

CODIFIED ORDINANCES OF CAREY  
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF CAREY  
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CHAPTER 709  
Billiard and Pool Halls

709.01 Hours; exceptions.

709.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.51, 715.61  
Disorderly conduct - see GEN. OFF. 509.03  
Curfew - see GEN. OFF. 509.08  
Gambling - see GEN. OFF 517.02 et seq.

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709.01 HOURS; EXCEPTIONS.

(a) No person shall operate any billiard or pool room, business room or place of resort in the Municipality in which games of billiard or pool are played from 2:30 a.m. until 6:00 a.m. Monday through Sunday. Any person, proprietor, keeper, employee or clerk who violates any of the provisions of this section by allowing or permitting patrons and visitors to enter or loiter in the places provided herein or permit playing or engaging in any of the games herein mentioned during the hours such places are closed shall be fined as provided in Section 709.99. (Ord. 92-22. Passed 8-3-92.)

(b) The provisions of this section shall not apply to the game of bowling ten-pins nor shall it apply to billiard games and pool games played in the room or contiguous rooms wherein bowling games are also played. (Ord. 585. Passed 5-4-64.)

709.99 PENALTY.

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

## CHAPTER 715 Carnivals, Circuses, Menageries

715.01	License; application; duration of show.	715.03	License fee; waiver.
715.02	Deposit.	715.99	Penalty.

### CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02  
 Contests or games at county fairs - see Ohio R.C. 1711.09, 1711.11  
 State licensing of portable amusement devices - see Ohio R.C. 1711.11(H)  
 County license for public shows - see Ohio R.C. Ch. 3765  
 Amusement device design and construction - see OAC 4101:2-29-32  
 Gambling - see GEN. OFF. 517.02 et seq.  
 Littering - see GEN. OFF. 521.08

#### 715.01 LICENSE; APPLICATION; DURATION OF SHOW.

(a) Each person desiring to conduct, stage or give a circus, menagerie, carnival, side show, musical or minstrel entertainment or exhibition for which money or reward is demanded or received, shall first obtain a license and pay the license fee or fees provided in Section 715.03.

(b) The applicant for a license to conduct, stage or give such exhibition shall give at least one week's notice in writing to the Mayor, stating the dates of the performances and the location at which they are to be presented. The Mayor shall give his consent to the issuance of such license if he deems the location suitable for the purpose; that it will properly accommodate the patrons; that the nature of the performance or exhibition is morally proper, and the use of the location will not throw too great a burden upon the Police and Fire Departments.

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

#### 715.02 DEPOSIT.

At the time an application for a license is made, where use of municipal grounds is contemplated, the applicant shall deposit with the Fiscal Officer a cash bond of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) conditioned upon the restoration and

cleaning up of the grounds in a manner satisfactory to the Mayor or other chief administrative officer. In the event such grounds are restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise the deposit shall be forfeited to the Municipality.

**715.03 LICENSE FEE; WAIVER.**

(a) The fee for the license required by Section 715.02 shall be as follows: for each circus, carnival, side show, musical or minstrel entertainment or exhibition, fifty dollars (\$50.00) for the first day, twenty-five dollars (\$25.00) for each day thereafter; provided that such fee shall not amount to more than one hundred and fifty dollars (\$150.00) in any one week.

(b) The Mayor may, in his discretion, grant without cost a license for the holding of a circus, carnival, side show, musical or minstrel entertainment for not more than six consecutive days, where all of the performances are fostered and supervised by civic interests of the Municipality and a substantial part of the funds derived therefrom is expended for charitable or civic purposes.

**715.99 PENALTY.**

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

## CHAPTER 717

### Dances and Dance Halls

717.01	Supervisor of Dances and Public Amusements.	717.07	License duration; revocation; transfer.
717.02	Powers and duties of Supervisor.	717.08	Hours of operation; exceptions.
717.03	Dancing rules and regulations.	717.09	Regulations and prohibitions for minors.
717.04	Dance hall license.	717.10	Improper conduct.
717.05	License application; compliance with regulations; denial; appeals.	717.99	Penalty.
717.06	License fees; exceptions; disposition.		

