

## Chapter 501 LICENSING AND REGULATION GENERALLY

### **501.001 Applicability of license and appeals procedure.**

~~Notwithstanding other provisions of the city codes, all licenses and permits issued under the provisions of city codes Chapters 511, 515, 517, 523, 535, 537, 545, 549, 551, 555, 557, 563, and 573 shall be issued by the section of licenses under the procedures provided in Chapter 501 of the city codes.~~

~~Notwithstanding other provisions of the city codes, all persons aggrieved by an order of the section of licenses denying the issuance or renewal of a license or revoking or suspending a license provided for in city codes Chapters 511, 515, 517, 519, 523, 535, 537, 545, 549, 551, 555, 557, 563, and 573 who wish to appeal such order shall do so pursuant to the provisions of city codes Chapter 505.~~

### **501.01 Application.**

Unless otherwise specifically provided in the city codes, all licenses and permits issued by the ~~section~~ Section of licenses shall be issued pursuant to the provisions of ~~city codes Chapter 501~~ this Title. Appeals shall be conducted pursuant to Chapter 505.

### **501.02 Definitions.**

Unless the ~~Chapter or context otherwise clearly~~ provides otherwise, the definition of the various terms used in ~~this~~ the Business Regulation and Licensing Code shall be as follows:

- (a) "Appeal" means the procedure by which a person aggrieved by a finding, decision or order of the section invokes jurisdiction of the board of license appeals;
- (b) "Applicant" means a person who applies to the section for a license;
- (c) "Appellant" means a person who appeals to the board of license appeals;
- (d) "Board of license appeals" or "board" means the board of license appeals created under the city codes Chapter 505;
- (e) "Chairperson" means the chairperson of the board of license appeals;
- (f) "Department" means the Department of Building and Zoning Services;
- ~~(f)~~(g) "Direct or indirect interest" means ownership; the interest of an individual shareholder of a corporation having ten (10) or fewer shareholders; the interest of the partners in any partnership; the interest of any person who receives in excess of twenty-five (25) percent of the gross revenue from the proceeds of that which is to be licensed; the interest of a person who has an interest in the real property upon which that which is to be licensed is located; the interest of a person who has a lien on the property which is to be licensed and which lien is paid in part from the proceeds of that which is to be licensed;
- ~~(g)~~(h) "Director" shall mean the Director of the Department of Building and Zoning Services, or their designee;
- ~~(g)~~(i) "License" means any license, permit, or certificate issued in the name of the city of Columbus by the ~~s~~ Section.
- ~~(h)~~(j) "Person" means an individual, firm, corporation, association or partnership;

~~(j)~~(k) "Person aggrieved" means any person who is directly or indirectly adversely affected by an order of the section denying the issuance or the renewal of a license or revoking or suspending a license;

~~(j)~~(l) "Regulated business" means any business which is required to acquire a license under the city codes before commencing its operation;

~~(k)~~(m) "Rules and regulations" means the rules and regulations promulgated by the ~~license manager~~ Section pursuant to the provisions of city codes ~~Sections 501.05 and 501.06~~ Chapter 501.

~~(j)~~(n) "Section or license section"<sup>22</sup> means the section of licenses as created by ~~city codes~~ Section 501.03.

### **501.03 Section of licenses.**

The ~~section of licenses~~ license section is hereby created and shall be within the ~~department of public safety~~ Department of Building and Zoning Services ~~division of support services~~ and shall have the power and authority granted to it under the city codes.

### **501.04 License manager.**

The ~~section shall be headed by the license manager who shall be appointed by, and be under the direct control and supervision of, the support services administrator.~~

### **501.05 Powers and duties of the section.**

The license section, as authorized by the Director and ~~under the management of the license manager~~, in accordance with the provisions of the code relating to the issuance of such license, shall have the power and duty to:

- (a) Take applications for licenses issued by the section in the manner and upon the forms approved by ~~it the license manager~~; and
- (b) Grant or reject license applications received by ~~it the section~~; and
- (c) Revoke or suspend licenses issued by ~~it the section~~; and
- (d) Renew or refuse to renew licenses issued by ~~it the section~~; and
- (e) ~~In the manner provided by city codes Sections 121.02, 121.05 and 501.06, m~~ Make rules and regulations regarding licensing procedures and issues as they affect the public health, safety, and welfare; make rules and regulations regarding the forms and procedures necessary for the acquisition, renewal or transfer of licenses; and make rules and regulations regarding the qualifications of the applicants and the conditions precedent the applicants must meet prior to the acquisition of licenses,; and the forms and procedures necessary for renewal and transfer of licenses. All rules and regulations shall be promulgated in the manner provided by city code Sections 121.05 and 501.06 and shall be posted in a conspicuous place in the offices of the section and be made available to an applicant upon request.

### **501.06 Rules and regulations.**

As provided in city codes Section 501.05, the section shall promulgate rules and regulations regarding licenses and licensing procedures. The support services administrator and the safety director shall have the authority to promulgate rules and regulations pertaining to licenses and licensing procedures as they affect the public health, safety and welfare. All rules and regulations promulgated by

~~the section shall be in writing, approved by the license manager, the support services administrator and the director of the department of safety, and submitted to the city clerk as provided in city codes Section 121.05. All rules and regulations shall be posted in a conspicuous place in the offices of the section and be made available to an applicant upon request.~~

~~The Columbus City Council may, at its discretion, review all rules and regulations pertaining to license fees no more than once in every five (5) year period.~~

#### **501.07 Investigation by the license section of an application.**

Upon receipt of an application for a license or the renewal of a license, the license section shall investigate the application to determine whether the license shall be issued or renewed. If an application is received which requires investigation by any department of the city other than the ~~department of public safety~~ Department of Building and Zoning Services, the license section shall request such other department to investigate the application and report back to the section the results of its investigation with whatever written comments and recommendations it deems necessary or advisable.

#### **501.08 General license requirements.**

- (A) In addition to the qualifications and requirements set forth in the city codes and the rules and regulations promulgated by the license section, and with the exception of section 573.08, no license shall be issued or renewed for one (1) or more of the following reasons:
- (1) The applicant failed to provide the required identification information of all persons having a direct or indirect interest in that which is to be licensed upon a sworn application.
  - (2) The applicant or any person having a direct or indirect interest in that which is to be licensed, has been convicted of a felony within the past ~~five (5)~~ seven (7) years or is on probation or parole for a felony offense.
  - (3) That which is to be licensed fails to conform to the city codes, including, but not limited to, building, health and fire, and the state of Ohio and federal laws applicable thereto.
  - (4) That criminal conduct, as defined in Title 29 of the Ohio Revised Code or Title 23 of the city codes has or is occurring on the premises on a repeated basis by customers, patrons, owners, operators or licensees. Repeated basis shall mean two (2) or more offenses within a year.
  - (5) The applicant has had a license, issued by the city, revoked, suspended or refused with the past three (3) years.
- (B) No person shall knowingly make a false license or permit application or procure or seek to procure a license for another.

#### **501.09 License fees.**

- (A) A license fee, payable to the city, shall be collected from the applicant prior to the issuance or renewal of a license. The license section shall give a receipt to the applicant and deposit the funds so received with the city treasurer. Unless otherwise provided in the city codes, all license fees and renewal fees shall be credited to the general fund of the city.
- (B) Except as otherwise provided in the city codes, the minimum license fee shall be twenty-five dollars (\$25.00). No license fee shall be returned to an applicant once a license is issued.
- (C) Except as otherwise provided in the city codes, a non-refundable application fee of twenty dollars (\$20.00) shall be collected from the applicant at the time of application for the issuance of a license under this title. The Director of ~~Public Safety~~ Building and Zoning Services may set the rate of the application fee for all licenses issued under this title. ~~Chapter~~.

- (D) The license section may establish, in its rules and regulations, separate license fee schedules for veterans or disabled persons.

**501.10 Proration of license fees.**

No fee shall be prorated, unless authorized by the Director.

**501.11 License period.**

- (A) Where no license period is provided in the city codes, the license period for licenses issued by the license section shall be a twelve (12) month period, commencing on April 1 and expiring on March 31 of the following year.
- (B) The Director ~~public safety director~~ is granted the authority to temporarily adjust expiration dates for all licenses under this Title section while a local state of emergency exists, as declared by the mayor or health commissioner of the City.

**501.12 License form.**

A license shall be issued to each licensee entitled to receive the same, setting forth the date when issued; the date of expiration; the name and address of the licensee; the purpose for which the license is issued; and the location of that which is licensed. No person shall engage in any business, occupation or amusement required to be licensed without having first acquired a license as required herein and no person shall engage in any business, occupation or amusement as required herein ~~required to be licensed,~~ at any other location other than that which is designated in the license.

**501.15 Investigations of regulated businesses.**

- (A) The license section, in cooperation with the various departments and divisions of the city, shall periodically investigate the operation of regulated businesses. The investigations may be commenced by the license section upon complaint of a public official, private individual or on its own initiative. If the license section believes that any violation of the city codes is taking place on the premises of or with respect to that which is licensed, it may ~~request~~ require the licensee to appear in the offices of the license section, with and bring whatever records ~~if the license section deems necessary to conduct the investigation of the regulated business, to be questioned.~~
- (B) If the license section determines that a violation of the city codes is taking place, it may proceed under city codes Section 501.19 to revoke or suspend the license and/or commence whatever criminal or civil charges against the licensee as it deems necessary.
- (C) Failure on the part of any licensee to appear with the records when requested to do so by the license section may be grounds for the license section to ~~failure to deny renewal, revocation or suspension of the or suspend or revoke the~~ license.

**501.16 Duplicate licenses or tags.**

The license section, upon application by a licensee and the payment of a ten dollar (\$10.00) fee, may issue a duplicate license, tag, plate, badge or decal which has been lost, stolen or destroyed. Upon the acquisition of the duplicate, the licensee shall surrender to the section the remaining portion of the original license, tag, plate, badge or decal.

### **501.17 Renewal of licenses.**

- (A) All applications for the renewal of licenses shall be submitted to the license section no earlier than sixty (60) days prior to the expiration of the license and shall be upon forms approved by the Section. License fees shall accompany all applications for renewal.
- (B) Failure on the part of a licensee to submit the renewal application at least thirty (30) days prior to the expiration of the license ~~shall be~~ may cause a delay in ~~for the section to delay~~ the renewal of the license.
- (C) Should a licensee submit a renewal application less than (30) days prior to the expiration of a license, or after the expiration of said license, the license section may allow for renewal if the licensee has been subject to an extreme hardship that rendered them unable to submit the application by the required date. Such hardships may include severe illness or debilitation to themselves or an immediate family member, public health emergencies, political unrest in current place of residence or any place in which they are temporarily located that would render them unable to freely travel domestically or internationally, or similar situation as designated by the license section. The Director shall promulgate rules and regulations to effectuate this division.

### **501.18 Records.**

The license section shall keep records of all license applications, license issuance and investigations for a period of six (6) years. All records shall be public records and may be released or inspected in accordance with Ohio's Public Records Act, Revised Code Chapter 149 ~~viewed at the times and in the manner provided by the rules and regulations of the section.~~

### **501.19 ~~Failure-Refusal~~ to renew, revocation and suspension of licenses.**

- (A) The license section, upon being satisfied that a licensee has violated any of the provisions of the city codes, including but not limited to city codes Section 501.08; any rule and regulation of the license section; or any city, state or federal law with respect to that which is licensed, shall have the power to ~~fail-refuse to renew, or~~ revoke or suspend a license. All ~~failure refusals~~ to renew, or revocation ~~and-or~~ suspension orders issued by the license section shall be in writing and signed by the Director ~~license manager~~, be directed to the licensee at the address set forth in ~~his~~ their application; and shall set forth the reasons for refusing to renew, revoking or suspending the license; the failure refusal to renew, or revocation or suspension order, and if the license is suspended, a suspension, the length of time of the suspension period. Immediately upon receipt of the ~~failure-refusal~~ to renew, or revocation or suspension order, the licensee shall cease operating that which is licensed and shall remove and keep the license or tag, plate, badge or decal from the public view.
- (B) All ~~failure refusals~~ to renew, or revocation or and suspension orders issued by the license section shall be subject to appeal to the board of license ~~licensing~~ appeals pursuant to the provisions of city codes Chapter 505.

### **501.20 Photographs.**

- (A) Photographs required of certain license applicants shall meet specifications set forth in the rules and regulations of the license section.
- (B) When available, licensees may elect to have photographs taken by the section. In such case the license section will charge a service fee as authorized by the ~~safety director~~ Director, which fee shall

be uniform and not in excess of actual cost to the city. Such funds will be deposited with the city treasurer and credited to the general fund of the city.

**501.98 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**501.99 Code penalty.**

Whoever violates any provisions of this Business Regulation and Licensing Code, where another penalty is not provided, shall be guilty of a third degree misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days ~~six (6) months~~, or both. Any such violation shall constitute a separate offense on each successive day continued.

**Chapter 505 BOARD OF LICENSE APPEALS AND PROCEDURE**

**505.01 Application.**

Unless otherwise provided in the city codes, all persons aggrieved by an order of the section denying the issuance or renewal of a license or revoking or suspending a license, ~~or permit under Chapter 2111 of the Columbus City Codes,~~ who wish to appeal such order, shall do so pursuant to the provisions of this city codes Chapter 505.

**505.02 Board of license appeals.**

- (A) There is hereby created a board of license appeals, consisting of seven (7) members, all of whom shall be residents of Franklin County, appointed by the mayor, with the concurrence ~~advice and consent~~ of council.
- (B) The members shall ~~be appointed for the following terms: Two (2) members shall be appointed for a term expiring December 31, 1975; two (2), for a term expiring December 31, 1976; and three (3), for a term expiring December 31, 1977. Thereafter, the members shall be appointed in the same manner and shall~~ serve three (3) year terms, or until such time as their successors are appointed.

**505.03 Qualifications of the members of the board.**

- (A) The members of the board shall have the following qualifications:
  - 1. Three (3) shall be attorneys licensed to practice law in the state of Ohio; and
  - 2. Four (4) shall be citizen members. Members appointed to fill vacancies shall have the same qualifications required of their predecessors and shall be appointed for the remainder of the unexpired term.
- (B) No member of the board shall have a direct or indirect interest (as defined in city codes Section 501.02) in anything, ~~any thing~~, place or business which is required to be licensed by the city codes.
- (C) No member of the board shall be a full-time employee of the city.

### **505.05 Organization of the board.**

- (A) Between January 1 and January 31 of each year, the board shall convene for the purpose of selecting a chairperson ~~and a secretary~~. The chairperson ~~and secretary~~ shall act as such until the next following December 31 and may be re-elected ~~to their respective offices~~.
- (B) The board shall make annual reports to the council as provided in city codes Section 121.03.
- (C) All meetings of the board and hearings before the board shall be open to the public.
- (D) As provided in city codes Sections 121.02 and 121.05, the board may adopt rules and regulations for the conduct of its business and hearing procedures.
- (E) The license section shall provide the board with such administrative services as may be required by the board to enable the board to perform its duties.

### **505.06 Appeal procedure.**

Any person aggrieved by an order of the license section with respect to denying the issuance or renewal of a license, or revoking or suspending a license, ~~or denying the issuance of a permit for a parade, procession or assemblage by the director of public safety~~, may appeal from such order to the board. All appeals shall be perfected in the following manner:

- (1) The appellant must file a written notice of appeal with the section, on a form approved by the board, within twenty (20) days after receipt of the order from which the appellant appeals.
- (2) The appellant must deposit with the section a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the board renders a decision in the appellant's favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.
- (3) Within five (5) days after receipt by the section of the notice of appeal, the section shall cause a true copy of the notice of appeal to be docketed with the chairperson of the board.
- (4) Within twenty (20) days after receipt by the chairperson of the notice of appeal or, if a stay order is issued pursuant to city codes Section 505.07, then within sixty (60) days from the date of issuance of the stay order, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal.
- ~~(5) In the event an expedited appeal is required pursuant to Chapter 2111 of the city codes, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal to conform with the time limits therein.~~

### **505.07 Stay orders.**

An appeal does not automatically operate as a stay of a ~~failure-refusal~~ to renew a license, or revocation or suspension order ~~issued by~~ of the license section. If an appellant desires a stay of any such order pending the outcome of the hearing, the appellant must first apply in writing to the chairperson setting forth the reasons for requesting the stay. The chairperson may request the section to render, in writing, its views regarding the stay request. Within five (5) days after the receipt by the chairperson of the request for a stay, the chairperson shall render a decision on the request. If the chairperson determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the city by issuing a stay, a stay order, not to exceed sixty (60) days and pending the outcome of the hearing, will be granted. Neither a decision granting a stay nor a decision denying a stay is a final appealable decision that may be appealed pursuant to City Code Section 505.13.

### **505.08 Expiration of the license involved in an appeal.**

The expiration of the license involved in an appeal shall not affect the appeal. If during the appeal the existing license expires, and the board's ultimate decision is in favor of the appellant, the board shall order that upon the payment of the fee prescribed by law, the license shall be issued by the license section as of the date requested in the application.

### **505.09 Counsel for the license section ~~division~~.**

The city attorney and the city attorney's staff shall represent the license section in all proceedings before the board and upon judicial review of an appeal from the board's decisions.

### **505.10 Appointment of the hearing members.**

- (A) After receipt by the chairperson of a notice of appeal, the chairperson shall, within the time prescribed in city codes Sections 505.06 and ~~2111.07~~, notify all members of the board of the hearing.
- (B) Unless a lesser number is agreed to by the appellant and the license section ~~division~~, three (3) members shall constitute a quorum for purposes of hearing the appeal.
- (C) The members attending the hearing shall choose a member who shall preside at the hearing.

### **505.11 Hearing procedures.**

- (A) All hearings shall proceed as in a trial of a civil action with the section having the burden of going forward. The section shall be limited to evidence relating to the reasons set forth in its order unless the board determines that justice to the citizens of the city requires other evidence to be admitted.
- (B) In all hearings, the board shall not be strictly bound by the rules of evidence.
- (C) All testimony shall be given under oath, to be administered by an officer authorized to administer oaths, and shall be recorded stenographically, or by audio or video, at a cost to the license section.
- (D) All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.
- (E) All parties shall have the right to:
  - 1. Offer and examine witnesses and present evidence in support of their case; and
  - 2. Cross-examine adverse witnesses and offer evidence to refute evidence offered in opposition; and
  - 3. Proffer evidence into the record if its admission has been denied.

### **505.12 ~~Subpoenas.~~**

~~All parties shall have the right to subpoena witnesses and documents which are material to their case. If a party desires a subpoena, the party shall apply to the chairperson who shall issue and sign the subpoena in the name of the board. The subpoena shall be served in the manner subpoenas to appear and testify before the Franklin County Municipal Court are served. If any person subpoenaed to testify or to produce documents, refuses to obey the subpoena, upon complaint of the board, the Franklin County Municipal Court may compel the attendance of the person or the production of the documents before the board, or punish the person for contempt in the same manner persons are compelled to appear and are punished for contempt before such court.~~



### **505.13 Judicial review.**

Appeals from a final decision of the board of license appeals may be taken by the appellant and or the license section to a court of common pleas may appeal from a decision of the board by perfecting such appeal as provided in Ohio Revised Code Chapter 2506. The cost of acquiring a transcript for such appeal shall be borne by the party seeking to appeal.

### **505.14 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## **Chapter 511 Reserved. ~~ASTROLOGERS (Repealed)~~**

## **Chapter 513 Reserved. ~~AUCTIONEERS AND AUCTION SALES~~**

## **Chapter 515 Reserved. ~~BONDSMEN (Repealed)~~**

## **Chapter 517 ITINERANT VENDORS**

### **517.01 Definition.**

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this Chapter:

"Itinerant vendor" shall ~~be construed to mean and include~~ all persons, both principal or agents, who engage in a temporary or transient business in the city, selling goods, wares, or merchandise, and who for the purpose of carrying ~~out on~~ such business hire, lease or occupy any room, building or structure for the exhibition or sale of such goods, wares and merchandise. The person so engaged shall not be relieved from the provisions of this chapter by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of the business of or in the name of any local dealer, trader, merchant or auctioneer.

### **517.02 License required.**

No person shall engage in the business or trade of itinerant vendor, either as principal or agent, without first having ~~taken out~~ secured a license for the same from the ~~Section of Licenses License~~ Section.

### **517.04 Fee; bond.**

The ~~Section of Licenses License~~ Section is authorized to grant a license to any person ~~of good character~~ upon submission of a properly executed application and the payment of the applicable fee by such person into the city treasury the sum of one hundred twenty dollars (\$120.00) and executing a bond to the city in the sum of one thousand dollars (\$1,000.00), and with sufficient sureties, conditioned for a faithful observance of the ordinances of the city.

### **517.05 Term of license; renewal.**

Permission to conduct the business of an itinerant vendor under a city license shall terminate twenty-four hours after the issuance of such license, unless the person securing the same shall pay the applicable fee into the city treasury the sum of one hundred twenty dollars (\$120.00) for each additional day the person desires to continue in the business of an itinerant vendor.

### **517.06 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## **Chapter 519 Reserved. ~~ITINERANT WHOLESALE PRODUCE DEALERS (Repealed)~~**

## **Chapter 521 Reserved. ~~MOTION PICTURE PROJECTIONISTS~~**

## **Chapter 523 COMMERCIAL SALES LICENSE**

### **523.01 Definitions.**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context in which the word or phrase is used.

- (a) "Commercial Sales Promoter" shall mean any corporation, partnership, unincorporated association, organization, business or trade of any kind that causes or permits any employee, agent, volunteer, independent contractor or sub-contractor thereof, to engage in peddling, soliciting or canvassing.
- (b) "Peddler or Solicitor or Canvasser" shall mean and include any person, either as principal or agent, volunteer, independent contractor or sub-contractor, who goes from place to place, selling or offering to sell, barter, or carry for sale or barter, or exposing therefore, upon any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land, and all property that is privately owned, any goods, wares, merchandise, samples, food or drink for human consumption, services or other commodity, carried by hand, from portable stands, tables, containers, display stands or any other materials brought to the location, to the consuming public whether or not the material is actually delivered at the time of sale.
- (c) "Peddling or Soliciting or Canvassing" is the activity described in 523.01(b).
- (d) "Consumer Goods or Services" shall mean goods or services purchased, leased or rented primarily for personal, family or household purposes.
- (e) "Goods or Wares or Merchandise" shall mean tangible commodities such as products or materials that are intended to satisfy the want or need of a consumer or any skill or service that one seeks to sell.
- (f) "Services" is the duty or labor to be rendered by one (1) person to another.
- (g) "Consumer Services" shall mean any kind of services offered to the public.

- (h) "Place to Place" shall mean, progressing from one (1) street address to another street address to peddle, solicit or canvass.
- (i) ~~"Special Event" shall mean an activity, assemblage or gathering of people upon the public right of way for which a block party permit, street closure permit or race event permit has been issued by the city of Columbus~~ have the meaning provided in Chapter 923.
- (j) "Business" shall mean dealings or transactions of an economic nature or enterprise or persons engaged in an occupation, business or industry.
- (k) "Trade" shall mean the business or work in which one engages regularly.
- (l) ~~"LicenseSection or license section" shall mean the License Section of licenses of the Division of Support Services under the Department of Public Safety-Building and Zoning Services and is further defined in Sections 501.02 and 501.03~~Chapter 501.
- (m) "Privately Owned Property" as used in this chapter means any property that is not owned by the city of Columbus.
- (n) "Director" shall mean the Director of Building and Zoning Services, or their designee.

### **523.02 License required.**

- (a) No person shall engage in the act of peddling, soliciting, or canvassing ~~as defined in Section 523.01~~ within the City of Columbus without first obtaining a commercial sales license to peddle, solicit, or canvass in accordance with the provisions of this chapter.
- (b) No corporation, partnership, unincorporated association, organization, or business of any kind, shall cause or permit any employee, agent, volunteer, independent contractor, or subcontractor thereof, to engage in the act of peddling, soliciting, or canvassing ~~as defined in License Section 523.01~~ within the City of Columbus without first obtaining a commercial sales promoter's license in accordance with the provisions of this chapter.

### **523.03 Exemptions.**

The following types of organizations and individuals selling goods, wares, merchandise, food or drink for human consumption, services or any other commodity on their behalf are not required to obtain a commercial sales or commercial sales promoter license under this section:

- (a) State and local governmental departments, agencies and subdivisions, including public schools;
- (b) State accredited private schools and academies;
- (c) Civic, patriotic, religious and political groups, recreational, social or cultural organizations;
- (d) Special events as defined in Section 523.01(i);
- (e) Any organization's bona fide officer or employee that holds a valid charitable solicitation license pursuant to C.C.C. 525.03;
- (f) A person who does not go place to place, who sells items they grow, raise or manufacture, and who sells such items on private property. However, this person must be able to prove, preferably in writing, that they have permission from the property owner to sell; and
- (g) A mobile food vendor who possesses a current and valid mobile food vending license pursuant to C.C.C. ~~chapter 537~~573.

Any license officer or law enforcement officer may require individuals or organizations claiming any exemption to present evidence in support of such claimed exemption. The above organizations or

individuals shall otherwise comply with all applicable requirements of {Chapter} 525 and any state or federal regulations.

### **523.06 License issuance, fees, terms.**

- (a) Licenses required by this chapter may be issued to applicants who:
  - (1) Have filed a complete application as required by Section 523.04 ~~of this chapter~~; and
  - (2) Are found to be in ~~total~~-compliance with all other applicable city, state and federal laws including having all other required licenses and permits; and
  - (3) Have made payment of the proper license fees.
- (b) Yearly licenses issued under this chapter shall expire on the date one (1) year from the date of issue and payment of the following license fee shall be made at the time of issuance of the license:
  - (1) Commercial sales license: One hundred fifty (\$150.00) dollars.
  - (2) Commercial sales promoter: Three hundred (\$300.00) dollars.
- (c) Tri-annually licenses may be issued for the following periods and not to exceed four (4) months:
  - (1) January through April, May through August, September through December.
  - (2) Commercial sales tri-annually: Seventy-five (\$75.00) dollars.
- (d) An applicant may submit an application for a license no earlier than thirty (30) days in advance of the period during which a license is renewable.

