revenues from providing Video Service in the City (unless an Incumbent Cable Provider in the City pays less than five percent (5%), in which case the new entrant VSP shall be required to pay such equal percentage of gross revenues as the Incumbent Cable Provider who pays the lowest percentage in the City until a higher percentage is paid), which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not later than sixty days after the end of each calendar quarter. (Ord. 2-08. Passed 1-10-08.)

721.03 VSP FEE NOTICE PROVISION.

Upon receipt of notice from a VSP that it will begin providing Video Service in the City pursuant to a state-issued video service authorization, the Mayor or his/her designee is authorized and directed to provide such VSP with notice of the VSP Fee as determined by this Council in Section 721.02 which notice shall be delivered in a manner that provides for proof of timely delivery. (Ord. 2-08. Passed 1-10-08.)

721.04 VSP ACCESS PROVISION.

Upon receipt of notice from a VSP that it will begin providing Video Service in the City pursuant to a VSA, the Mayor or his/her designee is authorized and directed to provide such VSP with notice that the VSP shall be required to provide the same number of PEG channels in the City under the same service tier conditions and subject to the same channel reclamation conditions as may be proscribed by Ohio R.C. 1332.30(A)(1)(a-b) for the Incumbent Cable Provider with the most recent obligation in the City, which notice shall be delivered in a manner that provides for proof of timely delivery, and shall state the appropriate number of PEG channels and service tiers required to be provided by the VSP within the City within 120 days after delivery of such notice. Additionally, should no PEG channels currently be provided by an Incumbent Cable Provider with such an obligation in the City, the Mayor may provide written notice to a VSP of its obligation to provide PEG channels in accordance with Ohio R.C. 1332.30(B)(1). (Ord. 2-08. Passed 1-10-08.)

721.05 ACCESS PROGRAMMING REQUIREMENT.

In accordance with the requirements of Ohio R.C. 1332.30(A)(1)(a) or Ohio R.C. 1332.30(B)(1) when PEG channels are provided to the City by an Incumbent Cable Provider or VSP, and such PEG channels are required to be programmed by the City with at least forty hours of non-character generated content per week with at least sixty percent (60%) of the programming being non-repeat and locally produced. For the purposes of this section, "non-repeat and locally produced" shall mean, the first three playbacks of programming produced or provided by any local resident, the City, or any local public or private agency that provides services to residents of Union County or the greater Columbus metro area, or any transmission of a meeting or proceeding of any local, state or federal governmental entity. (Ord. 2-08. Passed 1-10-08.)

721.06 FEE PAYMENT REQUIREMENTS.

Any VSP Fee required to be paid to the City by a VSP shall be made quarterly and be remitted directly to the City via a negotiable instrument made payable to the City of Marysville, 125 East Sixth Street, Marysville, Ohio 43040, not later than sixty days after the end of a calendar quarter. (Ord. 2-08. Passed 1-10-08.)

721.07 PEG ORIGINATION POINT.

The PEG programming origination point of the City for the delivery of VSP access services shall be located at the 125 East Sixth Street, Marysville, Ohio 43040 building/location. (Ord. 2-08. Passed 1-10-08.)

721.08 NOTICE REQUIREMENT.

Any notice to the City that is required of a VSP in accordance with Ohio R.C. 1332.21 through 1332.34 shall be provided in written form to the Mayor either by certified mail, express mail or upon personal delivery, all evidenced by a return receipt.
(Ord. 2-08. Passed 1-10-08.)

721.09 APPLICATION TO INCUMBENT CABLE PROVIDERS.

Nothing in this section shall apply to incumbent cable providers until they are granted a Video Service Authorization in accordance with Ohio R.C. 1332.21-1332.34 et seq.
(Ord. 2-08. Passed 1-10-08.)

721.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2-08. Passed 1-10-08.)

(NOTE: The next printed page is page 29.)

CHAPTER 725
Taxicabs

725.01	Definition.	725.05	Suspension or revocation of license.
725.02	License fee.	725.06	Renewal of license.
725.03	Application for license.	725.99	Penalty.
725.04	Issuance of license; hearing; insurance or bond.		

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66

Power to establish stands and fix rates - see Ohio R.C. 715.25;
 TRAF. 305.03(1)

Operation and equipment - see TRAF. CODE

725.01 DEFINITION.

"Taxicab" means and includes any motor vehicle engaged in the business of carrying passengers for hire or fare, or offered for hire or fare to the public for transportation operating within the City, except motor buses on regular schedules, and other regularly established routes. (Ord. 785-67. Passed 11-30-67.)

725.02 LICENSE FEE.

Any person desiring to operate a taxicab or offer the services of a taxicab shall obtain a license before engaging in such business and shall pay an annual license fee of twenty-five dollars (\$25.00) for each taxicab employed in such business. Licenses issued on or after July 1, of any year shall be issued at one-half the annual license fee provided in this section. (Ord. 785-67. Passed 11-30-67.)

725.03 APPLICATION FOR LICENSE.

Each applicant for a taxicab license shall present and file with the Director of Administration an application setting forth the information required of licensees by the general licensing provisions of this chapter, and, in addition thereto, the following:

- (a) The trade name under which he intends to do business.
- (b) The number of vehicles for which a license is desired, with a description of each.
- (c) The markings or letterings to be used on each taxicab.
- (d) Any other information required by rule or regulation of the Director of

Administration.

725.04 ISSUANCE OF LICENSE; HEARING; INSURANCE OR BOND.

(a) Hearing. The Director of Administration shall investigate and hold a hearing upon each application for license. If he 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, he shall forthwith notify the applicant of his finding. If he finds that the public convenience and necessity do justify the operation of the vehicle or vehicles for which the license is desired, he shall so notify the applicant. Within sixty days thereafter, the applicant shall furnish and file with the Director of Administration the following:

- (1) A full description of each vehicle for which a license is desired and the State license number of each vehicle.
- (2) The name of each person who will operate such taxicabs, with the license number of each such person.
- (3) 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 Director of Administration, and as to legality by the Law Director. Such policy or policies shall cover the cab and its owner and operator for liability for loss resulting from the operation of each taxicab to the extent of twenty-five thousand dollars (\$25,000) on account of injury or death of one person in any one accident; fifty thousand dollars (\$50,000) on account of injury or death of more than one person in any one accident; and five thousand dollars (\$5,000) for property damage caused in any one accident.

(b) Bond. In lieu of the policies of insurance above described, the applicant may furnish a bond binding the principal and sureties to liability for damages to the extent of twenty-five thousand dollars (\$25,000), fifty thousand dollars (\$50,000) and five thousand dollars (\$5,000) respectively, as above set forth, with at least two approved personal sureties, or one approved corporate surety approved as to sufficiency by the Director of Administration and as to legality by the Law Director.

(c) Examining Documents; Issuance of License. The Director of Administration shall examine such supporting information and documents, and being satisfied that the 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, he shall, upon payment of the prescribed license fee, issue a license to the applicant to operate a taxicab upon the streets of the City.

725.05 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee violates a provision of this chapter or any rule, regulation or lawful order of the Director of Administration, or fails, for a period of sixty days, to make a reasonable or consistent effort to operate any taxicab or taxicabs, the Director shall have the power to suspend or revoke such license.

725.06 RENEWAL OF LICENSE.

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 chapter have been complied with.
(Ord. 785-67. Passed 11-30-67.)

725.99 PENALTY.

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

CHAPTER 729
Waste Disposal Facilities

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CROSS REFERENCES

Garbage - see S.U. & P.S. Ch. 945

729.01 GENERAL.

The purpose of this chapter is to set specific conditions for regulation of the placement and operation of waste disposal facilities, to regulate and manage their placement, and to provide for thorough review of the placement and operation of waste disposal facilities.
 (Ord. 13-90. Passed 3-29-90.)

