

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

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**CODIFIED ORDINANCES OF BUCYRUS**  
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**CHAPTER 701**  
**Business Adjacent to Residential Areas**

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**CROSS REFERENCES**

Prohibited sewer discharges; special permits - see S.U. & P.S. 925.02  
 Building permits - see BLDG. Ch. 1301  
 Construction in flood plain - see BLDG. Ch. 1321

**701.01 PERMIT REQUIRED; EXCEPTION.**

No person or firm shall locate, build or erect, construct, maintain or operate any business or commercial facility or installation on premises abutting on and along any street or avenue in the City when three-fourths of the buildings on both sides of the street or avenue for a distance of 500 feet in either direction from the outside boundaries of the proposed location of such establishment or installation are used exclusively for residential purposes, without first securing permission from Council, authorizing the construction and operation of such business or commercial enterprise, facility or installation.

"Building," as used in this chapter, does not include a trailer, house car or any vehicle or structure mounted on wheels or capable of being propelled from place to place, either by its own power or power supplied by some vehicle attached, or to be attached thereto and used or to be used for sleeping or living quarters, such mobile condition existing now or in the past.  
 (Ord. 26-77. Passed 7-5-77.)

**701.02 APPLICATION; DEPOSIT.**

The permit mentioned in Section 701.01 may be secured in the following manner: any person or firm desiring to secure a permit shall make application to the Service-Safety Director. Any such applicant is prohibited from making application with respect to the same proposed business location more often than once in any twelve-month period. Such application shall be in writing, shall state specifically the kind of business or commercial facility proposed to be operated, the size and location of such facility or installation, the anticipated volume of waste liquids, etc., to be disposed of through existing sewer facilities, the type of product storage facilities proposed, the contemplated traffic pattern for patrons, the proposed illumination plan, type of building construction, type of outside wall, including a list of building materials to be used in connection with the construction of both the interior and the exterior thereof and such other information as may be required by the Service-Safety Director, the Fire Prevention Bureau and the Engineering Department. Following receipt of the application signed by the person or firm making same,

the Council Clerk shall be charged with the responsibility for the mailing, to all eligible record property owners within a distance of 200 feet from the outside boundaries of the parcel of land to be used for such business or commercial enterprise, of an inquiry as to their approval on the one hand, or disapproval on the other, of the business or commercial operation upon the proposed site, together with a self-addressed, stamped envelope to facilitate the return of same. If at least seventy-five percent (75%) of the responses are favorable, then the processing of the applicant's application shall continue in accordance with the following procedure; if, on the other hand the favorable response does not meet the aforesaid criterion, then the applicant's application shall receive no further processing and shall be considered to have been denied. At the time of filing the application there shall be deposited with the Service-Safety Director one hundred fifty dollars (\$150.00), which shall be a guarantee deposit that the curbing, sidewalks, etc. shall be properly taken care of after the erection of the proposed facility or other installation, and that all conditions of this chapter shall be complied with, before payment of the usual fee charged for all building permits by the City is accepted.

If the Service-Safety Director, the Fire Prevention Bureau and the Engineering Department are satisfied that all conditions regarding the facility have been fulfilled, or if the permit is finally refused, then the deposit of one hundred fifty dollars (\$150.00) shall be returned to the applicant.

The merits of the application shall be considered by the Mayor, the Service-Safety Director, the Fire Prevention Bureau and the Engineering Department, and each shall note his approval or disapproval in writing, and if disapproved, the reason therefor. The application shall then be deposited with Council for its action and shall be referred to the Planning Commission, and after being passed upon the Planning Commission shall be considered by Council. If Council approves, such approval shall be by resolution granting the Service-Safety Director authority to issue a building permit, for which the Director shall receive the usual fee. (Ord. 57-80. Passed 11-19-80; Ord. 16-87. Passed 5-5-87.)

#### **701.03 REMODELING OR NEW CONSTRUCTION COMPLIANCE.**

Every person applying for a building permit hereunder shall prior to issuance of same by the Service-Safety Director, furnish acceptable evidence of compliance with standards set by the Division of Factories and Workshops, Ohio Department of Industrial Relations, in addition to such standards as may be imposed by the Fire Prevention Bureau and the Engineering Department. (Ord. 26-77. Passed 7-5-77.)

#### **701.04 CASH DEPOSIT REQUIRED.**

A deposit of one hundred dollars (\$100.00) in cash shall accompany each application filed hereunder with the Service-Safety Director to defray the expenses connected with the required mailings upon the part of the Council Clerk and the publication of the resolution enacted by Council granting the permit requested. The applicant shall be entitled to a refund of any unspent portion thereof in the event the application is for any reason denied. (Ord. 57-80. Passed 11-19-80.)

#### **701.05 SEXUALLY-ORIENTED BUSINESSES.**

- (a) As used in this section, the following definitions shall apply:
- (1) "Sexually-oriented business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

- (2) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (3) "Adult bookstore or adult video store" means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:
- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas," or
  - B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- (4) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- A. Persons who appear in a state of nudity; or
  - B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
  - C. Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (5) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) "Adult motel" means a hotel, motel or similar commercial establishment which:
- A. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
  - B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - C. Allows a tenant or occupant of a sleeping room, to sub-rent the room for a period of time that is less than ten (10) hours.

- (7) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- (8) "Escort agency" means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts to one of its primary business purposes, for a fee, tip or other consideration.
- (9) "Nude model studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- (10) "Sexual encounter center" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (11) "Specified anatomical areas" means human genitals in a state of sexual arousal.
- (12) "Specified sexual activities" means and includes any of the following:
  - A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - B. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation or sodomy;
  - C. Masturbation, actual or simulated; or
  - D. Excretory functions as part or in connection with any of the activities set forth in subsection (a)(12)A. to C.