### **523.07 License refusal.**

~~As provided under Chapter~~ In addition to the factors identified in C.C. section 501.05, the license section may refuse to issue licenses required by this chapter to any person:

- (a) Who has made any false statement on the application; or
- (b) Who is under the age of eighteen (18) years of age; or
- (c) Who has not complied with all applicable provisions of this chapter; or
- (d) Who has been ~~Convicted~~ of a felony, misdemeanor or code violation involving a sex offense, trafficking in controlled substances, or any offense of violence as defined in Columbus City Code 2301.01, such conviction being entered within the seven (7) years preceding the date of application; or
- (e) Whom a judgment based upon, fraud, deceit, misrepresentation, or has been convicted of a theft offense as defined in Columbus City Code 2313.01 within seven (7) years preceding the date of application; or
- (f) Who has been denied a license under this chapter within the immediate past year; unless the applicant can and does show to the satisfaction of the license section that the reasons for such earlier denial no longer exist; or
- (g) For any other reason for which a license may be refused under Chapter 501 of the Columbus City Codes, 1959.

### **523.08 License suspension, revocation.**

Licenses issued under this chapter may be suspended or revoked by the ~~license supervisor~~ license section for one (1) or more of the following reasons:

- (a) Commercial Sales.
  - (1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or
  - (2) Violation of any provision of this chapter or Chapter 573; ~~or~~
  - (3) Failure to display the identification card as is required in Section 523.11 of this chapter; ~~or~~
  - (4) Failure to notify the section of a change of address within ten (10) days of such change; ~~or~~
  - (5) Failure to have valid permits or licenses required by the Columbus Health Department or any other city, state or federal agency; ~~or~~
  - (6) Conviction of any criminal or traffic offense while operating, or conviction of any criminal offense involving theft or fraud; ~~or~~
  - (7) For any of the reasons which could have been grounds for refusing to issue the original license; ~~or~~
  - (8) Knowingly operating or working for any unlicensed commercial sales promoter; ~~or~~
  - (9) Knowingly operating from or with any unlicensed pushcart as defined in Section 573.01. ~~of Chapter 573, Columbus City Codes, 1959.~~
- (b) Commercial Sales Promoter.
  - (1) Fraud, misrepresentation or bribery in securing a license or during the course of business; or
  - (2) Violation of any provision of this chapter or Chapter 573; or
  - (3) Failure to notify the section of a change of address within ten (10) days of such change; or
  - (4) Knowingly allowing employees to operate without having valid permits or licenses required by the Columbus Health Department or any other city, state or federal agency; or
  - (5) Conviction of any criminal offense involving theft or fraud; or
  - (6) For any of the reasons which could have been grounds for refusing to issue the original license; or
  - (7) Knowingly causing, permitting or allowing any employee, agent, volunteer, independent contractor or subcontractor thereof to operate without a commercial sales license; or
  - (8) Knowingly causing, permitting or allowing a commercial sales licensee or other person to operate from or with an unlicensed pushcart as defined in Section 573.01 ~~of Chapter 573, Columbus City Codes, 1959.~~
- (c) Upon the suspension or revocation of any license issued under this chapter, such license shall immediately be removed from public view and shall be returned to the section within seven (7) days of such suspension or revocation, unless a stay of the suspension or revocation is granted as provided in Chapter 505 ~~of the Columbus City Codes, 1959.~~

### **523.13 Sidewalk operations.**

No person licensed as a peddler, solicitor or canvasser shall sell, offer to sell, barter, or carry for sale or barter or expose for sale upon any sidewalk or any other city owned property except from a licensed pushcart under Chapter 573 of the Columbus City Codes or when in accordance with all the following provisions:

- (a) Merchandise shall be continuously carried physically by a licensed peddler, solicitor or canvasser.
  - (1) Peddlers, solicitors or canvassers shall not stand or remain stationary unless actively engaged in making a sale.
  - (2) Merchandise may be placed on the ground when actively engaged in making a sale.
- (b) Peddlers, solicitors or canvassers confined to a wheelchair or who have a physical disability, which makes it impractical to physically carry merchandise for sale or barter continuously, may have two (2) containers not larger than twelve (12) inches and may be placed on the ground next to the wheelchair.
- (c) Peddlers, solicitors or canvassers:
  - (1) Shall maintain a distance of five (5) feet of sidewalk space from the sidewalk curb;
  - (2) Shall maintain a distance of twenty (20) feet from an intersection with a street, road or alley;
  - (3) Shall maintain a distance of ten (10) feet from a pedestrian crosswalk or intersecting sidewalk;
  - (4) Shall maintain a distance of ten (10) feet from a taxi stand, sidewalk elevator, tunnel or mailbox;
  - (5) Shall maintain a distance of ten (10) feet from a fire hydrant;
  - (6) Shall not obstruct in any way a loading zone, telephone booth, traffic control box, fire alarm box, parking meter, any sidewalk fixture or furniture, bus stop or a legally parked vehicle;
  - (7) Shall not obstruct any display windows or doorways of any merchant;
  - (8) Shall not use a power generator of any type or a power cord of any type;
  - (9) Shall not obstruct in any way or interfere with or prevent the free flow of pedestrian or vehicular traffic;
  - (10) Shall not obstruct in any way or interfere with public works or construction projects;
  - (11) Shall during the period of selling keep the area within twenty-five (25) feet of that location free from all litter and debris arising, including the litter which arises from actions of customers in disposing of wrapping or packaging materials sold by the peddler, solicitor or canvasser. When two (2) or more peddlers, solicitors or canvassers occupy overlapping areas they shall each be jointly responsible for keeping the overlapping areas free from all litter and debris;
  - (12) Shall not display or advertise any merchandise or services from any utility pole, sign, tree, planter, trash container, parking meter, bridge, newspaper stand, sidewalk fixtures or furniture, portable signs of any type, traffic control box, motor vehicle, bicycle or any other type of motorized conveyance, or any other criteria deemed reasonably

inappropriate by a license officer or police officer, for the public health, welfare and safety;

- (13) Shall not use or store merchandise or services from any box, bucket, cooler, tub, or any other container, table, chair, bench, cabinet or any other furniture of any kind, racks, dolly, wheelbarrow, grocery cart, baby carriage, stroller, easel, handcart or any other criteria deemed reasonably inappropriate by a license officer or police officer, for the public health, welfare and safety;
- (14) Shall not use any signage upon the public right-of-way of any street, road, alley, sidewalk or bikeway except within the boundaries of a special event.

#### **523.14 Prohibited acts, hours of operation.**

In addition to other provisions of this chapter, no peddler, solicitor or canvasser shall:

- (a) ~~Not to~~ Operate between the hours of 8:00 p.m. and 9:00 a.m. when engaged in peddling, soliciting or canvassing door-to-door in areas zoned as residential.
- (b) Enter a private residence under pretenses other than for peddling, soliciting or canvassing.
- (c) Fail, or refuse to leave peacefully private property immediately after the owner, occupant, landowner's agent or representative has requested the peddler, solicitor or canvasser to do so.
- (d) Enter upon the land of a private residence or multi-unit property to peddle, solicit or canvass when the owner or occupant thereof has displayed a "no peddling", "no soliciting" or "no canvassing" sign on such premises.
- (e) Peddle, solicit or canvass on a street or within an area which has been closed by the city of Columbus for a "special event" without the written permission from the event organizers.
- (f) Peddle, solicit or canvas in city parks, to the extent that these activities are regulated under Chapter 919.
- (g) Sell, offer for sale, barter, or carry for sale or barter or expose for sale any merchandise or services on private property unless express written permission has been granted by the property owner or agent authorized to do so. Written permission shall be furnished upon application or at the request of any license officer or police officer.

#### **523.16 Enforcement.**

When any police or auxiliary police officer, license officer or other law enforcement officers authorized to enforce this chapter, find any peddler, solicitor or canvasser in violation of any portion of this chapter, the officer may lawfully order such peddler, solicitor or canvasser to cease operating until the violation is corrected.

If the peddler, solicitor or canvasser fails to obey the lawful order to cease within a reasonable time, the officer may make a written complaint to the license ~~supervisor~~ section in addition to any other remedy provided by law. Absent extraordinary circumstances, a reasonable time shall normally be considered five (5) minutes.

Upon receipt of such complaint, the ~~supervisor~~ license section shall schedule a hearing. The peddler, solicitor or canvasser shall be notified either in person or by mail, directed to the last known address of the peddler, solicitor or canvasser, setting forth the date, time and place of such hearing and that private counsel may be present. The complaining officer shall also be present.

If, after a hearing, ~~the supervisor determines it is determined~~ that the peddler, solicitor or canvasser did fail to obey such lawful order, the ~~supervisor license~~ section may suspend or revoke the license of that peddler, solicitor or canvasser.

### **523.9817 Severability clause.**

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared invalid. ~~This~~ Any such declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the objectionable provisions are severable.

### **523.99 Criminal penalties.**

- (a) Whoever violates ~~§~~section 523.02(a) of this chapter is guilty of failing to obtain a commercial sales license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this chapter, a violation of this section is a misdemeanor of the second degree.
- (b) Whoever violates section 523.02(b) of this chapter is guilty of failing to obtain a commercial sales promoter license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this chapter, a violation of this section is a misdemeanor of the second degree.
- (c) Whoever violates any other section of this chapter is guilty of a misdemeanor of the fourth degree. If the offender has a prior conviction for a violation of this chapter, a violation of any other section of this chapter is a misdemeanor of the third degree.
- (d) A person may made not be found guilty of violating Columbus City Codes 523.02(a) or 523.02(b) if the person proves as an affirmative ~~offense~~ defense that the person falls within the exceptions delineated in Columbus City Code section 523.03.
- (e) Organizational criminal liability as provided for in Section 2301.23 is intended for violations of this chapter.
- (f) Strict liability is intended for this section.

## **Chapter 524 COMMUNITY MARKETS ON PUBLIC PROPERTY**

### **524.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this Chapter:

- (a) "Community Market" means any organized gathering of persons to primarily sell or offer for sale on a temporary basis upon public property any handmade merchandise, fruits, meats, dairy, vegetables, garden produce and/or food for human consumption. Additionally, merchandise, goods, wares, food or drink for human consumption, services or other commodities may also be sold.
- (b) "Farm Products" means any fruit, vegetable, nut or plant grown from the soil or hydroponically that bear fruit, vegetables, beans, dairy products, eggs or meat, including but not limited to beef, chicken, turkey, pork or fish.
- (c) "Merchandise" shall mean goods bought and sold in business.
- (d) "Itinerant Vendor" means any person(s) transporting stock of goods to a temporary place of business in order to make sales.



- (e) "Sponsoring Organization" is the corporation, partnership, unincorporated association or individual(s) who operates the community market.
- (f) "Public Property" means right-of-way (see C.C.C. ~~900.06B~~ section 900.06(b)), sidewalks (see C.C.C. chapter 907), alleys (see C.C.C. section 900.02) or streets or highways (see C.C.C. section 900.08) owned by the City of Columbus. However, this chapter is not intended to regulate city owned land bank property that is being utilized for community gardens. Likewise, this chapter is not intended to regulate community markets on private property.

#### **524.05 License refusal, suspension and revocation.**

~~Failing~~ Failure to adhere to the requirements of this chapter may result in refusal to issue a license, suspension and/or revocation of an issued license.

#### **524.08 Operating restrictions.**

In addition to other provisions of this chapter, community markets shall:

- (a) Operate only between the hours of 8:00 a.m. and 12:00 a.m. Sunday through Saturday. If there is a desire for the community market to operate after 12:00 a.m., the sponsoring organization must submit a letter for approval from the Director.
- (b) Operate in a contiguous manner meaning that the market shall have a continuous border with no lapse in distance.
- (c) Not engage in permanent, regular sales ~~are prohibited~~ in areas that are zoned solely as residential.
- (d) Only permit itinerant vendors listed on the community market application ~~are eligible~~ to sell from the public property during the approved time, date and location of the community market. This provision is not applicable to fixed storefronts that may sell from the adjacent right-of-way in accordance with relevant provisions of and who do not to violate any other Columbus City Code under Title 9 of the Columbus City Codes.
- (e) Ensure that itinerant vendors maintain a minimum of five (5) feet of unobstructed sidewalk at all times as to not impede pedestrian traffic or interfere with sidewalk dining lease areas. All ADA requirements must be met.
- (f) Ensure that ~~the~~ sponsoring organization ~~must~~ has obtained a street occupancy permit (C.C.C. chapter 906) if parking meters need to be taken out of service during the community market.
- (g) Ensure that business loading zones, including permanent valet parking zones, ~~shall~~ are not be disrupted unless prior without written approval for any such disruption is secured from the property owner and given to the holder of the community market license.

#### **524.09 Insurance requirements.**

The sponsoring organization of a community market shall show evidence of liability protection in the amount of one million (\$1,000,000.00) dollars set forth in the form of a bond from a licensed bonding company or an insurance policy written by an insurance company duly licensed to transact such business in the State of Ohio or written through a citizen of this state duly licensed as provided by Ohio Revised Code Chapter 3905.5905.03 covering the permit holder for damages imposed by law on account of bodily injuries, death or property damages resulting from the operations of the community market all in a form acceptable by the License Section. The City of Columbus shall be an "additional insured" by an endorsement on the policy.

**524.11 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## Chapter 525 CHARITABLE SOLICITATIONS

### 525.01 Definitions.

For the purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth unless the context clearly requires a different meaning:

- (A) "Charitable" means any benevolent, philanthropic, patriotic, or educational purpose.
- (B) "Cost of solicitation" ~~shall~~ means all costs incurred in raising the funds solicited. The "cost of solicitation" shall include any compensation, in whatever form, paid to a "professional fundraiser" or "professional solicitor." The cost of solicitation shall not include:
  - (1) where a show, benefit, dance, bazaar, raffle, sporting or social event, or other similar event is held nor the cost of giving or holding such a show or event;
  - (2) the cost of making or acquiring a publication which is sold for, or has space sold for charitable purposes;
  - (3) where goods or commodities are sold; the cost of making or acquiring such goods or commodities.
- (C) "Contribution" means the promise or grant of any money or property of any kind or value.
- (D) "Person" shall mean any individual, organization, firm, ~~eop~~partnership, company, corporation, association, joint stock association, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative.
- (E) "Professional ~~fund-raiser-fundraiser~~" means any person who, for compensation, plans, conducts, manages, or carries on any drive or campaign in this city for the purpose of soliciting contributions for or on behalf of any charitable organization, or who engages in the business of or who represents themselves to persons in this city as independently engaged in the business of soliciting contributions for charitable purposes. A bona fide officer or employee of a charitable organization shall not be deemed a professional ~~fund-raiser~~ fundraiser.
- (F) "Solicit" and "solicitations" shall mean the request, either directly or indirectly, for money or financial assistance on the plea or representation that such money or financial assistance will be used for a charitable purpose. A "solicitation" as defined herein, shall be deemed completed when made, whether or not any contribution is received or sale is made.
- (G) "~~Fund-raising~~ Fundraising counsel" means any person who plans, manages, advises, consults, or prepares material for compensation with respect to solicitation in Columbus for any charitable organization. It shall also mean any person(s) who at any time has custody of contributions from a solicitation, but does not solicit contributions and does not employ, procure, or otherwise engage any compensated person to solicit contributions.

"~~Fund-raising~~ Fundraising counsel" does not include the following:

- (1) An attorney, investment counselor, or banker who in the conduct of his profession advises a client; (2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, who has full knowledge of the services being performed on its behalf and either of the following applies:
  - (a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;

- (b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer;
  - ~~(3)~~(2) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, but who incidentally solicits contributions for a charitable organization or purpose without compensation;
  - ~~(4)~~(3) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.
- (H) "Professional solicitor" means any person who, for compensation, performs on behalf of or for the benefit of a charitable organization any service in connection with which contributions are or will be solicited in this state by the compensated person or by any person it employs, procures, or otherwise engages directly or indirectly to solicit contributions. "Professional solicitor" does not include the following:
- (1) An attorney, investment counselor, or banker who in the conduct of that profession advises a client;
  - (2) A charitable organization or a bona fide officer, employee, or volunteer of a charitable organization, when the charitable organization has full knowledge of the services being performed on its behalf and either of the following applies:
    - (a) The services performed by the charitable organization, bona fide officer, employee, or volunteer are performed on behalf of the charitable organization that employs the bona fide officer or employee or engages the services of the bona fide volunteer;
    - (b) The charitable organization on whose behalf the services are performed shares some element of common control or an historic or continuing relationship with the charitable organization that performs the services or employs the bona fide officer or employee or engages the services of the bona fide volunteer;
  - (3) An employee who is not engaged in the business of soliciting contributions or conducting charitable sales promotions but who incidentally solicits contributions for a charitable organization or purpose without compensation;
  - (4) A compensated employee of an employer who is not engaged in the business of soliciting contributions or conducting charitable sales promotions, when the employee solicits contributions or conducts charitable sales promotions at the direction of their employer.
  - (5) "~~Fund-raising~~ Fundraising counsel" as defined in ~~525.01~~division (G).
- (I) "Distribution" has the same meaning as defined in CCC Sec. 2333.01(F).
- (J) "Director" shall mean the Director of the Department of Building and Zoning Services, or their designee

### **525.02 Charitable solicitations permit required.**

No person shall solicit contributions for any charitable purpose from any person located within the city unless the person for whose benefit the solicitation is conducted has obtained a permit from the Director ~~public safety director or their designee~~. An application for a permit to solicit for charitable purposes shall be made on forms prescribed and provided by the city. Such application shall be sworn to

and filed at least thirty (30) days prior to the time of the contemplated use of the permit. Provided, however, for good cause shown, the ~~Director public safety director or their designee~~ may accept an application for a permit less than thirty (30) days before its intended use.

### **525.03 Exceptions.**

Section ~~523.02~~ 525.02 of the code shall not be applicable in the case of solicitations made:

- (a) By any bona fide, publicly recognized evangelical, missionary, or religious organization or charities, agencies, or organizations operated, supervised, or controlled by such organizations;
- (b) By any college, university or school accredited by a regional accrediting association such as the North Central Association of Colleges and Secondary Schools or approved by the Department of Education of the state of Ohio, or person acting under the auspices of such colleges, universities or schools;
- (c) By any organization where the solicitation is made solely from the membership of said organization;
- (d) By any person requesting contributions for the relief of any individual or family, specified by name at the time of the solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary;
- (e) By any person, when contemplated gross contributions of a fund solicitation will not exceed five hundred dollars (\$500.00) in any one year, provided however that if gross contributions of such a fund solicitation exceed five hundred dollars (\$500.00), the information required by the provisions of Section 525.06 shall forthwith be filed.

### **525.04 Parent organization.**

In instances where local subordinate units operate through a local parent organization, such as Wings, Twigs, Cancer Rays, Guilds, etc. (the words, "Wings", "Twigs", "Rays", "Guilds", etc. are merely descriptive and not intended to be all-inclusive) and conduct charitable solicitation drives, which would not be regarded as community-wide in scope, the permit obtained by the parent organization will be sufficient to cover both the parent organization and subordinate organization with no need to issue , and individual permits by to the local subordinate units shall not be required.

### **525.05 Form of application.**

The application herein required shall contain the following information, where and if applicable, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

- (A) The name, address, email and phone number of ~~or~~ headquarters of the person applying for the permit;
- (B) The purpose or purposes for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, the use or disposition to be made of any receipts therefrom, and provision made for the return of funds if the funds cannot be used for the purpose stated;
- (C) The name and address of the person or persons who will be in direct charge of conducting the solicitation or solicitations and the names of all promoters connected or to be connected with the proposed solicitation or solicitations;
- (D) An outline of the method or methods to be used in conducting the solicitations;
- (E) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of each solicitation;

- (F) The estimated cost of each solicitation;
- (G) A financial statement for the last preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;
- (H) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the City of Columbus or by any department or officer thereof;
- (I) Such other information as may be reasonably required by the Director ~~public safety director or their designee~~ in order to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare;
- (J) The amount of the cost of solicitation as a percentage of the gross receipts to be realized by each solicitation.

If, while any application is pending, or during the term of any permit granted thereon, there is any material change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the Director ~~public safety director or their designee~~ in writing thereof within seven (7) days after such change.

#### **525.07 Investigation.**

The board shall examine all applications filed under C.C. 525.05 and shall make, or cause to be made, further investigation of the application and the applicant as necessary. Upon request, the applicant shall make available for inspection all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. The Director ~~public safety director or their designee~~ may require a person claiming to be exempt from the provisions of this chapter to present evidence to substantiate its claim of exemption.

#### **525.08 Issuance of permit.**

The Director ~~public safety director or their designee~~ may refuse to authorize the issuance of a permit for any and all of the following:

- (A) That any of the statements made in the application are false;
- (B) That the applicant has engaged in a fraudulent transaction or enterprise;
- (C) That the solicitation or solicitations will be a fraud on the public;
- (D) That the applicant or any professional fundraiser employed by the applicant has violated any provision of this chapter within two (2) years prior to the date of the application;
- (E) That the applicant or any professional fundraiser employed by the applicant has been convicted of any theft offense within two (2) years prior to the date of the application;
- (F) That the applicant or any professional fundraiser employed by the applicant has not registered as required by Chapter 1716 of the Ohio Revised Code;

If section (E) applies, the applicant shall be permitted to ~~appear before~~ submit a written explanation to the Director ~~public safety director or their designee~~ to explain why the theft convictions will not affect the applicant's abilities to carry out the charitable purposes of its organization.

## **525.095 Bank deposits. Reserved**

### **525.10 Appeal from decision denying permit.**

If the ~~Director public safety director or their designee~~ Director denies an application, ~~they~~ the Director shall notify the applicant of ~~their~~ the decision and the grounds for denial by certified mail. Within five (5) days after the receipt of such notification, the applicant may file a written request for an appeal together with exceptions to the grounds for which the denial of the application was based upon, to the charitable solicitations board of review. The board of review shall be composed of the director of finance and management or their designee, the city treasurer or their designee, and the city auditor or their designee. Upon the filing of such request, the charitable solicitations board of review shall fix a time and place for the hearing, which shall take place within seven (7) days after the request is filed. At the hearing, the applicant may present evidence in support of their application and exceptions. Any interested person may be allowed to participate in the hearing to present evidence. Within five (5) days after the conclusion of the hearing, the charitable solicitations board of review shall render a written report either granting or denying the application for a permit. In its report, the charitable solicitations board of review shall state the grounds upon which its decision is based. The report shall be filed in the ~~Director's or their designee's~~ Director's office for public inspection and a copy shall be sent by mail to the applicant.

### **525.11 Information on permit; term; renewal.**

Permits issued under this chapter shall bear the name of the person(s) for whose benefit the solicitation(s) are to be made, the number of the permit, the date issued, the date the permit expires, and a statement that the permit does not constitute an endorsement by the City of Columbus or by any of its departments, officers, or employees for the purpose of conducting the solicitation.

Permit holders whose permit to solicit is about to expire may apply for a renewal permit at least thirty (30) days in advance of the current permit's date of expiration or a shorter amount of time with approval of the ~~Director public safety director or their designee~~ Director for good cause shown. A renewal permit shall begin on the date of expiration of the old permit. Permits issued shall be valid for one (1) year from the date of issuance.

Any other permits issued shall be valid only from the date of issuance until the date of expiration mandated by this section for each permit holder. The standards established in this chapter shall serve as guidance to the ~~Director public safety director or their designee~~ Director in issuing permits.

### **525.12 Permit nontransferable; return upon expiration.**

Any permit issued under this chapter shall be nontransferable and shall be returned to the ~~Director public safety director or their designee~~ Director within seven (7) days of its date of suspension or revocation together with all ~~faesimile~~ copies thereof.

### **525.13 Agents and solicitors for permit holders.**

Before any agent or solicitor for a permit holder may solicit funds, they must first obtain, or be provided by the permit holder, an information card, or envelope, or some other evidence of identification, acceptable to the ~~Director public safety director or their designee~~ Director, which must be exhibited upon request when a solicitation is made. Such form of identification shall include information as follows:

- (A) The name of the permit holder;
- (B) A description of the purpose of the solicitation;

- (C) The name of the agent or solicitor. No agent or solicitor shall solicit contributions for any charitable purpose from any person located within the city unless such agent or solicitor has first received said form of identification.
- (D) No such form of identification shall be required when in-plant or in-office solicitations are made among employees for a purpose authorized by an employer.
- (E) The Director ~~public safety director or their designee~~ shall have the authority to waive all conditions of this chapter ~~upon application of person filing a notice of intention, in respect to identification forms and filing copies of written authorization~~ when a campaign or drive for raising funds for any charitable purpose is given general publicity through the press or otherwise, and when more than fifty (50) persons serve as solicitors without compensation, if it shall be proved to the satisfaction of the Director ~~public safety director or their designee~~ that the publicity concerning the solicitation fully informs the general public and the persons to be solicited as to the facts regarding such campaign.

#### **525.14 Written receipt required.**

No person shall solicit any contribution for any charitable purpose unless they are prepared to tender a written receipt signed by the solicitor which contains, in addition to a description of the amount and kind of the contribution, the following:

- (A) The name of the charity, if any, in whose name or upon whose behalf the solicitation is made;
- (B) A statement as to whether the contribution solicited is to be applied for the general purposes of such association, if any, or for specific purposes. If for specific purposes the nature thereof shall be clearly stated;
- (C) A statement that identification was presented to the person making the contribution prior to receipt.