729.02 INTENT.

These regulations, including provisions to control type, design, size, location and maintenance thereof are hereby established to achieve among others, the following purposes:

- (a) To enable the public to be aware of such facilities and to understand the function and operation of such facilities;
- (b) To provide a safe environment by prohibiting conditions potentially dangerous and hazardous to the surrounding area;
- (c) To protect property values and neighborhood character by prohibiting conditions which may have an undesirable impact on adjacent development;
- (d) To insure that such facilities will be aesthetically harmonious with their surroundings.

(Ord. 13-90. Passed 3-29-90.)

729.03 DEFINITIONS.

As used in this chapter, the terms listed herein shall be interpreted according to the following definitions. Other terms should be interpreted as defined by the Ohio Environmental Protection Agency according to their ordinary English usage.

- (a) "Facility" means any site location, tract of land, installation or a building used for incineration, composting, sanitary landfills, transfer stations or other methods of disposal of solid, infectious or hazardous wastes.
- (b) "Waste" includes solid waste, infectious waste and hazardous waste as defined by the Ohio Environmental Protection Agency and as subsequently amended.
(Ord. 13-90. Passed 3-29-90.)

729.04 EXCEPTIONS.

(a) Solid waste facilities owned and operated by a municipal government or other governmental agency or quasi-public agency are exempt from this chapter.

(b) Businesses whose function is the collection of garbage and other wastes from households and places of business within the municipality shall be exempt from the provisions of this chapter. Such entities shall be governed by Chapter 945 of these Codified Ordinances.
(Ord. 13-90. Passed 3-29-90.)

729.05 PERMIT REQUIRED.

No person, firm, association or corporation shall install, build, operate and maintain or plan to install, build, operate and maintain a facility for disposal of solid waste, infectious waste or hazardous waste without first obtaining a permit therefor, which permit shall expire one year from the date of issuance unless the facility for which the permit was issued has begun and is being pursued with due diligence. The permit shall apply to a specific facility including size, quantity, source and type of materials handled and method of disposal. Any changes in size, quantity, source and type or enlargements of the facility shall require a new permit ninety days before such change is to take place. Permits must be renewed annually.
(Ord. 13-90. Passed 3-29-90.)

729.06 PERMIT FEE.

The charge for each permit shall be determined by Council. Any costs incurred by the City in reviewing or analyzing permit requests, including costs of third party assistance, shall be paid by the applicant.
(Ord. 13-90. Passed 3-29-90.)

729.07 DISTANCE REQUIREMENTS.

(a) No hazardous waste facility shall be located within one mile of any dwelling, residential zoning district, hotel, motel or eating establishment or commercial office or shopping district.

(b) No infectious waste facility shall be located closer than 2,640 feet (one-half mile) of any dwelling, residential zoning district, hotel, motel, eating establishment or commercial office or shopping district.

(c) No other solid waste facility shall be located closer than 1,000 feet of any dwelling, residential zoning district, hotel, motel, eating establishment or commercial office or shopping district.

(d) Recycling facilities, composting facilities and other public service facilities excluding hazardous or infectious waste facilities operated by a municipal government or other governmental agency or quasi-public agency are exempt from any distance requirements. (Ord. 13-90. Passed 3-29-90.)

729.08 INSURANCE REQUIREMENTS.

No permit shall be issued until the applicant furnishes a copy of carriage of umbrella liability insurance in the amount of two million dollars (\$2,000,000) and personal property damage insurance in the amount of five hundred thousand dollars (\$500,000) and medical payment insurance in the amount of one million dollars (\$1,000,000). Such insurance must be maintained at these levels or levels as amended during the life of the facility. The City shall be named as co-insured. (Ord. 13-90. Passed 3-29-90.)

729.09 CONTENTS OF APPLICATION FOR PERMIT.

(a) The application for a permit for a waste disposal facility shall be signed by the owner attesting to the truth and exactness of all information supplied on each application. Each application shall clearly state that the permit shall expire if the facility has not begun operation or the operation has not been pursued with due diligence within one year of date of issuance.

(b) At a minimum, the application for a permit shall contain the following information:

- (1) Name, address and phone number of applicant.
- (2) Name of person, firm, association or corporation responsible for construction and/or operation of proposed facility.
- (3) Legal description of property.
- (4) Existing land use.
- (5) Existing zoning.
- (6) Facility plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot or site to be built upon, size and location of existing buildings, and any alterations and dimensions of proposed buildings.
- (7) Distances from nearest dwelling, residential zoning district, hotel, motel, eating establishment or commercial office or shopping district.
- (8) Copies of required insurance.
- (9) Copies of applicable State and Federal requirements and documentation explaining how those guidelines will be met and the procedure for meeting those requirements.
- (10) The credentials or experience of the person, firm, association or corporation in building, operating and maintaining the proposed facility.
- (11) If a firm, association, corporation or entity other than an individual; the credentials or experience of the officers in building, operating and maintaining such a facility.

- (12) Types and sources of waste to be disposed of at the facility.
- (13) The nature and disposition of any citations issued against the person, firm, association, corporation or officers of same in the building, maintaining and operating of similar facilities in the five years preceding the application date.
- (14) Any other information deemed necessary by the City for proper evaluation of the application.
- (15) The permit application shall be submitted to the City Engineer.
(Ord. 13-90. Passed 3-29-90.)

729.10 REVIEW PROCEDURE.

The City Engineer shall review the application for correctness and compliance with these requirements. Any outside resources shall be utilized as required with payment of fees for use of those resources to be paid directly by the applicant. Upon completion of the review, the City Engineer shall prepare a report to Council indicating the nature of the facility, location and compliance with these regulations.

(Ord. 13-90. Passed 3-29-90.)

729.11 DISCRETION OF COUNCIL.

Council shall have the sole discretion for determining whether an application for a permit to install, build, operate and maintain a waste disposal facility shall be granted or rejected. Council shall also have the right and power to grant variances from the provisions of this chapter based upon good cause.

(Ord. 13-90. Passed 3-29-90.)

729.12 PUBLIC NOTICE.

Upon receipt of the Engineer's report, Council shall schedule a public hearing. Notice of the public hearing shall be given by Council by at least two publications in one or more newspapers of general circulation in the City. Such notice shall be published at least thirty days before the required hearing. The notice shall state the time, date and location of the hearing and a summary of the application.

(Ord. 13-90. Passed 3-29-90.)

729.13 ACTION BY COUNCIL.

Within thirty days of the public hearing, Council shall approve, disapprove or modify the permit application unless such time is extended by agreement with the application. Approval or modified approval requires a vote of two-thirds of the full Council.

(Ord. 13-90. Passed 3-29-90.)

729.14 APPEALS FROM COUNCIL DECISIONS.

Appeals from Council decisions to approve, modify or disapprove permit applications shall be made to the Court of Common Pleas following the procedures as provided in the Ohio Revised Code.

(Ord. 13-90. Passed 3-29-90.)

729.15 MINIMUM REQUIREMENTS.

In their interpretations and applications, the provisions of this chapter shall be held to be minimum requirements, adopted for the health, safety and general welfare. Whenever the requirements of this chapter conflict or are less than the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards shall govern.

(Ord. 13-90. Passed 3-29-90.)

729.16 SEPARABILITY CLAUSE.

Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 13-90. Passed 3-29-90.)

729.99 PENALTY.

Whoever violates the provisions of this chapter shall be fined up to ten thousand dollars (\$10,000). Each day's violation may constitute a separate offense. The Law Director is further authorized to seek injunctive relief including a cessation of operation against any violation or multiple violations in any proper court of law.

(Ord. 13-90. Passed 3-29-90.)