#### CROSS REFERENCES

Power to regulate public ballrooms - see Ohio R. C. 715.61  
 Permit required for public dancing - see Ohio R. C. 3773.19  
 Disorderly conduct - see GEN. OFF. 509.02  
 Intoxicants in dance hall - see Ohio R. C. 4399.14  
 Indecency - see GEN. OFF. 533.07

#### 717.01 SUPERVISOR OF DANCES AND PUBLIC AMUSEMENTS.

The Police Chief shall be Supervisor of Dances and Public Amusements.

#### 717.02 POWERS AND DUTIES OF SUPERVISOR.

The Supervisor of Dances and Public Amusements shall investigate each application for a license for a dance and determine whether or not the dance hall sought to be licensed complies with the regulations, ordinances and laws applicable thereto and he shall make an investigation as to the character and fitness of the applicant or the officers of the club, society or corporation or of the person who is to have the general management of the dance hall.

#### 717.03 DANCING RULES AND REGULATIONS.

The Police Chief may from time to time formulate rules and regulations not inconsistent with the provisions of this chapter, governing the operation of public dance halls and the conduct of patrons of public dances, a copy of which shall be printed in large type and posted in a conspicuous part of every hall used for public dances.

#### 717.04 DANCE HALL LICENSE.

No person shall hold any public dance within the corporate limits until the dance hall, in which the same may be held, shall first have been duly licensed for such purpose.

**717.05 LICENSE APPLICATION; COMPLIANCE WITH REGULATIONS; DENIAL; APPEALS.**

(a) Every person, society or club desiring a license to operate a public dance hall must make an application to the Mayor, or his representative. Each application shall be in the form prescribed herein. Such application shall be filed at least ten days prior to the time of granting such license or on January of each calendar year, such waiting period may be waived in the case of issuance of prorata permit. After an investigation by the Supervisor of Dances and Public Amusements, the application shall be transmitted to the Mayor, with such recommendations as the Supervisor shall make for the approval or disapproval of the Mayor.

(b) Every applicant for a dance hall license shall file with the Mayor or his representative, a written application stating the name and address including the street and number of the applicant, or if more than one person, or an association or firm, the full names of all parties interested and the addresses including the street and number. If the applicant is a club, society or corporation, the application shall contain a complete list of the officers of such club, society or corporation with their names and addresses, including the street and number, and shall also give the state in which such club, society or corporation is organized, and the names of one or more persons whom the club, society or corporation desires to designate as its manager or person in charge, with their addresses. The application shall also state the following:

- (1) The location, kind of building and size of dance floor where such dance is to be conducted, including the street and number;
- (2) The age of the applicant, in case of an individual, and the age of the manager and officers, in case of a club, society or corporation;
- (3) Whether the applicant or manager has ever been engaged in operating a dance hall, and when, where and how long in each place within five years;
- (4) The name of the owner of the premises in which the dance hall is located and the complete address of such owner;

(c) The application shall be signed by the applicant, or in case of a club, society or corporation, the application shall be signed by the manager or one of its principal officers.

(d) No license for a public dance hall shall be issued until it is found that such hall complies with and conforms to all provisions of the ordinances of the Municipality and to all health, building and fire regulations of the Municipality and that the hall is properly ventilated and supplied with sufficient toilet conveniences and is a safe, sanitary and proper place for the purpose for which it is to be used. For the purposes of carrying out the provisions of this section, all applications for dance hall licenses shall be endorsed by the Building Inspector and the Fire Chief that the building complies with the rules of their departments before a license shall be issued as provided herein.

(e) The application shall be rejected if the report submitted therewith shows that any of the persons named in the application are not of good moral character or that any of such persons has previously been connected with a public dance hall where the license has been revoked or where any of the provisions with reference to public dances have been violated or if the dance hall sought to be licensed does not comply in every way with the

regulations, ordinances and laws applicable thereto. If the application is rejected, the applicant for the license shall be forthwith notified in writing of the reasons for rejection and shall have the right to appeal to a board composed of the President of Council, the Village Administrator and the Solicitor, which board shall have the power, after full hearing, to affirm the rejection or order the license issued. In case of appeal, the applicant shall, within ten days after receiving notice of rejection, perfect his appeal by leaving notice in writing of his intention to appeal at the office of the Village Administrator. The appeal board, after receiving notice of such appeal, shall set a time and place for the hearing, which shall not be more than ten days from the date of filing the notice of appeal. The appellant may be represented by counsel. If such application is approved by the Mayor, the Supervisor of Dances and Public Amusements, on presentation of the application to him by the applicant, shall issue a license on the payment of the proper fee provided in Section 717.06.