No receipt need be given or tendered if donation is made in a sealed envelope or a locked receptacle previously approved by the Director ~~public safety director or their designee~~, so that either the amount donated or the name of the donor is unknown, or if the amount donated is less than or equal to one dollar (\$1.00).

No person shall solicit any charitable contribution, for any real or purported charitable purpose, by means of any box or receptacle in any place immediately abutting upon any public sidewalk or way, or in any place of business, room, hallway, corridor, lobby, entranceway, or resort open to or accessible to the public, except by the express written permission of the Director ~~public safety director or their designee~~, and a permit has been first issued for charitable solicitations in this manner. Every person so soliciting must comply with the provisions of this chapter.

No person under the age of fourteen (14) years shall solicit any contribution for any charitable purpose between the hours of 6:00 p.m. and 6:00 a.m. unless accompanied by a person of the age of sixteen (16) years or more. Such person accompanying persons under the age of fourteen (14) years shall have an identification card as provided in this chapter.

#### **525.17 Revocation of permits.**

Whenever the Director ~~public safety director or their designee~~ has cause to believe that any person(s) licensed under this chapter has violated any of the provisions of this chapter by misrepresenting the purpose of the solicitation, the Director ~~public safety director or their designee~~ shall give the permit holder written notice of a hearing which must be held within seven (7) days of the notification to determine whether or not the permit should be revoked. This notice must contain a statement of the facts



upon which the ~~Director~~ ~~Director or their designee~~ proposes to suspend or revoke the permit. If, after such hearing, the ~~Director~~ ~~public safety director or their designee~~ finds that this chapter has been violated or the purpose of the solicitation has been misrepresented, the permit holder and all interested persons participating in the hearing shall be notified within two (2) days with a written statement of the facts, and the ~~Director~~ ~~public safety director or their designee~~ shall immediately revoke or suspend the permit, notify the public, and advise those affected to their right of appeal in the same manner as provided for in C.C. 525.10.

#### **525.18 Notice of suspension or revocation of permit to chief of police.**

The chief of police shall be notified by the ~~Director~~ ~~public safety director or their designee~~ of the suspension or revocation of any permit issued under this chapter.

#### **525.19 Books and records of permit holders.**

No person shall solicit any contribution for any charitable purpose without maintaining a system of accounting, approved by the ~~Director~~ ~~public safety director or their designee~~, whereby all donations to it and all disbursements are entered upon the books or records.

#### **525.20 Report required from permit holder.**

It shall be the duty of all persons issued permits under this chapter to provide yearly, at the time of their renewal, a detailed report and financial statement showing the amount of funds raised, the amount expended in collecting such funds, including any and all compensation paid to any professional ~~fund~~ ~~raiser-fundraiser~~(s), and the disposition of the balance of the funds collected during the preceding (fiscal) year. If compliance with the provisions of this section is impractical, then a report for the last available (fiscal) year showing the same estimated amounts shall be submitted. This report shall be available to the ~~Director~~ ~~public safety director or their designee~~ for such purpose, all books, records, and papers whereby the accuracy of the report may be checked.

#### **525.21 Professional fundraisers.**

- (A) License Required. No professional ~~fund-raiser~~ ~~fundraiser~~ shall, in any manner whatsoever, solicit persons located in the city for any contributions for any actual or purported charitable purpose without first obtaining a license from the ~~Director~~ ~~public safety director or their designee~~ to do so.
- (B) Application. To obtain such license, such professional ~~fund-raiser~~ ~~fundraiser~~ shall make and file an application in writing including but not limited to such information as may be required by the ~~Director~~ ~~public safety director or their designee~~:
  - (1) The name and address of the applicant, and if a corporation, the name and address of each of its managing officers and agents and, if it be an unincorporated association, firm or partnership, the name and address of each member of such unincorporated association, firm or partnership;
  - (2) Any theft offenses the applicant or its officers have been convicted of in the last five (5) years;
  - (3) The general plan, character, and method in or by which applicant proposes to conduct its or their business as a professional ~~fund-raiser~~ ~~fundraiser~~;
  - (4) A complete financial statement of the applicant for the applicant's last year of operations;
  - (5) A copy of the contract under which the applicant will be soliciting contributions for the charitable organization(s) employing it.

(C) Bond.

- (1) At the time of ~~so~~ filing an application for license with the Director ~~public safety director or their designee~~ an application for such license, the applicant shall file with the City and thereafter maintain a good and sufficient license and permit bond in the aggregate sum of five thousand dollars (\$5,000.00) ~~running to the city~~ for the use and benefit of interested persons and parties. The bond must be executed by the applicant and by two (2) or more responsible sureties, or a surety company authorized to do business in the State of Ohio. The total aggregate liability shall be limited to the payment of five thousand dollars (\$5,000.00), and shall be conditioned upon strict compliance with the provisions of this section. Payment of any direct financial loss sustained through any act of grand or petty theft on the part of the principal, any donor or by any person on whose behalf the funds or personal property were solicited or received.
  - (2) The bond shall remain in effect for the entire period of the license. The sureties may cancel said bond and be relieved of further liability by delivering thirty (30) days written notice to the Director ~~public safety director or their designee~~. Such cancellation shall not affect any liability incurred or accrued prior to the termination of the thirty (30) day period.
  - (3) Any person who sustains any injury covered by the bond may bring an action in their own name against the bond for the recovery of any damages incurred.
  - (4) Upon such action being commenced, such bond shall not be void after the first recovery, but may be sued upon until the whole of such penalty is exhausted. The Director ~~public safety director or their designee~~ may require the filing of a new bond, and upon failure to file within ten (10) days, the Director ~~public safety director or their designee~~ shall suspend the license to solicit.
  - (5) The time which any action may be brought against a bond shall be limited to a period of two (2) years from or after the discovery of the act or default complaint.
- (D) Fee. For the filing of such application the applicant shall pay a fee of one hundred fifty dollars (\$150.00) to the Director ~~public safety director or their designee~~.
- (E) The Director ~~public safety director or their designee~~ shall examine such application and may conduct further investigation of the applicant if needed. The Director ~~public safety director~~ shall authorize their designee to issue a license to solicit as a professional fundraiser within the city, to every person or organization that complies with the provisions of this section except if any of the following is found to be true:
- (1) The applicant has insufficient financial responsibility to carry out the obligations incident to any solicitation such applicant may make to persons located within the city as a professional fundraiser;
  - (2) Statements made in the application are false;
  - (3) The applicant or its officers, agents or members have violated any provisions of this section or engaged any fraudulent transaction;
  - (4) That the applicant's planned solicitation would act as a fraud upon the public;
  - (5) That the applicant is not registered with the state under the provisions of Chapter 1716 of the Ohio Revised Code.

If the Director ~~public safety director or their designee~~ refuses to issue a license to such applicant, the Director ~~#~~ shall notify the applicant in writing of the reasons for such refusal and the right to appeal the decision pursuant to section 525.10.

- (F) Revocation. The ~~Director public safety director or their designee~~ may revoke the license of any professional fundraiser issued under this section if, after a hearing, it is found that the professional fundraiser or any agents or professional solicitors employed by the professional fundraiser have violated any provision of Chapter 525 of the Columbus Codes. The ~~Director public safety director or their designee~~ shall notify the professional fundraiser in writing of the reasons for such revocation. Upon notice of such revocation the professional fundraiser and their employees and agents shall cease soliciting contributions from persons located within the city. A professional fundraiser may appeal the revocation as provided for in ~~CC~~ section 525.10.
- (G) Termination. Every such license shall terminate or expire on December 31<sup>st</sup> of the year of issuance.
- (H) Funds. No professional fundraiser shall commingle any contributions with the professional fundraiser's own funds or property, or fail at any time to maintain and keep all contributions separate and apart from the professional fundraiser's own funds or property.

**525.22 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. ~~This~~ Any such declaration ~~or~~ of invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**525.24 Permit to engage in not for profit distribution in the roadway.**

- (A) The ~~Director public safety director or their designee~~ shall issue a permit to engage in not for profit distribution on a street, alley, highway or roadway with the driver or occupants of a vehicle when all requirements of paragraph (B) of this section have been met. There shall be no charge for permits issued under this section.
- (B) An individual or organization may apply for and obtain a permit to engage in not for profit distribution in the street, alley, highway or roadway, but not on a freeway as provided in Section 4511.051(A), Ohio Revised Code, when a permit is issued by the ~~Director public safety director or their designee~~ as follows:
  - (1) The ~~Director public safety director or their designee~~ shall approve a form and receive applications to engage in not for profit distribution on a street, alley, highway or roadway, and shall adopt rules and regulations to implement this section.
  - (2) The application shall state the date and times for the distributions and shall not be issued to an individual or organization for more than one (1) day each calendar year, and only during the hours of 8:00 a.m. and 6:00 p.m. or during daylight hours on such date.
  - (3) The application to distribute shall specify the locations or intersections, and shall list the names of all individuals and agents authorized to distribute on behalf of an organization.
  - (4) The application shall be accompanied by a current and valid liability insurance policy or certificate of insurance in the amount of not less than one million dollars (\$1,000,000) that insures the individual or organization for any and all claims that may arise as a result of engaging in not for profit distribution in the street, alley, highway or roadway, and contains a clause that names the city and its officers, agents or employees as an additional named insured under the policy.
  - (5) The application may be accompanied by a statement that the proposed distribution will not cause excessive traffic congestion or hazards and does not conflict with a previously issued

parade permit or scheduled public event. The Director ~~public safety director or their designee~~ must make both an inquiry and a determination on those subjects prior to the issuance of a permit.

- (6) The chief of the division of police shall be provided a copy of the application, permit, and names of the individual or agents of an organization that is issued a permit under this section. All agents engaging in not for profit distribution shall possess a copy of such permit with them during the period of such distribution.
- (C) If charitable solicitation occurs during the distribution, the permit holder shall notify the Director ~~public safety director or their designee~~ within sixty (60) days of conclusion of the net proceeds resulting from the solicitation.
- (D) The requirements of paragraph (B) shall not apply to any employee of the division of ~~fire~~ fire, provided the Director ~~public safety director or the director's designee~~, and the chief of the division of police, have received prior written notice of the date, time, and locations or intersections for not for profit distribution, and provided the employee is in uniform while on the street, highway, or roadway, and provided the employee has received permission from the chief of the division of fire.

### **Chapter 531 Reserved ~~AMPLIFICATION EQUIPMENT; SOUND TRUCKS~~**

### **Chapter 533 Reserved ~~AUTOMOBILE PARKING LOTS (Repealed)~~**

### **Chapter 535 CLOSING-OUT SALES; DISTRESSED-MERCHANDISE SALES**

#### **535.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, for purposes of this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth: As used in this chapter:

- (a) "~~License Supervisor Section~~" means the License Section ~~Section of Licenses Supervisor~~.
- (b) "Closing-out sale" means any offer to sell to the public, or sale to the public, of goods, wares or merchandise upon the implied or direct holding out or representation that such sale is in anticipation of the ceasing, discontinuance and termination of a business at its present location.
- (c) "Distressed-merchandise sale" means any offer to sell to the public, or sale to the public, of goods, wares or merchandise upon the implied or direct holding out or representation that such sale is being conducted under any one, or combination, of the following circumstances, whether or not such sale is in anticipation of the cessation of business:
  - (1) That such goods, wares or merchandise were acquired from a person who has terminated business or is in the process of terminating business.
  - (2) That such goods, wares or merchandise were acquired from another store of the person conducting the sale at which the person has terminated business or is in the process of terminating business.
- (d) "Goods" means any goods, wares, merchandise or other property capable of being the object of a closing-out sale or a distressed-merchandise sale.

- (e) "Shall" is always mandatory and never directory.
- (f) "Director" shall mean the Director of the Department of Building and Zoning Services, or their designee

### **535.02 Columbus sale commission.**

There is created the Columbus sale commission to be composed of three persons appointed by the mayor with the advice and consent of council, to serve, without compensation for a term of three years, and who shall have such duties and powers as set forth in this chapter, and as may from time to time be prescribed by ordinance. The commission shall select one of its members to act as chairperson at its first meeting subsequent to July first of each year. The license ~~supervisor~~ section shall be secretary to the commission and may attend all meetings of the commission, keep a record thereof, enter into the discussion of any matter being considered by the commission, and perform such duties relative to closing-out sales and distressed-merchandise sales as may be authorized by the commission. The mayor shall appoint three (3) electors as members of the commission; one to serve until July 1, 1958; one to serve until July 1, 1959; and one to serve until July 1, 1960. Thereafter, the appointed members of the commission shall serve three (3) year terms and until their successors are appointed and qualified.

### **535.03 License required.**

- (a) No person shall advertise or conduct a closing-out sale or sell or offer to sell any goods at a sale advertised or represented by any means to be a closing-out sale without first obtaining a license to conduct a closing-out sale from the license ~~section of licenses~~, nor continue a closing-out sale after the expiration of such license.
- (b) No person shall advertise or conduct a distressed-merchandise sale or sell or offer to sell any goods at a sale advertised or represented by any means to be a distressed-merchandise sale without first obtaining a license to conduct a distressed-merchandise sale from the ~~section of licenses~~ license section, nor continue a distressed-merchandise sale after the expiration of such license, provided that this ~~subsection~~ division (b) shall not apply to any person conducting a sale pursuant to a closing-out sale license issued under this chapter.

### **535.04 Application for closing-out sale.**

Any person desiring to conduct a closing-out sale shall make written application to the ~~section of licenses~~ license section on any ~~in~~ such form as may be prescribed by the Columbus sale commission. Such application shall be verified by the applicant before a person authorized to administer oaths and shall contain the following information and such other information as the Columbus sale commission may deem necessary:

- (a) The name and address of the owner of the goods to be the object of the sale and the name and address of the operator of such sale, if other than the owner.
- (b) The name and address of the persons from whom the goods were purchased or acquired and the terms, conditions and date of such purchase or acquisition.
- (c) A description of the place where such sale is to be held.
- (d) The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.
- (e) A full and complete statement of the facts regarding the proposed closing-out sale, including the reason why such sale is to be conducted, and the dates of commencement and termination of such sale.

- (f) The means to be employed in advertising and publicizing such sale including the content of any proposed advertisement or publicity.
- (g) A complete and detailed inventory of the goods on hand or on order and not yet received to be sold at such sale as disclosed by the applicant's records which inventory shall include only goods purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not include goods purchased on consignment or goods ordered in contemplation of conducting such sale. Any unusual purchase or additions to the stock of goods within the thirty (30) days prior to the filing of the application shall be prima facie evidence that such purchase or addition was made in contemplation of such sale and for the purpose of selling the sale at such sale. No person or official shall disclose the contents of such inventory, except as may be necessary in the administration and enforcement of this chapter.
- (h) A statement of the total retail value of the inventory submitted in accordance with ~~subsection~~ division (g).
- (i) An itemized listing of any goods on hand at the premises of the sale which are not to be included in the sale including any goods on order but not yet received.
- (j) A detailed explanation of the disposition to be made of the business and the premises upon the termination of the sale.

#### **535.05 Application for distressed-merchandise sale.**

Any person desiring to conduct a distressed-merchandise sale shall make written application to the license section of licenses in on any such form as may be prescribed by the Columbus sale commission. Such application shall be verified by the applicant before a person authorized to administer oaths and shall contain the following information and such other information as the Columbus sale commission may deem necessary:

- (a) The name and address of the owner of the goods to be the object of the sale and the name and address of the operator of such sale, if other than the owner.
- (b) The name and address of the persons from whom the goods were purchased or acquired and the terms, conditions, and date of such purchase or acquisition.
- (c) A description of the place where such sale is to be held.
- (d) A full and complete statement of the facts regarding the proposed distressed-merchandise sale, including the reason why such sale is to be conducted and an explanation of the conditions of the goods to be sold, and the dates of commencement and termination of such sale.
- (e) The means to be employed in advertising and publicizing such sale including the content of any proposed advertisement or publicity.
- (f) A complete and detailed inventory of the goods on hand or on order and not yet received to be sold at such sale as disclosed by the applicant's records.
- (g) A statement of the total retail value of the inventory submitted in accordance with ~~subsection~~ division (f).

#### **535.07 Investigation of applicant.**

Upon the filing of an application for a closing-out license or a distressed-merchandise sale license, the ~~license supervisor~~ license section may cause an investigation to be made of the facts contained therein and of the conduct of such sale to effectuate the purposes of this chapter. Upon completion of the investigation, the ~~license supervisor~~ section shall submit such application and the result of the

investigation to the Columbus sale commission. The commission may cause such additional investigation to be made as it deems necessary. In the making of such investigation both the ~~license supervisor section~~ and the chairperson of the commission may compel the attendance of witnesses and administer oaths in connection with the taking of testimony in regard thereto.

If it appears to the commission that all the statements in the application are true, that the proposed sale is of the character represented therein, that the application and the proposed sale is in full compliance with this chapter, and that the required license fee has been paid, the commission shall approve the issuance of the requested license to the applicant. After the approval of the issuance of either a closing-out sale license or a distressed-merchandise sale license, the ~~License Supervisor~~ license section shall forthwith issue such license to the applicant.

### **535.10 License revocation.**

The ~~Section of Licenses~~ license section shall revoke any license whether a closing-out sale license or distressed-merchandise sale license, issued pursuant to this chapter if the ~~Section of Licenses~~ license section finds that the licensee has:

- (a) Violated any of the provisions of this chapter;
- (b) Made any material misrepresentation in the application;
- (c) Failed to include in the inventory filed with the application all the goods being offered for sale;
- (d) Offered or permitted to be offered at said sale any goods not included in the inventory filed with the application;
- (e) Failed to keep suitable records of said sale; or
- (f) Made or permitted to be made any false or misleading statements or representations in displaying, ticketing or pricing goods offered at such sale, or in advertising such sale.

### **535.11 License renewal.**

The ~~Section of Licenses~~ license section may upon application therefor and payment of the requisite fee, renew a closing-out sale license issued under this chapter for an additional period of twenty days if the licensee upon the termination of such sale intends to discontinue business in the city and if the licensee has not sold substantially all the goods listed in the inventory filed with the original application. Such facts shall be sworn to by the applicant in the appropriate place on the application for renewal of the license. An application for renewal of a license shall be accompanied by an inventory listing all the goods listed in the inventory filed with the original application remaining unsold. Only such goods as were listed in the original inventory and listed in the inventory filed with the renewal application may be sold during the renewal period.

### **535.13 Prohibited activities during distressed-merchandise sales.**

No person issued a distressed-merchandise sale license shall during a distressed-merchandise sale:

- (a) Add any goods to the stock described in the inventory filed with the original application.
- (b) Sell, offer for sale, or permit to be sold or offered for sale, any goods not listed in the inventory with the representation express or implied that such goods are being sold or offered for sale at a distressed-merchandise sale.
- (c) Fail to keep any goods not listed in said inventory separate and apart from the goods listed in the inventory or fail to make such distinction clear to the public by appropriate tags placed on

- all inventoried goods in and about the place of sale apprising the public of the status of all such goods.
- (d) Fall to tag prominently all goods being offered for sale at a distressed-merchandise sale indicating both the true original retail price of said goods and the price at which the goods are being offered for sale.
  - (e) Misrepresent or permit to be misrepresented the true original retail price of any goods being offered for sale.
  - (f) Violate any of the provisions of this chapter or C.C.C. ~~chapter 2939.01 through 2939.05~~.

**535.15 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 536 Reserved. ~~COMMUNIST MADE GOODS~~**

**Chapter 537 Reserved. ~~JEWELRY AUCTIONS (Repealed)~~**

**Chapter 538 Reserved. ~~OPHTHALMIC LENSES AND EYEGLASSES (Repealed)~~**

**Chapter 539 Reserved. ~~PAWNBROKERS (REPEALED)~~**

**Chapter 540 MASSAGE AND BATH ESTABLISHMENTS**

Chapter 540 Massage and Bath Establishments

**540.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, for the purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth:

- (A) "Massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, moving, touching or stimulating of soft tissues of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice for a purpose other than the licensed practice of the limited branches of medicine, as defined in Ohio Revised Code Section 4731.15 under the jurisdiction of the State Medical Board of Ohio, including but not limited to therapeutic and relaxation massage.
- (B) "Massage establishment" means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in



or carried on any of the activities mentioned in subsection (A) above for any consideration whatsoever.

- (C) "Bath establishment" means any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activity involving any type of physical contact between a patron and an employee or operator, as defined in this section, when that contact is related to providing any form of sauna, shower, steam bath, electric light bath, shower bath, tub bath, hot tub bath, sponge bath, sun bath, mineral bath, Finnish, Swedish or Turkish bath, giving salt glows, administration of fomentation or public bathing in any form for any consideration whatsoever.
- (D) "Out-call massage service" means any business, the function of which is to engage in or carry on massages at a location other than a massage establishment registered pursuant to this chapter.
- (E) "Registered masseuse" or "registered masseur" means any person who, for any consideration whatsoever, engages in the practice of massage as defined in subsection (A) above.
- (F) "Employee" means any and all persons, other than the registered masseuse or masseur, who render any service to the operator and who receive compensation directly from the operator.
- (G) "Person" means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (H) "Operator" means the permit holder ~~operator~~ of a massage or bath establishment.
- (I) "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
- (J) "Director" shall mean the Director of the Department of Building and Zoning Services, or their designee

#### **540.02 Registration required.**

- (A) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the city of Columbus, the operation of a massage or bath establishment as herein defined without first being properly registered with the city of Columbus in accordance with this chapter.
- (B) No person shall engage in the business of or be employed as a registered masseuse or masseur in the city of Columbus unless the person has registered with the city of Columbus, Licensing License Section.

#### **540.04 Application for massage or bath establishment registration; fee.**

- (A) Application for a registration to operate a massage or bath establishment including a renewal registration as required by Section 540.02(A) shall be made pursuant to this chapter and Chapter 501 of the Columbus City Codes at the office of the ~~Section of Licenses~~ License Section on a form provided. Each application shall include a filing fee of one hundred fifty dollars (\$150.00) which shall not be refundable.
- (B) The application for a registration to operate a massage or bath establishment shall specify the services to be administered, the identity of any person who will be directly or indirectly engaged in managing or operating the establishment, and the proposed place of business therefor.

- (C) In addition to the foregoing, the registrant, including any partner of a partnership, and any officer or director of a corporate applicant and any stockholder holding more than ten (10) percent of the stock of a corporate applicant, shall furnish the following information:
- (1) Name, address and social security number;
  - (2) A certified copy of the applicant's birth certificate which evidences that the applicant is at least eighteen (18) years of age;
  - (3) All residential addresses for the past three (3) years;
  - (4) The applicant's physical description, including height, weight, color of eyes and hair;
  - (5) The business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application;
  - (6) The business history of the applicant regarding previous licenses or registrations obtained or refused from any governmental agency including revocations and suspensions and the reasons therefor;
  - (7) A set of fingerprints and a certified copy of applicant's criminal history information, including date, time and place of convictions for all violations except traffic offenses as obtained from any local or state law enforcement agency;
  - (8) A recent two (2) inch by two (2) inch color photograph of the applicant;
  - (9) If the applicant is a corporation, or a partner of a partnership which is incorporated, the name of the corporation shall be set forth exactly as shown on its articles of incorporation.

**540.05 Issuance of registration for massage or bath establishment.**

- (A) The ~~Section of Licenses~~ License Section, pursuant to the terms of this chapter and Chapter 501 of the Columbus City Codes, shall issue the registration to an applicant to operate a massage or bath establishment at a specified location, unless the ~~Section of Licenses~~ License Section finds:
- (1) That the operation, as proposed by the applicant, if permitted, would not be in compliance with applicable laws, including, but not limited to, the building, health, planning, housing, zoning and fire codes of the city of Columbus, as well as the provisions of this chapter.
  - (2) That the application does not contain all the required information or the application contains a material misrepresentation;
- (B) The ~~Section of Licenses~~ License Section may refuse to register in accordance with this chapter any applicant, who has been convicted of any violation of Chapter 2907 and/or Section 2905.32, 2925.02, or 2925.03 of the Ohio Revised Code or similar state or local law, or who has been convicted of any crime related to the operation of any massage or bath establishment in any jurisdiction.
- (C) A massage or bath establishment certificate of registration issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance unless subject to suspension or revocation.

**540.06 Revocation or suspension of establishment registration.**

- (A) The ~~Section of Licenses~~ License Section may revoke or suspend a massage or bath establishment registration where it finds:

- (1) A section of this chapter or Chapter 501 of the Columbus City Codes was violated upon the establishment premises;
  - (2) A violation of the Ohio Revised Code or Columbus City Codes was committed upon the establishment premises, and was reasonably related to the management or operation of the establishment;
  - (3) A material misrepresentation was made upon the application for an establishment registration;
  - (4) An operator, or employee or agent of the operator, hindered, obstructed or prevented any inspection of the establishment authorized by this chapter or Chapter 501 of the Columbus City Codes;
  - (5) A person who is not a registered masseuse or masseur has administered a massage at the premises of the massage establishment.
- (B) The suspension or revocation of a massage or bath establishment registration shall be made pursuant to the provisions of this chapter and Chapter 501 of the Columbus City Codes and the appeal of any such order shall be pursuant to the provisions of Chapter 505 of the Columbus City Codes.