(b) Sexually-oriented businesses shall be permitted only within the HB (Highway Business) District and then only if the Board of Zoning Appeals determines that each of the following conditions have been met:

- (1) That the parcel of land upon which the sexually-oriented business is located at a minimum of 1,000 feet from the nearest parcel of land containing a pre-school, school, public park, public playground, church or residence;
- (2) That the parcel of land upon which the sexually-oriented business is located is a minimum of 500 feet from any other parcel of land containing a sexually-oriented business;
- (3) Section 1111.02 governing criteria for approval of conditional uses shall also apply to an application for a conditional use under this section.  
(Ord. 78-96. Passed 9-3-96.)

#### **701.99 PENALTY.**

(a) Any person violating Sections 701.01 through 701.04 shall be fined not more than five hundred dollars (\$500.00) for each offense. Each week's continued violation shall constitute a separate and distinct offense.

(b) Any person violating Section 701.05 shall be fined five hundred dollars (\$500.00) for the first offense, seven hundred fifty dollars (\$750.00) for the second offense and one thousand dollars (\$1,000) for the third offense. Each week's continued violation shall constitute a separate and distinct offense. (Ord. 21-97. Passed 3-4-97.)

**CHAPTER 703**  
**Home Solicitation Sales**

<b>703.01</b>	<b>Definitions.</b>	<b>703.05</b>	<b>Seller's duties upon cancellation.</b>
<b>703.02</b>	<b>Applicability.</b>	<b>703.06</b>	<b>Effect of cancellation.</b>
<b>703.03</b>	<b>Cancellation provisions.</b>	<b>703.99</b>	<b>Penalty.</b>
<b>703.04</b>	<b>Cancellation statement in contract or agreement.</b>		

**CROSS REFERENCES**

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

**703.01 DEFINITIONS.**

As used in this chapter:

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

"Goods and services" do not include those goods and services sold by salesmen specifically and especially licensed for sales of such goods and services by governmental agencies.

(Ord. 25-72. Passed 5-16-72.)

**703.02 APPLICABILITY.**

Every home solicitation sale made in the City and for which the total contracted price is twenty dollars (\$20.00) or over for all sales made to the residents of a household during a calendar day of twenty-four hours, shall be subject to the provisions of this chapter.

(Ord. 25-72. Passed 5-16-72.)

**703.03 CANCELLATION PROVISIONS.**

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

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

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

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

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

(f) The right to cancel granted herein may not be waived by the parties either by express or implied agreement. Except as provided in subsection (d) hereof, receipt of goods or services shall not be construed as affecting the right to cancel in any way.  
(Ord. 25-72. Passed 5-16-72.)

**703.04 CANCELLATION STATEMENT IN CONTRACT OR AGREEMENT.**

In a home solicitation sale, unless the goods or services are provided as set forth in Section 703.03(d), the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction, the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with the provisions of this chapter. This statement must appear in the agreement or offer to purchase under the conspicuous caption: "Buyer's Right to Cancel". The statement shall read substantially as follows:

"If this agreement or contract was solicited at your residence and you do not want the goods or services, you may cancel this agreement by mailing or delivering a written notice to the seller. This notice must say that you do not want the goods or service and must be mailed, telegraphed or delivered before midnight on the third calendar day after you sign this agreement. This notice must be mailed, telegraphed or delivered to: (insert name and mailing address of seller.) If you cancel, this transaction is automatically void and you are entitled to receive a refund of any partial or total payment, trade-in or other consideration. You must tender to the seller, the goods at the place where you received them or any part thereof, delivered to you in this transaction." (Ord. 25-72. Passed 5-16-72.)

**703.05 SELLER'S DUTIES UPON CANCELLATION.**

Except as provided in this section, within ten days after the buyer has cancelled a home solicitation sale as provided in this chapter, the seller must tender at the location where contract was signed, the contract or agreement, deposit, partial or total payment, trade-in or any consideration whatsoever made in addition to the payment and any note or other evidence of indebtedness. (Ord. 25-72. Passed 5-16-72. )

**703.06 EFFECT OF CANCELLATION.**

When a buyer exercises his right to cancel as provided in this chapter, he is not liable for any finance or other charges, and any security interest becomes void upon such a cancellation. (Ord. 25-72. Passed 5-16-72.)

**703.99 PENALTY.**

Whoever violates any provision of this chapter shall be guilty of an unclassified misdemeanor and fined not more than five hundred dollars (\$500.00). (Ord. 93-97. Passed 12-2-97.)



**CHAPTER 707  
Junk Yards**

<b>707.01 Storage prohibited within fire limits.</b>	<b>707.04 License fee.</b>
<b>707.02 Storage permitted outside fire limits.</b>	<b>707.99 Penalty.</b>
<b>707.03 License application and issuance;</b>	<b>fence required.</b>

**CROSS REFERENCES**

State licensing and required fencing - see Ohio R.C. 4737.05 et seq.  
Construction in fire limits - see BLDG. Ch. 1305  
Fire Prevention Code - see FIRE PREV. Ch. 1501

**707.01 STORAGE PROHIBITED WITHIN FIRE LIMITS.**

No building, place or lot where junk, rags, old rope, papers, bagging, old iron, brass, copper, tin, empty bottles, slush or lead, hazardous materials or other refuse matter is bought, sold or stored shall be hereafter used, established or maintained within the fire limits as described in Chapter 1305 of the Building Code. (Ord. 20-2005. Passed 7-5-05.)