#### 717.06 LICENSE FEES; EXCEPTIONS; DISPOSITION.

(a) Any person, society or club to whom a dance hall license is granted shall pay an annual fee therefor based on floor area as follows:

<u>Dance Hall License Fees</u>	
<u>Square Feet of Floor Space</u>	<u>Fee</u>
Less than 2,500	\$100.00
2,500 to 5,000	200.00
5,000 to 6,500	300.00
Exceeding 6,500	400.00

(b) If a permit is desired for an individual dance, a fee of ten dollars (\$10.00) must be paid. Provided, however, that any corporation or association of individuals organized or formed in good faith for benevolent, charitable or fraternal purposes not for profit, under a State or national organization operating in two or more states, having a permanent meeting place, as the owner or lessor of a building or part thereof and a membership in such organization entailing the prepayment of regular dues may in the use or rental of such building or part thereof, for dances, only be required to pay an annual fee of five dollars (\$5.00) or if a permit is desired for an individual dance a fee of one dollar (\$1.00) for each permit or may be exempted from these provisions.

(c) All moneys received by way of license fees and permits under this chapter shall be paid into the General Fund of the Municipality.

#### 717.07 LICENSE DURATION; REVOCATION; TRANSFER.

(a) Any license granted under the provisions of this chapter shall expire on December 31 of each calendar year.

(b) The license of any public dance hall may be forfeited or revoked by the Mayor for disorderly or immoral conduct therein or for the violation of any provision of this chapter or any ordinance, law or regulation in any way affecting public dance halls or public dances, after a hearing before the Mayor, at which time the Supervisor of Dances and Public Amusements shall produce such evidence as the Supervisor may have or as may be



necessary to advise the Mayor of the conduct in or condition of the dance hall. The holder of the license shall be permitted to be represented by counsel and submit such evidence as is competent and necessary.

(c) No transfer of a dance hall license shall be permitted except with the consent of the Supervisor.

#### 717.08 HOURS OF OPERATION; EXCEPTIONS.

(a) No person, society or club shall operate or conduct a public or private dance within a licensed or unlicensed hall in the Municipality between the hours of 1:00 a.m. and 6:00 a.m. Monday through Saturday nor from 1:00 a.m. Sunday through 6:00 a.m. Monday; provided, that the foregoing regulations shall not apply to private homes.

(b) The Mayor may grant special permits for dance halls or ballrooms to remain open until a later hour on special occasions, such as New Year's Eve, or upon other holidays except on Sundays.

#### 717.09 REGULATIONS AND PROHIBITIONS FOR MINORS.

After 10:00 p.m. no person shall permit any person to attend or take part in any public dance who has not reached the age of eighteen years, unless accompanied by a parent or guardian. No person shall represent himself to have reached the age of eighteen years in order to obtain admission to a public dance hall, or to be permitted to remain therein, when such person is, in fact, under eighteen years of age. No person shall represent himself to be a parent or guardian of any person in order that such person may obtain admission to a public dance hall or be permitted to remain therein, when the party making the representation is not, in fact, either a parent or guardian of the other person.

#### 717.10 IMPROPER CONDUCT.

Whoever conducts himself in or around a public dance hall during the time such hall is open or being used for a public dance in an indecent, immoral or disorderly manner shall be guilty of a misdemeanor. The manager shall have the right to eject any person guilty of the conduct described above without a refund of the admission fee.

#### 717.99 PENALTY.

Whoever violates the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

## CHAPTER 721 Drilling Operations

721.01	Compliance required.	721.08	Oil storage.
721.02	Permit; fee and bond.	721.09	Pipelines regulated; deposit.
721.03	Application for permit.	721.10	Inspection.
721.04	Revocation or refusal of permit.	721.11	Abandonment of well.
721.05	Distance requirements.	721.12	Restoration of property required.
721.06	Insurance.	721.13	Powers of Council.
721.07	Standards of operation.	721.99	Penalty.

