

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. AMUSEMENT DEVICES**
- 111. CIRCUS, CARNIVAL OR SHOW**
- 112. DANCE HALLS, NIGHTCLUBS AND RESTAURANTS**
- 113. CHARITABLE AND COMMERCIAL SOLICITATION**
- 114. ADVERTISING; SIGNS AND HANDBILLS**
- 115. VIDEO SERVICE PROVIDER**

CHAPTER 110: AMUSEMENT DEVICES

Section

General Provisions

- 110.01 License required
- 110.02 Definitions
- 110.03 License fee
- 110.04 Applications; information
- 110.05 Good moral character required for license
- 110.06 Tokens or certificates of value prohibited
- 110.07 Distance from school grounds
- 110.08 Minors prohibited
- 110.09 License may be transferred
- 110.10 Relocation of machines to be approved
- 110.11 Open to inspection
- 110.12 Revocation of license
- 110.13 Seizure and destruction of machines

Pool and Billiard Tables

- 110.25 Definition
- 110.26 License fee for pool tables
- 110.27 Licenses not to be transferred without permission
- 110.28 Hours

- 110.99 Penalty

GENERAL PROVISIONS

§ 110.01 LICENSE REQUIRED.

No person shall engage in the business of operating or exhibiting pinball machines without first obtaining a license to do so and conforming to the regulations provided for such business in accordance with the provisions of this subchapter.

(1985 Code, § 110.01) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.02 DEFINITIONS.

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

EXHIBITOR. A person owning, managing or conducting a place of business in the city and operating or exhibiting one or more pinball machines at such place of business.

PINBALL MACHINE. Includes any machine or device commonly or popularly known as a **PINBALL MACHINE** and any machine or device which registers a score and in which or on which a person can shoot or roll, either manually, electrically or mechanically, one or more pellets, balls or marbles upon the insertion of a coin, disc or other insertion piece or upon the payment of a consideration. It shall not include coin-operated vending machines, music machines, motion picture machines or other machines or devices used bona fide solely for the vending of service, food, merchandise or entertainment.

(1985 Code, § 110.02) (Ord. 1425, passed 2-4-1980)

§ 110.03 LICENSE FEE.

Every exhibitor shall pay an annual license fee of \$100 plus an annual fee of \$100 for each pinball machine maintained or exhibited. An exhibitor operating at more than one location shall pay a license fee for each location.

(1985 Code, § 110.03) (Ord. 1425, passed 2-4-1980)

§ 110.04 APPLICATIONS; INFORMATION.

(A) Applications for exhibitor's licenses or for pinball machine licenses shall be made to the City Manager on forms provided by him or her.

(B) Applications for exhibitor's licenses shall state the number of pinball machines for which the licenses are requested, the trade names, the design or operation of each such machine, the location of the premises, the particular room on the premises in which such pinball machines are to be exhibited and the name and address of the distributor. If the City Manager is satisfied that the applicant has complied with all the provisions of this subchapter and is otherwise eligible to be a licensee, he or she shall issue the license on payment of the license fee. The license stamps for pinball machines shall specify the locations in which they are to be exhibited or maintained. If a location consists of more than one room, the particular room shall be specified. Each license stamp shall be attached to the machine for which it is issued so as to be in plain view of the persons playing the same.

(1985 Code, § 110.04) (Ord. 1425, passed 2-4-1980)

§ 110.05 GOOD MORAL CHARACTER REQUIRED FOR LICENSE.

No person shall be licensed as an exhibitor unless he or she is of good moral character, and unless all the members of such corporation and the chief business manager of such corporation are of good moral character. A person convicted within the preceding five years of a felony or of a misdemeanor involving moral turpitude shall be considered as being not of good moral character.
(1985 Code, § 110.05) (Ord. 1466, passed 6-23-1980)

§ 110.06 TOKENS OR CERTIFICATES OF VALUE PROHIBITED.

No exhibitor or other person shall exhibit, operate or have in his or her possession a pinball machine which is so constructed as to make possible, either directly or by the use of an adjustment, of any kind to a player operating the same, whether or not such further playing or other privileges. Only machines operated exclusively for the amusement provided by the operation thereof shall be licensed.
(1985 Code, § 110.06) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.07 DISTANCE FROM SCHOOL GROUNDS.

No person shall maintain or exhibit a pinball machine on any premises situated less than 500 feet from the building and grounds of any elementary school or high school, the 500 feet to be measured along the line of the nearest curb.
(1985 Code, § 110.07) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.08 MINORS PROHIBITED.