**540.07 Application for masseuse or masseur registration; fee.**

- (A) Application for the masseuse or masseur registration required by Section 540.02(B) including a renewal masseuse or masseur registration shall be made pursuant to the terms of this chapter and Chapter 501 of the Columbus City Codes at the office of the ~~Section of Licenses~~ License Section on a form provided. Each application shall include a filing fee of seventy-five dollars (\$75.00) which shall not be refundable.
- (B) The application for a registration to operate as a registered masseuse or masseur shall contain the following information:
- (1) Applicant's name, residence address and social security number;
  - (2) A physical description setting forth the applicant's weight, height, hair color and color of eyes;
  - (3) A recent two (2) inch by two (2) inch color photograph of the applicant;
  - (4) A certified copy of the applicant's birth certificate which evidences that the applicant is at least eighteen (18) years of age;
  - (5) A copy of applicant's state of Ohio and nationwide current criminal history information, including date, time and place of convictions for all violations except traffic offenses. Current criminal history must be obtained by the applicant from the Columbus Division of Police or the Franklin County Sheriff's Office and sent to the City of Columbus, License Section. Any costs associated with obtaining the required criminal history shall be incurred by the applicant.

**540.08 Issuance of registration for a masseuse/masseur.**

- (A) The ~~Section of Licenses~~ License Section pursuant to this chapter and Chapter 501 of the Columbus City Codes shall register the applicant to engage in the business of or be employed as a registered masseuse or masseur in the city of Columbus, unless the ~~Section of Licenses~~ License Section finds:
- (1) That the application does not contain all the required information or the application contains material misrepresentations.
- (B) The Section of Licenses may refuse to issue a certificate of registration to an applicant to engage in the business of, or be employed as, a registered masseuse or masseur if the applicant has been convicted of any violation of Chapter 2907 of the Ohio Revised Code or any similar state or local

law or has been convicted of any crime related to the operation of any massage or bath establishment in any jurisdiction.

- (C) A certificate of registration issued pursuant to this chapter shall terminate at the expiration of one (1) year from the date of its issuance unless subject to suspension or revocation.

#### **540.09 Revocation or suspension of massage registration.**

- (A) The ~~Section of Licenses~~ License Section may revoke or suspend a massage registration where it finds that the registrant has been convicted of any violation of Chapter 2907 of the Ohio Revised Code or any similar state or local law or has been convicted of any crime related to the operation of any massage or bath establishment.
- (B) The suspension or revocation of a massage registration shall be pursuant to the provisions of this chapter and Chapter 501 of the Columbus City Codes and the appeal of any such order shall be pursuant to the provisions of Chapter 505 of the Columbus.

#### **540.11 Prohibitions.**

- (A) No owner or operator of a massage or bath establishment shall recklessly do any of the following:
  - (1) Employ an un-registered masseur or masseuse;
  - (2) Employ any person under the age of eighteen; or
  - (3) Fail to post at the massage or bath establishment the current massage or bath establishment certificate ~~or~~ of registration as well as the registrations of all masseuses or masseurs working at the establishment.
- (B) No registered masseuse or masseur shall fail to display the certificate of registration in a conspicuous place where the massage is being administered and where it is visible to the patron.
- (C) No person shall recklessly do any of the following while administering a massage to another individual:
  - (1) Place their hand upon, touch with any part of their body, fondle in any manner, or massage the sexual or genital area of themselves or of any other person;
  - (2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of themselves or of any other person;
  - (3) Touch, offer, or agree to touch the sexual or genital area of themselves or of any other person with any mechanical or electrical apparatus or appliance; or
  - (4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse.
- (D) No registered masseur or masseuse shall perform massage at a massage or bath establishment that does not have a current, valid certificate of registration issued by the city of Columbus.
- (E) No registered masseuse or masseur shall use the title "Licensed Massage Therapist" or the initials "L.M.T." or hold ~~themselves~~ themselves out to be so licensed unless licensed by the State Medical Board of Ohio.
- (F) No massage or bath establishment shall permit any registered masseuse or masseur while employed by the establishment to use the title "Licensed Massage Therapist" or the initials "L.M.T." or hold themselves out to be so licensed unless licensed by the State Medical Board of Ohio.

---

### **540.15 Rules and regulations.**

The ~~Section of Licenses~~ License Section may make and enforce reasonable rules and regulations to carry out the intent of this chapter in accordance with Sections 501.05 ~~and 501.06~~ of the Columbus City Codes.

### **540.9816 Severability clause.**

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration of invalidity or unconstitutionality shall be limited to that portion, section or part of section declared invalid or unconstitutional. Any such declaration of invalidity or unconstitutionality shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable. ~~decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.~~

## **Chapter 541 SECONDHAND DEALERS GENERALLY**

### **541.01 Definitions—Sign required.**

Unless a different meaning is clearly indicated by the context in which the words or phrases is used, when used in this Chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth:

- (a) ~~The term~~ For purposes of this chapter, a “secondhand dealer” is defined as means a person operating a store, shop, or other business outlet for the purpose of purchasing, selling, exchanging, or receiving secondhand articles of any kind on a continuing basis.
- (b) The term “secondhand articles” means any item which has previously been used or worn by another; something which is not new.
- (c) A person who is operating as a secondhand dealer in the city, shall post in a conspicuous place in or upon a shop, store, wagon, boat or other place of business, a sign having the name and occupation legibly inscribed thereon.

### **541.02 Record information.**

- (a) All secondhand dealers shall keep a separate book in which shall be written, in the English language, the following specified items:
  - (1) A complete description including serial number where available of any article listed in subsection (b) hereof, which has been purchased or received by said dealer; and
  - (2) The name, address, social security number, driver's license number and automobile license number of the vehicle of the person from whom such article was purchased or exchanged; and
  - (3) The date when such purchase or exchange was made.
- (b) This section shall apply in those instances where the article purchased or received by the dealer is any secondhand, scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, household furniture or furnishings, household appliances, office equipment, coins, jewelry, clothing, weapons, bicycles, toys and/or electronic equipment.
- (c) Every entry shall be numbered consecutively, commencing with the number one.

- (d) All books or records which are required to be maintained as a result of this section, shall be open to inspection by any of the following persons, or their duly authorized agent:
- (1) The mayor;
  - (2) The ~~director of public safety~~ Director of Building and Zoning Services;
  - (3) The chief of police; ~~or~~
  - (4) ~~A police officer or any agent duly authorized by the mayor, the director of public safety, or the chief of police.~~

Upon demand by any of the previously specified persons, the secondhand dealer shall also produce and show the article or articles thus listed and described which are in the secondhand dealer's possession.

#### **541.03 Daily reports to police.**

The purchaser of an article described in C.C. 541.01 shall prepare and deliver each day to the chief of police ~~or head of the police department~~ before 12:00 noon, on forms to be furnished by the chief of police, a legible and correct copy written in English, from such book containing a complete description of each article purchased or received during the preceding day, the date the purchase was made, and a description as to name, address, and license number of the automobile of the person from whom it was purchased.

#### **541.05 Tagging articles.**

A tag shall be attached to all nonferrous metals mentioned in ~~C.C. section~~ 541.01 which are received by junk yards or processing plants. Said tag shall be attached to the article in some visible and convenient place, with the number written thereupon corresponding to the entry number on the book required to be kept by ~~C.C. section~~ 541.02. This section shall not apply to purchases by a processor when buying directly from junk yards or legitimate business concerns producing such nonferrous metals in the course of its business. For purposes of this section "nonferrous metals" are defined as materials that are not iron-based like their ferrous counterparts. Common nonferrous metals include copper, aluminum, and lead.

#### **541.08 Use of fictitious name or address; penalty.**

It shall be unlawful for any person to use a fictitious name or address when said person sells or pawns merchandise to any pawn shop, junk yard, processor or secondhand store in the city. Whoever violates this section shall be deemed guilty of a third degree misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days ~~six (6) months~~, or both.

#### **541.09 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 543 Reserved. ~~SALVAGE MOTOR VEHICLE DEALERS~~**

**Chapter 545 Reserved. ~~WEAPONS SALES (REPEALED)~~**

## Chapter 547 Reserved. ~~WHOLESALE PRODUCE DEALERS~~

### Chapter 550 SCRAP METAL DEALERS

#### 550.01 Definitions.

Unless a different meaning is clearly indicated by the context in which the word is used, when As used in Chapter 550 of the Columbus City Codes:

"Scrap metal facility" means any facility, establishment or place of business that is maintained or operated for the primary purpose of receiving, storing, processing, buying, or selling scrap metal for remelting or recycling purposes.

"Scrap metal facility licensee" or "licensee" means any person holding a scrap metal facility license issued pursuant to this chapter and includes any person acting as the license holder's authorized agent or employee.

"Scrap metal" means any article or material intended for recycling composed of iron, steel, or nonferrous metal or metal alloy, including but not limited to, copper, brass, bronze, aluminum, or stainless steel. Scrap metal does not include used beverage containers.

"Motor Vehicle" and "Vehicle Identification Number" shall have the same meaning as set forth in Section 4501.01 (B) and (BB), respectively, of the Ohio Revised Code.

"Retail transaction" means any transaction involving any person other than an industrial or commercial account, a nonprofit account, or a governmental account, in which a scrap metal facility purchases or receives scrap metal; "Industrial or commercial account" means any person that satisfies one (1) of the following criteria: 1) the business is registered with the Ohio Secretary of State; 2) the business has been issued a vendor's license under Ohio Revised Code Section 5739.17; 3) the business advertises its services in a newspaper of general circulation once a week for not less than six (6) consecutive months or provides a receipt showing payment for such advertising, in a telephone book, in electronic media that is available to the public, or in some other type of media that is owned and operated by a person other than the business; and, if an individual operates the business, the individual advertising the business has a specific place of business that is not the individual's permanent ~~home~~ place of residence. The term may include other scrap metal facilities.

"Nonprofit account" means any nonprofit organization that is exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501(a), and that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

"Governmental account" means any political subdivision, as defined in Section 2744.01(F) of the Ohio Revised Code, that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

#### 550.02 License requirement; expiration.

No person shall operate a scrap metal facility in the City of Columbus except under authority of a valid scrap metal facility license issued by the License Section ~~department of public safety, license section,~~ in the name of the person operating the facility and for the specific site of the facility. Every license shall expire at the end of one (1) year following its date of issuance, subject to suspension ~~of~~ or revocation pursuant to Section 550.06 of this chapter. An application for a renewal of a license must be submitted prior to the annual expiration date of the existing license, as provided in ~~Section 501.17~~ Chapter 501 of the Columbus City Codes, and operation under authority of the existing license may

continue until issuance or denial of the renewal of the license, provided submission of the renewal application is timely.

**550.03 Application for scrap metal facility licenses; fee.**

- (A) Application for a scrap metal facility license required by Section 550.02, including the renewal of a license, shall be made in writing and sworn to on a form provided by the license section and pursuant to the terms of this chapter and Chapter 501 of the Columbus City Codes. Each application shall include a filing fee of five hundred (\$500.00) dollars, which shall not be refundable, and identify the applicant and the address of the facility to be licensed. The filing fee shall be waived for any person that is operating a scrap metal facility at that specific site under a valid junk yard or salvage yard license issued pursuant to ~~Section 3392.02~~ Chapter 3392 of the Columbus City Codes.
- (B) The application for a license to operate a scrap metal facility shall include the following information
  - (1) A list identifying every individual who will be directly engaged in managing or supervising the daily operations of the facility, and for each individual so identified the following information shall be provided by the applicant
    - (a) The individual's name, address and social security number;
    - (b) A photocopy of the current and valid driver's license, military identification, or other photo identification card issued to the individual by the federal government or any state;
    - (c) A set of fingerprints and a certified copy of the individual's criminal history information, including date, time and place of convictions for all violations except traffic offenses as obtained from any local or state law enforcement agency
  - (2) The applicant's history of any government-issued licenses or permits related to the operation of any scrap metal facility, including any currently held by the applicant and any previously issued licenses or permits that were revoked or suspended within the past ten (10) years and the reasons therefor;
  - (3) If the applicant is a business entity that is required to register with the Secretary of State of Ohio, a copy of a current certificate of good standing issued by that office.
- (C) No person shall knowingly make a false license application or procure or seek to procure a license for another.

**550.07 Records of transactions; daily reports to police.**

- (A) All scrap metal facility licensees shall maintain a separate record book or electronic file in which the licensee shall keep an accurate, legible and complete record of all of the following specified information for each retail transaction
  - (1) A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, which description shall be as set forth in Ohio Revised Code Section 4737.04~~(B)(5)~~.
  - (2) The seller's name and current address;
  - (3) The identification number from a current and valid driver's license, military identification, or other photo identification card issued to the seller by the federal government or any state;



- (4) The license plate number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility;
  - (5) An impression of the right or left thumb of the seller;
  - (6) The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction;
  - (7) If the article or material that has been purchased or received by the licensee is a motor vehicle, the record shall include the vehicle identification number of that motor vehicle as shown on the certificate of title.
- (B) Every retail transaction shall be numbered consecutively.
- (C) The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all the information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's prior day's report to the chief of police or designee. Delivery of the daily report shall be by means of a computerized tracking system approved by the chief of police or designee. Unless delivered to the chief of police via the approved computerized tracking system, the thumb impression required by division (A)(5) of this section shall be retained by the licensee in accordance with division (D) of this section.
- (D) The records described in this section shall be retained by the licensee for one (1) year following the date of the retail transaction.

**550.14 Severability clause.**

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration of invalidity or unconstitutionality shall be limited to that portion, section or part of section declared invalid or unconstitutional. Any such declaration of invalidity or unconstitutionality shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable. ~~decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.~~

**Chapter 551 BILLIARD ROOMS**

**551.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this Chapter:

- (a) "Billiards" ~~as used in this chapter~~ shall mean any of the several games played on a table surrounded by an elastic ledge or cushions, with balls which are impelled by a cue, and shall include all forms of the game known as pool, except that form of pool known as skill pool ~~heretofore~~ defined as one of the several types of pinball games.
- (b) "Billiard room" shall mean any public place wherein the game of billiards is permitted to be played.

**551.03 Application; fees.**

Every person, society, club, firm or corporation desiring to open or maintain a billiard room must make application to the ~~section of licenses~~ License Section for a license therefor on such form prescribed and provided by the License Section. The application shall be filed at least thirty (30) days prior to the issuance of such license and shall be accompanied by the payment of fees therefor as follows:

- (a) For a license to open, conduct, maintain, or operate a billiard room, one hundred twenty-five dollars (\$125.00);
- (b) Provided, however, that no fee or fees required by the provisions hereof shall be required of organizations not operating such billiard rooms for profit. All monies received by way of license fees shall be paid into the General Fund of the city.

**551.04 Requirements of applicant.**

No person shall be granted a license hereunder unless the person is:

- (a) A resident of Franklin County.
- (b) ~~Of the age of e~~Eighteen (18) years of age or over.
- (c) Of good moral character.
- (d) Known not to associate with persons of bad moral character.
- (e) ~~as~~ Has not been convicted of a felony, within five (5) years prior to application, or who, if convicted and sentenced to prison, has not been released from prison within five (5) years prior to application.
- (f) ~~A person who has~~ Has not been convicted of gambling offenses, sex crimes, involving moral turpitude within five years prior to application, and if sentenced to any place of detention for such offense has not been released at least five (5) years prior to application. Provided, however, that any person who has been convicted of any more than one sex offense ~~more than one time~~ shall not be granted a license.

**551.09 Transfer of license or permit.**

- (a) No license or permit issued hereunder shall be transferable from one person to another during the pendency of a prosecution for the violation of any of the provisions of this chapter. In the event of a transfer of a license hereunder, the transferee and employees shall qualify as required by and in every respect to comply with the terms of the provisions of this chapter. Any such transfer shall be subject to approval by the Director ~~director of public safety~~.
- (b) No license or permit issued hereunder shall be transferable from one location to another until an application for transfer has been approved by the Director ~~director of public safety~~.

**551.20 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 553 Reserved. BOXING AND WRESTLING EXHIBITIONS**

**Chapter 555 DANCES AND DANCE HALLS**

### **555.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when As used in this chapter, certain terms are defined as follows:

- (a) "Public dance," means any dance to which admission may be had by 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 for clothing or other property or any other dance to which the public generally may gain admission with or without the payment of a fee.
- (b) "Public dance hall," means any room, place, or space in which a public dance shall be held.
- (c) "Special occasions," means officially proclaimed legal city holidays.

### **555.03 License application and qualifications.**

Every person, society, club or dance school desiring a dance hall license shall make application to the Director ~~director of public safety~~ for a license therefor, which application and whose qualifications shall be as prescribed in Chapter 501 of Columbus City Codes, 1959.

### **555.06 License denial, suspension or revocation.**

Pursuant to Chapters 501 and 555 of Columbus City Codes, 1959, the License Section Supervisor may issue, revoke, suspend, or refuse to issue a dance hall license. Any license granted or issued under the terms of these chapters may be revoked or suspended at any time by the License Section Supervisor upon satisfactory proof of violation of any provision pursuant to these chapters or which could have been grounds for failure to issue the original license.

### **555.07 License appeals and procedure.**

Decisions denying, revoking or suspending licenses under this Chapter may be appealed to the board of license appeals in accordance with the ~~License appeals and procedures set forth shall be as promulgated~~ in Chapter 505 of the Columbus City Codes, 1959.

### **555.08 Hours of operation.**

In order to protect the good order and quiet of the city, it shall be unlawful for any person, society, club or dance school to operate or conduct a public or private dance within a licensed or unlicensed hall within the corporate limits of the city between the hours of 2:15 a.m. and 8:00 a.m., any day of the week, including Sunday; provided that the foregoing regulations shall not apply to private homes. The Director ~~director of public safety~~, having determined that such extended-hour dances shall not be detrimental to the peace and well being of the immediate neighborhood, may grant special permits for dance halls or public dances to remain open until a later hour on special occasions.

### **555.10 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## Chapter 559 AMUSEMENT DEVICES

**559.02 ~~Amusement device license required.~~ Reserved.**

**559.03 Reserved. ~~Application for amusement device license.~~**

**~~Repealed by Ordinance 2705-90.~~**

**559.04 Reserved. ~~Issuance of amusement device license.~~**

**~~Repealed by Ordinance 2705-90.~~**

**559.05 Reserved. ~~Validity, amendment and expiration of amusement device license.~~**

**~~Repealed by Ordinance 2705-90.~~**

**559.06 Reserved. ~~Display of amusement device decal.~~**

**~~Repealed by Ordinance 2705-90.~~**

**559.08 Application for amusement arcade license.**

The ~~safety director~~ Director is authorized to accept for filing ~~such in the office of the Director~~ applications for the issuance of amusement arcade licenses. Each application for an amusement arcade license shall be signed by the operator in whose name the amusement arcade license is to be issued. The application for an amusement arcade license shall be upon a form prescribed by the Director ~~safety director~~ and shall set forth the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the period for which the amusement arcade license is sought, a list of all game machines to be located at the amusement arcade and such other information as the Director ~~safety director~~ reasonably requires. If the operator filing the application for amusement arcade license is a corporation, the application for amusement arcade license shall list the names of any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of any class of stock of the corporation. If the operator filing the application for amusement arcade license is a partnership, the application for amusement arcade license shall list the names of all partners. As to any corporation or partnership listed in accordance with the two immediately preceding sentences, the listing required by such sentences shall be repeated and further repeated for any other partnership or corporation listed on the application for amusement arcade license. There shall be filed with each application for an amusement arcade license the affidavit of the operator as to its good moral character and the truth of the matters set forth in the application for the amusement arcade license.

**559.10 Reserved. ~~Validity, amendment and expiration of amusement arcade license.~~**

**559.17 Requirement for police supervision.**

In the event the ~~safety director~~ Director exercises the powers granted under Chapters 501 and 559, Columbus City Codes, to suspend or revoke the license of an individual, corporation or other entity for an amusement arcade because of a violation of Section 559.13 of the Columbus City Codes, the Director may reinstate such license at any time upon the condition that the operator whose license is in question employ a sworn off-duty police officer, regularly employed by a governmental agency having authority to enforce the laws of the city of Columbus and the State of Ohio, to attend the premises on which the

amusement arcade is located each day such establishment permits those devices to be operated between the hours of 8:00 p.m. and 7:00 a.m.

Nothing herein shall be interpreted so as to establish authority to control or responsibility for the actions of such police officer by the operator.

The operator must submit a notarized statement to the Director that the operator agrees to employ such officer for each hour between 8:00 p.m. and 7:00 a.m. each day the establishment permits the devices to be operated, and that the operator will have the officer under employment within five (5) business days after the finding by the Director that such is necessary in order to continue lawful operation of the amusement arcade.

Upon the request of the operator so directed to employ an officer, the Director may terminate such condition under which the operator may retain a valid license, if the Director finds that the operator has not permitted the ~~conduct of no activity prescribed~~ prohibited by Section 559.13 of the Columbus City Codes for a period of one year after the imposition of the condition for license continuation as specified in this section.

**559.19 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 561 Reserved. ~~MECHANICAL MUSICAL INSTRUMENTS~~**

**Chapter 562 Reserved. ~~MOTION PICTURE FILMS (Repealed)~~**

**Chapter 563 SHOWS, CIRCUSES AND CARNIVALS**

**563.03 Reserved. Permits and fees for using streets.**

**563.04 Duty of Director ~~director of public safety~~.**

It shall be the duty of the Director ~~director of public safety~~ to prevent the exhibition of any show, circus or menagerie to which provisions of C.C. 563.02 apply, until the license provided for in C.C. 563.01 has been obtained.

**563.06 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 571 Reserved. BICYCLE REGISTRATION (Repealed)**

**Chapter 573 Mobile Food Vending**

**573.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when  
~~When~~ used in this chapter:

- (a) "Board" shall mean the Mobile Food Vending Advisory Board.
- (b) "Columbus Public Health" shall mean the department of health for the city of Columbus, as established in Chapter 135.
- (c) "Commercial zone" shall mean a geographic area that has a combination of public right of way access, vehicular traffic patterns, pedestrian density, and mobility options, such that reasonable access for mobile food vending does not constitute a threat to public health and safety. The ~~Director of Public Safety~~ shall have the authority to create, designate, alter, or eliminate a Commercial Zone area, layout, or map.
- (d) "Congestion zone" shall mean a geographic area that has a combination of public right of way parking limitations, meter restrictions, vehicular traffic patterns, pedestrian density, and mobility issues, such that unrestricted access for mobile food vending constitutes a threat to public health and safety. The ~~Director of Public Safety~~ shall have the authority to create, designate, alter, or eliminate a Congestion Zone area, layout, or map.
- (e) "Director" shall mean the director of ~~public safety~~ Building and Zoning Services, or designee.
- (f) "Department of Health" shall have the same meaning as "licensor" for a mobile vending health license in Ohio Revised Code 3717.01(O).
- (g) "Designated Public Right Of Way Access Permit" shall mean a temporary document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate for a defined and limited period of time in a Congestion Zone only, specific to a designated mobile food vending space in the public right of way or in a mobile food vending court, further subject to the limitations and provisions of this chapter.
- (h) "Designated Temporary Commercial Zone permit" shall mean a temporary document issued to a mobile food vending unit via an electronic reservation system, such that the unit may operate

in the public right of way in a temporary commercial zone or Non-commercial zone, subject to the limitations and provisions of this chapter.

- (i) "Division of Fire" shall mean the Department of Public Safety, Division of Fire, and is further defined in Section 217.04.
- (j) "Downtown District" shall have the same meaning and boundaries as the Downtown District in Chapter 3359.
- (k) "Food" shall mean a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (l) "Food delivery operation" shall mean a food service operation from which food is ordered off-site by a customer, prepared, and delivered to the customer. "Food delivery operation" includes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or "food delivery sales operations" as defined in Ohio Revised Code 3717.01(H).
- (m) "Food service operation" shall mean, for the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
- (n) "Food trailer" shall mean any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed or used for food vending operations.
- (o) "Food truck" shall mean a vehicle propelled by an engine which has been specifically designed or used for mobile food vending.
- (p) "Food truck industry" shall mean both food trucks, push carts, pedi-food carts, and food trailers.
- (q) "Food vending operation" shall mean a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.
- (r) "General public right of way access permit" shall mean a document issued to a mobile food vending unit by the Department of ~~Public Safety~~ Building and Zoning Services, such that the unit may operate in the public right of way outside designated spaces or mobile food courts in Congestion or Commercial Zones, subject to the limitations and provisions of this chapter.
- (s) "Health license" shall mean an official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such health license shall be separate from any other license required under this chapter. Such document may be either an annual health license or a temporary health license.
- (t) "License Section or Section" shall mean the Department of ~~Public Safety~~ Building and Zoning Services, ~~Division of Support Services~~, License Section , and is further defined in ~~Sections 501.02 and 501.03~~ Chapter 501.
- (u) "Licensing period" shall mean the first (1<sup>st</sup>) day of April to the thirty-first (31<sup>st</sup>) day of March of the next succeeding year.

- (v) "Mobile food vending court" shall mean a location where the public right of way is closed for vehicular traffic on a temporary or permanent basis to allow two or more mobile food vending units to operate from such location.
- (w) "Mobile food vending license" shall mean an official document issued by the Department of ~~Public Safety Building and Zoning Services~~ authorizing operation of a mobile food vending unit within the corporate limits of the city of Columbus. Mobile food vending license does not include a health license required by Section 3717 of the Ohio Revised Code. Unless otherwise stated, "license" shall have the same meaning as "mobile food vending license."
- (x) "Mobile food vending unit" shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location. For the purposes of a mobile food vending license, "mobile food vending unit" excludes food delivery operations and "vending machines," as defined in Ohio Revised Code 3717.01(L).
- (y) "Mobile food vendor" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit.
- (z) "Non-commercial zone" shall mean all areas within the corporate limits of the city of Columbus that have not been designated a "Congestion zone" or a "Commercial zone." Non-commercial zone includes any public right of way where the city of Columbus requires, at all times, a permit for parking.
- (aa) "Operator" shall mean the individual who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.
- (bb) "Permanently revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.
- (cc) "Pedi-food cart" shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending and is or may be operated on a road, street or alley.
- (dd) "Public event" shall, for the purposes of a mobile food vending license, mean any public activity or gathering or assemblage of people, other than a special event, that is open to the general public for admission, requires payment for entrance, attendance or participation, and requires the issuance of a health license or temporary health license pursuant to Ohio Revised Code 3717.01 for participating mobile food vendors. "Public event" includes, by way of example and not by way of limitation, a sporting event at an arena or stadium, a state fair, a concert, or a theatre production.
- (ee) "Public right of way" shall mean any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
- (ff) "Pushcart" shall mean a vehicle propelled by human power which has been specifically designed or used for mobile food vending. Vehicles not specifically designed for mobile food vending including, by way of example and not by way of limitation, racks, wheelbarrows, dollies, grocery carts, baby carriages, tables, chairs, benches, cabinets, or other furniture and boxes, buckets, tubs, or other containers or devices which normally rest on the ground whether or not wheels have been attached shall not be licensed as pushcarts.