**707.02 STORAGE PERMITTED OUTSIDE FIRE LIMITS.**

No building, place or lot where junk, rags, old rope, papers, bagging, old iron, brass, copper, tin, empty bottles, slush or lead, hazardous materials, or other refuse matter is bought, sold or stored shall be hereafter used, established or maintained outside the fire limits as described in Chapter 1305 of the Building Code, except upon the issuance of the license provided for in Section 707.03, notwithstanding, any person using or maintaining a building, place or lot where junk, rags, old rope, papers, bagging, old iron, brass, copper, tin, empty bottles, slush or lead, hazardous materials, or other refuse matter is bought, sold or used, on or before the effective date of this section is entitled to be issued a license or renewal thereof upon compliance with all provisions of this chapter and upon payment of the license fee provided for in Section 707.04.  
(Ord. 20-2005. Passed 7-5-05.)

**707.03 LICENSE APPLICATION AND ISSUANCE; FENCE REQUIRED.**

A junk yard license may be secured in the following manner. Any person desiring to secure such a license shall make application to the Zoning Director as the Mayor's designee. Such application shall be in writing and state specifically the exact location in the City of any building, place or lot where refuse materials are contemplated to be stored, or a junk yard established and the full and exact purpose for which the license is being secured, and such other and further information as may be required by the Zoning Director.

The merits of such application shall be considered by the Mayor, the Zoning Director, the Fire Chief, the Police Chief and the County Health District Commissioner. No license shall be granted unless the junk yard is totally enclosed by non-transparent fencing as required by O.R.C. 4737.07 and O.R.C. 4737.09, and as such "fence" is further defined in O.R.C. 4737.05(c).

(Ord. 20-2005. Passed 7-5-05.)

**707.04 LICENSE FEE.**

The annual fee for the license shall be as provided in Section 1143.09, in addition to any fee for a building permit which may now or hereafter be required.

(Ord. 20-2005. Passed 7-5-05.)

**707.99 PENALTY.**

Whoever violates Sections 707.01 and 707.02 of this chapter shall be guilty of a civil nuisance and shall be fined not more than five hundred dollars for each offense. Whoever violates Sections 707.03 and 707.04 of this chapter shall be guilty of an unspecified misdemeanor and shall be fined not more than five hundred dollars for each offense.

(Ord. 93-97. Passed 12-2-97.)

**CHAPTER 709**  
**Temporary Business**

<b>709.01</b>	<b>Definitions.</b>	<b>709.06</b>	<b>Agricultural products.</b>
<b>709.02</b>	<b>License; fee and duration.</b>	<b>709.07</b>	<b>Appeal procedure.</b>
<b>709.03</b>	<b>License revocation.</b>	<b>709.08</b>	<b>Display of license.</b>
<b>709.04</b>	<b>Deposit for cleaning premises.</b>	<b>709.99</b>	<b>Penalty.</b>
<b>709.05</b>	<b>Exceptions.</b>		

**CROSS REFERENCES**  
Peddlers and solicitors - see BUS. REG. Ch. 711

**709.01 DEFINITIONS.**

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

- (a) "Temporary business" means a place opened and maintained for the sale to the public of goods, wares, merchandise, property, tangible or intangible, of any nature whatsoever, or services. This definition shall not be construed so as to apply to events or activities, such as sidewalk sales, conducted by an existing business on its premises in conjunction with its established operation, and City sanctioned events.
- (b) "Place" includes, but is not limited to, a tent, vacant lot, lot, motor vehicle, trailer and mobile home.
- (c) "Sale" has the full meaning of "sale" as applied by or accepted in courts of law or equity, and shall also include an option of sale, a lease or a rental.  
(Ord. 43-96. Passed 8-20-96.)

**709.02 LICENSE; FEE AND DURATION.**

(a) Every person, whether principal or agent, who proposes to conduct or engage in a temporary business for the sale of goods, wares, merchandise, property, tangible or intangible, of any nature whatsoever, and services within the City shall, before opening same and before offering for sale such goods, wares, merchandise, property and services procure a license to do so from the Service-Safety Director or his designee.

(b) The applicant for a temporary business license shall furnish the Service-Safety Director or his designee with the following information on forms provided by the City:

- (1) Full name of the applicant.
- (2) Date of birth of applicant.
- (3) Local address, if any.
- (4) Permanent home address.

- (5) A physical description of the applicant setting forth age, height, weight, color of hair and eyes and sex.
  - (6) Social security number, if any.
  - (7) A description of the nature of the business and the location and the goods, wares, merchandise, property or services to be sold. Written consent of the owner of the premises or other duly authorized person shall be provided.
  - (8) Telephone number of the applicant.
  - (9) Number of employees.
  - (10) Dates and hours of operation.
  - (11) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed thereof.
  - (12) Such other information as the Service-Safety Director may require.  
(Ord. 43-96. Passed 8-20-96.)
- (c) The applicant will elect to be issued either:
- (1) A thirty-day license with a non-refundable fee of fifty dollars (\$50.00), or
  - (2) A ninety-day license with a non-refundable fee of one hundred dollars (\$100.00). (Ord. 44-97. Passed 6-3-97.)
- (d) The applicant shall register with the Service-Safety Director, providing the Service-Safety Director their name, address, person or persons to whom correspondence may be directed, and such other information as he/she may require.  
(Ord. 43-96. Passed 8-20-96.)
- (e) A license can be issued for a thirty-day period or a ninety-day period. The license shall be valid for the period not to exceed the stated length, such length shall be determined based from the date of issuance, unless earlier revoked. Any such license may be renewed once in any calendar year. An applicant for issuance of a thirty-day license may be granted an extension of thirty consecutive days upon payment of a renewal fee of ten dollars (\$10.00). An applicant for issuance of a ninety-day license may request an extension of ninety consecutive days upon payment of a renewal fee of twenty dollars (\$20.00). Such renewal may only occur if the request occurs prior to 120 days from the date of issuance of the license.  
(Ord. 44-97. Passed 6-3-97.)
- (f) The Service-Safety Director shall issue a license to the applicant unless he has determined:
- (1) That the applicant has made a false, misleading or deceptive statement in providing the information required under subsection (b); or
  - (2) That the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude during the five years preceding the date of application; or
  - (3) That the proposed location of the temporary business would constitute a hazard to the public health, safety and welfare; or
  - (4) That the applicant has not registered with the Service-Safety Director as provided in subsection (d) hereof; or
  - (5) The proposed location or place of the temporary business would, if permitted, be in violation of any ordinance, resolution, rule or regulation including those pertaining to use restrictions, yard requirements, height regulations or occupy or obstruct any accessory off-street parking space or accessory off-street loading and unloading facility.  
(Ord. 43-96. Passed 8-20-96.)