No exhibitor of one or more pinball machines shall permit the same to be played or used by a person under 18 years of age.
(1985 Code, § 110.08) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.09 LICENSE MAY BE TRANSFERRED.

When the business of a exhibitor is sold or otherwise transferred, the license of such exhibitor may be transferred to the transferee with the consent of the City Manager for the remainder of the license period if the latter is satisfied that the successor would be eligible to receive a new license. The transfer of an exhibitor's license shall carry with it the transfer of the pinball machine licenses issued to him or her, and this shall be noted on the books of the Manager and upon the license stamps issued for the pinball machines.
(1985 Code, § 110.09) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.10 RELOCATION OF MACHINES TO BE APPROVED.

(A) No licensed pinball machines shall be removed from one premises to another or from one room to another room on the same premises, unless the new location shall be approved by the City Manager and duly noted on the license stamp and on his or her records.

(B) Nothing herein, however, shall be understood to prevent the replacement of one machine by another and the transfer of the license to such substituted machine, if it complies with the requirements of this subchapter.

(1985 Code, § 110.10) (Ord. 1425, passed 2-4-1980) Penalty, see § 110.99

§ 110.11 OPEN TO INSPECTION.

All pinball machines and all premises in which pinball machines are maintained or exhibited shall be open to inspection by the police at all times.

(1985 Code, § 110.11) (Ord. 1425, passed 2-4-1980)

§ 110.12 REVOCATION OF LICENSE.

(A) Should any exhibitor violate or fail to comply with any of the provisions of this subchapter, it shall be the duty of the City Manager to revoke his or her license.

(B) In case of the revocation of any exhibitor's license, the licenses of all machines operated by him or her or on his or her premises shall be revoked and such machines removed from the premises within 24 hours thereafter.

(C) An exhibitor whose license has been revoked shall not be eligible to apply for or receive a new license within the period of one year after the revocation.

(1985 Code, § 110.12) (Ord. 1425, passed 2-4-1980)

§ 110.13 SEIZURE AND DESTRUCTION OF MACHINES.

If any pinball machine is used as a gambling device or is held, exhibited or operated contrary to the provisions of the laws of the state or of this subchapter, such machine may be seized by any police officer and upon a judicial finding, either by the Mayor's Court or the County Municipal Court, that the pinball machine was used as a gambling device or was held, exhibited or operated contrary to the provisions of the laws of the state or of this subchapter, then, the judicial officer may order that the pinball machine be destroyed.

(1985 Code, § 110.13) (Ord. 1425, passed 2-4-1980)

POOL AND BILLIARD TABLES

§ 110.25 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PROPRIETOR. As used in §§ 110.25 through 110.28, shall be construed to mean any person or group of persons that has in his, her or their possession or control a pool or billiard table for use by the public for a consideration or for use in connection with a business enterprise.
(1985 Code, § 110.20)

§ 110.26 LICENSE FEE FOR POOL TABLES.

The proprietor shall pay an annual license fee of \$150 for one pool or billiard table and \$100 for each additional table. The City Manager is authorized to issue the license, together with annual renewals thereof. However, no license shall be issued to any person who is not a citizen of the United States. If a license issued prior to July 1 of any year, the full annual fee of \$150 and \$100, respectively, for the first and each additional table shall be paid. For licenses issued on or after July 1, the fee for the remainder of that year shall be \$75 for the first, and \$50 for each additional table.
(1985 Code, § 110.21) Penalty, see § 110.99

§ 110.27 LICENSES NOT TO BE TRANSFERRED WITHOUT PERMISSION.

(A) No license issued hereunder shall be assigned or transferred nor shall the license be issued in connection with any business other than that for which the license was originally issued, unless, in either instance, with the written permission of the Mayor endorsed thereon.

(B) In no case shall a cash refund of any part of the license fee be made.
(1985 Code, § 110.22) Penalty, see § 110.99

§ 110.28 HOURS.

No proprietor shall permit pool or billiard tables to be used on weekdays between the hours of 2:00 a.m. and 8:00 a.m., and on Sundays between 2:00 a.m. and 12:00 noon, except in conformance with establishment liquor license requirements.
(1985 Code, § 110.23) (Ord. 1353, passed 7-10-1978) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Whoever violates any of the provisions of §§ 110.01 through 110.13 is guilty of a minor misdemeanor and shall be fined not more than \$100. Each and every day in which the person continues the violation or failure shall be deemed a separate offense.