- (gg) "Revoke" shall, for the purposes of a mobile food vending license, mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
- (hh) "Retail food establishment" shall, for the purposes of a mobile food vending license, mean a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for sale of food to a person who is the ultimate consumer.
- (ii) "Rule" or "rules" shall, unless otherwise stated in this chapter, mean rules promulgated as provided for in Sections 121.01 through 121.05. Such rules shall not be temporary rules and shall be submitted to the Mobile Food Vending Advisory Board at least thirty (30) days prior to promulgation.
- (jj) "Short ~~n~~North" shall have the same meaning and boundaries as the Victorian Village Commission and the Italian Village Commission in Chapter 3119.
- (kk) "Special event" shall, for the purposes of a mobile food vending license, have the same meaning set out in Chapter 923. ~~any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade permit, community market, or other like permit has been issued by the city of Columbus.~~
- (ll) "Suspend" shall, for the purposes of a mobile food vending license, mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (mm) "Temporary commercial zone" shall mean the closing of one (1) or more parking locations in the public right of way between one (1) or more intersections, while maintaining vehicular traffic access on the street, road, or alley, for the purpose of conducting commercial activity, including mobile food vending.
- (nn) "University ~~d~~District" shall mean the geographical area within the Glen Echo ravine on the north, Penn Central railroad on the east, Fifth Avenue on the south and the Olentangy River on the west.
- (oo) "Vending" shall mean the sale of food to a person who is the ultimate consumer. Such sales do not include those from a vending machine, as defined in Ohio Revised Code 3717.01(L).

### **573.07 Inspection and license fees.**

- (a) For each mobile food vending unit, the owner shall pay to the License Section a non-refundable inspection and license fee of one-hundred-eighty dollars (\$180.00) for each licensing period. The owner must also pay to Columbus Public Health any fees assessed by or for such department. If a re-inspection is necessary, the initial re-inspection will require no additional fees or charges. For all subsequent re-inspections during a licensing period, the re-inspection fee shall include any fees assessed by or for Columbus Public Health, as well as one-hundred-eighty dollars (\$180.00) for the License Section.
- (b) For each mobile food vending unit that may operate in the public right of way, the owner shall pay to the License Section a non-refundable public right of way license fee, in addition to the fee under Section 573.07(a), for each licensing period. The fee shall be two-hundred-fifty dollars (\$250.00) per unit for each licensing period the owner receives such license.
- (c) To benefit the public right-of-way through maintenance, beautification efforts, public safety building and zoning services initiatives, or similar operations or programming, the Mobile Food Vending Advisory Board shall recommend to the Director ~~director of the department of public safety~~ the percent of total fees collected to be used for that purpose. Such fees shall be deposited in the Mobile Food - Public Right of Way subfund, established for that purpose, and the Director

~~director of public safety or designee~~ with the recommendation of the Mobile Food Vending Advisory Board shall allocate, by rule, a portion of each fee under subsection (b) to one or more non-profit organizations in Congestion zones to defray the costs associated with such operations or programs that benefit the public right of way in the Congestion zone. Such organizations receiving a portion of the fee can include nonprofit corporations, local or area chambers of commerce or similar business advocacy organizations, established civic or neighborhood advocacy groups, or similar organizations. The organizations receiving any portion of the fee, as well as the percentage of the fee itself, shall be determined upon the recommendation of the Mobile Food Vending Advisory Board, with the approval of council as established by ordinance. Such recommendation shall be made annually for consideration by council.

- (d) There shall be no proration, reduction, or refund of such fees.
- (e) The License Section shall establish policies and procedures necessary to reimburse Columbus Public Health and the Division of Fire for routine fees associated with the aforementioned licensing and inspections, and to disburse any monies designated for organizations per subsection (c). Such reimbursement and disbursement must take place at regular intervals, at least four (4) times per calendar year.

#### **573.12 Mobile food vending unit size, description, requirements, and prohibited equipment.**

- (a) A food truck, food trailer, or pedi-food cart operating in the public right of way shall be twenty-five (25) feet or less in length.
- (b) A pushcart operating in the public right of way shall be:
  - (1) Four (4) feet or less in width, including wheels;
  - (2) Nine (9) feet or less in length, of which not more than six (6) feet of length shall be used for the display storage, or preparation of items for sale or barter; and
  - (3) Six and one-half (6½) feet or less in height.
- (c) A mobile food vending unit operating in the public right of way utilizing a generator shall meet one (1) of the following:
  - (1) The generator shall be wholly enclosed inside the frame of the mobile food vending unit; or
  - (2) The generator shall be external to the unit, but fully enclosed other than space necessary for ventilation, securely affixed to the unit during operation, placed in a location as prescribed or approved by the Division of Fire, and, during operation, produce less than an average of sixty-six (66) decibels of sound as measured nine (9) feet from the generator over the course of fifteen minutes.
- (d) A mobile food vending unit operating exclusively on private property shall have no limitations established under this chapter regarding the size of the unit.
- (e) A mobile food vending unit operating exclusively on private property shall have no limitations established under this chapter regarding the use of a generator, provided that operation of such device is in compliance with Section 2329.11.
- (f) For mobile food vending units, the ~~Director~~ ~~director of public safety or their designee~~ shall promulgate such rules regarding mobile food vending unit size, description, construction, requirements, and prohibited equipment as may be necessary to protect the public health, safety, sanitation and general welfare.

**573.131 Operation in the public right of way.**

- (a) No individual or organization shall operate or cause to be operated any mobile food vending unit in the public right of way within the corporate limits of the city of Columbus without a general, designated, or temporary commercial right of way permit.
- (b) Mobile food vending units operating in the public right of way shall comply with the requirements of Titles 9 and 21, where applicable. No individual or organization shall cause or allow the operation of a mobile food vending unit in any of the following:
  - (1) A handicap parking space;
  - (2) A valet zone during hours of normal operation;
  - (3) A loading zone during hours of normal operation;
  - (4) Any metered parking space with a maximum parking time of thirty (30) minutes or less;
  - (5) Any taxi stand during hours of operation;
  - (6) Any bus stop at any time;
  - (7) The public right of way abutting a commercial establishment utilizing a current and valid sidewalk dining permit, as this constitutes unreasonable interference with pedestrian traffic;
  - (8) The public right of way abutting public or city permitted bicycle parking, a fire hydrant, or a public trash or recycling receptacle;
  - (9) Any non-commercial zone without a temporary commercial zone permit issued under CC 922;
  - (10) Anywhere in the public right of way when a street and/or sidewalk closure has been issued by the city of Columbus for construction, maintenance, or any other permitted purpose, unless authorized by written agreement with the individual or entity requesting the closure;
  - (11) The public right of way between the hours of 3:00 a.m. and 6:00 a.m.;
  - (12) The public right of way within one-thousand (1,000) feet of any pre-K-12 school, provided that nothing herein shall prohibit operation on school property at the discretion of the school;
  - (13) The public right of way on either side of the portion of a street, road or alley that abuts any city of Columbus Recreation and Parks facility, other than administrative facilities or facilities within the Downtown District, without a designated temporary commercial zone permit or as part of a special event or public event;
  - (14) A sidewalk unless the unit is a pushcart;
  - (15) Within one-thousand (1,000) feet of any special event, except as follows: with the express written permission of the event organizer; as an authorized participant in said event; or utilizing a designated mobile food vending access permit in an area not impacted by a street closure;
  - (16) The public right of way if the unit is not parallel to the curb;
  - (17) The public right of way on any bridge or other elevated roadway;
  - (18) The public right of way so as to unreasonably impede the flow of pedestrian traffic, including pedestrian ingress and egress from a building abutting such right of way;
  - (19) The public right of way so as to unreasonably impede the flow or operation of vehicular traffic;  
or

- (20) A parking space unavailable for mobile food vending, as provided for in subsection (c).
- (c) The director of public service, in consultation with the director of ~~public safety~~ Building and Zoning Services or designee, may designate parking spaces as unavailable for mobile food vending if operation of a mobile food vending unit at such location would constitute a threat to public health and safety. Such designation may be initiated by the department, at the request of the director of ~~public safety~~ Building and Zoning Services or designee, or as follows:
- (1) A property owner or occupant-tenant abutting such location may submit to the director of public service or designee a written request for such designation.
  - (2) Such request must be on a form prescribed by the director of public service, setting forth the specific reasons for the request and any supporting information required by the director or designee.
  - (3) To submit such request, an occupant-tenant must possess a current and valid lease.
  - (4) To submit such request, an occupant-tenant must attest that either the governing lease requires the occupant-tenant to take such action, or he or she has made a good faith effort to obtain the property owner's permission prior to submitting such request, whichever is applicable.
  - (5) For the purposes of this subsection, "good faith effort" includes, by way of example and not by way of limitation, an electronic or physical request for permission which is dated at least seven (7) days prior to the date of request, or an affidavit stating that the owner was contacted at least seven (7) days prior to the date of request, but such owner refused or failed to respond to the request.
  - (6) The decision of the director of public service shall be rendered in a reasonable amount of time, as established by rules, and shall be final.
  - (7) Once decided, no additional requests for designation or removal of designation for such location may be considered within twelve (12) consecutive months, except as provided for in [Subsection] 573.165(c).
- (d) The director of public service shall establish, modify and change from time to time, rules and regulations for subsection (c) and reasonable costs associated with such request.

#### **573.132 Operation in a congestion zone.**

- (a) Congestion zones rules for mobile food vending shall be promulgated by the director of public service, in consultation with the director of public safety and the Director of Building and Zoning Services and the Mobile Food Vending Advisory Board.
- (b) The director of public service, in consultation with the director of public safety and the director of Building and Zoning Services or designee and the Mobile Food Vending Advisory Board, shall establish, across all Congestion zones, no less than twenty (20) parking locations designated for the exclusive use of mobile food vending units in the public right of way. Such parking locations shall be clearly marked "Mobile Food Vending Parking Only." Such parking locations may be distributed across the established Congestion zones, but shall not be limited to a single Congestion zone. In addition, the director of public service, in consultation with the director of public safety and the director of Building and Zoning Services or designee and the Mobile Food Vending Advisory Board, may establish, across all Congestion zones, other public right of way locations designated for use by pushcarts, at their discretion, according to any rules and regulations promulgated by the director of public service, in consultation with the director of public safety and the director of Building and Zoning Services and the Mobile Food Vending Advisory Board.

- (c) In addition to the spaces provided for in subsection (b), any property owner in a Congestion zone may submit a request for a parking location to be designated for the exclusive use of mobile food vending units in the public right of way if such location abuts the owner's property. Locations that abut two or more properties shall require a joint request from all such property owners. Such request shall be submitted to the chair of the Mobile Food Advisory Board, which shall review such request pursuant to Subsection 573.165(c).
- (d) From 6:00 a.m. to 10:00 p.m., no mobile food vending unit shall operate in the public right of way, other than sidewalks, within a Congestion Zone, except in locations designated for mobile food vending. A mobile food vending unit may only operate in a designated location if it has reserved a designated public right of way access permit for that location per the electronic reservation system provided for in Section 573.14.
- (e) From 10:00 p.m. to 3:00 a.m., mobile food vending units may operate in the public right of way, other than sidewalks, within a Congestion Zone provided that all of the following requirements are met:
  - (1) The unit is licensed to operate in the public right of way; and
  - (2) The unit occupies the first or last parking space adjacent to an intersection; and
  - (3) The unit occupies and operates from a parking space that otherwise complies with the requirements of this chapter; and
  - (4) As part of the reservation, the owner and/or operator shall be exempt from the requirements of Section 2155.05(a), and any meter time for which payment would otherwise be required.
- (f) The Director of Public Service, in consultation with the Director of Building and Zoning Services or designee and the Mobile Food Vending Advisory Board, may limit, by rule, the number of reservations available under subsection (e).

**573.137 Operation on sidewalk, pushcarts.**

- (a) No mobile food vending unit, other than a licensed pushcart, may operate from or on a public sidewalk.
- (b) Reservations and a general public right of way access permit available via the electronic reservation system are required to operate a pushcart from or on a public sidewalk.
- (c) No person shall move a pushcart between the hours of 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 5:30 p.m., Monday through Friday (except holidays) on any sidewalk, walkway, street, road or alley in the Downtown District, Short North, or University District. Pushcarts may only be operated during such hours and in such areas from a stationary position, and only if such position does not impede rush hour pedestrian or vehicular traffic.
- (d) Pushcarts shall not remain on any sidewalk, walkway, street, road or alley between the hours of 3:00 a.m. and 6:00 a.m., and pushcart operators must cease vending by 2:30 a.m.
- (e) No pushcart shall be used to sell, barter or offer or expose for sale any item or services upon any street, road or alley which is open to any other vehicular traffic.
- (f) No pushcarts shall be allowed on any arterial street as defined by Section 2101.035, except to cross the arterial street at a crosswalk or if the pushcart is being towed by a motor vehicle.
- (g) Pushcarts shall not be used on any sidewalk:
  - (1) Within twenty (20) feet of an intersection with a street, road or alley;
  - (2) Within ten (10) feet of a pedestrian crosswalk or intersecting sidewalk;

- (3) Abutting any building without permission of such building owner;
  - (4) So as to leave less than five (5) feet of space available for pedestrian traffic; or
  - (5) Which is constructed of granite, brick, or marble.
- (h) Pushcarts must abide by all of the applicable restrictions provided in Section 573.13.
  - (i) Pushcarts shall be positioned on sidewalks as near as possible to the curb.
  - (j) Subsection (i) shall not apply during a special event as defined in section 573.01~~parade as defined in Chapter 2111, or a race event as defined in Chapter 924.~~ Pushcarts located on any sidewalk along the route of a ~~parade or a race~~ special event shall not be located adjacent to the curb but shall be positioned as close as possible to the sidewalk boundary opposite the curb while such ~~parade or race~~ special event is in progress.

**573.1391 Authority to enforce.**

- (a) The Director, ~~of Public Safety, or designee, including~~ Columbus Division of Police sworn on-duty and special duty officers, ~~the Director of the Licensing Section Manager, or designee,~~ the Director of Public Service, Code Enforcement Officers, or designee, shall have the authority to enforce the provisions of this Chapter in accordance with authority established under Columbus City Codes.
- (b) As prima facie proof of compliance with the provisions of this Chapter, an owner or operator may provide documentation of a general or designated right of way permit or a reservation via an electronic device, such as a mobile phone or tablet, to any person defined in CC 573.1391(a). Upon a request for further verification, an owner or operator shall provide physical documentation of such permit or reservation.

**573.14 Electronic reservation system, establishment.**

- (a) The Director ~~director of public safety or designee~~ shall establish a proprietary or third-party contracted electronic reservation system to allow a licensed mobile food vending unit owner or operator online access to reserve a designated mobile food vending location and to obtain the designated public right of way access permit required by CC 573.131(a).
- (b) The Director ~~director of or designee~~ shall establish a proprietary or third-party contracted electronic reservation system to allow a licensed mobile food vending unit owner or operator online access to obtain the general or temporary commercial public right of way access permit required by CC 573.131(a).
- (c) The electronic reservation system shall provide the means to reserve a specific designated mobile food vending location for a specific duration of time and date. Any owner or operator's right to the physical occupancy for the reserved location shall terminate upon the expiration of the reserved time and date.
- (d) Reservations must be made by a mobile food vending unit licensed to operate in the public right of way.
- (e) Reservations shall not be transferable, assignable or otherwise used by an owner or operator for any mobile food vending unit other than the mobile food vending unit issued the reservation.
- (f) The Director, ~~of Public Safety, including,~~ Columbus Division of Police sworn on-duty and special duty officers, the License Section, the Director of Public Service, Code Enforcement Officers, or designee shall have the authority to access the electronic reservation system in order to verify compliance with the requirements of this Chapter.

- (g) The ~~Director~~ ~~director of or designee~~ shall promulgate rules regarding the permitted use of and access to the electronic reservation system, and the potential penalties for violation of such rules. Any rules that contain information related to electronic reservation system shall be provided to a Mobile Food Vending license applicant and made publically available on the License Section's website.

#### **573.141 Electronic reservation system, fees.**

- (a) No fee shall be required for access to the reservation system established in Section 573.14, other than fees associated with the reservation of a general or designated public right of way access permit.
- (b) The ~~Director~~ ~~director of public safety or designee~~, in consultation with the director of public service or designee, shall establish reservation fees for designated public right of way access permit based on the zone and designated location for which the permit is issued. Such fees may provide for hourly, daily, or weekly reservations.
- (c) To benefit the public right-of-way through maintenance, beautification efforts, public safety initiatives, or similar operations or programming, the Mobile Food Vending Advisory Board shall recommend to the ~~Director~~ ~~director of the department of public safety~~ the percent of total reservation fees collected to be used for that purpose. Such fees shall be deposited in the Mobile Food - Public Right of Way subfund, established for that purpose, and the ~~Director~~ ~~director of public safety or designee~~ with the recommendation of the Mobile Food Vending Advisory Board shall allocate, by rule, a portion of each fee under subsection (b) to one (1) or more non-profit organizations in Congestion zones to defray the costs associated with such operations or programs that benefit the public right of way in the Congestion zone. Such organizations receiving a portion of the fee can include nonprofit corporations, local or area chambers of commerce or similar business advocacy organizations, established civic or neighborhood advocacy groups, or similar organizations. The organizations receiving any portion of the fee, as well as the percentage of the fee itself, shall be determined upon the recommendation of the Mobile Food Vending Advisory Board, with the approval of council as established by ordinance. Such recommendation shall be made annually for consideration by council.
- (d) The remainder of the proceeds from reservations for designated public right of way access permits, less any contractual or administrative costs for the operation and maintenance of the electronic reservation system, shall accrue to the ~~Licensing~~ License Section.
- (e) The License Section shall establish policies and procedures necessary to disburse to each applicable organization the amounts established in subsection (d). Such disbursement must take place at regular intervals, at least four (4) times per calendar year.

#### **573.16 Mobile food vending advisory board.**

There is created a Mobile Food ~~Unit~~ Vending Advisory Board, which shall consist of seventeen (17) members as follows:

- (a) The city of Columbus representatives shall consist of:
- (1) A representative from the department of ~~public safety~~ building and zoning services, appointed by the Director of ~~Public Safety~~;
  - (2) A representative from the department of public service, appointed by the Director of Public Service; and
  - (3) A representative from Columbus City Council, appointed by the Council President.

- (4) A representative from Columbus Division of Fire, appointed by the Director of Public Safety;
  - (5) A representative from Columbus Department of Health, appointed by the Columbus Health Commissioner
- (b) The appointed members shall consist of the following, appointed by the Director of Public Safety:
- (1) A representative from the Columbus tourism industry;
  - (2) Two (2) representatives from the Columbus community that are not otherwise represented on the Mobile Food Vending Advisory Board;
  - (3) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas north of 670 in the city of Columbus;
  - (4) A representative from a business association, special improvement district, area commission or other similar organization serving congested areas south of 670 in the city of Columbus; and
  - (5) A representative from a city of Columbus restaurant.
  - (6) Two (2) representatives from the Columbus food truck industry who operate in the public right of way;
  - (7) Two (2) representatives from the Columbus food truck industry who operate only on private property; and
  - (8) Two (2) representatives from the pushcarts industry.
- (c) The representative from the department of building and zoning services ~~public safety~~ shall serve as chairperson of the board. In his or her absence, the representative from the Department of Public Service shall serve as chairperson.

### **573.165 Powers of the board.**

The purpose of the board shall be to advise the City in the administration of mobile food vending.

- (a) The board shall have the authority to advise on rules and regulations governing the following:
  - (1) The mobile food vending unit size, description, requirements, and prohibited equipment;
  - (2) Adding, removing, amending, or otherwise altering congestion and commercial zones;
  - (3) The limitation of reservations in congestion and commercial zones;
  - (4) The creation of designated mobile food vending locations;
  - (5) The creation of mobile food vending courts;
  - (6) The electronic reservation system and reservation fees for use of the electronic reservation system;
  - (7) The designation of a parking space as unavailable for mobile food vending; or
  - (8) Any other matter that should reasonably, necessarily, and consistently be presented to the board for advisement.
- (b) The board shall help identify and evaluate designated mobile food vending spaces and courts.



- (c) The board shall at least once a year conduct a review of all zones, designated mobile food vending locations, mobile food vending courts, limitations regarding reservations, and spaces designated as unavailable for mobile food vending. The board may otherwise conduct such a review at any regular meeting of the board at the discretion of the board. The board shall do all of the following in conducting and concluding such review:
  - (1) Hold at least one (1) public meeting to hear requests from the public for additions, deletions, amendments, or other changes to mobile food vending zones, current and requested designated spaces, current and requested mobile food vending courts, reservations, and spaces designated as unavailable for mobile food vending;
  - (2) Establish by rule a uniform process to solicit input regarding the aforementioned from at least one (1) affected business association, area commission, special improvement district or similar organization impacted by such review, and to consider objections to the aforementioned; and
  - (3) Forward its written recommendations on the same to the Director ~~director of public safety or designee~~, and the director of public service, who shall consider the recommendations as provided for in relevant sections of this code.
- (d) The Chair of the Mobile Food Vending Board shall submit for review to members of the board, not less than thirty (30) days prior to promulgation, all proposed rules regarding mobile food vending, unless otherwise stated in this chapter. The board shall forward its recommendations in writing to the director or designee promulgating such rule, who shall consider the recommendations as provided for in relevant sections of this code.

**573.167 Board vacancies.**

- (a) The board shall declare a vacancy in board membership if any member:
  - (1) Resigns, dies or becomes incapacitated;
  - (2) Has been convicted of a violation of any provision of Chapter 573;
  - (3) Fails to attend three (3) successive meetings of the board; or
  - (4) Fails to attend four (4) meetings of the board during the term of office.
- (b) If a vacancy occurs, the Director of Public Safety ~~Director of Public Safety~~ shall have authority to appoint a new board member of the same category as the vacated category for whom such new board member is replacing. The newly appointed board member shall serve the remaining unexpired term.

**573.17 Suspension, revocation or permanent revocation of license.**

- (a) The department of health may suspend or revoke the health license of any mobile food vending unit and/or owner pursuant to local and state rules and regulations. "Suspend" and "revoke" shall have the same meaning as Ohio Revised Code Chapter 3717 for the purpose of this subsection.
- (b) The Director ~~director of public safety~~ may suspend, revoke, or permanently revoke the license of any mobile food vending unit and/or owner who engages in any of the following conduct:
  - (1) Obtaining a license by a false statement in his or her application;
  - (2) Failing to comply with the mobile food vending unit operation and vehicle standards established in this chapter;
  - (3) Misrepresenting or otherwise making false statements in an affidavit that any mobile food vending unit and/or owner would conduct criminal background checks on all employees;

- (4) Failing to post and maintain required decal(s) and information;
- (5) Failing to offer receipts to customers or to supply receipts when the customer answers in the affirmative;
- (6) Receiving citations for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other infraction of the Columbus City Codes;
- (7) Repeated violations of Titles 9 or 21 of the Columbus City Codes;
- (8) Failing to pay parking meters or obtain reservations when applicable;
- (9) Failing to comply with Section 573.14;
- (10) Failing to appear before the Director when properly notified to do so;
- (11) Verbally threatening or attempting to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of this chapter;
- (12) Failing to maintain general liability insurance for each mobile food vending unit;
- (13) Conviction for any crime committed in or from the mobile food vending unit;
- (14) Violation of the operational requirements of Section 573.136, including the requirement that such unit only vend when hailed by a customer or vend for no more than fifteen (15) minutes after being hailed; or
- (15) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of mobile food vending unit owners and employees, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own or work in a mobile food vending unit.

### **573.99 Penalties.**

A violation of any section of this chapter shall be deemed a criminal violation as follows:

- (a) Whoever violates CC 573.02(a) or (b) shall be guilty of misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this section. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.
- (b) Whoever violates any of the following sections shall be guilty of a minor misdemeanor: CC ~~537~~ 573.13, CC 573.131(a) or (b), CC 573.132(d) or (e), C.C. 573.133(b), CC 573.135(a), C.C. 573.136(b), and C.C. 537.137. Strict liability is intended to be imposed for a violation of these sections. Any entity convicted under this section shall be subject to organizational criminal liability as contemplated by C.C.C. 2301.23.
- (c) A violation of any section of Chapter 573 may be grounds for the suspension, revocation or permanent revocation of the Mobile Food Vending unit license or in the case of a new application may be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently, in addition to any other penalties established for such violation in applicable sections of the Columbus City Codes.

## **Chapter 574 THIRD-PARTY FOOD DELIVERY SERVICES**

### **574.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this Chapter:

- (A) "Commission" means a fee paid to a third-party food delivery service for performing a transaction or a service.
- (B) "Eating and drinking establishment" means a restaurant, bar, tavern, cabaret, fast-food business, nightclub, pub, dining room, dinner theater, and similar uses.
- (C) "Purchase price" means the menu price of an online order. Such term excludes taxes, gratuities, and any other fees that make up the total cost to the consumer of an online order.
- (D) "Third-party food delivery service" means any website, mobile application, or other internet service business that offers or arranges for the sale and/or delivery of food and beverages prepared by eating and drinking establishments.