### CROSS REFERENCES

State law provisions - see Ohio R.C. Ch. 1509  
Oil and gas well drilling - see OAC Ch. 1501:9-1, 1501:9-9  
Abandoned excavations - see GEN. OFF. 521.03  
Sidewalk damage, obstruction or injury - see GEN. OFF. 521.04  
Failure to secure dangerous ordnance - see GEN. OFF. 549.05

#### 721.01 COMPLIANCE REQUIRED.

No person, firm, association or corporation shall commence to drill a well for oil and/or gas within the corporate limits of the Municipality until such time as that person, firm, association or corporation has wholly complied with all provisions of this chapter and permission has been granted to the person, firm, association or corporation by the issuance of a drilling permit. (Ord. 586. Passed 4-6-64.)

#### 721.02 PERMIT; FEE AND BOND.

(a) Any person, firm, association or corporation desiring to drill a well for oil and/or gas within the corporate limits of the Municipality shall make application for a permit to the Fiscal Officer.

(b) A fee of five thousand dollars (\$5,000) shall be paid to the Municipality at the time such application is filed. This fee shall be for the purpose of defraying the expenses of administration and enforcement of regulatory ordinances concerning drilling oil and/or gas wells within the corporate limits of the Municipality and to defray the expenses of inspections of oil and/or gas well sites prior to and during drilling and at the time such wells are pulled and plugged.

(c) Any person, firm, association or corporation at the time of application shall also file with the Fiscal Officer a surety bond with liability on the bond conditioned upon compliance with this chapter until time of completion of drilling, plugging or abandonment of such

well or wells. The bond shall be in the amount of two thousand dollars (\$2,000) for one well or in lieu of a bond for each well, a blanket bond for all wells in the amount of five thousand dollars (\$5,000). (Ord. 586. Passed 4-6-64.)

#### 721.03 APPLICATION FOR PERMIT.

(a) Any applicant for a permit shall be required to file with the application an affidavit stating that the applicant has complied with all conditions of this chapter or setting forth any exceptions thereto. Any false statement in such affidavit shall be grounds to refuse to issue a permit to drill or shall be grounds to revoke a permit already issued.

(b) No permit shall be issued for the drilling of an oil and/or gas well except upon real estate owned by the applicant for such permit, or held by such applicant under a lease or drilling contract from the owner, giving such applicant permission to drill such well. Nothing herein, nor any permit issued hereunder shall be deemed to grant any right or license to the permittee to enter upon or occupy any land, or to commence in any respect upon drilling or production operations thereon except by the written permission of the owners.  
(Ord. 586. Passed 4-6-64.)

#### 721.04 REVOCATION OR REFUSAL OF PERMIT.

(a) Failure to comply with any provision of this chapter shall be grounds to refuse to issue a permit to drill or shall be grounds to revoke a permit already issued. Revocation of a permit shall remove all right of the permittee to drill for oil and/or gas until such time as the permittee takes steps to come into compliance with this chapter. Operations carried on by the permittee after revocation of permit shall constitute a violation of this chapter and shall be a misdemeanor punishable under the provisions of Section 721.99.  
(Ord. 586. Passed 4-6-64.)

#### 721.05 DISTANCE REQUIREMENTS.

No drilling shall be permitted for oil and/or gas wells within 200 feet of residential and mercantile buildings, or any school, church, hospital, theater or assembly hall as the same are defined by the statutes of the State. In the case of a particular installation where compliance with the distance requirements may be a handicap to the use of the property and where no undue hazard will be created, the 200 foot distance may be reduced at the discretion of Council after due consideration of such special features as topographical conditions, nature of occupancy and proximity of buildings on the adjoining property, proximity of storage tanks, degree of fire protection provided and the facilities available at the fire department to cope with controlling liquid fires. The features provided herein are not to be construed as a limitation on matters which Council may consider. Council has the right to consider any and all other special features it may consider important in determining whether or not an undue hazard is created.  
(Ord. 586. Passed 4-6-64.)