(C) Whoever violates any provision of §§ 110.25 through 110.28 shall be fined not more than \$500; and, within the discretion of the Mayor, shall forfeit his or her right to a license under §§ 110.25 through 110.28.

(1985 Code, § 110.99)

CHAPTER 111: CIRCUS, CARNIVAL OR SHOW

Section

111.01 Permit required for circus, carnival or show

111.02 Application for permit

111.03 Term of permit limited

111.99 Penalty

§ 111.01 PERMIT REQUIRED FOR CIRCUS, CARNIVAL OR SHOW.

No person, firm or corporation shall conduct, stage or give a circus, menagerie, carnival or medicine show within the territorial limits of the city without obtaining a permit therefor from the City Manager.

(1985 Code, § 111.01) Penalty, see § 111.99

§ 111.02 APPLICATION FOR PERMIT.

(A) No permit shall be issued except upon written application therefor, filed with the City Manager at least seven days prior to the first day upon which any circus, menagerie, carnival or medicine show is sought to be conducted, staged or given, and stating the type of show proposed, the date or dates of proposed performances thereof and the location on which the shows are proposed to be presented.

(B) The City Manager shall give his or her written consent to the issuance of a permit upon any application if:

(1) It is timely filed and states all required information;

(2) The City Manager deems that the location proposed is suitable for the purposes;

(3) The location will properly accommodate the proposed circus, menagerie, carnival or medicine show; and

(4) The use of the location for such purpose will neither be injurious to the public health and safety nor impose an undue additional burden upon the police and firefighting forces of or at the command of the city.

(1985 Code, § 111.02) Penalty, see § 111.99

§ 111.03 TERM OF PERMIT LIMITED.

No single circus, menagerie, carnival or medicine show shall be given, and no permit therefor shall authorize the same to be given, for more than six consecutive days, except where Council shall by special resolution allow a longer period.

(1985 Code, § 111.03) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than \$500.

(1985 Code, § 111.99)

CHAPTER 112: DANCE HALLS, NIGHTCLUBS AND RESTAURANTS; NOISE

Section

Dance Halls, Nightclubs and Restaurants

- 112.01 Definitions
- 112.02 License fee to hold public dance
- 112.03 Revocation of license
- 112.04 Private clubs, fraternal orders or societies

Loud Noise

- 112.15 Disturbing the peace by noise and music
- 112.16 Loud noise or music prohibited after 11:00 p.m.

- 112.99 Penalty

DANCE HALLS, NIGHTCLUBS AND RESTAURANTS

§ 112.01 DEFINITIONS.

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

FACILITIES FOR DANCING. The providing of music either by the use of radio, phonograph or any other mechanical or electrical device for the production of music; or the providing of music by any individual or group of individuals or otherwise, together with floor space for dancing.

PUBLIC DANCE. Any dance to which admission may be had by the payment of a fee or cover charge; or by the purchase of food or beverages or the equivalent; or the purchase, possession or presentation of a ticket or token; or any other dance to which the public generally may gain admission with or without the payment of a fee.

(1985 Code, § 112.01)

§ 112.02 LICENSE FEE TO HOLD PUBLIC DANCE.

No person shall hold any public dance, provide facilities for dancing or permit patrons to dance, in connection with any public restaurant, any nightclub or other place of public entertainment within the limits of the city, until the premises in which the public dance or the facilities for dancing are provided have been duly licensed for such purpose. The license shall be issued by the City Manager, and the license so issued shall provide that no dance shall be given nor shall any dancing be permitted on the premises so licensed between the hours of 2:30 a.m. on Sunday and 12:01 a.m. on Monday. The fee shall be paid at the time of issuance of the license, and shall be \$10 per year. The City Manager may issue a license for a single day or night under the provisions of this subchapter; the fee for the license shall be \$2.

(1985 Code, § 112.02) Penalty, see § 112.99

§ 112.03 REVOCATION OF LICENSE.

The license provided for herein may be forfeited or revoked by the City Manager for disorderly or immoral conduct on the premises; permitting or creating unnecessary noise on or in the neighborhood of the premises; or for violation of any of the rules, regulations, ordinances and laws governing or applying to the premises.

(1985 Code, § 112.03) Penalty, see § 112.99

§ 112.04 PRIVATE CLUBS, FRATERNAL ORDERS OR SOCIETIES.