CHAPTER 733
False Alarms

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- 733.03 Alarm business license required.**
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- 733.18 Order to disconnect.**
- 733.19 Appeals from false alarm fees and disconnect orders.**
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CROSS REFERENCES
Making false alarms - see GEN. OFF. 509.07

733.01 PURPOSE AND SCOPE.

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

(b) This chapter governs and regulates alarm systems, alarm users and alarm businesses. It provides for the licensing of alarm businesses, establishes fees, provides for suspension and revocation of licenses and provides for penalties for violations and penalties for excessive false alarms. (Ord. 68-00. Passed 8-10-00.)

733.02 DEFINITIONS.

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

- (a) "Alarm business" means the business by any individual, partnership, corporation or other entity of maintaining, servicing, repairing, or installing any alarm system in or on any building, structure or facility.

- (b) "Alarm system" means any assembly of equipment, mechanical or electrical arranged to signal the occurrence of an unauthorized entry, fire, medical or robbery.
- (c) "Alarm user" means the person or entity of any kind who or which is:
 - (1) An owner (or lessee) and also the user of an alarm system, as the occupant of the premises where the system is installed (the "premises");
 - (2) The owner (or lessee) of such a premise which is occupied by another person or entity, if there is no written contract stating that the occupant (rather than the owner or lessee of the premises) is to be responsible for the alarm system;
 - (3) The occupant of such premises, if there is a written agreement stating that the occupant is responsible for the alarm system.
- (d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by a voice message or code signal an emergency message indicating the need for an emergency response.
- (e) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of a system or of his employees or agent.
- (f) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes the telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (g) "Permit year" means a twelve (12) month period beginning with the first day of February and ending on the last day of January of each year.
- (h) "Local alarm" means those alarms which activate an audible signal within the proximity of the premises only.
- (i) "Emergency alarm button" means an automatic alarm system signaling an unauthorized entry, robbery, fire, or medical emergency.
- (j) "Police Chief" means not only the Chief but also his/her designee.
- (k) "Fire Chief" means not only the Chief but also his/her designee.
- (l) "Zoning Inspector" means not only the Inspector but also his/her designee.
(Ord. 68-00. Passed 8-10-00.)

733.03 ALARM BUSINESS LICENSE REQUIRED.

No person shall engage in the alarm business within the City whether personally, by agents, or employees, singularly, or along with some other business or enterprise, without having first obtained a license to do so in accordance with the provisions of this chapter.
(Ord. 68-00. Passed 8-10-00.)

733.04 APPLICATION FOR LICENSE; EXPIRATION.

An application for an alarm business license shall be made on an application form obtainable from the Zoning Inspector. The license shall expire annually on January 31st.
(Ord. 68-00. Passed 8-10-00.)

733.05 CONTENTS OF LICENSE APPLICATION.

- (a) An alarm business application shall contain the following information:
- (1) The name, residence address and telephone number, date of birth and sex, of each individual, owner, partner, or if a corporation, each officer thereof, and the name, residence address and telephone number of the manager or person to be responsible for the operation of the business if different from such individual owner, partner or officers. Application will have an attached list of names, addresses and telephone numbers of every employee of the business who will engage in the installing, repairing, servicing, selling, leasing or maintaining an alarm system,
 - (2) A description of the alarm systems and/or devices offered for sale or lease to the public and description of any services relating to alarm devices offered to the public. Each alarm system shall comply with applicable building codes, fire codes and current City ordinances for electrical wiring and alarm installation.
 - (3) Trade names used during the previous five (5) years by the applicant or such person signing the application along with the location of other business establishments operated in the State currently or during the previous five (5) years.
 - (4) A list of all felony and misdemeanor convictions of individual proprietors, partners or directors, principal officers and employees of the applicant business. The date and location of each conviction shall also be included.
 - (5) A statement as to whether the applicant has ever been denied a license or permit in any jurisdiction to engage in the alarm business or has had such license or permit revoked and the reason for revocation.
 - (6) A statement as to the length of time the applicant has been engaged in the alarm business and where engaged.
 - (7) The trade name, business address and telephone number on behalf of which the application is made.
 - (8) A statement that the applicant agrees to update the above information by written notice within fifteen (15) days after substantial change in information, required by this section.
 - (9) State of Ohio License.
- (b) The license applications shall be accompanied by a fee of one hundred dollars (\$100.00).
- (c) Alarm businesses already engaged in providing services and/or alarm system equipment in the City on the effective date of this section shall submit an application for a license no later than sixty (60) days after the effective date. Such applicant may continue to do business while their license application is being processed. An applicant not previously engaged in providing services as an alarm business in the City on the effective date of this section shall not commence doing business until his application is approved.
- (d) The Zoning Inspector shall review each applicant for a license and may, along with the Police Department, conduct an investigation to determine whether the facts set forth in the application are true. He/she shall, within thirty (30) days after receipt of an application for such license, either approve or deny issuance of same and, accordingly, forward written notification to the applicant of such decision. A written notification of denial shall include the basis for such finding and if the grounds for denial are subject to correction, applicant shall be given fifteen (15) days after receipt of such notice within which to make the required correction.

The notice of denial shall inform the applicant that he/she may appeal the denial.

(e) The Zoning Inspector shall deny the application for an alarm business license if he/she finds that the applicant or the individual having the authority and the responsibility for the management and operation of the applicant's alarm business within the City or any of the applicants, owners, partners or principal corporate officers have:

- (1) Committed any act which, if committed by a licensee, would be grounds for revocation of a license under Section 733.08; or
- (2) While unlicensed, knowingly and willfully committed or aided and abetted in the commission of any act for which a license is required by this chapter; or
- (3) Been convicted in any jurisdiction of a felony or misdemeanor if the Chief of Police finds that such conviction reflects unfavorably on the fitness of the applicant to engage in alarm business.

(f) The applicant will be notified in writing of the approval or disapproval of the application. (Ord. 68-00. Passed 8-10-00.)

733.06 RENEWAL OF ALARM BUSINESS LICENSE.

(a) License for alarm businesses shall not be renewed by the Zoning Inspector in the manner hereinafter set forth if the licensee or any of the owners, partners, principal corporate officers or the individual having the authority and the responsibility for the management and operation of the alarm business within this City are:

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

(b) Application for renewal of an alarm business license shall be due on February 1 of each year and shall be accompanied by a nonrefundable fee as provided in Section 733.05. (Ord. 68-00. Passed 8-10-00.)

733.07 LICENSE NOT TRANSFERABLE.

(a) No license issued under provisions of this chapter shall be transferred.

(b) No license shall be used by any person other than the one to whom it was issued. (Ord. 68-00. Passed 8-10-00.)

733.08 SUSPENSION AND REVOCATION OF LICENSE.

(a) An alarm business license may be suspended or revoked by the Zoning Inspector for any of the following causes;

- (1) That the license was knowingly obtained through any fraud or misstatement;

- (2) The business transactions of the alarm business have been marked by a practice of failure to perform contracts;

- (3) Licensee fails to comply with or violates any rule, regulation, or provision of this chapter which the Zoning Inspector deems contrary to the intent and purpose of this chapter; or
- (4) Conviction of any felony or any misdemeanor.

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

- (1) Contain a brief statement of the facts relating to the revocation or suspension.
- (2) Advise the licensee of the procedure for appeal.
- (3) By serving it upon the licensee in person or by leaving it at his address as stated in the application for a license or at the business address on file with the Zoning Inspector or by regular U.S. mail addressed to the licensee at such address. (Ord. 68-00. Passed 8-10-00.)