### **709.03 LICENSE REVOCATION.**

(a) A license issued under this chapter shall be revoked by the Service-Safety Director for any of the following causes:

- (1) It is subsequently determined that the licensee provided false, misleading or deceptive information in completing the application form set forth in Section 709.02.
- (2) The licensee is convicted of a felony or of a misdemeanor involving moral turpitude.
- (3) The licensee is convicted of a violation of any provision of this chapter.

(b) Written notice of such revocation shall be given to the licensee by personal service or by certified mail immediately upon such revocation.

(c) A license issued under this chapter can be suspended by the Service-Safety Director if vendor is charged or indicted on any theft offense or of any criminal conduct associated with the operation of the temporary business.

(Ord. 43-96. Passed 8-20-96.)

### **709.04 DEPOSIT FOR CLEANING PREMISES.**

The applicant shall also deposit, before such license is issued, the sum of one hundred dollars (\$100.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which such business is conducted are not cleaned and all merchandise, property, refuse and temporary structures are not removed therefrom and properly disposed of within forty-eight (48) hours after the termination of the business, the Service-Safety Director shall immediately cause such work to be done and deduct such cost from the deposit. The licensee shall be liable for any deficiency.

(Ord. 43-96. Passed 8-20-96.)

### **709.05 EXCEPTIONS.**

(a) This section shall not apply to permanent residents of the City while selling their own personal property not originally acquired for resale, or foods or foodstuffs produced and/or prepared at the residence property of the seller.

- (1) The sale is conducted on residence property of seller;
- (2) The sale is of no more than six calendar days' duration; and
- (3) No more than three sales are held in any calendar year;
- (4) When sale is completed all items remaining must be removed from public view at end of each sale period.

(b) The provisions of Sections 709.02 and 709.04 shall not apply to merchants or civic organizations who offer Christmas trees for sale at their place of business.

(c) The provisions of this chapter, other than Section 709.02 shall not apply to any activity, event or function conducted by or on behalf of any recognized nonprofit, educational, philanthropic, civic, religious, political or charitable organization or group provided that the aforementioned organization or group or person on its behalf shall register with the Service-Safety Director stating the name of the organization or group, the nature of the activity, event or function being conducted, the duration and location of such activity, event or function and providing such other information deemed necessary by the Service-Safety Director, including evidence

satisfactory to the Service-Safety Director that the organization or group is a recognized nonprofit, educational, philanthropic, civic, religious, political or charitable organization or group and that the person registering the organization or group is, in fact, authorized to act on its behalf. Written consent of the owner of the premises or other duly authorized person shall be provided. The registration shall be valid for a period not to exceed fourteen days from the date the activity, event or function commences unless earlier revoked. Unless earlier revoked, any such registration may be renewed once in any calendar year not less than six months after the expiration of the initial registration for an additional fourteen days. No registration shall be assigned or transferred to any other organization, group or person. The proposed location of the activity, event or function shall not constitute a hazard to the public health, safety and welfare and shall be approved by the Service-Safety Director. The approval of a registration shall constitute a temporary waiver of use restrictions, yard requirements, height regulations and accessory off-street parking requirements. No registration issued pursuant to this section shall be issued at any given premises more than four times in any calendar year. City sanctioned events such as The Bratwurst Festival shall not be included as definition of temporary business. (Ord. 43-96. Passed 8-20-96.)

#### **709.06 AGRICULTURAL PRODUCTS.**

Persons offering or exposing for sale agricultural articles or products shall be exempt from the payment of a license fee and shall not comply with the provisions of this chapter. As used herein, "agricultural articles or products" means commodities used as food or non-alcoholic drink for human consumption. (Ord. 44-97. Passed 6-3-97.)

#### **709.07 APPEAL PROCEDURE.**

If an application for a license is not approved or if any license issued pursuant to the provisions of this chapter is revoked, written notice shall be given to the applicant or licensee by personal service or by certified mail. The applicant or licensee shall have the right to appeal such disapproval or revocation to Council. Council shall have the power to affirm, modify or reverse the decision of the Service-Safety Director. Any such decision made by Council shall be final. (Ord. 43-96. Passed 8-20-96.)

#### **709.08 DISPLAY OF LICENSE.**

Any person conducting a temporary business within this City who has obtained a license in accordance with the provisions of this chapter shall, upon demand, exhibit such license to any police officer, or other City official. (Ord. 43-96. Passed 8-20-96.)

#### **709.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's continued violation shall constitute a separate offense. (Ord. 93-97. Passed 12-2-97.)

