

CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE
PART SEVEN - BUSINESS REGULATIONS CODE

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CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE
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CHAPTER 701
Business Registration License

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CROSS REFERENCES

Regulation by license of shows and games - see Ohio R.C. 715.48
 Regulation of manufacturers, dealers, peddlers, and amusements - see Ohio R.C. 715.61
 Licensing of transient dealers and solicitors - see Ohio R.C. 715.64

701.01 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning:

- (a) **ASSOCIATION:** A partnership, limited partnership or any other form of unincorporated enterprise owned by two or more persons.
- (b) **BUSINESSES:** An enterprise, activity, profession or undertaking of any nature whether or not conducted for profit whether by an individual, partnership, association, corporation or any other entity including, but not limited to the renting or leasing of property, real, personal or mixed.

- (c) **CORPORATIONS:** A corporation, limited liability company or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, or foreign country, or dependency.
- (d) **PEDDLER:** One who sells tangible commodities from house to house, store to store, or on the streets or in any public place; his sales are not made from one established spot, excepting where they are made in a street or other public place and he makes delivery at the time of the sale. Whether or not he collects at the same time is immaterial.
- (e) **PERSON:** Every natural person, partnership, fiduciary, association, limited liability company or corporation, whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- (f) **PLACE OF BUSINESS:** Any bona fide office, store, premises, factory, warehouse, vehicle or other space in the Village of Geneva on the Lake which is used by a person, association or corporation in carrying on business.
- (g) **LESSOR:** Every natural person, partnership, fiduciary, trustee, association, or corporation who rents or leases space to anyone, a room, apartment, house, cottage, mobile home, trailer, condominium unit or any other place used for human habitation for any period of time.
- (h) **TRANSIENT VENDOR:** Means any person or business who has no fixed or established place of business, and does not sell goods, services, or food items from an enclosed building permanently affixed to the land.
- (i) **STRUCTURE:** Means any structure that is not an enclosed building permanently affixed to the land and includes, but is not limited to, tents, booths, trailers, kiosks or an apparatus carried by an individual containing items to be sold.
- (j) **PERMANENT BUILDING:** Means any building as defined by the Village Zoning Code and excludes structures, tents, booths, trailers (whether sitting on the ground or on wheels) and anything not permanently affixed to the ground.
- (k) **TRADE, BUSINESS OR PROFESSION:** Means any activity that sells or attempts to sell goods or services, including but not limited to, businesses, peddlers, transient seasonal, transient or temporary dealers, lessors, etc.
- (l) **FLEA MARKET:** Means any gathering of more than 5 vendors selling goods or food from tables on any given parcel of land that operates for only one day, not to exceed 5 days in any given calendar year, from after 7:00 a.m. to 7:00 p.m.
- (m) **FARMERS MARKET:** Means any gathering of more than 3 vendors selling fresh produce from tables or the back of motor vehicles for only one day, not to exceed 12 days in any given calendar year, on any given parcel of land that operates from after 6:00 a.m. to no later than 7:00 p.m.
(Ord. 2007-26. Passed 5-21-07.)

701.02 LICENSE REQUIRED.

No person as defined herein shall engage in any trade, business or profession without first having obtained a business registration license therefor from the Mayor, except:

- (a) In the case of a flea market or farmers market, the sponsor shall be required to hold a business registration license but no permit shall be required of those registering with the sponsor as dealers or peddlers. The sponsor shall, however, provide the Village a list of vendors at the flea market or farmers market with names and addresses.
- (b) Seasonal, transient or temporary dealers who have obtained a vendors license with the Village pursuant to Section 701.025 below and who otherwise comply with all zoning laws. (Ord. 2007-26. Passed 5-21-07.)

701.025 TRANSIENT VENDORS PERMIT.

In lieu of obtaining a business license, a seasonal, transient or temporary dealer may obtain a vendors permit by filing an application for a vendor's license with the Mayor. The application shall include:

- (a) The name and address of the vendor.
- (b) The name and address, and written consent, of the landowner upon which the sales will be conducted, including the boundaries which sales will be conducted.
- (c) A description of any structure, cart, or trailer from which sales will be conducted and, if electricity is to be supplied, a plan showing the source of the electricity and the manner in which it is connected to appliances used by the vendor, and the written approval of a state certified electrician.
- (d) The owner of the land upon which the sales are to be made may apply on behalf of any vendor on the land. (Ord. 2007-26. Passed 5-21-07.)