#### 721.06 INSURANCE.

Before an application for a permit is granted, the Fiscal Officer shall be provided with a policy of or certificate of insurance, covering the applicant's liability for property

damage in the amount of not less than three hundred thousand dollars (\$300,000) and the applicant's liability for personal injury in an amount of not less than three hundred thousand dollars (\$300,000). The insurance policy or policies must be maintained for such period of time as drilling is in process, the well is in operation or is producing oil and/or gas or until such well is pulled and plugged. The insurance policies and the coverages thereunder must be to the complete satisfaction of the Municipality and such policies may be rejected by the Municipality for any valid reason. Rejection of the policies shall serve to stay the granting of a permit until such time as an insurance policy providing coverage entirely satisfactory to the Municipality has been provided by the applicant. (Ord. 586. Passed 4-6-64.)

#### 721.07 STANDARDS OF OPERATION.

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

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

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

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

(d) The permittee shall seal gas and oil wells to protect fresh water wells from salt water pollution in such proper manner as is in accordance with good oil field practice.

(e) The permittee shall maintain a six-foot wire fence around the drilling and well operations in accordance with good oil field practice.

(f) No waste, sludge, oil, salt water or sulphur water or effluence of any type where an oil and/or gas well is being drilled shall in any manner be emptied or drained into any storm or sanitary sewer of the Municipality.

(g) No permittee shall in any instance be permitted to drill into any formation likely to contain oil or gas during the daylight hours. Daylight hours for the purpose of this section shall be defined as that time between sunrise and sunset. (Ord. 586. Passed 4-6-64.)

#### 721.08 OIL STORAGE.

All tanks for oil storage shall be erected and maintained outside the corporate limits of the Municipality unless an adequate fire barrier is erected around and completely surrounds such storage tanks. However, in no event shall such storage tanks be permitted closer than 200 feet to any building of any type within the corporate limits of the Municipality. (Ord. 586. Passed 4-6-64.)

**721.09 PIPELINES REGULATED; DEPOSIT.**

(a) Council may in its discretion allow any permittee to lay the pipeline from its drilling site to its oil tank storage area on public property. A plat must be submitted at the time application for a drilling permit is made showing clearly the location of the drilling site, location of the oil tank storage area and location of the pipeline between drilling site and oil tank storage area. Council must approve the location of such line and may in its absolute discretion require a change of route for the pipeline, in whole or in part. In all instances where the pipeline crosses private property, easements must be acquired for the pipeline and proof of such filed with application for a drilling permit.

(b) Council may require the permittee prior to actual laying of a pipeline to deposit with the Municipality a sum of money considered adequate to restore all property in the path of the pipeline to the same condition it was in prior to laying such pipeline. The cost of laying and maintaining the pipeline shall be borne entirely by the permittee. Upon restoring property in the path of the pipeline to the condition it was in prior to laying the pipeline, the deposit shall be returned to the permittee on order of the Fiscal Officer. If any portion of the job of restoring property to proper condition is considered inadequate Council may, on notice to the permittee of its failure, proceed to have the work done and use the deposit to pay any expense of any type incurred in restoring such property to its original condition.  
(Ord. 586. Passed 4-6-64.)

**721.10 INSPECTION.**

The Municipality or its duly authorized representatives shall have the authority at any time to enter upon property where a drilling site is contemplated, upon property where a well is in process of being drilled or upon a producing site for purpose of inspecting the site, equipment and all other things necessary to assure compliance with this chapter.  
(Ord. 586. Passed 4-6-64.)

**721.11 ABANDONMENT OF WELL.**

In the event that a well is abandoned the owner or lessee shall notify the Fiscal Officer of such abandonment. The Fiscal Officer shall cause the abandoned well to be indicated on the map provided at the time of the original application. All permittees shall be required to pull and/or plug a well site on abandonment as required by any rules or regulations promulgated by any department or division of the State relative to pulling and plugging of oil and/or gas wells.  
(Ord. 586. Passed 4-6-64.)

**721.12 RESTORATION OF PROPERTY REQUIRED.**

(a) The permittee shall restore the streets, sidewalks and other public places of the Municipality which may have been damaged or disturbed in the operations of drilling or preparing to drill, or connected with drilling, to their former condition.

(b) The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil or other substances used or allied to use of drilling or producing operations.