## **Chapter 581 Reserved. ~~PRIVATE UTILITY COMPANY RATES~~ (Repealed)**

## **Chapter 583 Reserved. ~~NONFRANCHISE PUBLIC MASS TRANSPORTATION~~**

## **Chapter 585 VEHICLE FOR HIRE BOARD**

### **585.01 Definitions**

Unless a different meaning is clearly indicated by the context in which the word is used, when ~~When~~ used in Chapters 585 through 594 of the Columbus City Codes:

- (a) "Board" shall mean the Vehicle for Hire Board as created by Section 585.03 of the Columbus City Codes.
- (b) "Director" shall mean the Director of ~~Public Safety~~ Building and Zoning Services, or the Director's designee.
- (c) "License" shall mean an official document issued by the Department of ~~Public Safety~~ Building and Zoning Services authorizing operation of a licensed taxicab, livery, pedicab, horse drawn carriage, or any other vehicle for hire on the streets of the city.
- (d) "License Section or section" shall mean the Department of ~~Public Safety~~ Building and Zoning Services, ~~Division of Support Services~~, License Section and is further defined in Chapter 501 Sections 501.02 and 501.03 of the Columbus City Codes.
- (e) "Suspend" shall mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (f) "Revoke" shall mean to terminate all rights or privileges under a license. The individual may reapply for a license on or after 91 days following the date of revocation.

- (g) "Permanently revoke" shall mean to terminate all rights and privileges under a license and to render the holder of a license ineligible to reapply for said license.
- (h) "Vehicle for hire" shall mean any passenger vehicle engaged in the transportation of person(s) with the intent to receive direct or indirect compensation that is determined by mutual agreement, by contract, by mileage, or by the length of time the vehicle is used for providing such transportation.
- (i) "Vehicle for hire owner" shall mean every corporation, limited liability corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, or managing any vehicle for hire. However, a vehicle for hire driver, driving a vehicle for hire pursuant to a contract of employment or a lease arrangement with the holder of a license for such vehicle, shall not be deemed a "vehicle for hire owner".
- (j) "Vehicle for hire driver" shall mean the individual driving, operating or in physical control of the vehicle for hire.
- (k) "Taxicab" shall mean all public passenger motor vehicles carrying passengers for hire, gift, donation or other direct or indirect compensation or consideration on the streets of the city, where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage as recorded and indicated on a taximeter. The term "taxicab" includes all motor vehicles that are used as taxicabs, cabs or for-hire cars, and engaged as such in the transport of passengers for hire, gift, donation or other direct or indirect compensation or consideration.
- (l) "Taxicab owner" shall mean every corporation, limited liability company, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the beneficiaries, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any taxicab. A taxicab driver, driving a taxicab pursuant to a contract of employment or a lease arrangement with the holder of a license for such taxicab, shall not be deemed a "taxicab owner".
- (m) "Taxicab driver" shall mean the individual driving, operating or in physical control of a taxicab.
- (n) "Taximeter" shall mean an instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.
- (o) "Waiting time" shall mean any time a taxicab is engaged or hired by a passenger but not in motion.
- (p) "Livery vehicle" shall mean:
  - (1) A limousine or an at least four (4) door passenger vehicle not equipped with a taximeter and for hire only by prearrangement, provided that such livery vehicles do not drive in search of patronage or park on any public street, or place of assemblage to solicit patronage not prearranged;
  - (2) Rental vehicles for use in the performance of the business of a limousine company; and
  - (3) Any other vehicle for hire not equipped with a taximeter and for hire only by prearrangement.

- (q) "Prearranged" when used in connection with a livery vehicle shall mean an agreement to provide transportation by registration through phone dispatch or an online application in advance of boarding from a specific location at an agreed upon rate.
- (r) "Omnibus" shall mean a motor vehicle designed to carry sixteen (16) or more passengers.
- (s) "Scheduled limousine" or "shuttle vehicles" shall mean an omnibus or similar vehicle operated over an established route and on a regular schedule, regardless of whether passengers are present for pickup or not. This type of service will generally be provided pursuant to a contract for a prearranged service. The rate charged shall be a flat fee charged equally to all locations on the route regardless of time or distance traveled. Scheduled limousines shall not be sedans or station wagons. These vehicles will comply with the licensing requirements established in Chapter 593 for liveries.
- (t) "Livery chauffeur" shall mean the individual driving, operating or in physical control of a livery vehicle.
- (u) "Pedicab" shall mean a bicycle upon which a person may ride, propelled by human power through a belt, chain or gears, or powered by electronic assist, and constructed in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.
- (v) "Bicycle" shall have the same meaning as defined in Section 2101.04 of the Columbus City Codes.
- (w) "Pedicab driver" shall mean the individual driving, operating or in physical control of a pedicab.
- (x) "Horse carriage" shall mean a horse drawn vehicle or carriage operating in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.
- (y) "Wheelchair specialty vehicle" shall mean a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation of persons who require use of a wheelchair.
- (z) "Contract vehicle" shall mean a vehicle providing for hire transportation by a written contract agreement with an entity, not the passenger, and when the contract entity compensates the for-hire service and no compensation is accepted from the passenger. A contract vehicle shall not engage in cruising or operating on demand service or accept other passengers not covered by the contract. These vehicles must comply with the licensing and other requirements for liveries in Columbus City Codes Chapter 593.
- (aa) "Alternative vehicle" shall mean a pedicab, commercial quadricycle, or a micro transit vehicle as defined in chapters 585, 586, and 592 of the Columbus City Codes, respectively.
- (bb) "Church bus" shall mean a vehicle owned by a church and used exclusively for church activities and licensed and registered by the state of Ohio as defined in Section 4503.07 of the Ohio Revised Code.
- (cc) "Funeral vehicle" shall mean vehicles owned by a funeral director and used exclusively for funeral services or vehicles for hire while being used for funeral services. This does not prohibit a vehicle from being used as a livery vehicle and a funeral vehicle, such vehicle when used as a livery vehicle must be licensed in accordance with Chapters 585 through 594 of the Columbus City Codes.

- (dd) "Motor bus" shall mean a vehicle owned by a registered common carrier and registered with the Public Utilities Commission of the State of Ohio (PUCO), and operated for the purpose of intrastate or interstate commerce on regulated routes or schedules.
- (ee) "Hotel and/or motel courtesy vehicles" shall mean a limousine, specialized passenger vehicle, omnibus or similar vehicle operated by a hotel or motel as a courtesy for its patrons or its employees at no cost to its patrons or employees. These vehicles will comply with the licensing requirements established by Chapter 593 for liveries if at any time they carry the general public in violation of this definition.
- (ff) "Day care facility and automobile dealer shuttle/bus" shall mean a vehicle operated by a daycare facility or automobile dealer to transport its customers and patrons at no cost to said customers and patrons.
- (gg) "Hourly rate" shall be a charge for the actual time consumed in the transportation of passengers together with any waiting time consumed at the direction of the passenger.
- (hh) "Special trip" shall mean a trip to and from points of interest for which a rate, approved by the Vehicle for Hire Board, is filed with the Director of Public Safety.
- (ii) "Complainant" shall mean a person that has filed a verbal or written complaint against a vehicle for hire owner or driver.
- (jj) "Ridesharing agreement" shall mean the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.
- (kk) "Compensation" shall mean any form of payment received in exchange for providing a service.
- (ll) "Direct Compensation" shall mean any monetary compensation received in exchange for providing a service.
- (mm) "Indirect Compensation" shall mean any non-monetary compensation received in exchange for providing a service.

### **585.03 Vehicle for Hire Board created**

- (a) There is created a Vehicle for Hire Board consisting of sixteen (16) members, appointed by the Director of Public Safety. The positions are as follows:
  - (1) The Director of Public Safety or a representative;
  - (2) The City Auditor or a representative;
  - (3) The chairperson of the public safety committee of the City Council or a representative;
  - (4) An owner of a taxicab(s) licensed by the city;
  - (5) A taxicab driver licensed by the city;
  - (6) The owner of a livery or liveries licensed by the city;
  - (7) A livery driver licensed by the city;
  - (8) The owner of one (1) or more alternative vehicle(s) licensed by the city (such as a pedicab, commercial quadricycle, micro-transit vehicle, or other similar vehicle licensed under Title 5 of the Columbus City Codes);
  - (9) An alternative vehicle driver licensed by the city;
  - (10) A representative from the Department of Public Service;

- (11) A representative from the Division of Police;
  - (12) A member of the Chamber of Commerce or a representative;
  - (13) A member of the Columbus Regional Airport Authority or a representative;
  - (14) A member of Experience Columbus or a representative; and
  - (15) A private citizen.
- (b) No individual listed in sections 585.03(a)(1)—(3) and sections 585.03(a)(10)—(16) may be appointed to the Board if the appointee has any financial interest in the vehicle for hire industry. This shall not limit those representative members listed in sections 585.03(a)(4)—(9).

#### **585.10 Appeals.**

Any action of the Director may be appealed to the Board of License Appeals as provided in Chapter 505. The Director shall abstain from voting on appeals of decisions the ~~director~~ Director has made.

#### **585.16 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

### **Chapter 586 MICRO TRANSIT VEHICLES (MTV)**

#### **586.01 Definitions.**

Unless a different meaning is clearly indicated by the context in which the word is used, when used in this Chapter:

- (A) "Director" means the Director of ~~Public Safety~~ Building and Zoning Services and/or authorized designee.
- (B) "License Section or Section" means the Section of Licenses in the Department of Public Safety Building and Zoning Services.
- (C) "Micro transit vehicle" or "MTV" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

#### **586.11 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

### **Chapter 587 VEHICLE FOR HIRE OWNER'S LICENSE**

---

### **587.01 Reserved. Definitions**

Unless a different meaning is clearly indicated by the context in which the words are used, when used in this Chapter, the definitions set forth in Chapters 585 through 594 are hereby incorporated shall be used herein.

### **587.03 Application information.**

Applications shall be made to the Director upon forms provided by the License Section and shall set forth:

- (a) The name and address of the applicant;
- (b) The applicant's business name;
- (c) The make, model, year and interior space of the vehicle for which the license is desired;
- (d) The seating capacity which shall be determined by the number of manufacturer installed safety belts or permanent fasteners and safety restraints for wheelchair specialty vehicles; and
- (e) The design, color scheme, lettering and marks proposed to be used on such vehicles in accordance with C.C.C. 591.03, ~~592.03~~ 592.04 and 594.07(b)(11).

The Director has the authority to request any additional information that the Director deems pertinent or necessary to verify or clarify information in the applicant's application.

### **587.05 Issuance of license.**

- (a) The Director may receive applications whenever Vehicle for Hire Owner's Licenses are available. If the Director finds that the application has been completed as provided in Section 587.03 and the applicant meets the requirements of Chapter 587, the Director shall issue a license. Licenses shall be issued to such eligible applicants upon providing the information set forth below and completion of the following:
  - (1) Payment of the proper license fee pursuant to C.C.C. 587.04.
  - (2) All applicable information pertaining to the particular vehicle to be licensed. Information shall include:
    - (A) State license number;
    - (B) Motor and serial numbers;
    - (C) Name and address of the person from whom the vehicle was purchased or leased; and
    - (D) A copy of the certificate of title or memorandum certificate of title;
  - (3) Evidence of liability protection as required in Section 587.14;
  - (4) Certification by the Director under C.C.C. 587.12, 591.06, ~~592.05~~ 592.06, 594.08, and 594.11 that the vehicle to be licensed has been inspected and complies with all pertinent safety regulations. The vehicle shall be reasonably clean and in safe condition so as to not cause personal injury or damage the clothing or possessions of the passenger(s). The vehicle must also be clearly identified by appropriate markings as required by C.C.C. 591.03, ~~592.03~~ 592.04 and 594.07(b)(11);
  - (5) The Director has the authority to request any additional information that the Director deems pertinent or necessary to verify or clarify information in the applicant's application.



- (b) After a vehicle successfully completes the inspection, a decal shall be issued by the Director and shall be affixed to the vehicle in the proper location pursuant to C.C.C. 591.02(d), 592.03(D~~d~~), 593.02(a)(4)(~~d~~) and 594.03(f). The decal shall clearly indicate that the vehicle has satisfied the inspection.
- (c) If no licenses are available ~~and~~ but the requirements of Section 587.03 are met, the Director shall issue to the applicant a written notice of eligibility, which shall expire sixty (60) days after the date of issuance thereof, unless rescinded or extended for good cause. Licenses shall be issued to holders of valid notices of eligibility in order of issuance of those notices as such licenses become available and upon payment of the proper license fee pursuant to Section 587.04.

**587.07 Renewal.**

All vehicles for hire licensed in accordance with the terms of Chapters 587 through 594 shall have their licenses renewed for each succeeding year if applicable fee requirements and other requirements of the Columbus City Code are met. In accordance with Columbus City Code ~~Section 501.17~~ Chapter 501, applications for renewal may be submitted to the License Section no earlier than 60 days prior to expiration. Failure to submit a renewal application at least 30 days prior to expiration may cause a delay of the renewal of the license. Any licensee who fails to submit all the required application materials prior to the expiration of the license will have to apply for a new license.

**587.17 Bonds; liability agreement.**

- (a) Evidence of liability protection may be furnished by filing with the Director a bond executed by a solvent and responsible surety company, authorized under the laws of Ohio, holding and binding the principal and sureties and conditioned that they will pay any judgment creditor, to the extent specified in such bond, any final judgment rendered against the owner or operator of each such taxicab by reason of such liability and to the extent provided in Section 587.14. The total amount of the bond shall be computed by the number of taxicabs to be licensed by the owner as follows:

| Number of Taxicabs | Bond Amounts |
|--------------------|--------------|
| 1—5                | \$300,000.00 |
| 6—15               | \$315,000.00 |
| 16—50              | \$345,000.00 |
| 51—150             | \$390,000.00 |
| 151 or more        | \$450,000.00 |

Such bond shall contain a further provision obligating the surety company to give twenty-one (21) days written notice before cancellation of the bond to the Director.

- (b) Evidence of liability protection may be provided by filing with the Director an agreement with the city that such applicant or owner shall pay all final judgments recovered against the owner or taxicab driver by reason of such liability as set forth in Section 587.14 and within the limits set forth in Section 587.14. Such limits shall be construed, however, to limit the liability of the owner only for the purposes of the agreement.
  - (1) Such agreement shall be secured by the deposit by the applicant or owner of cash, or obligations of the United States government, or bank certificates of deposit, or bonds issued by

the City, and deposited with the City Treasurer or placed in a custodial account as approved by the City. However, in case of discontinuance of the operation of taxicabs by the owner, the dissolution of the corporation or partnership authorized to provide liability protection for a group of owners under this subsection, or the subsequent substitution by an owner with the consent of the City of bonds or policies of insurance in lieu of such agreement, the City shall hold the cash or obligations deposited with the city under this section, or shall require the cash or obligations to remain in a custodial account approved by the City, for a period of time as shall equal the applicable state statute of limitations for the filing of claims by adult claimants for damages covered by Section 587.14. At the end of this period an appraisal shall be made of all claims pending against such owner and a sufficient amount of cash or collateral deposited shall be retained to guarantee the payment of such claims. The balance of the deposited cash or collateral shall be returned to the owner or owner corporation or partnership or their proper agent once there has been satisfactory proof that outstanding claims have been paid or satisfied.

- (2) The City shall not be obligated to pay any interest upon the deposited cash or collateral; nor shall the City be entitled to the accruals upon any collateral deposited under such agreement so long as there is no default on the obligation of the owner or owner corporation or partnership. Any interest accruing on cash or obligations deposited with the City for the purposes of providing liability protection under this subsection shall be added to such fund for the purpose of providing additional liability protection.
- (3) The amount of the deposits shall be computed by the number of taxicabs to be licensed by the owner or the number of taxicabs licensed by the owners participating in an owner corporation or partnership permitted by this subsection as follows:

| Number of Taxicabs | Bond Amounts |
|--------------------|--------------|
| 1—5                | \$300,000.00 |
| 6—15               | \$315,000.00 |
| 16—50              | \$345,000.00 |
| 51—150             | \$390,000.00 |
| 151 or more        | \$450,000.00 |

The requirements of this subsection may be fulfilled by an initial deposit of one hundred and twenty thousand dollars (\$120,000.00) by the owner with the City Treasurer followed by three (3) deposits of sixty thousand dollars (\$60,000.00) each every ninety (90) days thereafter and five (5) deposits of thirty thousand dollars (\$30,000.00) each every ninety (90) days thereafter until the amount required by this section is deposited with the City Treasurer.

If the amount deposited with the City Treasurer falls below one hundred and twenty thousand dollars (\$120,000.00) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to one hundred and twenty thousand dollars (\$120,000.00) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between one hundred and twenty thousand dollars (\$120,000.00) and one hundred and eighty thousand dollars (\$180,000.00) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to one hundred and eighty thousand dollars (\$180,000.00) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between one hundred and eighty thousand dollars

(\$180,000.00) and two hundred and forty thousand dollars (\$240,000.00) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to two hundred and forty thousand dollars (\$240,000.00) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between two hundred and forty thousand dollars (\$240,000.00) and three hundred thousand dollars (\$300,000.00) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to three hundred thousand dollars (\$300,000.00) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between three hundred thousand dollars (\$300,000.00) and the amount required to be deposited with the City Treasurer by this subsection then within thirty (30) days the owner shall make an additional deposit of thirty thousand dollars (\$30,000.00) every ninety (90) days until the total amount required to be deposited is reached.

- (4) For the purpose of providing liability protection required by Section 587.14, an association of taxicab owners may create a partnership or corporation for the purpose of providing the liability protection required by Section 587.14 for the owner members of such partnership or corporation. Such partnership or corporation shall be registered with the Secretary of State and Department of ~~Public Safety~~ Building and Zoning Services. The partnership or corporation may provide evidence of liability protection required by Section 587.14 for each taxicab owner who is a member of the partnership or corporation by filing a liability agreement as provided in Section 587.17(b) that agrees to pay all final judgments recovered against any owner who is a member of the partnership or corporation within the limits set forth in Section 587.14. This agreement shall be secured by the partnership or corporation's deposit of cash or obligations of the United States Government, deposit of bank certificates or bond issued by the City of Columbus with the City Treasurer, or placed in a custodial account as approved by the city, the amounts and under the conditions set forth in Section 587.17(b)(1), (2) and (3). The partnership or corporation shall be considered one (1) partnership for such purposes.

The partnership or corporation shall immediately provide to the Director the names and addresses of all owners and taxicabs operated by owners that are covered under the partnership or corporation's liability protection. The partnership or corporation shall notify the Director in writing twenty-one (21) days prior to the cancellation, change of cancellation or of any change in the membership status of any owner or member which would result in the owner or members having less than the minimum amount of liability coverage required with the organization.

#### **587.18 Insurance cancellation.**

- (a) The insurance policy as provided in Section 587.16 must provide for written notice of cancellation by the insurer to the Director but this provision shall not be construed to waive any lawful notice which the insurer must give to the insured.
- (b) The owner or a designee shall provide notice of cancellation of insurance to the Director at least seven (7) days prior to the day of cancellation and, at the time of cancellation, voluntarily surrender the Vehicle for Hire Owner's License and decal for the vehicle(s) for hire for which the cancellation of insurance is effective. If the license is voluntarily surrendered, the Director may, upon the filing of proof of insurance required by Section 587.15, ~~and its approval by the City Attorney,~~ reinstate such license.
- (c) If an owner shall fail to comply with the requirements of Section 587.18(b) prior to the Director receiving notice from the insurer of such cancellation, the Director may suspend the license of any vehicle covered by said policy. If proof of insurance is given prior to the effective date of the suspension, the suspension can be waived by the Director.

- (d) Upon the effective date of the suspension, the owner must surrender the license and decal for each vehicle not covered by an insurance policy. The Director may reinstate such license upon the filing of proof of insurance required by Section 587.15, ~~its approval by the City Attorney~~ the reinspection of each vehicle covered by the policy, and the payment of any fees required by reinstatement.
- (e) The owner shall notify the License Section within ten (10) days of the removal of a licensed driver from the insurance coverage by the insurer.

**~~587.19 Approval by City Attorney.~~**

~~Any liability protection obtained by an owner pursuant to Section 587.15 whether in the form of an insurance policy, bond, liability agreement or combination of these, shall be subject to the approval of the City Attorney as to its compliance with this chapter and as to its form and legality.~~

**587.22 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 588 Reserved ~~Reserved~~**

**Chapter 589 VEHICLE FOR HIRE DRIVER'S LICENSE**

**589.01 Reserved Definitions.**

Unless a different meaning is clearly indicated by the context in which the words are used, when used in this Chapter, the definitions set forth in Chapters 585 through 594 are hereby incorporated and shall be used herein.

**589.06 Expiration and Renewal.**

- (a) Except for those vehicle for hire driver's licenses issued pursuant to Division (b) of this Section, all vehicle for hire driver's licenses issued pursuant to this chapter shall expire on the final day of the month occurring one year or twelve months from the date of issuance. In accordance with Columbus City Code ~~Section 501.17~~ Chapter 501, applications for renewal may be submitted to the License Section no earlier than 60 days prior to expiration. Failure to submit a renewal application at least 30 days prior expiration may cause a delay of the renewal of the license. Any licensee who fails to submit all the required application materials prior to the expiration of the license will have to apply for a new license.
- (b) ~~Any applicant that submits a renewal application for a vehicle for hire driver's license during the calendar year 2020 shall be allowed to elect, using discretion, the expiration month of the vehicle for hire driver's license, provided that the month must be at least twelve months from the date of issuance and may be no more than 23 months from the date of issuance. The license fee will be based on the duration of the license period and will be determined by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.~~

### **589.08 Driver standards.**

- (a) Any license officer shall have the power to inspect a vehicle for hire driver upon any complaint or for any other reason.
  - (1) If, upon any inspection, a driver is found to be not in compliance with the standards established for drivers in the rules and regulations adopted by the Board, the license officer shall ~~impound~~ take possession of the driver identification card of the driver until the non-compliant condition is corrected.
  - (2) If the driver desires to contest the action of the license officer, the driver must inform the license officer at the time the driver identification card is ~~impounded~~ retrieved. A formal complaint will then be filed by the license officer who will present the complaint to the Director. Such a request by the driver shall be deemed a waiver of the ten-day notice required by C.C.C.\_585.15. Any driver who requests a formal review shall be allowed to retain the personal driver identification card and the right to drive pending action by the Director.
- (b) No person shall operate, drive or be in physical control of a vehicle for hire while under the influence of intoxicating liquor or illegal drugs.
- (c) No driver shall talk or text on a mobile/smart phone while operating, driving or in physical control of a vehicle for hire while a paying fare is in the vehicle.

### **589.09 Grounds for permanent revocation, revocation and suspension.**

The Director may permanently revoke, revoke or suspend the license of any licensed vehicle for hire driver for any of the following acts or omissions by the driver:

- (a) Having obtained a license by a false statement on the application, or upon misrepresentation or false statements in an affidavit in applying for a duplicate license or driver identification card;
- (b) Has become physically or mentally incapable of operating a vehicle for hire;
- (c) Has been convicted of a crime involving moral turpitude at any time that the license has been issued;
- (d) The driver has engaged in misconduct, which includes, but is not limited to:
  - (1) Failing to report within twenty-four (24) hours any accident in which the licensee is involved to the appropriate law enforcement agency;
  - (2) Possessing or using any controlled substance, as defined in Ohio Revised Code 3719.01 not specifically prescribed to the driver by a physician, or possessing any open intoxicating liquor container while in a vehicle for hire;
  - (3) Operating, driving or ~~in~~ otherwise being in physical control of a vehicle while under the influence of intoxicating liquor or drugs;
  - (4) Operating, driving or ~~in~~ otherwise being in physical control of a vehicle for hire where gambling is occurring regardless of whether the operator receives a percentage of the proceeds or not;
  - (5) Failing to display a personal driver identification card in the rear passenger compartment, or failing to provide a personal driver identification card upon demand of the passengers of a livery, failing to preserve such card in good order and condition, or displaying an expired driver identification card;

- (6) Permitting a non-fare paying passenger to occupy a vehicle for hire while a paying passenger is present in the vehicle;
- (7) Failing to deliver a correct and legible receipt to the person paying for the vehicle for hire service if a receipt is requested. The receipt shall contain the identification numbers of the vehicle and its driver, all items for which a charge is made, the total amount paid and the date of payment;
- (8) Failing to maintain the driver records and trip sheets required by C.C.C. 587.10;
- (9) Operating a vehicle for hire which is unclean or unsightly. If, upon inspection under C.C.C. 587.12, a vehicle is found to be in violation of this subsection, the Director shall cause a memorandum of the inspection failure to be placed on the record of the driver, in addition to any action taken against the license of the vehicle;
- (10) Operating a vehicle for hire while not in compliance with the standards established for drivers in the rules and regulations adopted by the Board. Any reprimand for this subsection shall be recorded on the permanent record of the driver.
- (11) Subsequent offenses, extreme situations, or appeals of a license officer's determination under this subsection or Section 589.08 shall be brought before the Director;
- (12) Accumulating twelve (12) or more points within a three (3) year period on the drivers Ohio Driver License. This shall apply whether any number of such points were accumulated before the granting of a Vehicle for Hire Driver's License or while operating a vehicle for hire;
- (13) ~~Violating~~ Violations enumerated in C.C.C. 589.05(b) or 589.09, or committing any crime which demonstrates personal characteristics rendering a person unsuitable to drive a vehicle for hire;
- ~~(14) Violating of C.C.C. 589.08(b), with the exception of C.C.C. 589.05(b)(3) which may result in suspension rather than revocation;~~
- (15) Operating a vehicle for hire while wearing earphones, earbuds or headsets over the ears or with a television operating in the vehicle;
- (16) Entering the airport grounds during a period for which the airport administrator or designee has suspended the right of the driver to operate on those grounds, except that such driver may discharge a passenger at the airport if the trip has originated off airport property;
- (17) Failing to summons the closest available vehicle if the vehicle for hire becomes disabled causing a delay that is unacceptable to the passenger(s). The driver may not charge more than the original trip would have cost if the disability did not occur;
- (18) Failing to appear before the Director when properly notified to do so;
- (19) Any other form of misconduct which shall mean conduct apart from the generally accepted practices of vehicle for hire drivers which demonstrates personal characteristics rendering a person unsuitable to operate a vehicle for hire;
- (20) Engaging in disruptive behavior or misconduct at a meeting of the Board which prevents or disrupts an orderly meeting. This includes but is not limited to the use of profanity, yelling, screaming, preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson; or
- (21) Verbally threatening or attempting to intimidate any employee of the city of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 594.