733.09 APPEAL PROCEDURE.

(a) Any person aggrieved by the denial of application or renewal or by notice of suspension or revocation as provided in this chapter, may appeal and shall be granted a hearing on the matter by submitting a written request to the Director of Administration 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 serviced on the user by regular U.S. mail at least fifteen (15) days prior to the date set for the hearing.
- (2) The hearing shall be before the Director of Administration or his/her designee
 - A. The Chief of Police, Fire Chief, Zoning Inspector, applicant and all other relevant witnesses shall have the right to present written and oral evidence.
 - B. The failure of the applicant or his/her representatives to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

(b) The proceedings at such hearings, including the findings and decisions of the Director of Administrator or his/her designee, and the reasons for the decision shall be summarized and reduced to writing and entered as a matter of public record in the Police Department. The record shall also include a copy of every notice or connection with the matter. After the hearing, the Director of Administration or his/her designee shall sustain, modify or reverse the decision appealed in writing. (Ord. 68-00. Passed 8-10-00.)

733.10 ALARM USER'S (SUBSCRIBER'S) PERMIT.

No one shall use an alarm without first obtaining a permit from the City. Every alarm user who was using an alarm prior to the effective date of this section, shall within ninety (90) days obtain an alarm user permit for each alarm system within this City from the Zoning Inspector.

- (a) An alarm user's permit application shall contain: names and addresses of the alarm users and of the residence or business or businesses in or upon which the alarm system has been or will be installed, and telephone number. The type of alarm system (local, direct connect, central station), the alarm business company name, address and telephone, installing, monitoring, inspecting, responding to or maintaining the alarm system. The names, addresses, telephone numbers of three (3) persons who can be contacted twenty-four (24) hours a day, seven (7) days a week, to turn off or deactivate the alarm system when the alarm user cannot be contacted. It shall be the responsibility and obligation of the alarm user to keep the above information current and accurate by notifying the Police Department in writing within ten (10) days after a change occurs.
- (b) Each alarm user shall pay to the City upon application for permit, an alarm user fee of ten dollars (\$10.00). (Ord. 68-00. Passed 8-10-00.)

733.11 EXCESSIVE UNEXCUSED FALSE ALARMS.

If any alarm system produces three (3) false alarms in any twelve (12) consecutive month period, written notice of that fact shall be given by regular mail or delivery to the subscriber.

- (a) If more than three (3) false alarms are produced by any alarm system in a twelve (12) month period, an administrative fee of fifty dollars (\$50.00) shall be assessed against the alarm user for the fourth false alarm, and an administrative fee of one hundred dollars (\$100.00) shall be assessed against the user for the fifth false alarm, a fee of two hundred fifty dollars (\$250.00) shall be assessed against the user for the sixth false alarm, a fee of five hundred dollars (\$500.00) shall be assessed against the user for the seventh false alarm. Such charges shall continue for each successive false alarm until six (6) consecutive months have elapsed during which time no false alarms have been recorded. At that time the record will be cleared and the next false alarm shall be deemed to be the first such incident. The question of whether a false alarm has occurred may be appealed by the alarm user under the applicable procedures set forth later in Section 733.19 by an alarm user who has been assessed a false alarm administrative fee.
- (b) The permit issued to an alarm user may be revoked with the result that the alarm user be required to disconnect the alarm system in such fashion that signals are not emitted so as to notify the Police Department/Fire Department either directly or indirectly. The procedure for such orders to disconnect is set forth in Section 733.18.
- (c) For the purposes of this section, a false alarm shall not be deemed to have occurred:
 - (1) If caused by some factor not within the control of the alarm user, (e.g. phone line disruption, extremely severe weather, etc), and
 - (2) If that cause is verified within thirty (30) days of the false alarm by a letter from the applicable alarm business, which letter identifies the problem, declares that it has been resolved, and describes the corrective measures that were taken.
- (d) An alarm system may be reconnected only if satisfactory evidence is provided to the Director of Administration that the alarm system has been repaired so that it does not emit further false alarms and upon payment of all delinquent charges assessed for false alarms. (Ord. 68-00. Passed 8-10-00.)

733.12 SPECIFIC ALARM PROVISIONS (ENTRANCE/EXIT).

(a) All alarm installations incorporating an entrance/exit device must permit a delay of twenty (20) seconds minimum before actual activation of the system.

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

- (1) Total length of the recorded message being transmitted to the Police Department (including repetition of message) shall not exceed forty-five (45) seconds duration.
- (2) The recorded message transmitted shall be repeated not less than three (3) nor more than four (4) times and shall have an automatic abort feature to ensure this requirement.
- (3) The recorded message being transmitted shall incorporate language specifically identifying the message as a recording with the balance of the message, identifying by street number and street name, the location of the emergency and the nature of the event which caused the alarm system to activate. If the location of the event signaled by the alarm system is in a multi-family building, the message shall also identify, by number and by floor, this particular dwelling unit, office unit, or commercial unit in which the event occurred.
- (4) The recorded message being transmitted to the Police Department shall be appropriate for the purpose for which the alarm system was installed, and the message in its entirety shall be intelligible and spoken in the English language.

(c) Local Alarm. The local alarm shall not resemble the sound of any emergency signal or civil defense alarm or siren. All local alarms shall have the capacity to reset themselves within fifteen (15) minutes from the time it was activated.

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

(e) Emergency Alarm Buttons. Emergency alarm buttons are to be used only to send an automatic alarm to the Police Department.

- (1) The activation of a panic alarm is intended to signal the Police and Fire Departments of the City of an emergency situation.
- (2) Therefore, through the use of a device of this nature, the user grants to the Police and Fire Departments the right to conduct any investigation deemed necessary to investigate and verify the authenticity of the alarm.
- (3) It shall be deemed a violation of this chapter if a panic device is activated for anything other than that specified in this section.
(Ord. 68-00. Passed 8-10-00.)

733.13 APPLICATION OF STANDARDS TO EXISTING AND FUTURE ALARM SYSTEMS.

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

(b) Every alarm system existing before the effective date of this section shall be placed in compliance with the above standards no later than sixty (60) days after such effective date.

(Ord. 68-00. Passed 8-10-00.)

733.14 LIMITATION OF LIABILITY.

The City shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm from such a device, nor for the failure or neglect of any person with a license issued pursuant to this chapter or with a franchise, in connection with the installation and operation of equipment, nor for the failure of the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and messages. In the event that the City finds it necessary to disconnect a defective automatic dialing system or signaling device, the City shall incur no liability by such action. (Ord. 68-00. Passed 8-10-00.)

733.15 SURRENDER OF LICENSE.

If any license is revoked pursuant to this chapter, the licensee shall surrender such license to the Director of Administration. (Ord. 68-00. Passed 8-10-00.)

733.16 EXCEPTION.

Any Federal installation which demonstrates to the Police and/or Fire Departments that this City is required to allow an alarm system at such installation to be interconnected to the Police and/or Fire Departments shall be exempt from the revocation and disconnect order sections of this chapter but shall be subject to the administrative fee assessments as described in Section 733.11 and shall also be subject to the penalties for violation of this chapter as provided in Section 733.99. (Ord. 68-00. Passed 8-10-00.)

733.17 SEPARABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. Council hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause, and

phrase hereof, irrespective of the fact that any one (1) or more of the sections, subsections, sentences, clauses or phrases might be declared invalid.

(Ord. 68-00. Passed 8-10-00.)

733.18 ORDER TO DISCONNECT.

(a) In addition to the administrative fees described in Section 733.11, an alarm user who has more than six (6) false alarms in a twelve (12) month period (calculated as described in Section 733.11 and who is deemed by the Director of Administration not to have made reasonable efforts toward correction of the false alarm situation, shall be issued an order to disconnect the alarm system so that signals are not emitted to notify the Police and Fire Departments either directly or indirectly.

(b) A similar order to disconnect shall be issued to any alarm user who has failed to deliver to the City full payment for any administrative fee levied under Section 733.11 (for excessive false alarms) within thirty (30) days after written notice of that fee has been mailed or

otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.