(c) The permittee shall pay to the owners of any realty, crops, buildings, improvements, goods or chattels located in the area any extra cost of insurance on such property imposed by reason of granting of the permit or the operations carried on thereunder, and

any and all damages suffered by any person, persons or corporation as to property within the Municipality from fire, over and above the insurance collected thereon, or from oil, gas or water caused by or originating from the operation connected with such well, and shall hold the Municipality free and harmless from any and all liability growing out of the granting of such a permit. (Ord. 586. Passed 4-6-64.)

#### 721.13 POWERS OF COUNCIL.

In any instance where a matter of judgment is involved such as, but not limited to such determination as to what constitutes good oil field practice or whether any equipment is in good condition, the final decision shall rest with Council. (Ord. 586. Passed 4-6-64.)

#### 721.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00). Each day's violation of any provision shall constitute a separate offense.

(b) The Solicitor is further authorized to seek injunctive relief against any violation of any provision of this chapter or of amendments thereto in any proper court of law or equity. (Ord. 586. Passed 4-6-64.)

## CHAPTER 727 Taxicabs

727.01	Defined.	727.07	Drivers to be licensed.
727.02	License fee.	727.08	Suspension or revocation of license.
727.03	Application for license.	727.09	Renewal of license.
727.04	Issuance of license; insurance or bond required.	727.10	Vehicle inspection.
727.05	Stands.	727.99	Penalty.
727.06	Displaying rates; excessive charges.		

### CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66  
 Power to establish stands and fix rates - see Ohio R.C. 715.25;  
     TRAF. 305.04(l)  
 Chauffeur's license not required - see Ohio R.C. 4501.01(v)  
 Operation by minor prohibited - see Ohio R.C. 4507.321  
 Operation and equipment - see TRAF. CODE  
 Use of taxicab and bus stands - see TRAF. 351.10  
 Defrauding a livery - see GEN. OFF. 545.13

#### 727.01 DEFINED.

"Taxicab" means any vehicle whose owner or driver solicits, secures or accepts passengers for hire upon hail or request on the public streets in the Municipality.

#### 727.02 LICENSE FEE.

(a) No person, firm or corporation shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of such vehicle has obtained a taxicab license as provided herein.

(b) Every such taxicab license shall expire on the thirty-first day of December for the year in which issued. Licenses issued on or after July first of any year shall be issued at one-half the annual license fee.

(c) The annual license fee for each taxicab shall be ten dollars (\$10.00).

#### 727.03 APPLICATION FOR LICENSE.

Each applicant for a taxicab license shall present and file with the Fiscal Officer his signed application setting forth the trade name under which he intends to do business; the number

of vehicles and a general description of each vehicle for which a license is desired, the marking or lettering to be used thereon and any other information required by the Clerk pertinent to the issuance of such license.

#### 727.04 ISSUANCE OF LICENSE; INSURANCE OR BOND.

(a) The Mayor shall investigate and hold a hearing upon each application for a license. If the Mayor finds upon such investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, he shall forthwith notify the applicant of his findings. If he finds from such investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which license is desired, he shall forthwith notify the applicant. Within sixty days thereafter, the applicant shall furnish and file with the Fiscal Officer the following:

- (1) A full transcript of the information appearing on the certificate of title of each vehicle for which license is desired and the State license number of each such vehicle.
- (2) An unexpired official certificate from an authorized motor vehicle inspection station of the Municipality, that each vehicle for which a license is desired has been inspected and tested and found to meet the standards fixed by statute and that each such vehicle is roadworthy and safe for operation as a taxicab.
- (3) The name of each person who will operate such taxicab with operator's license number of each such person.
- (4) A policy or policies of liability insurance issued for the life of the license applied for or longer by a responsible insurance company, approved as to sufficiency by the Fiscal Officer, and as to legality by the Solicitor, providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab to the extent provided in Ohio R.C. 4509.51(b).

(b) In lieu of the policies of insurance above described, the applicant may furnish a bond binding the principal and sureties to liability for the payment of a judgment or judgments to the extent of the amounts respectively, set forth with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency by the Fiscal Officer and as to legality by the Solicitor.

(c) Thereupon, the Mayor shall examine such supporting information and documents and being satisfied that the applicant is the owner of any such vehicle, that the same is a safe and fit conveyance and that satisfactory insurance or bond has been issued and is in force thereon, he shall, upon payment of the prescribed license fee, issue a license to the applicant.