### **589.10 Suspension by Director.**

When a vehicle for hire driver presents an immediate danger to the health, safety or welfare of the citizens of Columbus, the Director may immediately suspend the license of such person using discretion. When a driver is notified of the suspension, the driver shall surrender the driver's personal license and driver identification card to the Director or the License Section. Pending a decision by the Director, the ~~Support Services Administrator~~ the License Section may impose a temporary suspension for a period not to exceed twenty-four (24) hours. This temporary suspension shall not be extended ~~by the Support Services Administrator.~~

A driver shall have the right ~~of to~~ appeal to the Board of License Appeals any such suspension in accordance with ~~C.C.C. Chapter 505.06.~~

### **589.13 Return of license and driver identification card.**

Upon the Director's refusal to grant renewal under the provisions of C.C.C. 589.05, or upon the Director's suspension, revocation or permanent revocation of any Vehicle for Hire Driver's License, the driver shall return to the Director ~~at the~~ the personal Vehicle for Hire Driver's License and driver identification card. In the event such items have been lost, the applicant shall file an affidavit to that effect with the Director. Failure to file such affidavit or to return the license and driver identification card shall be punishable ~~according to~~ in accordance with Section 589.99.

### **589.98 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## **Chapter 591 TAXICABS**

### **591.01 Definitions; Regulations by the Vehicle for Hire Board.**

Unless a different meaning is clearly indicated by the context in which the words are used in this Chapter, the definitions set forth in Chapters 585 through 594 are hereby incorporated shall be used herein.

The Vehicle for Hire Board may adopt rules and regulations to supplement this chapter.

### **591.10 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

## Chapter 592 PEDICABS/COMMERICAL QUADRICYCLES

### 592.01 Definitions.

- (A) "Pedicab" is the same as defined in CCC 585.01(U).
- (B) "Commercial quadricycle means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all the following requirements:
- (1) Has four wheels and is operated in a manner similar to a bicycle.
  - (2) Has at least five seats for passengers.
  - (3) Is designed to be powered by the pedaling of the operator and the passengers.
  - (4) Is used for commercial purposes.
  - (5) Is operated by the vehicle owner or an employee of the owner.

In addition to the above, unless a different meaning is clearly indicated by the context in which the words are used in this Chapter, the definitions set forth in Chapters 585 through 594 are hereby incorporated and shall be used herein.

### 592.98 Severability clause.

If any ~~particular~~ portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that ~~particular~~ section, or part of a section declared invalid. ~~This~~ Any such declaration of invalidity shall not affect or impair the remainder of this chapter and, to this end, the objectionable provisions are severable.

## Chapter 593 LIVERY VEHICLES

### 593.01 ~~Reserved~~ Definitions.

Unless a different meaning is clearly indicated by the context in which the words are used in this Chapter, the definitions set forth in Chapters 585 through 594 are hereby incorporated and shall be used herein.

### 593.02 Allowing operation of an unlicensed livery vehicle and exceptions for an unlicensed livery.

- (a) No person shall solicit, drive, operate, or otherwise be in physical control of any livery vehicle for the purpose of carrying the public generally as passengers for hire, gift, donation, or ~~other direct or indirect compensation~~ or consideration unless:
- (1) The owner of such livery vehicle has obtained a city of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and such license is not under suspension or revocation; and
  - (2) Each driver of the licensed livery vehicle has obtained a city of Columbus Vehicle for Hire Driver's License issued pursuant to Chapter 589 prior to operation and such license is not under suspension or revocation; and
  - (3) The driver identification card is properly displayed while the driver is operating, driving or otherwise in physical control of a licensed livery vehicle as required by Section 589.02(a)(3) of the Columbus City Codes;
  - (4) The current decal issued by the License Section is clearly displayed as required by rules and regulations ~~as required~~ and mandated by Section 587.02(a)(3) of the Columbus City Codes; and



- (5) The vehicle is equipped with State of Ohio issued livery license plates; or
- (6) The operator has brought passengers from outside Columbus' corporate limits into its limits and does not pick up any passengers within these corporate limits.
- (b) The provisions of this chapter shall apply to all funeral vehicles when the vehicle is used as a livery vehicle. This will require the licensing of the owner and driver as provided in Chapters 585 through 589. Vehicles loaned from a funeral director to a person or company to be used as livery must be licensed as livery vehicles in accordance with Chapters 585 through 594.
- (c) The owner of a livery vehicle for hire may pick up passengers within the city without obtaining a city of Columbus Vehicle for Hire Owner's License provided that all following requirements are met:
  - (1) The actual location where the passenger(s) are picked up occurs outside the corporate limits of the City;
  - (2) The driver picks up only the same passenger(s) who was brought into the corporate limits of the City from outside of the City; and
  - (3) The livery driver possesses within the livery vehicle a written agreement signed by the passenger(s) indicating the livery is engaged in a single, roundtrip.
- (d) A vehicle for hire owner or driver that does not comply with all three (3) requirements found in Section 593.02(c) shall be required to be licensed by the Department of ~~Public Safety~~ Building and Zoning Services pursuant to Chapters 585, 587, 589 and 593.

**593.98 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

**Chapter 594 HORSE DRAWN CARRIAGES**

**594.01 Definitions.**

When used in this chapter of the Columbus City Codes:

- (a) "Advance charter tour" shall mean a pre-arranged method of travel that is specially leased or hired for members of a group or association to travel from place to place;
- (b) "Carriage" shall mean a horse drawn vehicle or carriage operating in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the City, where route traveled and trip destination are controlled by the passenger;
- (c) "Carriage day" shall mean any calendar day during which a carriage is available for hire for at least one (1) hour;
- (d) "City veterinarian" shall mean a veterinarian licensed by the State of Ohio to practice veterinary medicine and who has been appointed to serve as veterinarian of the City of Columbus;
- (e) "Farrier" shall mean any person who is certified to shoe horses or as a blacksmith and/or has graduated from an accredited school of horse shoeing and blacksmithing;

- (f) "Carriage horse" or "horse" shall mean an animal of an equine species used for pulling carriages;
- (g) "Horse carriage company" or "company" shall mean the owner of any horse carriage, that carries the public generally as passengers for hire;
- (h) "Carriage driver" shall mean any person operating or in physical control of a horse drawn carriage;
- (i) "Humane agent" shall mean any commissioned officer or agent of the Capital Area Humane Society;
- (j) "Inspecting agency" shall mean any authorized agent of the Department of ~~Public Safety~~ Building and Zoning Services, Health Department or Capital Area Humane Society;
- (k) "Stable" shall mean any place or facility where one (1) or more horses are housed or maintained;
- (l) "Staging area" shall mean the location where the carriage and horses are made ready for use prior to their engagement or event;
- (m) "Tether location" shall mean the location designated by the Department of Public Service for loading and unloading passengers of horse carriages; and
- (n) "Veterinarian" shall mean a veterinarian licensed by the state of Ohio to practice veterinary medicine who is not a representative of the City of Columbus.

#### **594.03 Allowing operation of an unlicensed carriage.**

No person shall solicit, drive, operate, or otherwise be in physical control of any carriage for the purpose of carrying the public generally as passengers for hire, gift, donation, or direct or indirect compensation or other consideration unless:

- (a) The owner of such carriage company has obtained a city of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and ~~the~~ such license is not under suspension or revocation;
- (b) Each driver of the licensed carriage has obtained a city of Columbus Vehicle for Hire Driver's License issued pursuant to Chapters 589 and 594 prior to operation and ~~the~~ such license is not under suspension or revocation;
- (c) Each carriage has obtained a city of Columbus Carriage License issued pursuant to Chapter 594 prior to operation and ~~the~~ such license is not under suspension or revocation;
- (d) Each horse has obtained a city of Columbus Carriage Horse License issued pursuant to Chapter 594 prior to operation and ~~the~~ such license is not under suspension or revocation;
- (e) The driver identification card is properly displayed while the driver is operating, driving or in physical control of a licensed carriage as required by Section 589.02(a)(3) of the Columbus City Codes; and
- (f) The current decal issued by the License Section is clearly displayed as required by Section 587.02(a)(3) of the Columbus City Codes.

### **594.98 Severability clause.**

If any portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration or invalidity shall not affect or impair the remainder of the chapter, and to this end the objectionable provisions are severable.

### **Chapter 595 Reserved. ~~COMMUNITY ANTENNA TELEVISION SYSTEMS (Repealed)~~**

### **Chapter 596 Reserved. ~~COMMUNITY ANTENNA TELEVISION SYSTEMS~~**

### **Chapter 597 ALARM USER LICENSE & ALARM DEALER LICENSE**

#### **597.01 Definitions**

When used in this Chapter of the Columbus City Code:

- (A) "Age exempt" shall mean any residential alarm user age seventy (70) or older that is subject to a special rate for a new or the renewal of an Alarm User License.
- (B) "Alarm agent" shall mean any person employed by or working as an independent contractor for an alarm dealer, alarm company, partnership, corporation or other entity, who sells, leases, monitors, maintains, services, repairs, alters, replaces, moves, designs, or installs alarm systems, on/in the premises of the alarm user.
- (C) "Alarm dispatch request" shall mean a notification to the 911 emergency response system that an alarm, manual or automatic, audible or silent, has been activated at a particular alarm site.
- (D) "Alarm dealer" shall mean any individual, partnership, corporation, or other entity that sells, leases, monitors, maintains, services, repairs, alters, replaces, moves, designs, or installs any alarm system; or causes to be sold, leased, monitored, maintained, serviced, repaired, altered, replaced, moved, designed, or installed, any alarm in or on any building, structure, or facility. (This shall include owners of proprietary alarm systems).
- (E) "Alarm monitoring company" shall mean an individual, partnership, corporation, or other entity that engages in the business of monitoring property, burglary, robbery, or panic alarms and reporting activation of the alarm system to a 911 emergency response system.
- (F) "Alarm site" shall mean a single fixed premise or location served by an alarm system or systems. Each unit in a multiple dwelling unit or multiple dwelling development shall be considered a separate alarm site. An alarm site shall also include moveable equipment or auxiliary apparatus that is protected by an alarm system. The alarm site for moveable equipment and auxiliary apparatus is the piece of equipment or apparatus itself, not the location of the equipment or apparatus. An example of moveable equipment and/or auxiliary apparatus shall include construction equipment and/or machinery.
- (G) "Alarm system" shall mean any assembly of equipment, mechanical, audible or electrical, designed to signal any occurrence of an illegal entry or other illegal activity requiring emergency response by a police officer, firefighter, or license officer. This does not include alarm systems installed on motor vehicles.
- (H) "Alarm user" shall mean any person, partnership, corporation, proprietorship, educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

- (I) "ANSI/SIA Control Panel Standard CP-01" shall mean the ANSI - American National Standard Institute approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."
- (J) "Automatic dialer" shall mean any alarm system which is designed to emit its signal directly to the 911 emergency response system by means of dialing a telephone number and giving a pre-recorded message.
- (K) "Cancellation" shall mean the process where a response is terminated when an alarm monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is no longer an existing situation at the alarm site that requires a law enforcement response.
- (L) "Commercial property" shall mean a building, structure, or facility used for activities of business, industry, or trade. Commercial property shall also include moveable equipment or auxiliary apparatus used for the purpose of business, industry, or trade.
- (M) "Director" shall mean the Director of ~~Public Safety~~ Building and zoning services, or the Director's designee.
- (N) "Dispatch type" shall mean the type of alarm that is activated, as determined by the alarm monitoring company or 911 emergency response system.
- (O) "Division" means the Division of Support Services in the Department of Public Safety.
- (P) "Emergency contact person" or "Keyholder" shall mean a person listed on the alarm license application by the alarm user, who has a key or other access to the alarm user's property and who will respond, if necessary, when the alarm system is activated.
- (Q) "False alarm" shall mean an alarm dispatch request to the 911 emergency response system, when the responding police officer or firefighter finds no evidence of a criminal offense or attempted criminal offense after having completed an investigation of the alarm site.
- (R) "False alarm service fee" shall mean penalty charges assessed for false alarms.
- (S) "Holdup alarm" shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.
- (T) "License year" shall mean each twelve (12) month period following the issue date of a license.
- (U) "Medical Emergency Response Systems" shall mean a radio transmitted device that is connected to a telephone, that upon pressing a button, the device sends a signal to a console to contact the alarm monitoring company. Medical Emergency Response Systems are typically worn around your neck, on a wrist band, on a belt, or in your pocket.
- (V) "Multiple dwelling unit" shall mean a building with more than one (1) and less than five (5) dwelling units, other than single dwelling units, contained within the same structure and under a common roof system which is not part of a multiple dwelling development.
- (W) "Multiple dwelling development" shall mean a development of five (5) or more dwelling units including complexes of mobile homes, apartments, townhouses, and condominiums but not including developments of single dwelling units.

- (X) "Panic alarm" shall mean an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response. This shall also include Electronic Satellite Robbery Alert/Alarm Systems.
- (Y) "Residential property" shall mean a single dwelling unit.
- (Z) "Revoke or Revocation" shall mean that period of time when all rights and privileges of an alarm license have been abolished for noncompliance with provisions of this Chapter. Reinstatement of the license shall occur when all provisions of this Chapter have been met.
- (AA)"School" shall mean any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.
- (BB) "School building" shall mean any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.
- (CC) "School premises" shall mean either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
  - (2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Section 3301.07 of the Ohio Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed as defined by Chapter 2301.01 of the Columbus City Code.
- (DD)"Term" shall mean length of license validity.
- (EE) "Unlicensed alarm user" shall mean any alarm user who does not currently hold a valid City of Columbus Alarm User License. This may include accounts that have been revoked. These accounts are subject to the "unlicensed" false alarm service fees provided in 597.97.
- (FF) "License Section or section" shall mean the Section of Licenses in the Department of Building and Zoning Services.

#### **597.02 Licensing Requirements of an Alarm User**

- ~~(A) No alarm user shall operate an alarm system, monitored or audible, without having been issued a valid Alarm User License. This Alarm User License must be obtained within (thirty) 30 days of the alarm system being installed and activated.~~
- ~~(B) Alarm users are required to obtain one (1) alarm user license per United States Postal Service address. An alarm system installed prior to February 2015 are not required to meet this standard but are encouraged to make the recommended change to reduce the likelihood of receiving false alarm notices for other dwellings.~~

- ~~(C) The property owner shall obtain a license for any operational alarm system housed in a vacant property or a property that is being rented.~~
- ~~(D) No posting of the Alarm User License is required; however, the license shall be made available immediately upon the request of any police officer, firefighter, or license officer.~~
- ~~(E) The issuance of a false alarm notice by the Department Public Safety Building and zoning services pursuant to Section 597.28 shall be prima facie evidence that an alarm system is in use, and for the purpose of determining the number of false alarms per year, the date of that false alarm shall be used as the date the Alarm User License is issued.~~

### **~~597.03 Exemptions from an Alarm User License Requirement~~**

~~This Chapter shall not apply to the following:~~

- ~~(A) Federal, state, county, or municipal government agency;~~
- ~~(B) Medical Emergency Response Systems as defined by 597.01(U); and~~
- ~~(C) No false alarm service fee for false fire alarms shall be imposed upon users of fire alarm systems in facilities defined in the Ohio Basic Building Code use groups of A 1, A 3, A 4, A 5, E, I 1, I 2, I 3, R 1.~~

### **~~597.04 Alarm User License Application~~**

- ~~(A) Applications for an Alarm User License shall be made to the Director upon forms provided by the Division License Section and shall set forth at a minimum:
  - ~~(1) The name, address, phone number, and email address of the applicant;~~
  - ~~(2) Property type: residential, commercial, government, bank (financial institute), or school;~~
  - ~~(3) Proof of age if requesting a fee waiver for being age exempt. Appropriate proof of age shall include any primary or secondary document that would be provided to the state of Ohio Bureau of Motor Vehicles in order to obtain a state identification card or driver's license pursuant to Section 4501:1 1-19, 21, 22 of the Ohio Administrative Code; and~~
  - ~~(4) A State ID or Driver's License of the applicant.~~~~
- ~~(B) The Director has the authority to request additional information to clarify the applicant's application when necessary.~~
- ~~(C) Any change in information provided on the application shall be reported to the Division License Section within fourteen (14) calendar days of such change.~~

### **~~597.05 Issuance of an Alarm User License~~**

- ~~(A) The Director shall issue a license to eligible applicants upon completion of the following:
  - ~~(1) A completed and signed application as required by Section 597.04; and~~
  - ~~(2) Payment of the license fee pursuant to Section 597.97.~~~~

### **~~597.06 Expiration of an Alarm User License~~**

~~All Alarm User Licenses issued pursuant to this Chapter shall expire one (1) year from the date of issuance. At any time prior to the expiration of the Alarm User License, the alarm user may voluntarily surrender the license to the Division License Section.~~

### **597.07 Renewal of an Alarm User License**

All alarm users licensed in accordance with the terms of Chapter 597 shall have their license renewed for each succeeding year prior to the date of expiration, if applicable fee requirements and other requirements of the Columbus City Codes are met.

- (A) Alarm User License holders shall receive an invoice through personal mail and/or email notification for renewal fees and request any change in the applicant's information currently on file.
- (B) No Alarm User License will be renewed if the license holder has a past due balance that:
  - (1) Is currently placed with the City Attorney for collections;
  - (2) Is placed with an outside collection agency; or
  - (3) Has a past due balance that is over sixty (60) days old.
- (C) In the case of an expired Alarm User License, the license holder shall be responsible for any unlicensed alarm fees until a new license is issued.
- (D) Any Alarm User License renewed past the expiration date will only be valid from the date of renewal until the date of expiration. No Alarm User License will be backdated.
- (E) A renewal may be denied if an alarm user's current license is revoked pursuant to the provisions of Section 597.10.
- (F) If at any time the license holder chooses to no longer have an alarm system, the license holder must submit a cancellation notice in writing to the Division License Section within twenty one (21) days of the date of cancelation of the alarm.

### **597.08 Transfer of an Alarm User License**

- (A) An Alarm User License may be transferred by the license holder from one property to another property during a license period.
- (B) An Alarm User License shall not be transferred from one (1) alarm user license holder to another.

### **597.09 False Alarm Reduction Training for Alarm Users**

- (A) The City shall make available to Alarm User License holders a False Alarm Reduction Training. Upon completion of this training, the City shall issue to the alarm user license holder a certificate of completion which may be used as a waiver of fine for any false alarm that occurred within the ninety (90) days prior to the training completion date.
- (B) Alarm user license holders are eligible to take the False Alarm Reduction Training providing that:
  - (1) The alarm user currently maintains a valid Alarm User License;
  - (2) There is not a past due balance on the account of more than sixty (60) days;
  - (3) The alarm user account is not currently placed with the City Attorney or an outside collection agency for collection of fines;
  - (4) The alarm user registers for the training at least forty eight (48) hours prior to the start of the training;
  - (5) The alarm user pays the required fee for the False Alarm Reduction Training described in 597.97 prior to the beginning of the training;

- ~~(6) The alarm user has not completed the training in the past three hundred sixty five (365) days; and~~
- ~~(7) The alarm user has not registered for training in the past ninety (90) days and failed to show up for the training.~~
- ~~(C) Upon completion of the False Alarm Reduction Training, alarm users may submit a false alarm notice invoice and a copy of the license holders training certificate or certificate number, to the Division License Section to waive the false alarm service fee.~~

#### **597.10 Revocation of an Alarm User License**

- ~~(A) The Director may revoke the license of any licensed alarm user for any of the following acts or omissions by the alarm user:~~
  - ~~(1) Obtaining a license by making a false statement of the user's application;~~
  - ~~(2) Having more than ten (10) false alarms in a license year;~~
  - ~~(3) Failing to pay the false alarm service fee within thirty (30) calendar days of receipt of a false alarm invoice pursuant to Section 597.97;~~
  - ~~(4) Failing to pay a false alarm service fee within thirty (30) calendar days of a final determination of liability, if appealed, pursuant to Section 597.31(A), (B);~~
  - ~~(5) Failing to pay the renewal fee pursuant to Section 597.07, within thirty (30) days of invoice date;~~
  - ~~(6) Failing to notify the Division License Section of any change in information provided on the application pursuant to Section 597.04(C);~~
  - ~~(7) Use of any automatic dialer programmed to connect directly to the 911 emergency response system;~~
  - ~~(8) Failure to cooperate with a police officer, firefighter, or license officer when inspecting an alarm system;~~
  - ~~(9) Failure to disconnect or reset an alarm system when ordered to do so by the Director, police officer, firefighter, or license officer;~~
  - ~~(10) Failing to appear before the Director when properly notified to do so pursuant to 597.11(A); and~~
  - ~~(11) Threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 597.~~

#### **597.11 Appeal Process for an Alarm User License**

- ~~(A) If an appeal for an Alarm User License has been submitted to the License Section Division, a hearing shall be conducted by the Director to determine if the Alarm User License should be revoked. The Alarm User License holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing. The Alarm User License holder shall have the right to present evidence and testimony.~~
- ~~(B) All revocation orders issued by the Division License Section shall be subject to appeal to the Board of License Appeals pursuant to Chapter 505.~~
- ~~(C) Provisions of Section 501.08(a), shall not apply to this Chapter.~~



---

### **597.12 Reinstatement of a Revoked Alarm User License**

- (A) ~~Any Alarm User License that has been revoked for any reason shall pay the following fees prior to reinstatement:~~
- ~~(1) Reinstatement fee pursuant to Section 597.97; and~~
  - ~~(2) All outstanding false alarm service fees pursuant to Section 597.97.~~
- (B) ~~The Director has the authority to require a corrective action plan submitted by the alarm user prior to reinstatement.~~

### **597.14 Alarm Dealer License Application**

- (A) Applications for an Alarm Dealer License shall be made to the Director on forms provided by the ~~Division~~ License Section and shall set forth at a minimum:
- (1) The business name, address, phone number, and email address of the applicant;
  - (2) The name, address, phone number, and email address of the designated local company representative;
  - (3) The certificate from the Ohio Secretary of State demonstrating the company is authorized to transact business in the state of Ohio;
  - (4) The identity of the designated agent as required by Section 1703.03 of the Ohio Revised Code;
  - (5) A notarized affidavit, on forms provided by the License Section ~~Division~~, affirming that there are no outstanding city tax obligations;
  - (6) A list of all company names that the alarm dealer does business under; and
  - (7) An accurate list of all names and identification numbers of other alarm dealers for whom they currently monitor (monitor customer).
- (B) Along with each application, all applicants are required to submit affirmation that the applicant will conduct a national, state, and local criminal background check prior to allowing any person to work as an alarm agent pursuant to the requirements set forth in Section 597.15(B), (C), and (D).
- (C) The Director has the authority to require additional information to be submitted with the application.
- (D) The Director has the authority to request additional information to clarify the applicant's application when necessary.
- (E) Any change in information provided on the application shall be reported to the ~~Division~~ License Section within fourteen (14) calendar days.
- (F) The Director has the authority to deny a license based upon a company's misconduct which constitutes a departure from the generally accepted practices of alarm dealers which demonstrates personal, corporate, managerial, ethical, or professional characteristics or disposition of such a nature as to render a company unsuitable to hold an Alarm Dealer License.

### **597.16 Expiration of an Alarm Dealer License**

All Alarm Dealer Licenses shall expire two (2) years from the date of issuance. At any time prior to the expiration of the Alarm Dealer License, the alarm dealer may voluntarily surrender the license to the

---

~~License Section Division~~. At no time shall a refund or prorated fee be granted to any alarm dealer that chooses to voluntarily surrender an Alarm Dealer License pursuant to Sections 501.09(b) and 501.10.