(c) A disconnect order shall be issued to any alarm user who has failed to obtain a user's permit as required by Section 733.10.

- (1) The disconnection is to be completed by the alarm user within fifteen (15) days after the written disconnect order is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located.
- (2) An alarm user subject to an order to disconnect has the right to appeal under the procedures set forth in Section 733.19. Any disconnect order must refer to this right to appeal. If such an appeal is filed, the disconnection is to be completed within fifteen (15) days after similar delivery of notice of the appellate decision, if that decision sustained the disconnect order.

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

- (1) That the alarm system has been repaired so it will not emit further false alarms; or
- (2) If the disconnect order was based on failure to pay assessments when due, that all delinquent false alarm fees have been paid, in full; or
- (3) If the disconnect order has been based upon failure to register or re-register so as to obtain a permit and keep it in effect as required by Section 733.10, that registration had been completed so as to obtain an original or renewal of a user's permit. (Ord. 68-00. Passed 8-10-00.)

733.19 APPEALS FROM FALSE ALARM FEES AND DISCONNECT ORDERS.

(a) The following persons may appeal under this section:

- (1) An alarm user who has been assessed a false alarm administrative fee may appeal the question of whether or not a false alarm has occurred.
- (2) An alarm user subject to an order to disconnect for failure to make reasonable efforts toward correction of a false alarm situation may appeal the determination that such reasonable efforts were not made.
- (3) An alarm user subject to an order to disconnect for failure to obtain or renew a user's permit as required by Section 733.10 may appeal the issue of whether or not that user had a permit in effect for the location in question or was required by this chapter to have such a permit.
- (4) An alarm user subject to an order to disconnect for failure to pay when due an administrative fee assessed under Section 733.11 for excessive false alarms may appeal the issue of whether or not such payment was made on time.

(b) A written request for an appeal must be submitted to the Director of Administration within fifteen (15) days after receipt of a false alarm administrative fee or of a disconnect order that was mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located. The alarm user-appellant shall have the right to present written and oral evidence to the Director of Administration at a hearing on the appeal and shall have the burden of proving his or her case by a preponderance of the credible evidence. Notice of the hearing date, hour and place shall be mailed or otherwise delivered to the last known address of the appellant or to the address at which the alarm system is located at least fifteen (15) days prior to the hearing.

(c) The Director of Administration may sustain, modify or reverse the decisions appealed from the Zoning Inspector and the decision of the Director of Administration shall be made in writing and shall constitute a final administrative order.
(Ord. 68-00. Passed 8-10-00.)

733.99 PENALTY.

- (a) Enforcement of any of the provisions of Chapter 733 may be by civil action.
- (b) Failure or omission to comply with any section or provision of this chapter shall be deemed a violation. Each day such a failure or omission continues to exist after written notice of that failure or omission is mailed or otherwise delivered to the last known address of the alarm user or to the address at which the alarm system is located shall constitute a separate violation.
- (c) Any one who violates Section 733.07 shall be guilty of committing a minor misdemeanor.
- (d) Any one who violates Section 733.10 by using an alarm without first obtaining a permit shall be guilty of committing a minor misdemeanor.
(Ord. 68-00. Passed 8-10-00.)

CHAPTER 737
Sexually Oriented Business Establishment Licensing

<p>737.01 Definitions.</p> <p>737.02 Sexually Oriented Business Use Commissioner.</p> <p>737.03 Sexually Oriented Business Licenses generally.</p> <p>737.04 Form and submittal of license application.</p> <p>737.05 Processing of license application.</p> <p>737.06 Standards for issuance or denial of license.</p> <p>737.07 Inspection by the City.</p> <p>737.08 Change in information.</p> <p>737.09 Regulations applicable to all Sexually Oriented Businesses.</p> <p>737.10 Special regulations for adult booths.</p>	<p>737.11 Special regulations for adult cabarets.</p> <p>737.12 Special regulations for adult stores.</p> <p>737.13 Special regulations for adult theaters.</p> <p>737.14 Licensee responsibility for employees.</p> <p>737.15 License revocation or suspension.</p> <p>737.16 Administrative record.</p> <p>737.17 Record keeping by licensee.</p> <p>737.18 Penalty.</p> <p>737.19 Nuisance declared.</p> <p>737.20 Computation of time.</p>
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CROSS REFERENCES

Obscenity and sex offenses - see GEN. OFF. Ch. 533

737.01 DEFINITIONS.

(a) **Adult Booth.** Any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

(b) **Adult Material.** Any of the following, whether new or used:

- (1) Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

- (2) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- (3) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

(c) City Zoning Ordinances. The part of the Codified Ordinances of the City of Marysville known and referred to as the City of Marysville Planning and Zoning Code, as it may be amended from time to time.

(d) Civic Building or Use. A building or location that provides for community meetings and/or activities including, but not limited to, City Hall, Township Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, Arts Council building, library, or other public buildings owned or operated by the City.

(e) Commercial Establishment. Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

(f) Days. Calendar days, unless otherwise specifically set forth in this chapter.

(g) Licensed Premises. The place or location described in the sexually oriented business establishment license where a sexually oriented business establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the licensed premises.

(h) Licensee. Any person or entity that has been issued a sexually oriented business license pursuant to the provisions of this chapter.

(i) Nude or state of nudity. A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

(j) Reviewing Departments. The Director of Administration, Division of Police, and Division of Planning.

(k) Semi-nude. A state of dress or undress in which clothing covers no more than the human genitals, anus, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

(l) Sexually Oriented Business Commissioner. The Director of Administration, or his/her designee, shall be the Sexually Oriented Business Use Commissioner.

(m) Sexually Oriented Business Establishment. A commercial establishment including, but not limited to, adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

- (1) Adult Cabaret. Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:
 - A. Persons who appear nude or semi-nude.
 - B. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 - C. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
- (2) Adult Store. Any commercial establishment that:
 - A. Contains one or more adult booths;
 - B. As a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or
 - C. Has a segment or section devoted to the sale or display of adult materials.
- (3) Adult Theater. Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

(n) Sexually Oriented Business Establishment Employee. Any individual, including entertainers, who work in or at, or render any services directly related to the operation of an adult entertainment establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

(o) Sexually Oriented Business Establishment License. A license issued for a sexually oriented business establishment pursuant to the provisions of this chapter.

(p) Sexually Oriented Business Establishment Patron. A sexually oriented business establishment patron, present in or at any sexually oriented business establishment at any time when such sexually oriented business establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

- (q) Specified Anatomical Areas. Any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
 - (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- (r) Specified Criminal Act. Any unlawful, lewd, indecent, or immoral criminal conduct; specifically, but without limitation, the lewd, indecent, or immoral criminal acts specified in any of the following statutes:
- (1) Chapter 2907 of the Ohio Revised Code
 - (2) Chapter 533 of the Codified Ordinances of Marysville, Ohio.
- (s) Specified Sexual Activities. Any of the following:
- (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
 - (3) Masturbation, actual or simulated.
 - (4) Human genitals in a state of sexual stimulation, arousal, or tumescence.
 - (5) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (2) of this definition
- (t) Straddle Dance. The use by any person, including specifically but without limitation, a sexually oriented business establishment employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus or female breast of any sexually oriented business establishment patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any sexually oriented business establishment patron. Conduct shall be a straddle dance regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a straddle dance regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of straddle dance. (Ord. 10-01. Passed 3-22-01.)

737.02 SEXUALLY ORIENTED BUSINESS USE COMMISSIONER.

The Director of Administration, or his/her designee, is designated the Sexually Oriented Business Use Commissioner. The Sexually Oriented Business Use Commissioner shall have the following powers and duties:

- (a) To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of sexually oriented business licenses as set forth in this chapter.
- (b) To conduct or provide for such inspection of sexually oriented businesses as shall be necessary to determine and ensure compliance with the provisions of this chapter and other applicable provisions of law.