**CHAPTER 711**  
**Peddlers and Solicitors Law**

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**CROSS REFERENCES**

Power to inspect food products - see Ohio R.C. 715.46  
 Power to regulate - see Ohio R.C. 715.61 et seq.  
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
 Charitable solicitations - see Ohio R.C. Ch. 1716  
 Frozen desserts - see Ohio R.C. 3717.51 et seq.  
 Door to door sales activity of minors restricted - see Ohio R.C.  
 4109.21

**711.01 DEFINITIONS.**

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

- (a) "Agent" means a person engaged in telephone canvassing or solicitation, or in a house-to-house canvass demonstrating or taking orders for any goods, wares or merchandise, or taking orders from samples where goods are to be delivered later.
- (b) "Canvasser or solicitor" means any individual, whether or not a resident of the City, soliciting by telephone or traveling, either by foot, wagon, automobile, motor trucks or any other type of conveyance, from place to place, from house to house, or from state to state, taking or attempting to take orders for sale of goods, wares or merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed at such times, or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for sale or whether he is collecting advance payments on sales or not. Provided, however, that this definition shall include any person who, for himself or for another person, firm or corporation hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

- (c) "Goods, wares and merchandise" includes, but is not restricted to, a photograph and coupons to tickets good in whole or in part for a photograph, magazine article or other merchandise.
- (d) "Itinerant peddler or hawker" means a nonresident of the City, who by telephone sales or by going from house to house or place to place, exposes for sale and sells goods, wares and merchandise under the conditions and circumstances stated for a peddler.
- (e) "Peddler" means a person who solicits by telephone or who brings goods, wares and merchandise from outside the City or State, or where the goods, wares or merchandise are manufactured in the City for sale at retail and is in this State at the time that all negotiations prior to and at the sale thereof are had, and the goods, wares or merchandise is not sold in the original packages in interstate commerce, but at retail in small quantities by means of telephone solicitation or house to house, or place to place canvass. Goods ordered or in transit which were so ordered without reference to particular sales shall be deemed to be in the State. (Ord. 44-96. Passed 6-4-96.)

#### **711.02 NOTICE PROHIBITING CANVASSING OR SOLICITATION.**

Notice by the owner(s) or occupant(s) of any residence or place of business of the determination to refuse to receive any uninvited canvassers or solicitors shall be given by displaying a weatherproof card, decal or sign upon the main entrance door to the residence or place of business, indicating such determination by the owner or occupant, containing the words "No Solicitors Invited". (Ord. 44-96. Passed 6-4-96.)

#### **711.03 CANVASSING OR SOLICITATION IN VIOLATION OF NOTICE.**

It is unlawful and shall constitute a trespass for any person to go upon any premises and ring the door bell upon or near any door, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of any occupant of such residence or place of business for the purpose of securing an audience with the occupant(s) thereof and engage in canvassing as defined in Section 711.01, in defiance of the notice exhibited at the residence or place of business in accordance with the provisions of Section 711.02. (Ord. 44-96. Passed 6-4-96.)

#### **711.04 TIME LIMIT ON CANVASSING OR SOLICITATION.**

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any manner calculated to attract the attention of any occupant of such residence, for the purpose of securing an audience with the occupant(s) thereof and to engage in canvassing as defined in Section 711.01, prior to 9:00 a.m. or after 9:00 p.m. Monday through Sunday or on a state or national holiday. (Ord. 44-96. Passed 6-4-96.)

**711.05 INTERSTATE COMMERCE, RELIGIOUS AND CHARITABLE ORGANIZATIONS.**

(a) Permit Required. No person shall act as a canvasser for charitable or religious purposes or as a door-to-door salesperson in "interstate" commerce in this City without first having registered as such with the Police Department. No license fee shall be required. However, the Police Chief, or his designee, shall issue a permit to each applicant and such permit shall be carried on the person of the registrant at all times when engaged in such canvassing, solicitation or sales and shown on request of any police officer or any person of whom a request for contribution or offer to sell is made. Each canvasser or solicitor shall provide a written receipt and, if applicable, a statement attesting to the organization's exempt status under Section 501 of the Federal Internal Revenue Code if requested to do so by the person making a contribution or purchase. Such receipt shall show the name of the organization, amount of the contribution and the date and shall be signed by the solicitor.

An organization which desires to place a number of canvassers or solicitors for charitable or religious purposes in the City simultaneously may make a group application to cover all of them; however, separate permits shall be issued to each or, in lieu thereof, a separate information card shall be issued to each canvasser or solicitor by the registered organization. Such information card shall include, at a minimum, the name of the registered organization; a description of the purpose of the solicitation; the period for which the registration was issued; the name of the canvasser or solicitor; a brief description of the canvasser or solicitor, such as age, weight and height; the signature of the canvasser or solicitor and the signature of a member of the registered organization.

(b) Permit Application; Contents. Application for all permits shall be made upon a form provided by the Police Department. Each application shall contain, among other information, the name, address and the phone number of the person completing the application; the name, address and telephone number of the organization for which he purports to act; the name of an officer or other official of the organization; the nature of the charitable or religious purpose to which the contributions, donations or sale proceeds will be applied in the case of canvassers for charitable or religious purposes; the nature of the goods or services for which he will take orders in the case of door-to-door salespersons in interstate commerce; the compensation, if any, which he or other canvassers are to receive for their services; and such other information as the Director of Safety may require. The Service-Safety Director shall designate an appropriate fee that will cover all expenses and materials used by City to process this application.

(c) Six Month Limitation. In no case shall any permit for canvassers for charitable or religious purposes or door-to-door salespersons in interstate commerce be valid for more than a six month period. The Permit shall state the expiration date thereof.

(d) Exceptions. The provisions of this section shall not apply to solicitations conducted only among the members of the entity or organization conducting the canvassing or to those in the form of collections or contributions at the regular assemblies, meetings or services of any such established charitable or religious organization.

(e) Permit Revocation. Any permit issued hereunder shall be revoked by the Service-Safety Director if the holder thereof is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application.

Immediately upon such revocation, written notice thereof shall be given by the Service-Safety Director to the holder of the registration in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.

(f) Fraudulent Solicitations Prohibited.

- (1) No person, canvasser or solicitor shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any contribution for any charitable purpose.
- (2) No person having entered into an agreement to conduct any solicitation in behalf of any person for any charitable purpose shall fail to remit or pay to the party entitled thereto the process of such solicitation in accordance with the true terms of the agreement.