The provisions of §§ 112.01 through 112.04 shall not apply to bona fide clubs, fraternal orders or societies conducting dances where admission is restricted to members of the clubs, orders or societies and the families of members, whether held on their own premises or in a hall leased or donated for the purpose. Nor shall such sections apply to dances the entire proceeds from which are used for local school, church, civic or charitable purposes.

(1985 Code, § 112.04)

LOUD NOISE**§ 112.15 DISTURBING THE PEACE BY NOISE AND MUSIC.**

(A) No person operating a restaurant, hotel, summer garden or other place of refreshment or entertainment shall permit or engage in the playing or rendition of music of any kind, singing, loud talking or other noises on or about the premises in such manner as to disturb the peace and quiet of two or more separate residences before 7:00 a.m. and after 11:00 p.m.

(B) In every charge of violation of this section, the affidavit shall state the hour at which the offense is alleged to have occurred.

(1985 Code, § 112.10) (Ord. 1550, passed 9-21-1981) Penalty, see § 112.99

Cross-reference:

Loud noises, see § 132.17

§ 112.16 LOUD NOISE OR MUSIC PROHIBITED AFTER 11:00 P.M.

(A) It shall be prima facie unlawful for any person, association, firm or corporation operating a restaurant, hotel, summer garden or other place of refreshment or entertainment to permit, or for any person in or about such restaurant, hotel, summer garden or other place of refreshment or entertainment to engage in, the playing or rendition of music of any kind, singing, loud talking or other noises on or about the premises before 7:00 a.m. and after 11:00 p.m.

(B) In every charge of violation of this section, the affidavit shall state the hour at which the offense is alleged to have occurred.

(1985 Code, § 112.11) Penalty, see § 112.99

Cross-reference:

Loud noises, see § 132.17

§ 112.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person, society, club or corporation who violates the provisions of §§ 112.01 through 112.04 or of any ordinance with reference to public dances or the premises on which facilities are provided for public dancing, shall, upon conviction, be fined not more than \$50 for the first offense, and not more than \$500 for a second offense.

(C) Any person, association, firm or corporation violating §§ 112.15 or 112.16 shall be fined not more than \$50 for the first offense, and not more than \$500 for a second offense.

(1985 Code, § 112.99)

CHAPTER 113: CHARITABLE AND COMMERCIAL SOLICITATION

Section

- 113.01 Definitions
- 113.02 Purpose
- 113.03 Commercial solicitation prohibited unless registered
- 113.04 Registration for commercial door-to-door solicitation; no commercial soliciting address list
- 113.05 Time limitation for all soliciting

- 113.99 Penalty

§ 113.01 DEFINITIONS.

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

DOOR-TO-DOOR SOLICITATION. The act of a person attempting to contact or contacting persons who are on a property used for residential use for the purpose of selling any goods or services or soliciting money, donations, property, membership of any organization, financial assistance of any kind, publications, advertisements, tickets or subscriptions of any kind, including the selling of any publications or advertisement of the same. It shall also include such acts as are a direct or implied plea that the solicitation or sale is for charitable, educational, fraternal, civic, patriotic, religious, political or philanthropic purpose. For purposes of this chapter, ***DOOR-TO-DOOR SOLICITATION*** shall be categorized as follows.

(1) ***CHARITABLE/RELIGIOUS/POLITICAL SOLICITATION.*** Door-to-door solicitations by any person, the primary purpose of which is to solicit funds or sell goods for the benefit of charitable or non-profit organizations or for the purpose of providing information to the occupants of the dwelling about candidates for public office, political issues or religious or church related matters.

(2) ***COMMERCIAL SOLICITATION.*** The act of door-to-door solicitation for the purpose of soliciting orders for or making sales of goods, wares, merchandise or services, or with the intent to influence the occupants of such dwellings to purchase any article or service, without prior appointment or permission of the occupant or occupants of such dwellings and which is not charitable/religious/political solicitation.

(3) ***NO COMMERCIAL SOLICITING ADDRESS LIST.*** A list to which residents may elect to be added. When an address is on this list, it may not be subject to commercial solicitation by anyone who does not have permission from the resident. Registration for commercial solicitation with the city under this regulation shall not constitute permission by the resident.

(4) ***NO COMMERCIAL SOLICITING INSIGNIA.*** A symbol displayed at any residence that provides reasonable notice to a person that the resident intends to prohibit solicitation, precluding door-to-door solicitation, including but not limited to small yard signs or decals.
(1985 Code, § 113.01) (Ord. 93-66, passed 2-7-1994; Ord. 11-20, passed 3-26-2012)

§ 113.02 PURPOSE.