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

#### 727.05 STANDS.

At the time of issuing the license, the Mayor shall designate a regular parking space for the taxicab or taxicabs, and he may prescribe rules for usage of such stand suitable to the applicant's business and agreeable with the public convenience and welfare.



**727.06 DISPLAYING RATES; EXCESSIVE CHARGES.**

Every taxicab shall display at all times a printed list of the fares and rates to be charged passengers for transportation. No owner or driver shall charge any amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.

**727.07 DRIVERS TO BE LICENSED.**

No person under twenty-one years of age and no person other than someone licensed as such under the laws of the State shall operate a taxicab on any street or alley of the Municipality.

**727.08 SUSPENSION OR REVOCATION OF LICENSE.**

Whenever a licensee fails to make a reasonable or consistent effort to operate any taxicab or taxicabs for a period of sixty days the Mayor may either suspend or revoke such license. This power to suspend or revoke shall not limit the powers granted to the Mayor or other chief administrative officer elsewhere in this chapter.

**727.09 RENEWAL OF LICENSE.**

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

**727.10 VEHICLE INSPECTION.**

(a) No owner or other person having possession or control of any taxicab shall operate the same upon the streets unless such vehicle has an unexpired seal of inspection indicating that it has been duly inspected and found safe and roadworthy within the preceding six months.

(b) If any such taxicab is damaged by reason of a collision or from any other cause, no owner or person having possession or control thereof shall operate the vehicle upon the streets unless such vehicle has been tested and approved at an authorized inspection station within twenty-four hours after such vehicle has been returned to service.

(c) A violation of this section shall constitute grounds for revocation of such taxicab license.

**727.99 PENALTY.**

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



## CHAPTER 733 Vendors and Solicitors

733.01	Definitions.	733.05	License application: duration and fees.
733.02	License required.	733.06	License revocation.
733.03	Exceptions.	733.99	Penalty.
733.04	When licensing required.		

### CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.46  
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.  
 Charitable solicitations - see Ohio R.C. Ch. 1716  
 License revocation - see Ohio R.C. 2961.03  
 Littering - see GEN. OFF. 521.08  
 Trespassing - see GEN. OFF. 541.05

#### 733.01 DEFINITIONS.

(a) "Booster" shall be defined as a member of an organized group of supporters, raising funds for that group, such as for uniforms, travel to events, local improvement projects, etc. (Band uniforms, Sports Uniforms, Running Track Improvements).

(b) "Canvassing" or "Soliciting" shall be defined as travelling from residence to residence, or business to business, without an appointment for the purpose of offering for inspection or sale, goods, wares, merchandise, food stuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or for services to be performed in the future.

(c) "Canvasser" or "Solicitor" means any person who engages in canvassing or soliciting as defined above.

(d) "Charitable" donations shall mean donations raised for a social cause, by member volunteers of a not for profit social organization.

(e) "Religious" donations shall mean donations raised by member volunteers of a recognized not for profit entity affiliated with a specific church or religion.  
 (Ord. 2013-11. Passed 10-7-13.)

**733.02 LICENSE REQUIRED.**

(a) No person shall, within the village corporation limits, sell, bargain to sell or solicit orders for goods, wares or merchandise by retail, unless such person shall first make application in writing, on forms provided by the Police Dispatcher, pay the required fees, and secure a license to do so from the Village of Carey Police Department as hereinafter provided.

(b) Said license allows solicitation between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday. No soliciting on Sunday or any federal holiday.  
(Ord. 2013-11. Passed 10-7-13.)

**733.03 EXCEPTIONS.**

(a) Registration for school related groups, (band and sports boosters, students, etc.), charitable or religious groups shall not require a permit, but WILL require prior notification to the Village of Carey Police Department that members of the organization will be canvassing any portion of the village for the sale of food items, fruits, candy bars, magazine subscriptions or other like products.

(b) Although no permit is required under this exemption, each canvasser shall carry proper identification and provide it when requested by a resident or business owner they call upon. (Ord. 2013-11. Passed 10-7-13.)

**733.04 WHEN LICENSING REQUIRED.**

(a) Nothing in this chapter shall be construed to make it unlawful for the owner of any product of his own raising or production, or the manufacture of any article by him, to sell or solicit orders by himself, or to advertise such articles or products in the Village without the license required by this chapter.