(g) License Required; Fee - Intrastate Commerce.

- (1) No person shall act as a door-to-door salesperson in intrastate commerce, calling at residences or places of business without the invitation or previous consent of the owner(s) or occupant(s) without first having secured from the Police Department a license therefor. The fee for such license shall be as follows:

- A. For one day: \$ 5.00
- B. For one week: 10.00
- C. For one year: 25.00

- (2) No peddler shall sell or offer for sale in this City any goods, merchandise or services without first having secured from the Police Department a license therefor. The fee for such license shall be as follows:

<u>Nature of Operation</u>	<u>Week</u>	<u>Month</u>	<u>Year</u>
Truck or other street vehicle	\$ 2.00	\$ 5.00	\$ 25.00
Push Cart	1.00	3.00	15.00
Carried door to door	1.00	3.00	15.00

- (3) All fees collected shall be paid into the General Revenue Fund.

(h) License Application: Contents. Application for a license as a door-to-door salesperson in intrastate commerce or as a peddler shall be made upon a form provided by the Police Department. Each application shall contain among other information, the name, address, telephone number, date of birth and social security number of the applicant; the name, address and telephone number of his employer, if any; the nature of the goods or services for which he will take orders or to be offered for sale; the proposed method of operation in the City; and such other information as the Director of Safety may require. A separate license shall be required for each individual salesperson or peddler even though there may be a single employer. No person who has been convicted of a misdemeanor involving moral turpitude or a felony shall be issued a license as a door-to-door salesperson in intrastate commerce or as a peddler. Each applicant shall submit to fingerprinting for identification purposes.

(i) Hours of Operation. No person shall sell or offer for sale any candy, ice cream, confection or any food or beverage for human consumption from any motor vehicle, vehicle or cart of any kind on any public street, sidewalk or public area in the City, except between the hours of 9:00 a.m. and 9:00 p.m. daily.

(j) Exceptions. No license shall be required of a farmer or producer who is selling the produce of his own farm, or of a bona-fide representative of a charitable, church or religious organization who is selling exclusively books or tracts published by a religious group or other goods or merchandise sold in connection with an appeal to charitable or religious purposes, such latter class of sales being governed by the registration requirements of this section.

(k) Duties of License. No door-to-door salesperson's or peddler's license shall be transferable nor shall it be used by any person other than the licensee. Such license must be exhibited on request to any law enforcement officer or to any prospective customer. No licensee shall wear any part of the uniform of any of the armed forces of the United States while actually engaging in door-to-door sales or peddling.

(l) Investigation: License Revocation.

- (1) Upon a written complaint being filed with the Police Division that any door-to-door salesperson in intrastate commerce or any peddler is suffering from a communicable disease or has made himself obnoxious to the public by the use of indecent, profane or insulting language, or the unsanitary condition of his person or clothing, an investigation shall be made, and if such complaint is found to be true, the license of such door-to-door salesperson or peddler shall be revoked by the Director of Service-Safety.
- (2) Any license issued hereunder shall be revoked by the Director of Service-Safety if the holder thereof is convicted of violation of any of the provisions of this chapter, or has made a false material statement in the application.
- (3) Immediately upon such revocation, written notice thereof shall be given by the Director of Service-Safety to the holder of the license in person or by certified U.S. mail addressed to his or her residence address as set forth in the application. Immediately upon the giving of such notice the license shall become null and void.  
(Ord. 44-96. Passed 6-4-96.)

**711.06 RECORDS OF VIOLATIONS.**

The Chief of Police shall maintain an arrest record of all convictions for violation of this chapter. (Ord. 44-96. Passed 6-4-96.)

**711.07 PERMIT REQUIRED.**

It shall be unlawful for any solicitor, canvasser, peddler, hawker, itinerant merchant, transient vendor of merchandise or agent to engage in such businesses within the City without first obtaining a permit in compliance with the provisions of this chapter.  
(Ord. 44-96. Passed 6-4-96.)

**711.08 APPLICATION; FEE FOR INVESTIGATION.**

Applicants for permits under this chapter shall file with the Chief of Police a sworn application in writing, in duplicate, which shall give the following information:

- (a) Name and description of applicant;
- (b) Permanent home address and full local address of applicant;
- (c) A brief description of the nature of the business and the goods to be sold;

- (d) At the time an applicant requests permission to solicit within the City, a fee as established by the City Council, for each applicant shall be paid to the City to cover the cost of the investigation of the facts stated therein, but in no event shall the application fee be refunded.  
(Ord. 44-96. Passed 6-4-96.)

**711.09 ISSUANCE; IDENTIFICATION CARD.**

(a) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval. The application, signed by the Chief of Police or his designated subordinate, along with a permit and identification card shall be delivered to the applicant.

(b) The permit and/or identification card shall contain the following:

- (1) A photograph of the applicant;
- (2) The date of issuance and the date of expiration;
- (3) The name and address of the applicant and the business which the applicant is representing;
- (5) A statement that the permit may be revoked at the discretion of the Service-Safety Director;
- (6) A statement that the permit is nontransferable;
- (7) A statement that the permit shall be carried on the person and shown upon request;
- (8) A statement that the solicitor shall go to main entrance door only;
- (9) A statement that the issuance of the permit is not an endorsement of the bearer of the merchandise, the service offered, nor the business methods used in selling the merchandise;
- (10) The signature of the Police Chief or designated subordinate.

(c) Upon issuance of permit, solicitor shall register with the Bucyrus City Income Tax Department. (Ord. 44-96. Passed 6-4-96.)

**711.10 INVESTIGATION.**

Upon receipt of the completed application by the Chief of Police under Section 711.05(b) an investigation of the applicant's business and moral character shall be made as he deems necessary for the protection of the public good. A minimum of at least ten days shall be allowed for the investigation prior to issuance of the permit.  
(Ord. 44-96. Passed 6-4-96.)