(A) It is recognized that the home has been described as “the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits.” One activity which is often accused of eroding the sanctity of the home is door-to-door solicitation. Door-to-door solicitation may be an undesirable intrusion on the privacy of the home, not merely because the solicitation interrupts a resident’s private routine, but also because it may involve contact with speakers whose views offend the resident. As a result, many citizens desire to protect their fundamental right to privacy by limiting or denying limits to door-to-door solicitation.

(B) It is recognized herein that door-to-door solicitation is an exercise of the traditional, fundamental right to the freedom of speech protected by the First Amendment to the United States Constitution. However, it is further recognized that the resident of a dwelling has the right to deny access to persons who wish to intrude upon one’s privacy within his, her or their dwelling without invitation.

(C) It is necessary to find a balance between, on one hand, the right of privacy and, on the other hand, the freedom of speech, including commercial speech, to give individuals a collective voice to express his, her or their preferences for privacy and to allow commercial door-to-door solicitors to reasonably practice his, her or their First Amendment rights.
(1985 Code, § 113.02) (Ord. 11-20, passed 3-26-2012)

§ 113.03 COMMERCIAL SOLICITATION PROHIBITED UNLESS REGISTERED.

(A) No person shall perform commercial door-to-door solicitation within the city without first registering with the city.

(B) Whoever violates this provision shall be guilty of a minor misdemeanor.

(C) Each offending commercial solicitation at a separate dwelling shall be considered a separate offense.

(1985 Code, § 113.03) (Ord. 11-20, passed 3-26-2012) Penalty, see § 113.99

§ 113.04 REGISTRATION FOR COMMERCIAL DOOR-TO-DOOR SOLICITATION; NO COMMERCIAL SOLICITING ADDRESS LIST.

(A) Each individual, or an organization on behalf of one or more designated individuals, wishing to engage in commercial door-to-door solicitation within the city shall first register with the city. The process of registering shall include obtaining a registration form from the city, completing the form and returning the form with the required fee. The fee shall be established by the City Manager, but in no event shall be more than \$25 per individual.

(B) Once registration is complete, the individual will receive the no commercial soliciting address list. The presence of a resident's address on the no commercial soliciting address list or the display of any notice by a resident that reasonably conveys a "no solicitation" message are sufficient in itself to express the privacy wishes of the resident.

(C) Commercial soliciting at a residence that is either on the no commercial soliciting address list or that displays a notice of "no solicitation" (or similar notice, including but not limited to "no trespass," "no peddlers," "keep out" or similar notices) in a reasonably visible manner, without invitation from the resident, is hereby prohibited and punishable as a misdemeanor.

(D) Nothing in this regulation shall be construed:

(1) To change the meaning or efficacy of the traditional exercises of the right to privacy such as "no trespassing" signs and the like; or

(2) To preempt, replace or in any other way affect the crime of trespass as defined under the laws of the city or the state.

(1985 Code, § 113.04) (Ord. 11-20, passed 3-26-2012) Penalty, see § 113.99

§ 113.05 TIME LIMITATION FOR ALL SOLICITING.

All forms of solicitation, including both commercial and noncommercial solicitation, shall only be permitted in residential areas after 9:00 a.m. and before 8:00 p.m.

(1985 Code, § 113.05) (Ord. 11-20, passed 3-26-2012) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Any person found guilty of violating the regulations of this chapter, including but not limited to failure to register as a commercial solicitor, soliciting someone on the no commercial soliciting address list or someone who displays the "no solicitation" or similar notice, soliciting outside the hours specified in this chapter shall be fined not more than \$100 for each offense. It shall be considered a separate violation for each dwelling called upon in violation of this chapter.

(B) Whoever is found guilty of violating any of the regulations of this chapter shall be fined not more than \$250 and imprisoned not more than 30 days for the second or subsequent offense.
(1985 Code, § 113.99) (Ord. 11-20, passed 3-26-2012)

CHAPTER 114: ADVERTISING; SIGNS AND HANDBILLS

Section

114.01 Posting signs or handbills; banners across right-of-way

114.02 Display of messages over public rights-of-way

114.03 Display of messages for city-sponsored events

114.99 Penalty

Cross-reference:

Sign regulations, see Ch. 159

§ 114.01 POSTING SIGNS OR HANDBILLS; BANNERS ACROSS RIGHT-OF-WAY.