701.03 APPLICATION FOR LICENSE.

(a) All original applications for licenses, unless otherwise specifically provided, shall be made to the Mayor, in writing, upon forms to be furnished by the Village of Geneva on the Lake and shall contain:

- (1) The name of the applicant and of each officer, partner or business associate;
- (2) The applicant's present occupation and place of business;
- (3) If the applicant is renting a dwelling unit for residential purposes, a statement affirming or denying that the unit is rented for residential purposes from November 1 through May 1, or any portion thereof.
- (4) The applicant's place of residence for five years preceding the date of application;
- (5) The nature and location of the intended business or enterprises;
- (6) The applicant's Social Security number and/or Federal Employer's Identification Number;
- (7) If for a vendor, a copy of Vendor's License, a description of the merchandise to be sold;
- (8) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired as the Mayor or issuing authority deems necessary;
- (9) Copies of any required permits including, but not limited to, food service permits, hotel/motel permits, liquor permits, amusement ride permits, etc.

(b) With each original or renewal application, the applicant shall deposit the fee required for the license requested. No person shall knowingly make any false statement or representation in such application.

(c) House-garage-yard sales, and other similar private sales, not exceeding two families and not exceeding three consecutive days no more than twice per year shall be exempt from the provisions of this chapter but shall be regulated by other Village ordinances concerning the same. (Ord. 2009-96. Passed 11-16-09.)

701.04 BUSINESS AND VENDOR LICENSE FEES.

(a) The fee for a business license required in Section 701.03 shall be one hundred dollars (\$100.00) per year. For businesses operating and filing in the preceding year, the applications and filing fees shall be filed with the Village no later than January 31st of each year; a \$25 late fee shall be assessed for those applications filed after April 1, 2016 and thereafter for those applications filed after January 31st.

(b) For new businesses, or those not operating in the year prior to the current year, the application and filing fee shall be filed at least ten (10) days prior to operating the business. Any business seeking an application after it has begun operating in the current year shall be assessed a late fee of \$25 per month, or portion thereof, after it has begun operation.

(c) No person or company shall operate a business after January 31st without a business license. Fees will not be prorated.

- (d) Fees for a transient vendor's permit shall be as follows:
- (1) Maximum of 3 consecutive day permit: \$25.00 per structure.
 - (2) Seasonal (from May 1st - October 1st): \$150.00

(e) The following non-profit organizations shall be exempt from paying any fees for their business or vendor's license but shall obtain such a license before engaging in sales:

Concerned Citizens of Geneva on the Lake
Geneva on the Lake Blazettes
Geneva on the Lake Volunteer Fire Dept. Inc.
Geneva on the Lake Convention & Visitors Bureau
Geneva Kiwanis Club
Geneva on the Lake Police Dept. Auxiliary
Boy Scouts, Girl Scouts, and similar youth organizations.
Any other charitable or governmental organization which can produce a valid IRS tax exempt status verification. (Ord. 2016-04. Passed 2-15-16.)

701.05 APPROVAL OF LICENSE.

(a) Upon receipt by the Mayor of the application for a license, together with all other information or documentation required by Section 701.03 herein, and advance payment of a proper license fee, the Mayor shall issue to the applicant a proper business license signed by the Mayor authorizing the applicant-licensee to conduct business as applied for provided that:

- (1) The applicant is not delinquent in filing or paying any required Village income tax or bed tax.
- (2) The location in which the applicant is to conduct business is properly zoned for such business.
- (3) The activity/business of the applicant does not present any serious risk of harm to the health and safety of the Village, its residents or its guests.

- (4) The activity/business has provided written verification of any state or local licenses required to operate, e.g., health permit for food operations.
- (5) The activity/business does not violate any local, state or federal law.

(b) Effective January 1, 2007, no person shall be issued a business license for any business or activity that is not conducted within a permanent building as defined in the Zoning Code. This provision shall not apply, however, to the following:

- (1) Outside eating areas and amusement rides and activities where primary sales are conducted from a permanent building as defined by the Zoning Code.
- (2) Any business activity that obtains, or operates under, a special events permit.
- (3) Any non-profit ground defined under Section 701.04(b).
- (4) Properly licensed door to door peddlers.

(c) Effective January 1, 2010, any person who applies for and obtains a business license for the purpose of renting a dwelling unit for residential purposes shall be deemed to have impliedly consented to an inspection of the premises for minimum rental standards as set forth in Chapter 1371, and such language shall appear on all applications and business licenses issued. (Ord. 2009-96. Passed 11-16-09.)

701.06 EFFECTIVE PERIOD.

A license shall not be valid beyond the expiration date specified on said license. No license shall extend beyond December 31 of the year issued. At any time after December 1, licenses may be issued for the following calendar year. Unless otherwise specified, the full license fee will be required of licensees irrespective of the date of issue of said license. (Ord. 2007-26. Passed 5-21-07.)