- (c) To at least annually review the provisions of this chapter and the conduct and operation of sexually oriented business establishments, and to make such related reports and recommendations to the City Council as the sexually oriented business use commissioner shall deem necessary.
- (d) To conduct such hearings, studies, and reports on sexually oriented businesses as the Sexually Oriented Business Use Commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of a sexually oriented business license as required pursuant to this chapter.
- (e) To take such further actions as the Sexually Oriented Business Use Commissioner deems necessary to carry out the purpose and intent of this chapter and to exercise such additional powers in furtherance thereof as are implied by the powers and duties expressly set forth in this chapter. (Ord. 10-01. Passed 3-22-01.)

737.03 SEXUALLY ORIENTED BUSINESS LICENSES GENERALLY.

(a) Sexually Oriented Business License Required. A sexually oriented business license shall be required to establish, operate, or maintain a sexually oriented business within the City.

(b) Operation Without License Prohibited. It shall be unlawful for any person not having a current and valid sexually oriented business license to establish, operate, or maintain a sexually oriented business within the City at any time after the effective date of this chapter.

(c) Operation in Violation of License Prohibited. It shall be unlawful for any licensee to establish, operate, or maintain a sexually oriented business within the City except in the manner authorized by, and in compliance with, the provisions of this chapter and the licensee's sexually oriented business license.

(d) Content and Display of License. Every sexually oriented business license shall be provided by the City and shall, at a minimum, prominently display on its face the name of the licensee, the expiration date, and the address of the sexually oriented business. Every licensee shall display the license at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.

(e) License Term. Sexually oriented business licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on the date of issuance and may be renewed only by making an application. Application for renewal should be made at least forty-five days before the expiration date. (Ord. 10-01. Passed 3-22-01.)

737.04 FORM AND SUBMITTAL OF LICENSE APPLICATION.

(a) Required Form. An application for a sexually oriented business license, or the renewal thereof, shall be made in writing to the Sexually Oriented Business Use Commissioner on a form prescribed by the Sexually Oriented Business Use Commissioner and shall be signed by (1) the applicant, if the applicant is an individual; (2) at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization; or (3) by a duly authorized agent, if the applicant is a corporation. Each application shall specifically identify the applicant and the licensed premises for which a sexually oriented business license is sought. Each initial or renewal application shall be accompanied by ten identical copies.

(b) Administrative Processing Fee. Every applicant for a sexually oriented business license shall pay an administrative processing fee in the amount of one hundred dollars (\$100.00). The administrative processing fee shall in all cases be non-refundable.

(c) Required Information and Documents. Each application shall include the following information and documents:

(1) Names of applicants.

- A. Individuals. The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof (driver's license) of the applicant's age (date of birth)-proof that applicant is at least 18 years of age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization, and the applicant's federally issued tax identification number.
- B. Corporations. The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all the directors, officers, and managers of the corporation and of every person owning or controlling more than 20% of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Ohio; and the name of the registered corporate agent and the address of the registered office for service of process.
- C. Partnerships (general or limited), joint ventures, limited liability companies or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (including limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

- (2) The general character and nature of the business of the applicant.
- (3) The location, including street address and legal description, and telephone number, of the premises for which the sexually oriented business license is sought.
- (4) The specific name of the business that is to be operated under the sexually oriented business license.
- (5) The identity of each fee simple owner of the licensed premises.
- (6) A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, and the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clear compliance with the

provisions of this chapter. The requirements of this division shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this division shall not be deemed to be, and shall not be interpreted or construed to constitute, any other city approval otherwise required pursuant to applicable city ordinances and regulations.

- (7) The specific type or types of sexually oriented business that the applicant proposes to operate in the licensed premises.
- (8) A copy of each sexually oriented business license, liquor license, and gaming license currently held by the applicant or any of the individuals identified in the application.
- (9) The name of the individual or individuals who shall be the day-today, on-site managers of the proposed sexually oriented business.
- (10) Whether the applicant has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- (11) Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established residential use or district, school, preschool, daycare, place of worship, synagogue, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within the City of Marysville or other jurisdiction), any commercial establishment selling beer or alcohol for consumption on the premises, or any hotel or motel within 500 feet of the property to be certified. For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

- (13) Any application for a sexually oriented business license that does not include all of the information and documents required pursuant to this section shall be deemed to be incomplete and shall not be acted on or processed by the city. The Sexually Oriented Business Use Commissioner shall, within five days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete. (Ord. 10-01. Passed 3-22-01.)

737.05 PROCESSING OF LICENSE APPLICATION.

(a) Upon the filing of an application for a sexually oriented business license, the Sexually Oriented Business Use Commissioner shall refer the application to the appropriate City departments for investigation to be made on the information contained in the application. The application process shall be completed within 30 days from the date of the completed application. After the investigation, the Sexually Oriented Business Use Commissioner shall issue a license unless the requirements set forth above are not met.

(b) Judicial review may be made pursuant to Chapter 2506 of the Ohio Revised Code. All parties shall comply with the Commissioner's decision pending appeal. (Ord. 10-01. Passed 3-22-01.)

737.06 STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE.

(a) The Sexually Oriented Business Use Commissioner shall issue a sexually oriented business license to an applicant if, but only if, the Sexually Oriented Business Use Commissioner finds and determines all of the following based on the reports, investigations, and inspections conducted by all City departments to which the application has been referred pursuant to Section 737.05 above:

- (1) All information and documents required by this chapter for issuance of a sexually oriented business license have been properly provided; (Ord. 30-02. Passed 7-11-02.)
- (2) No person identified in the application has been convicted of, or pleaded nolo contendere to, any criminal act within five years immediately preceding the date of the application.
- (3) No person identified in the application is overdue on payment to the city of taxes, fees, fines, or penalties assessed against or imposed on any such individual in connection with any sexually oriented business.
- (4) The sexually oriented business and the licensed premises comply with all then-applicable building, health, and safety codes and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Marysville Zoning Code.
- (5) The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the City Zoning Ordinance applicable to sexually oriented businesses, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed sexually oriented business establishment and its proposed operation are and shall be in compliance therewith.

(b) Denial. If the Sexually Oriented Business Use Commissioner determines that the applicant has not met any one or more of the conditions set forth herein, then the Sexually Oriented Business Use Commissioner shall deny issuance of the sexually oriented business license and shall give the applicant a written notification and explanation of such denial. The Commissioner will only accept and process to completion one application per location at a time. No new applications for any location will be accepted while an application for this location is the subject of any appeal process.

(c) License Deemed Issued. If the Sexually Oriented Business Use Commissioner does not issue or deny the sexually oriented business license within 30 days after the properly completed application is submitted, then the sexually oriented business license applied for shall be deemed to have been issued. (Ord. 10-01. Passed 3-22-01.)

737.07 INSPECTION BY THE CITY.

The Sexually Oriented Business Use Commissioner and other City representatives and departments with jurisdiction shall periodically inspect all sexually oriented businesses as shall be necessary to determine compliance with the provisions of this chapter and all other applicable law. Any Sexually Oriented Business establishment shall be subject to the same lawful health and safety regulations that are applicable to other business establishments within the City of Marysville.

(Ord. 30-02. Passed 7-11-02.)

737.08 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any sexually oriented business license, the applicant or licensee shall promptly notify the Sexually Oriented Business Use Commissioner in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the sexually oriented business establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur.

(Ord. 10-01. Passed 3-22-01.)

737.09 REGULATIONS APPLICABLE TO ALL SEXUALLY ORIENTED BUSINESSES.

(a) General Compliance. All licensed premises and sexually oriented business establishments shall comply with the provisions of this chapter, and with the provisions of all other applicable city ordinances, resolutions, rules, and regulations and all other applicable federal, state, and local laws.