**711.11 DENIAL OF PERMIT.**

If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and his reasons for the same and shall notify the applicant that his application is disapproved and that no permit will be issued. (Ord. 44-96. Passed 6-4-96.)

**711.12 APPLICANT TO FILE BOND.**

Every applicant for a permit under this chapter, not a resident of the State, or who, being a resident of the State, represents a firm whose principal place of business is located outside the State, shall file with the City Auditor a surety bond running to the City in the amount of ten thousand dollars (\$10,000.00) with surety acceptable to and approved by the City Law Director. The bond shall be contingent upon the applicant's full compliance with all the provisions of the ordinances of the City and the statutes of the City regulating and concerning the business of the solicitor. The bond shall further guarantee to any citizen of the City that all money paid as a down payment shall be accounted for and applied according to the representations to the solicitor and that the property purchased shall be delivered according to the representations of the solicitor. Action on the bond may be brought in the name of the City for the use or benefit of an aggrieved person.

The aggregate liability of the surety to any and all persons, regardless of the number of claims made against this bond or the number of years this bond remains in force, shall in no event exceed the amount set forth above. Any revision of the bond amount shall not be cumulative.

(Ord. 44-96. Passed 6-4-96.)

**711.13 BADGE TO BE WORN.**

The Police Chief may issue to each permittee under this chapter at the time of the delivery of his permit, a badge which shall contain the words "Bucyrus City Approved Solicitor", the period for which the permit is issued, and the number of the permit in letters and figures easily discernible. The badge shall, during the time the permittee is engaged in soliciting, be worn constantly by the permittee on the front of his or her outer garment in such a way as to be conspicuous. (Ord. 44-96. Passed 6-4-96.)

**711.14 FEES.**

The investigation fee as provided for in Section 711.08, shall be twenty-five dollars (\$25.00) per person per year.

(Ord. 44-96. Passed 6-4-96.)

**711.99 PENALTY.**

Any solicitor or peddler who shall be convicted of any violation of the provisions of this chapter or of any fraud, cheating or misrepresentation whether through himself or any employee while acting as a peddler in the City or who shall barter, sell or peddle any goods or merchandise other than those specified in his application for permit shall be guilty of a minor misdemeanor. In addition, he shall have the permit revoked at the discretion of the court.

(Ord. 93-97. Passed 12-2-97.)

2008 Replacement

**CHAPTER 715**  
**Video Service Providers**

**715.01 Fee.**

**715.01 FEE.**

(a) Council hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of five percent (5%) of the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. All video service providers and cable television operators providing video service in the City shall apply the VSP Fee Percentage against gross revenues as defined in the Video Law.

(b) The VSP Fee shall be paid by each video service provider providing service in the City on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each quarter.

(c) The Mayor is authorized and directed to enter into agreement(s) and to provide any video service provider with notice of the VSP Fee Percentage as determined by this Council above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization.

(Ord. 50-2008. Passed 11-18-08.)

**CHAPTER 717  
Contractor Registration**

<b>717.01</b>	<b>Definitions.</b>	<b>717.05</b>	<b>Assignment, transfer or use by third person.</b>
<b>717.02</b>	<b>Contractor registration and requirements.</b>	<b>717.06</b>	<b>Exemptions.</b>
<b>717.03</b>	<b>Term and renewal.</b>	<b>717.07</b>	<b>Right to appeal.</b>
<b>717.04</b>	<b>Revocation or suspension of registration.</b>	<b>717.99</b>	<b>Penalty.</b>

**717.01 DEFINITIONS.**

For the purpose of this chapter, the following words and terms shall have the following meanings:

- (a) "Contractor" means any person, firm or corporation which builds, constructs, repairs, replaces, remodels, alters or otherwise improves any land or building, or any portion thereof, as a business for profit in the City. Contractor includes, but is not limited to, the following crafts, trades and businesses:

General Contractor	Insulation Contractor
Roofing Contractor	Fencing Contractor
Electrical Contractor (Commercial)	Electrical Residential (Class A)
Electrical (Class B)	Electrical Journeyman
Demolition Contractor	Sewer Tapper
Sign Erector	Paving Contractor
HVAC Contractor	Cement Contractor
Framing Carpenter	Finish Carpenter
Fire Protection Contractor	Painting Contractor
Drywall Contractor	Siding Contractor

Landscaping/Lawn Care	Flooring
Pool Installer	Refrigeration Contractor
Hydronics Contractor	Tree Maintenance/Stump Removal
Excavating Contractor	Plumber
Snow Removal	

(Ord. 19-2009. Passed 7-21-09.)

(b) “General contractor” means any person, firm or corporation, fitting the definition of contractor herein, who coordinates other contractors working on the same project.

(c) “Subcontractor” means any person, firm or corporation, fitting the definition of contractor herein, who performs a special skill, trade, craft or profession as a part of a construction contract on behalf of a general contractor.

(d) “Immediate family” means an owner’s spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin.

(Ord. 11-2009. Passed 4-21-09.)

#### **717.02 CONTRACTOR REGISTRATION AND REQUIREMENTS.**

(a) Any contractor, general contractor or subcontractor engaged in contracting, construction, alteration, repair, replacement or removal or demolition of buildings or structures, as business for profit in the City shall, before performing any work within the corporation limits of Bucyrus, register with the City’s Zoning/Engineering Department as set forth herein.

(b) Requirements. A contractor, general contractor, or subcontractor seeking to be registered shall submit the following to the City’s Zoning/Engineering Department.