701.07 INCIDENTAL BUSINESS PROPERTY.

The conduct of any business activity usually incidental to or operated in connection with the principal business at the location of the applicant shall be deemed one business for which only one license shall be required. If the business has a separate county vendor's license, then it shall have a separate license. (Ord. 2007-26. Passed 5-21-07.)

701.08 TRANSFERABILITY.

Every license shall be issued to a real party in interest in the enterprise or business unless to an owner of land for a vendors license, and unless otherwise provided, no license shall be assigned or transferred. (Ord. 2007-26. Passed 5-21-07.)

701.09 DISPLAY OF LICENSE.

Every licensee, or holder of a transient vendors permit, shall keep the license certificate posted in a prominent place upon or about the licensed premises. Other licensees shall carry their license certificate at all times and shall present said license whenever requested to do so by any Village officer or resident. (Ord. 2007-26. Passed 5-21-07.)

701.10 REVOCATION OR SUSPENSION.

Any license may be revoked by the Mayor at any time for the following reasons:

- (a) For conditions which, had they existed at the time of the issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after the issuance of said license.
- (b) For violation of any provision of this chapter or other law or ordinance relating to the operation of the business enterprise for which said license has been issued;
- (c) For non-filing or payment of Village income tax or bed taxes or other business filings or taxes required to be filed or paid;
- (d) Upon conviction of a licensee for a violation of any federal, state, or Village law or ordinance during its time of operation;
- (e) For those licensees who rent a dwelling unit for residential purposes, their failure to comply, after notice with Chapter 1371, Minimum Rental Standards, or who refuse to allow entrance into the dwelling unit for inspection pursuant to Chapter 1371, provided that the license revocation shall apply only to that unit which was refused inspection or which failed to comply with the minimum rental standards set forth in Chapter 1371.

(Ord. 2009-96. Passed 11-16-09.)

701.11 APPEAL.

In case any applicant has been denied a license, or if said license has been revoked or suspended, the applicant or licensee shall have five days from notice to appeal the Mayor's decision to the Planning Commission. Such appeal shall be in writing and submitted to the Village Clerk, and shall state the basis for the appeal. Such appeal shall be publicly heard at the following planning meeting and the Mayor's decision may be overturned by only a 2/3 vote of all members of planning. Any revocation shall not become effective until such time as the licensee shall fail to make their appeal, or Planning has failed to overturn the Mayor's revocation.

(Ord. 2009-96. Passed 11-16-09.)

701.12 CERTAIN BUSINESS LICENSEES TO HAVE AN APPROVED LITTER/WASTE CONTROL RECEPTACLE OUTSIDE THEIR PREMISES THAT FRONT ON LAKE ROAD.

Business licensees who operate a business on Lake Road, to-wit Park Drive to Sturgeon Point Condominiums during the period from May 15 to September 15 of each year shall place and maintain on sidewalk area of their premises a minimum of one 38 gallon covered litter/waste container. The litter/waste container shall be specifically approved and designed for litter/waste disposal. A metal/plastic can or other similar garbage can will not be acceptable. The business licensee shall also be responsible for emptying and maintaining said litter/waste receptacle in a clean and safe manner. (Ord. 1096. Passed 4-20-98.)

701.13 HOURS OF OPERATION.

All places of business except hotels, motels, cottages, apartments and rooming houses, situated in the Village shall be closed to the public and shall not conduct business between the hours of 3:00 a.m. and 6:30 a.m. daylight savings time.

(Ord. 758. Passed 6-19-78.)

701.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this business licensing chapter, shall be deemed guilty of an unclassified misdemeanor and shall be fined fifty dollars (\$50.00) per day for a violation and each day the violation continues to persist, beginning on the date the case is filed in court. In no case shall the fine exceed nine hundred dollars (\$900.00). (Ord. 2009-96. Passed 11-16-09.)

CHAPTER 705
Cost Recovery for Unauthorized Spills

705.01 Definitions.**705.02 General provisions.****705.03 Determination of costs.**

705.01 DEFINITIONS.

(a) "Person" includes an individual, corporation, business entity, trust, estate, partnership and association.

(b) "Common carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(E), or 4921.02(A), as appropriate.

(c) "Contract carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(F) or 4923.102(A), as appropriate.

(d) "Motor vehicle" means any automobile, automobile truck, tractor, trailer, semi-trailer, motor bus or other self-propelled vehicle not operated or driven on fixed tracks.