(b) Hours of Operation.

- (1) No sexually oriented business establishment shall be open for business at any time on any Sunday, State of Ohio or federal holiday.
- (2) No sexually oriented business establishment shall be open for business between the hours of 12:00 a.m. and 11:00 a.m. on any day.

(c) Animals. No animals, except seeing eye dogs required to assist the blind, shall be permitted at any time or in any sexually oriented business establishment or licensed premises.

(d) Restrooms. All restrooms in sexually oriented business establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business establishment. Separate male and female restrooms shall be provided for and used by sexually oriented business establishment employees and patrons.

(e) Restricted Access. No sexually oriented business establishment patron shall be permitted at any time to enter into any of the non-public portions of any sexually oriented business establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of sexually oriented business employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(f) Specific Prohibited Acts.

- (1) No sexually oriented business employee or any other person at any sexually oriented business establishment, other than a sexually oriented business employee employed to provide adult entertainment in accordance with the regulations in this chapter shall appear, be present, or perform while nude or semi-nude; further no such employee shall appear, be present, or perform while nude at any sexually oriented business establishment that serves or otherwise provides alcoholic liquor pursuant to a license issued by the State of Ohio.
- (2) No sexually oriented business employee or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business patron or any other person at any sexually oriented business establishment, or any other sexually oriented business employee, or any other person. No sexually oriented business establishment patron or any other person at any sexually oriented business establishment shall perform or conduct any specified sexual activity with or for any sexually oriented business establishment employee or patron or any other person.

- (3) Straddle dances shall be prohibited at all sexually oriented business establishments.

(g) Exterior Display. No sexually oriented business establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of a sexually oriented business establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to Chapter 1143 of the City Planning and Zoning Code with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(h) Noise. No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

(i) Gambling and Related Devices Prohibited. No sexually oriented business establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

(j) Manager's Station. Each sexually oriented business establishment shall have one or more manager's stations. The interior of each sexually oriented business establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any sexually oriented business establishment patron is permitted access for any purpose.

(k) Alcohol Prohibition. No sexually oriented business establishment shall serve or otherwise provide beer or alcohol to be sold or consumed on the premises.
(Ord. 10-01. Passed 3-22-01.)

737.10 SPECIAL REGULATIONS FOR ADULT BOOTHS.

(a) Prohibited Except in Adult Stores. Adult booths shall be prohibited in all sexually oriented business establishments except adult stores.

(b) Occupancy and Prohibited Acts. Only one individual shall occupy an adult booth at any time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.

(c) Open Booth Requirement. In addition to satisfying the manager station requirements of this chapter, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within a sexually oriented business establishment for the purpose of providing secluded viewing of adult materials or live performances.

(d) Aisle Required. There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.

(e) Holes Prohibited. Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

(f) Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states:

- (1) That only one person is allowed in an adult booth at any one time,
- (2) That it is unlawful to engage in any specified sexual activities while in an adult booth, and
- (3) That it is unlawful to damage or deface any portion of an adult booth.

(g) Age Limitations.

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult booth or a licensed premises that includes an adult booth shall be under the age of 18.
- (2) No person under the age of 18 shall be admitted to any adult booth or any licensed premises that includes an adult booth.
- (3) No person under the age of 18 shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.
- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration of not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth. (Ord. 10-01. Passed 3-22-01.)

737.11 SPECIAL REGULATIONS FOR ADULT CABARETS.

(a) Performance Area. The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least three (3) feet from all areas of the premises to which sexually oriented business establishment patrons have access. A continuous barrier at least two feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No adult patron shall be allowed at any time on any Cabaret Stage.

(b) Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers shall be maintained at all times for all areas of the adult cabaret where sexually oriented business establishment patrons are admitted.

(c) Tipping. No sexually oriented business establishment patron shall offer, and no sexually oriented business establishment employee having performed on any Cabaret Stage shall accept any form of tip or gratuity offered directly or personally to the employee by the sexually oriented business establishment patron. Rather, all tips and gratuities to sexually oriented business establishment employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the sexually oriented business establishment or shall be placed by the sexually oriented business establishment patron on the Cabaret Stage on which the sexually oriented business establishment employee is performing.

(d) Notice of Select Rules. A sign at least two feet by two feet, with letters of at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF MARYSVILLE.
ENTERTAINERS ARE:

- (1) NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
- (2) NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.

(e) Notice of Alcohol Policy. No beer or alcohol shall be sold or consumed on the premises.

(f) Age Limitations.

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.
- (2) No person under the age of 21 shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.
- (3) No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or any licensed premises used for an adult cabaret.
- (4) No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret. (Ord. 10-01. Passed 3-22-01.)

737.12 SPECIAL REGULATIONS FOR ADULT STORES.

(a) Windows. Window areas for adult stores shall not be covered or obstructed in any way.

(b) Age Limitations.

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of 18.
- (2) No person under the age of 18 shall be admitted to any adult store or to any licensed premises used for an adult store.
- (3) No person under the age of 18 shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.
- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store. (Ord. 10-01. Passed 3-22-01.)

737.13 SPECIAL REGULATIONS FOR ADULT THEATERS.

(a) Seating. Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater.

(b) Aisle. Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.

(c) Sign. Each adult theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

(d) Age Limitations.

- (1) No sexually oriented business establishment employee or sexually oriented business establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.
- (2) No person under the age of 18 shall be admitted to any adult theater or to any licensed premises used for an adult theater.
- (3) No person under the age of 18 shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater.
- (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater. (Ord. 10-01. Passed 3-22-01.)

737.14 LICENSEE RESPONSIBILITY FOR EMPLOYEES.

Every act or omission by a sexually oriented business establishment employee constituting a violation of the provisions of this chapter shall be deemed to be the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the sexually oriented business establishment employee. The licensee shall be punished for any such act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this chapter shall be deemed, for purposes of determining whether the licensee's sexually oriented business establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee. (Ord. 10-01. Passed 3-22-01.)

737.15 LICENSE REVOCATION OR SUSPENSION.

(a) Grounds. Pursuant to the procedures set forth in this section, the Sexually Oriented Business Use Commissioner may suspend for not more than 30 days, or revoke, any sexually oriented business establishment license if the commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

- (1) The licensee has violated any of the provisions or requirements of this chapter or the sexually oriented business establishment license issued pursuant hereto, or the provisions of the City Zoning Code applicable to the licensed premises or the sexually oriented business establishment.
- (2) The licensee knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the city for the issuance or renewal of any sexually oriented business establishment license or knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee's behalf.
- (3) The licensee has committed or knowingly or negligently allowed a felony or specified criminal act to take place on the licensed premises.
- (4) The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the sexually oriented business establishment, allows a sexually oriented business establishment employee, a sexually oriented business establishment patron, or any other person to violate any of the provisions or requirements of this chapter or of the provisions or requirements of the sexually oriented business establishment license issued pursuant hereto, or, commit any felony or specified criminal act on the licensed premises. The licensee, or any person identified in this chapter becomes disqualified for the issuance of a sexually oriented business establishment license at any time during the term of the license at issue.

(b) Procedure. A sexually oriented business establishment license may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this division.