**~~597.20 Approval by City Attorney~~**

~~Any general liability insurance policy submitted to the Division License Section pursuant to Sections 597.19 shall be subject to the approval of the City Attorney as to its compliance with this Chapter and as to its form and legality.~~

**597.21 Alarm Dealer License Conditions**

- (A) Alarm dealers shall only contract for monitoring of an alarm system with a person or company that holds a valid Alarm Dealer License.
- (B) Alarm dealers shall:
  - (1) Provide company identification cards for every alarm agent and include the company name, agent name, and agent photograph;
  - (2) Completely test each alarm system after installation;
  - (3) Provide each customer, in writing, procedures for testing the system;
  - (4) Provide each customer, in writing at the time of sale or installation, documentation stating that an Alarm User License is required for the alarm system.
- (C) Alarm dealers shall be issued an identification number from the ~~Division License Section~~ for each company that monitors the alarms installed by the alarm dealer. This number shall be used when the monitoring company requests services from the City of Columbus.
  - (1) Identification numbers shall be provided at no charge when an Alarm Dealer License is issued.
- (D) Alarm dealers shall conform to all applicable city, state, and federal laws including, but not limited to building and fire codes.
- (E) Alarm dealers are required to provide to the Director, upon request, information on any alarm system it monitors, or person it employs. This information may include the following:
  - (1) Name, address, phone number, and email of an alarm user;
  - (2) A copy of the signed monitoring agreement between the alarm dealer and the alarm user; and
  - (3) Any service reports for maintenance performed at the location of a monitored alarm.
- (F) Alarm dealers shall only install alarm equipment that meets or exceeds the "ANSI/SIA Control Panel Standard CP-01" standards.
- (G) Alarm dealers shall install one (1) alarm system per dwelling and not one (1) alarm system for a multiple dwelling unit or multiple dwelling development.
- (H) No alarm company shall within seven (7) days following a new alarm system installation, make a service request with the 911 emergency response system prior to verification.
- (I) When requesting a response from the 911 emergency response system, each alarm company shall provide the 911 emergency response dispatcher the following:
  - (1) Alarm user license number;

- (2) Nature of the alarm (i.e. fire, hazardous gas, burglary, robbery, panic, duress, silent, audible, etc.);
- (3) Specific location of all alarm signals (i.e. interior or perimeter, north, south, front, back, floor, etc);
- (4) Advise if the alarm user or keyholder is on the way to the alarm site, the estimated time of arrival (ETA), and description of vehicle;
- (5) Alarm monitoring company operator name and identification number;
- (6) Alarm monitoring company telephone call back number; and
- (7) Alarm Dealer identification number issued by the ~~Division~~ License Section.

#### **597.22 Records to be Maintained by the Alarm Dealer**

- (A) Alarm dealers shall provide to the ~~Division~~ License Section on the last business day of each month in a format approved by the ~~Division~~ License Section:
  - (1) Information on all new installations and customers;
  - (2) Any change in current alarm user information;
  - (3) Any new alarm user information;
  - (4) Any deletion in alarm user listings;
- (B) All Alarm Dealers are required to maintain a current list of active alarm agents. This list must be turned in with the Alarm Dealer application. The alarm dealer must maintain for each alarm agent the following and must provide changes and updates of this information to the ~~Division~~ License Section, by the final day of March, June, September, and December yearly.
  - (1) A national, state, and local criminal background check which is based upon fingerprints completed in the past three hundred sixty-five (365) days pursuant to the standards set forth in Section 597.15(b), (c) and (d);
  - (2) A current photo; and
  - (3) A current address, phone number, and email address.

#### **597.23 Revocation of an Alarm Dealer License**

- (A) The Director may revoke the license of any licensed alarm dealer for any of the following acts or omissions by the dealer:
  - (1) Obtaining a license by making a false statement on the dealer's application;
  - (2) Failing to appear before the Director when properly notified to do so pursuant to Section 597.23(b)(1);
  - (3) Failing to notify the ~~Division~~ License Section of changes in license information pursuant to Section 597.14(e);
  - (4) Programming any dialer to connect directly to the 911 emergency response system;
  - (5) Failing to maintain the records required by Section 597.22(a);
  - (6) Failing to provide the records when requested as required by Section 597.22(a);
  - (7) Failing to cooperate with a police officer, firefighter or license officer while inspecting an alarm system;

- (8) Threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 597;
  - (9) Engaging in any other form of misconduct, which constitutes a departure from the generally accepted practices of alarm dealers or which demonstrates personal characteristics rendering a person unsuitable to operate as an alarm dealer.
  - (10) Violating of any other provision of this Chapter.
- (B) A hearing shall be conducted by the Director to determine if an Alarm Dealer License shall be revoked. However, a hearing shall not be required in cases of automatic revocation caused by insurance cancellations as provided in Section 597.19(c).
- (1) The license holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing; and
  - (2) The license holder shall have the right to counsel and the right to present evidence and testimony.
- (C) Provisions in Chapter 501.08(a), shall not apply to this Chapter.

#### **597.24 Appeal Process for an Alarm Dealer License**

- (A) If an appeal for an Alarm Dealer License has been submitted to the ~~Division License Section~~, a hearing shall be conducted by the Director to determine if the Alarm Dealer License should be revoked. The Alarm Dealer License holder shall be notified by certified mail or personal service at least fourteen (14) calendar days in advance of such hearing. The Alarm Dealer License holder shall have the right to present evidence and testimony.
- (B) All revocation orders issued by the ~~Division License Section~~ shall be subject to appeal to the Board of License Appeals pursuant to Chapter 505.
- (C) Provisions of Section 501.08(a), shall not apply to this Chapter.

#### **597.27 Malfunctioning Audible Alarm Systems**

All licensed ~~alarm users and~~ alarm dealers shall cooperate with the Director by supplying information that may be necessary to disconnect or reset any alarm system that does not conform to the standards set forth in Section 597.26.

#### **597.28 ~~False Alarm Determination~~**

- ~~(A) If the responding police officer, firefighter, or license officer determines the alarm dispatch request to be false, that police officer, firefighter, or license officer shall make a report of the false alarm and forward it to the Division License Section. A notification of the false alarm report shall be delivered to the address of the false alarm occurrence by posted notice or via email notification or US postal service within five (5) business days.~~
- ~~(B) Each false alarm notice shall constitute a separate violation of this Chapter.~~
- ~~(C) A call for a response that is canceled by the 911 emergency response system within ten (10) minutes of the original dispatch time, shall not constitute a false alarm.~~
- ~~(D) If a request for response is made to the emergency contact person or keyholder, the alarm user or a designee of the alarm user shall respond to the premises after being requested to do so by the Department of Public Safety Building and zoning services. The response shall be made within a~~

~~reasonable time and, in any event, not later than thirty (30) minutes after being requested to do so by the Department of Public Safety Building and zoning services.~~

### **597.29 False Alarm Dismissal**

~~(A) False alarms may be dismissed under the following conditions:~~

~~(1) Equipment malfunction, with written verification from the alarm company that such malfunctioning equipment has been repaired;~~

~~(a) False alarm notices shall be overturned on appeal if all of the following conditions are met:~~

~~(i) One (1) appeal per licensing year;~~

~~(ii) Alarms that occurred during the same calendar day; and~~

~~(iii) A service ticket signed by an alarm agent of an alarm company, within seven (7) calendar days of the malfunctioning date.~~

~~(b) Equipment malfunctions shall not include but are not limited to:~~

~~(i) Sensors that are misaligned; or~~

~~(ii) Alarm system components that need software upgrades or sensitivity adjustments.~~

~~(2) Acts of nature such as earthquakes, flood, or winds greater than fifty nine (59) mph;~~

~~(3) Verifiable power outages greater than four (4) hours; or~~

~~(4) Burglary, attempted burglary, or vandalism if a proper police report was filed at the time the crime occurred.~~

~~(B) Equipment malfunctions does not include the following:~~

~~(1) Low battery;~~

~~(2) Premises left unsecured;~~

~~(3) Defective locks;~~

~~(4) Doors and/or windows that become loose and cause a break in the contacts which activate the alarm;~~

~~(5) Improper use of alarm system by the user;~~

~~(6) Faulty, defective, or malfunctioning equipment;~~

~~(7) Rodent and animal activations;~~

~~(8) Improper installation or maintenance by the alarm dealer;~~

~~(9) Improper monitoring by the alarm monitoring company; or~~

~~(10) Alarm activations that occur while alarm agents are repairing or servicing the alarm system.~~

### **597.30 Excessive False Alarms**

~~Excessive false alarm occurrences may result in an on-site inspection by a license officer or in a consultation conducted by the Director. The alarm user and the responsible alarm dealer may be required to be in attendance. Excessive false alarms shall mean seven (7) or more false alarms in a twelve (12) month period.~~

**597.31 Appeal of a False Alarm**

- (A) ~~Upon receipt of any false alarm notice, the alarm user may appeal by submitting a written explanation as to the actual cause of the alarm within twenty one (21) calendar days from the date of the false alarm.~~
- (B) ~~If the Division License Section upholds the original false alarm determination, the appellant will have thirty (30) calendar days from that date to appeal the decision.~~
  - (1) ~~A hearing officer shall be appointed by the Director to hear appeals.~~
  - (2) ~~A hearing shall be scheduled within twenty one (21) calendar days of receipt of such request by the Division License Section, unless the alarm user waives this right. The alarm user shall have the right to present evidence and testimony.~~

**597.97 Fees, Terms**

- (A) The following schedule sets forth applicable license fees and terms for ~~Alarm User Licenses and Alarm Dealer Licenses~~:
- (B) ~~The following schedule sets forth applicable false alarm service fees for licensed and unlicensed alarm users:~~
- (C) All fees, once processed, shall be nonrefundable.
- (D) Payments made via the City's alarm website, or over the phone will be required to pay a convenience fee of \$2.00 per transaction.
- (E) Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

License fees and terms for ~~Alarm User Licenses and Alarm Dealer Licenses~~:

| <del>Alarm Type</del>       | <del>New License Fee</del> | <del>Renewal Fee</del> | <del>Reinstatement Fee</del> | <del>False Alarm Reduction Training Fee</del> | <del>Term of License</del> |
|-----------------------------|----------------------------|------------------------|------------------------------|---|----------------------------|
| <b>Alarm Users</b>          |                            |                        |                              |   |                            |
| <del>Residential</del>      |                            |                        |                              |   |                            |
| <del>Under age 70</del>     | \$45                       | \$25                   | \$35                         | \$25  | 1 year                     |
| <del>Over age 70</del>      | \$15                       | \$0                    | \$15                         | \$25  | 1 year                     |
| <del>Commercial</del>       | \$70                       | \$35                   | \$60                         | \$35  | 1 year                     |
| <del>School</del>           | \$0                        | \$0                    | \$0                          | N/A   | 1 year                     |
| <del>Bank</del>             | \$55                       | \$25                   | \$35                         | \$60  | 1 year                     |
| <b>Dealers</b>              | \$400                      | \$250                  | \$300                        | N/A   | 2 years                    |
| <del>Renewal Late Fee</del> |                            | \$50                   |                              |   |                            |

False alarm service fees for licensed and unlicensed alarm users:

| Alarm Type        | Dispatch Type               | License Type | False Alarm (FA) #1 | FA: #2 | FA: #3-4 | FA: #5-6 | FA: #7-8 | FA: #9-10 | FA: #11+ |
|-------------------|-----------------------------|--------------|---------------------|--------|----------|----------|----------|-----------|----------|
| Residential       | Burglary                    | Licensed     | \$0                 | \$50   | \$100    | \$200    | \$300    | \$500     | \$800    |
|                   |                             | Unlicensed   | \$100               | \$150  | \$200    | \$300    | \$400    | \$800     | \$800    |
|                   | Panic or Hold Up            | Licensed     | \$50                | \$75   | \$125    | \$225    | \$350    | \$500     | \$800    |
|                   |                             | Unlicensed   | \$150               | \$250  | \$300    | \$450    | \$550    | \$800     | \$800    |
| Commercial School | Burglary, Panic, or Hold Up | Licensed     | \$0                 | \$125  | \$200    | \$300    | \$400    | \$550     | \$800    |
|                   |                             | Unlicensed   | \$150               | \$250  | \$400    | \$550    | \$750    | \$900     | \$900    |
| Bank              | Burglary                    | Licensed     | \$0                 | \$75   | \$100    | \$100    | \$200    | \$400     | \$800    |
|                   |                             | Unlicensed   | \$100               | \$150  | \$200    | \$400    | \$400    | \$800     | \$800    |
|                   | Panic or Hold-up            | Licensed     | \$100               | \$200  | \$300    | \$400    | \$500    | \$800     | \$1000   |
|                   |                             | Unlicensed   | \$250               | \$500  | \$500    | \$800    | \$800    | \$800     | \$1000   |
| Cancellation      | All                         | Licensed     | \$0                 | \$0    | \$0      | \$0      | \$25     | \$40      | \$70     |
|                   |                             | Unlicensed   | \$0                 | \$25   | \$50     | \$75     | \$100    | \$100     | \$100    |

**597.99 Penalties**

- (A) ~~Whoever violates Section 597.02 shall be guilty of a misdemeanor of the fourth degree. Upon subsequent conviction, such person shall be deemed guilty of a misdemeanor of the third degree. Any such violation shall constitute a separate offense on each successive day continued. Alarm User License~~
- (~~A~~B) Whoever violates Sections 597.13 shall be deemed guilty of a misdemeanor of the third degree. Any violation shall constitute a separate offense for each successive day continued.
- (~~B~~C) A violation of Sections 597.19, 597.21, 597.22, and 597.23 shall be grounds for revocation of the Alarm Dealer License by the Director.
- (~~D~~) ~~Whoever violates any provision of Section 597.26 shall be guilty of a minor misdemeanor. Upon subsequent conviction, such person shall be deemed guilty of a misdemeanor of the fourth degree. Any violation shall constitute a separate offense for each successive day continued.~~

## Chapter 598 HOTEL/MOTEL AND SHORT-TERM RENTAL OPERATIONS

### 598.01 Definitions.

Notwithstanding any same or similar provisions of the Columbus City Codes ("C.C.C."), the definitions applicable to this Hotel/Motel and Short-Term Rental Operations Chapter shall be as follows:

- (A) "Applicant" means the owner or permanent occupant who submits an application for a new permit or a renewal permit to the License Section with information as required by C.C.C. 598.03.
- (B) "Applicant's Dwelling" means any and all dwellings intended to be used as a short-term rental(s) ~~for which identified on the application submitted by the applicant has submitted~~ to the License Section as required by C.C.C. 598.03 for consideration to grant a new or renew a valid short-term rental permit.
- (C) "Booking Service" means any mechanism that provides for or facilitates a transaction between a short-term rental host and a potential short-term rental guest for the purpose of reserving or renting a guestroom for a fee, and for which a hosting platform collects or receives, directly or indirectly any compensation in connection with the reservation. Such compensation may be remitted to the short-term rental host or the hosting platform.
- (D) "Calls for Service Ratio" means the number of calls for service divided by the number of rooms in service at the hotel/motel.
- (E) "Calls for Service" means any and all calls, including but not limited to those to law enforcement and/or the fire department, when those calls:
  - (1) result in a representative being dispatched or directed to the hotel/motel or short-term rental;
  - (2) allege evidence of criminal activity;
  - (3) result in an arrest, charge or citation;
  - (4) find an imminent threat to safety of person(s) or property; or
  - (5) allege a sanitation, refuse or noise issue at a short-term rental property in violation of the Columbus City Codes,

Calls for service shall not include calls to notify the radio/dispatch made by employees of the hotel/motel itself acting as officers, calls made by law enforcement officers or firefighters to indicate room of their location, or calls made by any person listed on a short-term rental application.

- (F) "Director" means the Director of ~~Public Safety Building and Zoning Services~~ or the Director's authorized designee.
- (G) "Dwelling" means any building, structure, or unit, on the same tax parcel, sharing the same mailing address, which is occupied or intended for occupancy in whole or in part as a home, residence or sleeping place for one (1) or more persons.
- (H) "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the hotel/motel.
- (I) "Entity" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or any other commercial organization. Entity



does not include an organization created by a governmental agency for execution of a governmental program.

- (J) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.
- (K) "Hosting Platform" means an entity that participates in the short-term rental business/industry by providing for or facilitating a booking service through a website whereby a short-term rental host may offer, list, advertise, or market a short-term rental to a potential short-term rental guest.
- (L) "Hotel/Motel" means any structure consisting of one or more buildings, with more than five guestrooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to guests, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. For the purpose of this Chapter, an individual guestroom in a hotel/motel shall not be considered to be a separate mailing address.
- (M) "Interception device" as used in this chapter refers to the definition found in RC Ohio Revised Code Section 2933.51(D).
- (N) "License Section or section" shall mean the City of Columbus ~~License Section of Licenses~~ under the ~~Division of Support Services~~, Department of ~~Public Safety Building and Zoning Services~~.
- (O) "Manager" means the general manager, shift manager, or any person in any supervisory position at the hotel/motel.
- (P) "Operator" means any person who works at a hotel/motel in a capacity to facilitate the offering of guestrooms to guests, including, but not limited to, front desk workers.
- (Q) "Owner" means the owner(s) of record as shown on the current tax list of the county auditor or a mortgagee(s) in possession. If an Owner is a business entity, such as a corporation, firm, partnership, association, organization and any other group acting as a unit, such business entity shall include the duly authorized agent.
- (R) "Permanent Occupant" means a person who resides in a dwelling more than 51% of the time during a calendar year, and such dwelling in which a person resides shall be referred to as the primary residence.
- (S) "Person" means every natural person and does not include any corporation, firm, partnership, association, or any other group acting as a unit.
- (T) "Primary Residence" means a dwelling which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, tax documents, copy of lease eopy or a utility bill. An owner or permanent occupant can only have one primary residence.
- (U) "Property Manager" means any person charged with or responsible for a supervisory or caretaking position for the short-term rental and who has passed a BCI background check as required by C.C.C.598.03(B)(10).
- (V) "Short-Term Rental Guest" means a person who reserves a guestroom, wholly or partly, from a short-term rental host for a compensatory fee, for less than thirty (30) consecutive days.
- (W) "Short-Term Rental Host" means the owner or permanent occupant who offers, lists, markets, or advertises a short-term rental on a hosting platform and receives a fee as compensation.

- (X) "Short-Term Rental" means any dwelling with five guestrooms or less that is reserved/rented wholly or partly for a compensatory fee for less than thirty (30) consecutive days by a short-term rental guest.
- (Y) "Transient Guest" mean a person occupying a hotel/motel guest room for sleeping accommodations for less than thirty (30) consecutive days.

#### **598.07 Notice of Denial, Revocation, or Suspension of Hotel/Motel or Short-Term Rental Permit**

- (A) If the License Section denies a new or renewal permit under C.C.C. 598.03(I), the License Section shall provide a Notice of Denial to the applicant which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than seven (7) calendar days ~~from~~ after the date of denial.
- (B) If a permit is automatically revoked under C.C.C. 598.13(C) ~~598.14(C)~~, the License Section shall provide a Notice of Revocation to the owner and the grounds for such revocation. The Notice of Revocation shall be provided within seven (7) calendar days from the date of the a name change or notice to the License Section, whichever occurs ~~earlier in date~~ first.
- (C) If the License Section denies a new or renewal permit under divisions (A) or (B) of C.C.C. 598.05, the License Section shall provide a Notice of Denial to the applicant which shall list any and all grounds for such denial. Such Notice of Denial shall be provided no later than seven (7) calendar days ~~from~~ after the date of denial.
- (D) At ~~a minimum of~~ least seven (7) calendar days prior to such action of revocation or suspension under C.C.C. 598.06(C) or (D), the License Section shall provide a Notice of Revocation or a Notice of Suspension to the hotel/motel manager or short-term rental host. The Notice of Revocation or Notice of Suspension shall list all grounds for which the permit is being revoked or suspended.
- (E) The Director shall make every reasonable effort to personally serve the hotel/motel manager or short-term rental host with any Notice of Revocation or Notice of Suspension.

#### **598.09 Appeal Procedure and Stay Order**

- (A) All persons aggrieved by an order of the Director or License Section denying the issuance or renewal of a permit or revoking or suspending a permit who wish to appeal such order, may appeal such order to the Board of License ~~Licensing~~-Appeals and shall do so pursuant to the provisions of Chapter 505.
- (B) All appeals shall be perfected in the following manner:
  - (1) The appellant must file a written notice of appeal to the License Section on a form approved by the Board of License ~~Licensing~~-Appeals within twenty (20) calendar days after receipt of the order from which the appellant appeals.
  - (2) The appellant must deposit with the License Section a fee of thirty dollars (\$30.00), which sum shall be refunded to the appellant only if the Board of License ~~Licensing~~-Appeals renders a decision in appellant's favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.
  - (3) Within five (5) days after receipt by the License Section of the notice of appeal, the License Section shall cause a true copy of the notice of appeal to be docketed with the chairperson of the Board of License Appeals.
  - (4) Within twenty (20) days after receipt by the chairperson of the notice of appeal or, if a stay order is issued pursuant to C.C.C. 505.07, then within sixty (60) days from the date of issuance

of the stay order, the chairperson shall cause a meeting of the Board of ~~License Licensing~~ Appeals to be convened for the purpose of hearing the appeal.

- (5) In the event an expedited appeal is required pursuant to an emergency revocation or suspension cited under C.C.C.\_598.08(A), the chairperson shall cause a meeting of the Board of ~~License Licensing~~ Appeals to be convened for the purpose of hearing the appeal to conform with the time limits therein.
  - a. The burden of proof is on the appellee to prove by clear and convincing evidence that an emergency existed which required immediate action on the part of the Director. Appellant has no burden ~~to prove there was not~~ of proof that an emergency did not exist.
- (C) An appeal does not automatically operate as a stay of a revocation or suspension order by the Director or the License Section. If an appellant desires a stay of such order pending the outcome of the hearing, appellant must first apply in writing to the chairperson setting forth reasons for the stay. The chairperson may request the License Section to render, in writing, its views regarding the stay request. Within five (5) days after the receipt by the chairperson of the request for a stay, the chairperson shall render a decision on the request. If the chairperson determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the city by issuing a stay, a stay order, not to exceed sixty (60) days and pending the outcome of the hearing, ~~will~~ may be granted.
- (D) In addition to the general review standards for a stay described in C.C.C.\_598.09(C), an action to revoke or suspend a hotel/motel permit may be stayed should the property owner/operator take specific steps to remediate problems outlined in the notice of revocation or suspension that include, but are not limited to, some of the following actions:
  - (1) Completion of approved safety and security training, and/or training to identify criminal activity such as human trafficking
  - (2) 24 hour presence of special duty uniformed police or qualified security
  - (3) Installation of safety and security measures such as fencing, lighting, public space surveillance, etc.
  - (4) Voluntary sharing of guest information with law enforcement
  - (5) Voluntary participation in right-of-entry programs with law enforcement agencies
  - (6) Implementation of minimum age of 21 years old for check-in ~~for~~ at lodging properties
  - (7) Requirement of use of valid credit card at check in
  - (8) And/or additional remediation actions as approved by the Director

### **598.10 Hearing Process**

- (A) All hearings shall proceed as in a trial of a civil action with the License Section having the burden of going forward. The License Section shall be limited to evidence relating to the reasons set forth in its order unless the Board of ~~License Licensing~~ Appeals determines that justice to the citizens of the city requires other evidence to be admitted.
- (B) In all hearings, the Board of ~~License Licensing~~ Appeals shall not be strictly bound by the rules of evidence.
- (C) All testimony shall be given under oath, to be administered by an officer authorized to administer oaths, and shall be recorded by a stenographer at a cost to the License Section.

- (D) All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case.
- (E) All parties shall have the right to:
  - (1) Offer and examine witnesses and present evidence in support of their case; and
  - (2) Cross-examine adverse witnesses and offer evidence to refute evidence offered in opposition; and
  - (3) Proffer evidence into the record if its admission has been denied.

**598.17 Rules and Regulations**

- (A) The Director may promulgate and enforce reasonable rules and regulations to carry out the intent of this Chapter in accordance with ~~C.C.C. 501.05 and C.C.C. 501.06~~ Chapter 501.

**598.18 Severability Clause**

- (A) In the event any section or provision of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such ~~decision~~ declaration of invalidity or unconstitutionality shall be limited to that portion, section or part of section declared invalid or unconstitutional. Any such declaration of invalidity or unconstitutionality shall not affect or impair the remainder of the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional., and to this end the objectionable provisions are severable.

**Chapter 599 CLEAN ZONE LICENSE**

**599.01 Definitions.**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings defined below, therein respectively ascribed to them unless a different meaning is clearly indicated by the context in which the words or phrases are used.

- (a) "License ~~Section or section~~" shall mean the License Section of Licenses in the Department of Public Safety Building and Zoning services and is further defined in Sections 501.02 and 501.03.
- (b) "Special event" shall have the same meaning as set forth in Chapter 924. ~~mean any activity or gathering or assemblage of people upon public property or in the public right of way for which a block party, street closure, race event, parade, community market, or other like permit has been issued by the city of Columbus. At Council's discretion, a special event can also include a large conference, sports event, or the like thereof for which a city issued permit is not required.~~
- (c) "Public right of way" shall mean any property owned by the city of Columbus, including but not limited to, any street, road, alley, sidewalk, vacant lot, or other tract of land.
- (d) "Privately Owned Property" as used in this chapter means any property that is not owned by the city.
- (e) "Person" means an individual, firm, corporation, association or partnership.
- (f) "Regulated business" means any person who is required to acquire a license or permit under Title 5 of the Columbus City Codes before commencing operation in the public right of way.

- (g) "Clean Zone" shall mean a geographically defined area within the public right of way that is designated by ordinance of City Council in which all regulated businesses must apply for and obtain a Clean Zone license in order to lawfully sell, distribute, or offer for sale or free of charge, any special event-related services or goods, including but not limited to, food, beverages, flowers, plants, tickets, merchandise, souvenirs, or paraphernalia.
- (h) "Clean Zone license" shall mean the license issued by the License Section that authorizes the sale, distribution, or offering for sale or free of charge, any special event-related services or goods for the duration of the Clean Zone designation.
- (i) "Ambush marketing" shall mean any regulated business engaging in commercial activity in the designated Clean Zone without a clean zone license that misleads consumers into believing such regulated businesses are officially associated with the special event (including the fraudulent use of official names and trademarks), or performs marketing activities in the designated Clean Zone to dilute the presence of sponsors or regulated businesses that have obtained a Clean Zone license.

**599.08 98 Severability clause.**

If any ~~particular~~ portion of this chapter, or any section or part of a section is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that ~~particular~~ portion, section, or part of a section declared invalid. Any such ~~This~~ declaration of invalidity shall be limited to that portion, section, or part of a section declared invalid. Any such declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.