(e) "Private motor carrier" has the same meaning as in Ohio R.C. 4923.02(A).

(f) "Railroad" has the same meaning as in Ohio R.C. 4923.02(A).
(Ord. 1131. Passed 9-18-00.)

705.02 GENERAL PROVISIONS.

(a) Any person responsible for causing or allowing an unauthorized spill, release or discharge of material into or upon the environment within the Village is liable to the Village for the costs incurred by the Village for investigating, mitigating, minimizing, removing or abating any such unauthorized spill, release, or discharge of material that requires emergency action to protect the public health or the safety of the environment. The Village shall keep a detailed record of its costs for investigating, mitigating, minimizing, removing or abating the unauthorized spill, release or discharge. Promptly after the completion of such measures, the costs thereof shall be certified to the Mayor and Village Solicitor, and the Village shall request that the Village Solicitor bring a civil action for the recovery of such costs against the person responsible for the unauthorized spill, release or discharge, except as provided for hereinafter in this section.

(b) Not less than thirty days before bringing the civil action, the Mayor and Village Solicitor shall submit a written, itemized claim for the total certified costs incurred by the Village for the emergency action to the responsible party, except as provided hereinafter and a written notice that unless the amount is paid to the Village within thirty days after the date of mailing of the claim and notice, the Village Solicitor will bring a civil action for the recovery of that amount. Monies recovered under this section shall be credited to the appropriate funds of the Village from which moneys were expended in performing the emergency action.

(c) If an unauthorized spill, release or discharge occurs from a motor vehicle or train being operated by or on behalf of a common carrier by motor vehicle, a contract carrier by motor vehicle, a private motor carrier or a railroad, a claim or civil action under this section shall be submitted to or brought against, the same, as appropriate, and the costs of the emergency action shall be recovered from the motor carrier or regardless of whether or not the motor carrier or railroad was responsible for causing or allowing the unauthorized spill, release or discharge to occur.

(d) This section shall not be construed to impute negligence to a common or contract carrier by motor vehicle, a private motor carrier or a railroad against which this section authorizes a recovery of costs. A common or contract carrier by motor vehicle, private motor carrier or railroad that pays to the Village, pursuant to a claim submitted or civil action brought under this chapter, the costs incurred by the Village for investigating, mitigating, minimizing, removing or abating the unauthorized spill, release or discharge, may bring a civil action against the party that it alleges actually caused or allowed the unauthorized spill, release or discharge to occur to recover the amount of money so paid to the Village.
(Ord. 1131. Passed 9-18-00.)

705.03 DETERMINATION OF COSTS.

Costs incurred for investigating, mitigating, minimizing, removing or abating an unauthorized spill, release or discharge shall be based upon the following:

(a) Vehicle per-hour costs shall be as follows:

(1) The per-hour costs for fire vehicles shall be as follows:

<u>Vehicle</u>	<u>Cost/Hour</u>
Ladder	\$200.00
Engine	\$100.00
Rescue	\$75.00
Medic	\$50.00
Squad	\$50.00

(2) The per-hour costs for each of the following supply vehicles shall be \$75.00: Air, Foam, Decon, Entry, Haz-mat and Diking.

(3) The per-hour cost for each of the following staff vehicles shall be \$10.00: Chief, Prevention, Other Fire Staff and Police.

(4) The per-hour costs for each of the following special vehicles shall be \$100.00: Field Command, Ema-van, Health-van, Light plant, Heated decon shower.

- (5) The per-hour cost for each of the following service vehicles shall be as follows:

<u>Vehicle</u>	<u>Cost/hour</u>
Dump truck	\$75.00
Loader	\$100.00
Back hoe	\$100.00
Other heavy equipment	\$100.00

- (b) The cost for any and all repairs or the actual replacement of any equipment damaged or destroyed shall be billed to the person responsible for causing or allowing an unauthorized spill, release or discharge.
- (c) Personnel costs, including benefits, shall also be charged to the person responsible for causing or allowing an unauthorized spill, release or discharge. The cost of overtime personnel shall also be charged, plus an administrative charge of ten percent (10%) of the total costs.
- (d) Attorney fees and other legal and collection charge shall also be charged to the person responsible for causing or allowing an unauthorized spill, release or discharge.
(Ord. 1131. Passed 9-18-00.)

CHAPTER 709
Fortunetelling (Repealed)

EDITOR'S NOTE: Former Chapter 709 was repealed by Ordinance 2012-67, passed September 4, 2012.