- (1) A certificate of liability insurance in the amount not less than one hundred thousand dollars (\$100,000) per person or three hundred thousand dollars (\$300,000) per occurrence for bodily injury, and fifty thousand dollars (\$50,000) per accident for property damage (except automobile), for any and all losses to persons by reason of any negligence on the part of himself or his agents or employees while engaged in the performance of construction work in the City. Failure on the part of the contractor to maintain this insurance coverage on a continuous basis will result in automatic cancellation of the registration/license. Provision will be made by the contractor to have his insurance company give the City at least fifteen days prior written notice in the event of cancellation or non-renewal of this insurance coverage;
- (2) Proof of compliance with the State of Ohio’s Workers’ Compensation Laws;

- (3) Certificate of registration with the City of Bucyrus's Income Tax Department;
- (4) A current copy of his/or her license issued pursuant to Ohio R.C. Chapter 4740 by the OCIEB (Ohio Construction Industry Examining Board) to the contractor or an employee of said contractor, if such license is required for the contractor's trade or certificate issued pursuant to Ohio R.C. 3737.65 by the Ohio Fire Marshal. (Ord. 11-2009. Passed 4-21-09.)
- (5) A registration fee of one hundred dollars (\$100.00) for the initial registration and twenty-five dollars (\$25.00) for any renewal. (Ord. 19-2009. Passed 7-21-09.)

Upon submission of the items required above, the City Zoning/Engineering Department shall issue a registration certificate. The City Zoning/Engineering Department may deny the application if the contractor fails to submit any of the items required above.

(c) No person, firm or corporation shall allow a contractor, general contractor or subcontractor who has failed to register with the City Zoning/Engineering Department to perform any work in the City. (Ord. 11-2009. Passed 4-21-09.)

#### **717.03 TERM AND RENEWAL.**

A registration certificate issued pursuant to this chapter shall be valid until December 31<sup>st</sup> and shall be renewed annually thereafter. A registration certificate may be renewed after thirty days following the expiration date, however, a ten percent (10%) penalty will apply. (Ord. 11-2009. Passed 4-21-09.)

#### **717.04 REVOCATION OR SUSPENSION OF REGISTRATION.**

(a) Any license or permit may be revoked by the City Zoning/Engineering Department at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for the violation of any provision of this chapter or any other law, ordinance, code or regulation within the jurisdiction of the Bureau relating to the matter for which the license or permit was issued or upon conviction of the holder of any Federal, State, or City law or ordinance, involving moral turpitude. Such revocation shall become effective upon notice served upon the holder or upon notice being posted upon the premises relating to the license or permit.

(b) Except as otherwise provided by law, the City Zoning/Engineering Department may issue an order suspending a license or permit which suspension shall become effective immediately upon service of written notice thereof upon the holder. Such notice shall specify the reason for the suspension and may provide conditions under which reinstatement of the license or permit may be obtained. Upon compliance with such conditions within the time specified, the license or permit shall be restored. (Ord. 11-2009. Passed 4-21-09.)

#### **717.05 ASSIGNMENT, TRANSFER OR USE BY THIRD PERSON.**

A registered contractor shall not assign, transfer or allow any other person to use his or her or its registration certificate for any purpose. Such act shall result in suspension or cancellation of registration. The fee for reinstatement of such registration shall be double the initial registration fee. (Ord. 11-2009. Passed 4-21-09.)

**717.06 EXEMPTIONS.**

The following are exempt from the registration requirements of Section 717.02:

- (a) Home Owners. No provision of registration shall be interpreted to require that the owner of a one-family dwelling or a member of his/her immediate family who does work on said dwelling shall be licensed or registered personally to perform work upon the premises occupied, or to be occupied, by the owner thereof as such owner's established residence.
- (b) Government Agencies, Private Industry Maintenance and Public Utilities. Provision of registration shall not apply to Federal, State, County or municipal governmental agencies, to public utilities furnishing services to the City under municipal utilities franchise agreement, or to industrial, commercial or institutional organizations or firms wherein a maintenance department, doing work within the provisions of the Building Codes, is provided, except that should work covered by the Building Code be contracted with outside contractors, then such contractors shall be registered in the City as provided herein.
- (c) Owners of Rental Properties. No provision of registration shall be interpreted to require that the owner of a residential rental property be licensed or registered as a contractor in order to personally perform work on property owned by him or her. However, work performed by the owner of a residential rental property without license or registration as herein provided shall be limited to the following types of work:
  - (1) Exterior.
    - A. All painting.
    - B. All lawn maintenance.
    - C. Repair or replace broken windows and doors, including storm windows and doors.
    - D. Repair, replacement and installation of gutters and downspouts.
    - E. Repair, replacement and installation of siding.
    - F. Repair, replacement and installation of roofing.
    - G. Repair, replacement and installation of wood porches, decks and fences.
    - H. Repair, replacement and installation of sidewalks and driveways located on the property.
    - I. Repair to, replacement and installation of garage doors and electronic openers.
  - (2) Cosmetic.
    - A. Repair, replacement and installation of drywall, paneling and moldings.
    - B. Repair, replacement and installation of suspended ceilings.
    - C. Repair, replacement and installation of floor coverings.
    - D. Miscellaneous cosmetic repairs, replacements and installations not involving electric work.
  - (3) Projects less than five hundred dollars (\$500.00). Provision of registration shall not apply to any contracting, construction, alteration, repair, removal or demolition of building or structure in which the aggregate cost is less than five hundred dollars (\$500.00).  
(Ord. 11-2009. Passed 4-21-09.)

**717.07 RIGHT TO APPEAL.**

Except as otherwise provided by law, any applicant for a registration certificate hereunder which has had such certificate denied, or which has had such certificate suspended or revoked under the provisions of this chapter, shall have the right to appeal such denial, suspension or revocation pursuant to Section 1147.01.  
(Ord. 11-2009. Passed 4-21-09.)

**717.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a unclassified misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.  
(Ord. 11-2009. Passed 4-21-09.)