(b) Further, daily or weekly newspaper carriers following their regular delivery routes are also hereby exempted from this ordinance.  
(Ord. 2013-11. Passed 10-7-13.)

**733.05 LICENSE APPLICATION: DURATION AND FEES.**

A License to Solicit shall be valid for a period of 90 days from issuance. Time shall commence with receipt by the Police Dispatcher of the completed proper application and payment of required fees. Said fees shall be twenty-five dollars (\$25.00) for one (1) person, fifty dollars (\$50.00) for up to four (4) persons, and fifteen dollars (\$15.00) per person for each person above four (4). A completed application for a License to Solicit shall include the following information:

- (a) Name of the Applicant, verified by a current photo ID.
  - (b) Applicant's Social Security number or a valid federal identification number for the applicant's group.
  - (c) The name, address, and current contract number of the employer of said applicant.
  - (d) The nature and character of the goods to be sold or services to be furnished by the applicant for which funds are being solicited.
- (Ord. 2013-11. Passed 10-7-13.)

**733.06 LICENSE REVOCATION.**

A license may be denied or revoked for cause by the Village of Carey Police Department under the following conditions:

- (a) Wrongful entry or trespassing when not specifically invited to do so, or ignoring a legal posting of no solicitation.
- (b) False or misleading information provided on a written application.
- (c) Failure to follow the hours of restricted solicitation.  
(Ord. 2013-11. Passed 10-7-13.)

**733.99 PENALTY.**

Whoever violates any provision of the chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). A separate offense shall be deemed committed each day an offense occurs or continues.  
(Ord. 2013-11. Passed 10-7-13.)



## CHAPTER 741 Cable Television

EDITOR'S NOTE: Ordinance 824, passed July 7, 1980 grants a cable television franchise to Norseman Cablevision, Inc. Ordinance 99-15, passed January 3, 2000, adopted regulations to regulate cable television service rates and to provide reasonable opportunity for consideration of the views of interested parties.

741.01 Regulations.

741.02 Video service provider fee.

### CROSS REFERENCES

Cable television defined; contracts - see Ohio R.C. 505.90 et seq.  
Unauthorized connection - see Ohio R.C. 4933.42

#### 741.01 REGULATIONS.

(a) The Village hereby adopts a rule that it will follow the regulations established by the FCC regarding regulation by the franchising authority of cable television basic service and equipment rates, as contained in 47 CFR Part 76, Subpart N (a copy of which, as it appeared in the Federal Register of May 21, 1993, is attached as Attachment 1 and hereby incorporated in this chapter).

(b) Council is hereby deemed to be the franchising authority for purposes of regulation pursuant to this chapter.

(c) Whenever the cable operator (or operators) providing basic service within and subject to regulation by the Village submits for review its existing rates for basic service and associated equipment costs, or a proposed increase in these rates, the Village shall issue public notice of such rate submittal by posting a notice in the place used for public notices in the Municipal Building, and interested parties shall be allowed to submit their views in writing or in person according to the time schedule and procedures specified in Attachment 2 to this chapter which is hereby incorporated herein. The cable operator and all interested parties must follow the schedule and procedures of Attachment 2 or Council may not give due consideration to their submittals.

(d) Council shall have the right to conduct public hearings and receive testimony regarding any rate proposal submitted by a cable operator and may by motion delegate to any specified Village official the right to oversee such proceeding or to undertake any of the ministerial duties of Council (for example, issuing notices) regarding the review and regulation of rates under this chapter.

(e) The purpose and intent of this chapter is to enable Council to meet the FCC's requirements for regulating cable television basic service and equipment rates to the fullest extent allowed by the Act and the FCC's regulations, and this chapter shall be interpreted pursuant to that purpose and intent. (Ord. 93-16. Passed 10-4-93.)

#### 741.02 VIDEO SERVICE PROVIDER FEE.

(a) Council hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of five percent (5%) to 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 Village 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 Village on a quarterly basis but not sooner than forty-five days nor later than sixty days after the end of the each calendar quarter.

(c) The Mayor is authorized and directed 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 Village pursuant to a state-issued video service authorization. (Ord. 2008-01. Passed 1-7-08.)





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