**CHAPTER 713
Garbage Collection**

713.01 Council approval required.
713.02 Special permit.

713.03 Fee waived.
713.99 Penalty.

CROSS REFERENCES

Collection procedures - see S.U. & P.S. Ch. 951

713.01 COUNCIL APPROVAL REQUIRED.

(a) No person, business, firm or corporation shall engage in or carry on the business of collecting, handling, removing or disposing of garbage in the Village, unless granted the authority to do so by Council.

(b) No person, business, firm or corporation shall charge, receive or collect a fee for said services, unless granted the authority to do so by Council.
(Ord. 925. Passed 6-10-88.)

713.02 SPECIAL PERMIT.

The Mayor may issue a special permit to allow for the collection, removal and disposal of garbage when he deems it necessary to provide for the health, safety and general welfare of certain garbage generation and other inhabitants, provided the following requirements are met:

- (a) Only one special garbage removal permit may be issued each year to any one applicant.
- (b) The special garbage removal permit must be renewed prior to April, of every year.
(Ord. 925. Passed 6-10-88.)
- (c) The fee for said special garbage permit shall be ten percent (10%) of the fee the Village would have charged under their rate schedule or seven hundred fifty dollars (\$750.00) if the Mayor cannot verify the level of service as described in subsection (h) hereof. Said fee to be paid on or before April 1, of each year.
(Ord. 968. Passed 11-5-90.)
- (d) The application for the special garbage collection permit shall set forth reasons the Village garbage collection services would not be adequate.

- (e) The special garbage collection permit shall be restricted to the business that has applied for the permit.
- (f) The special garbage hauler shall not be permitted to collect, remove, handle or dispose of garbage anywhere else in the Village unless authorized to do so.
- (g) The special garbage hauler shall comply with all other provisions of ordinances that apply to garbage collectors within the Village, including all provisions concerning the maintenance of insurance coverage in the amounts required by the Village and that said special garbage collectors be deemed an independent contractor and not a Village agent or employee; and that the Village be held harmless for any and all claims, damages, suits, and actions that may arise from the granting of the special garbage hauling permit.

(h) Prior to the granting of the permit, the garbage hauler shall submit in writing to the Mayor an accounting of exactly what size containers are being picked up and the frequency of collection and the days and times of the week. This information shall be given to the Mayor upon his request. Failure to give the required information can be grounds for the revoking of the special permit.

(Ord. 925. Passed 6-10-88.)

713.03 FEE WAIVED.

The special permit fee shall be waived by the Village garbage collection contractor.

(Ord. 925. Passed 6-10-88.)

713.99 PENALTY.

Any person, firm or corporation violating any of the above provisions of this chapter shall be deemed guilty of a misdemeanor of the first degree and upon conviction shall be fined in the amount not to exceed one thousand dollars (\$1,000). Each day such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 925. Passed 6-10-88.)

CHAPTER 717
Peddlers and Solicitors

717.01 Uninvited soliciting prohibited. **717.99 Penalty.**
717.02 Exceptions.

717.01 UNINVITED SOLICITING PROHIBITED.

The practice of going in and upon private residences in the Village by solicitors of magazine subscriptions or other items of merchandise, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences for the purpose of soliciting orders for magazine subscriptions, the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

(Ord. 474A. Passed 7-5-60.)

717.02 EXCEPTIONS.

(a) This chapter shall not apply to prohibit the owner of any product of his own raising or the manufacture of any article manufactured by him from selling by himself any such article or product.

(b) This chapter shall not apply to prohibit persons from doing door to door solicitations for the distribution of religious literature.

(Ord. 474A. Passed 7-5-60.)

717.99 PENALTY.

Any person violating this chapter shall be guilty of a minor misdemeanor. Each day's violation of this chapter shall be a separate and distinct offense.

CHAPTER 725
Tattooing

725.01 Prohibited.

725.99 Penalty.

725.01 PROHIBITED.

Unless satisfying the requirements of the State of Ohio and the Ashtabula County Board of Health, no person shall engage in the business of tattooing another person for a fee or charge of any kind within the limits of the Village.
(Ord. 2012-68. Passed 9-4-12.)

725.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor.

CHAPTER 729
Video Service Providers

729.01 Fee.

729.01 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. For purposes of calculating the VSP Fee, the provider's gross revenues shall include advertising revenues in accordance with Section 1332.23(B)(2)(g) of the Video Law. The VSP Fee Percentage and the Video Law gross revenues definition, as modified in this chapter, shall apply equally to all video service providers and cable television operators providing video service in the Village.

(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 each calendar quarter.

(c) The Mayor is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by 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. 2009-22. Passed 3-16-09.)