- (1) Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection (a) hereof may exist, the Sexually Oriented Business Use Commissioner shall serve a written notice on the licensee in person or by certified mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum, state that the Sexually Oriented Business Use Commissioner has determined that the sexually oriented business establishment license may be subject to suspension or revocation pursuant to this chapter; identify the specific grounds for the commissioner's determination; and set a date for a hearing regarding the commissioner's determination as to the possibility of suspension or revocation of the sexually oriented business establishment license. The date of the hearing shall be no less than five days after service of the Commissioner's notice, unless an earlier or later date is agreed to by the licensee and the Sexually Oriented Business Use Commissioner.
- (2) Hearing. The hearing shall be conducted by the Sexually Oriented Business Use Commissioner. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Sexually Oriented Business Use Commissioner for suspending or revoking the license and the city and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the sexually oriented business establishment pursuant to this chapter shall be made part of the hearing record. Within three days after the close of the hearing, the Sexually Oriented Business Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Sexually Oriented Business Use Commissioner shall be final and shall be subject to judicial review pursuant to Chapter 2506 of the Ohio Revised Code. The sexually oriented business establishment may remain in operation pending the outcome of the appeal.
- (3) Notice and Effective Date of Suspension or Revocation. The Sexually Oriented Business Use Commissioner's written decision shall be served on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Sexually Oriented Business Use Commissioner's written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this subsection.
- (4) Surrender of License. Upon the suspension or revocation of sexually oriented business establishment license pursuant to this chapter, the Sexually Oriented Business Use Commissioner shall take custody of the suspended or revoked license. (Ord. 10-01. Passed 3-22-01.)

737.16 ADMINISTRATIVE RECORD.

The Sexually Oriented Business Use Commissioner shall cause to be kept in the commissioner's office an accurate record of every sexually oriented business establishment license application received and acted on, together with all relevant information and material pertaining to such application, any sexually oriented business establishment license issued pursuant thereto, and any sexually oriented business establishment operated pursuant to such sexually oriented business establishment license. (Ord. 10-01. Passed 3-22-01.)

737.17 RECORD KEEPING BY LICENSEE.

The licensee of every sexually oriented business establishment shall maintain a register of all of its sexually oriented business establishment employees. For each such employee, the register shall include the following information:

- (a) Legal name.
- (b) Any and all aliases.
- (c) Date of birth.
- (d) Gender.
- (e) Social security number.
- (f) Date of commencement of employment.
- (g) Date of employment termination, if applicable
- (h) Specific job or employment duties.

The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The licensee shall make the register of its sexually oriented business establishment employees available for inspection by the city immediately upon demand at all reasonable times. (Ord. 10-01. Passed 3-22-01.)

737.18 PENALTY.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this chapter or of any of the provisions or requirements of any sexually oriented business establishment license, shall be fined not more than five hundred dollars (\$500.00) for each such violation. Each day such violation continues shall constitute a separate offense. The Sexually Oriented Business Use Commissioner shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. (Ord. 10-01. Passed 3-22-01.)

737.19 NUISANCE DECLARED.

Any sexually oriented business establishment established, operated, or maintained in violation of any of the provisions or requirements of this chapter or of any sexually oriented business establishment license shall be, and the same is, declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining a sexually oriented business establishment contrary to the provisions of this chapter. (Ord. 10-01. Passed 3-22-01.)

737.20 COMPUTATION OF TIME.

Unless otherwise specifically set forth in this chapter, the time within which any act required by this chapter is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Ohio holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded. (Ord. 10-01. Passed 3-22-01.)

CHAPTER 738
Concessions, Carnivals and Fairs

738.01	Definitions.	738.05	Revocation.
738.02	License required.	738.06	License requirements.
738.03	Term; display.	738.99	Penalty.
738.04	Refusal to issue license.		

738.01 DEFINITIONS.

As used in this chapter:

- (a) "Amusement ride" means any mechanical device, aquatic device, or combination of devices that carries or conveys passengers on, along, around, over or through a fixed or restricted course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement. "Amusement ride" includes carnival rides, bungee jumping facilities, and fair rides but does not include passenger tramways as defined in Ohio R.C. 4169.01 or amusement rides operated solely at trade shows for a limited period of time.
- (b) "Carnival" means an enterprise which offers an amusement or entertainment to the public by means of one or more amusement rides or concessions.
- (c) "Carnival worker" means a person who is employed by or at a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public.
- (d) "Concession" means any show, game, or novelty stand operation at a fair or carnival, but does not include food or drink operations.
- (e) "Concession worker" means a person who is employed by or at a carnival or fair to manage, physically operate, or assist in the operation of a concession when it is open to the public.
- (f) "Employ" means to hire, make use of, to engage the services of a person, whether paid or unpaid, within the City.
- (g) "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.

- (h) “Operator” means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair. “Operator” includes an agency of the State or any of its political subdivisions. (Ord. 20-08. Passed 7-10-08.)

738.02 LICENSE REQUIRED.

No operator shall operate any concession or amusement ride at any fair or carnival within the City without first obtaining a license as provided in this chapter.
(Ord. 20-08. Passed 7-10-08.)

738.03 TERM; DISPLAY.

Upon approval of the license application by the Director of Administration, the Director shall issue a license. Such license shall be displayed by the operator in a prominent location at the fair or carnival, and shall be valid during the term issued.
(Ord. 20-08. Passed 7-10-08.)

738.04 REFUSAL TO ISSUE LICENSE.

The Director of Administration shall decline to issue a license for any concession or amusement ride if the operator is not in compliance with the terms of this chapter.
(Ord. 20-08. Passed 7-10-08.)

738.05 REVOCATION.

The license issued for any concession or amusement ride may be revoked by the Director of Administration upon a finding by the Director of probable cause that there has been a violation of any of the provisions of this chapter.
(Ord. 20-08. Passed 7-10-08.)

738.06 LICENSE REQUIREMENTS.

(a) Any operator seeking a license to operate a concession or amusement ride at any fair or carnival within the City shall:

- (1) Provide a complete and accurate list to the Director of Administration of all persons or carnival and concession workers who are or will be employed by or at any concession or amusement ride. Said list shall accurately state the name, home address, date of birth and social security number of all employees or carnival or concession workers who will be employed at the fair or carnival by the licensee.
- (2) Not employ any person or carnival or concession worker who has not been listed by the licensee above.
- (3) Within 24 hours of a request by the Chief of Police or any law enforcement officer, provide proof to the Director of Administration that an employee, carnival or concession worker has been listed in accordance with subsection (a)(1) hereof.

(b) The Director of Administration shall provide the list to the Chief of Police who shall cause a felony warrant and sex offender background check to be conducted on all persons listed by the operator as employees or carnival or concession workers.
(Ord. 20-08. Passed 7-10-08.)

738.99 PENALTY.

Any operator who violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree on the first offense; and a misdemeanor of the first degree on any subsequent conviction of this chapter and shall be punished as provided in Section 501.99 of the Marysville

City Ordinances. Each day an operator is in violation of this chapter shall constitute a separate offense. (Ord. 20-08. Passed 7-10-08.)

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CHAPTER 739 Eminent Domain

739.01 Eminent domain.

739.01 EMINENT DOMAIN.

(a) The City shall not use its power of eminent domain to appropriate, without the owner's consent, private property when the primary purpose for the appropriation is to promote private economic development and the appropriation is intended to result in long-term use of the property by another private person or entity, unless approved by a three-quarters vote of all members elected to Council. This restriction requiring three-quarters affirmative vote by all members elected to Council only applies to the taking of property by eminent domain for the purpose of economic development. Appropriating property for any other lawful purpose or use is governed by Ohio law.

(b) The provisions of this section shall not apply to the use of eminent domain where the property is located in a blighted area as defined in Chapter 1319 of the Codified Ordinances of the City of Marysville.

(c) The provisions of this section shall not apply to excess land appropriated in furtherance of a public use as permitted by Article XVIII, Section 10 of the Ohio Constitution.

(d) The provisions of this section shall not otherwise restrict the Council's authority to appropriate private land as necessary for public uses as permitted by Article XVIII, Sections 3, 4 and 5 of the Ohio Constitution and Chapter 719 of the Ohio Revised Code, except as outlined in subsections (a) and (b), above.

(Ord. 81-05. Passed 12-15-05.)