(A) No person shall hand out, tack upon or otherwise attach any handbill, notice, leaflet, card, circular or other printed or written material or sign to any utility pole or other structure within any public right-of-way within the city limits, or to any public property, without the permission of the City Manager.

(B) No person shall attach or embed any wire, cable, hook, nail or other fastener to or in any pole, structure or public property within the city limits for the purpose of suspending, supporting, carrying the weight of, facilitating the display of or for any other purpose, any banners, posters or other signs above or within the limits of any right-of-way or public property without the permission of the City Manager.

(1985 Code, § 114.01) Penalty, see § 114.99

§ 114.02 DISPLAY OF MESSAGES OVER PUBLIC RIGHTS-OF-WAY.

The Council hereby finds and determines that the air space over public rights-of-way shall not be used to display any messages other than those messages and signals incidental and necessary for the control of pedestrian and vehicular traffic on or in the vicinity of public rights-of-way. This prohibition shall not apply to persons holding signs displaying noncommercial messages on a public sidewalk, provided sidewalks are not blocked or used in a manner that unreasonably restricts the passage of other pedestrians.

(1985 Code, § 114.02) (Ord. 06-10, passed 3-13-2006) Penalty, see § 114.99

§ 114.03 DISPLAY OF MESSAGES FOR CITY-SPONSORED EVENTS.

(A) The purpose of this regulation serves three public needs. First, in order to fulfill its responsibility of protecting the public health, safety and welfare, the city enacts this provision which serves to alert the public to events that may impact the normal flow of pedestrians and vehicular traffic. This is necessary to protect the public health, safety and welfare, in that the city has a responsibility to keep its streets safe. Furthermore, this regulation serves to make citizens and others aware of city sponsored events in order for the public to plan to participate in events that increase civic pride and enthusiasm. In addition, it is hereby determined that publicity of city sponsored events is consistent with and supports the economic development goals of the community through the development of pride in the community and promotion of economic vitality of the city.

(B) (1) As used in this section, a *CITY SPONSORED EVENT* is either one of the following:

(a) An event for which the city plans, administers, coordinates and finances, and includes all of the following criteria:

1. The event is open to the public, non-partisan, noncommercial, viewpoint neutral;
2. The event serves to educate and entertain its citizens and to promote safety or to celebrate the city's culture, heritage, natural features, attractions, facilities, resources or community; and
3. The event will also significantly impact the normal flow of pedestrian and/or vehicular traffic.

(b) An event for which the city partially contributes financial support and for which the legislature makes the determination that all of the following criteria apply:

1. The event is open to the public, non-partisan, noncommercial, viewpoint neutral;
2. The event educates and entertains its citizens and promotes safety or celebrates the city's culture, heritage, natural features, attractions, facilities, resources or community; and
3. The event significantly impacts the normal flow of pedestrian and/or vehicular traffic.

(2) The legislature's decision to sponsor one event neither guarantees nor hinders the legislature's decision to sponsor a similar future event.

(C) (1) The City Manager or designee is hereby authorized to display one banner across Euclid Avenue, approximately 100 feet west of Miami Avenue, to alert the public to the occurrence of any of the city-sponsored events listed below:

- (a) Memorial Day march;

- (b) Independence Day parade and fireworks;
- (c) Street dance; and
- (d) Any public safety announcements (i.e., “Click it or Ticket”).

(2) These events may be publicized by display of an appropriate banner by the city administration without further action of Council. In addition, events which meet all the criteria set forth in division (B)(1)(b) above may be publicized by display of an appropriate banner.

(D) The City Manager or designee shall determine the appropriate size of the banner, but in no event shall such banner be more than three feet by 25 feet.

(E) Every banner displayed pursuant to these regulations shall include, in all capital, block letters, no less than six inches in height, the phrase, “PLEASE DRIVE SAFELY.”

(F) The City Manager or designee is authorized to display said banner up to 30 days prior to the commencement of the event in order to sufficiently alert the public of such impending intrusions to the public right-of-way, as well as anticipated diversions of pedestrian and vehicular traffic. Said banner shall be promptly removed at the conclusion of the event.

(1985 Code, § 114.03) (Ord. 06-18, passed 6-26-2006; Ord. 06-25, passed 9-11-2006)

§ 114.99 PENALTY.

Any person violating the provisions of this chapter shall be fined not more than \$50.
(1985 Code, § 114.99)

CHAPTER 115: VIDEO SERVICE PROVIDER

Section

115.01 Payment of video service provider fee required

§ 115.01 PAYMENT OF VIDEO SERVICE PROVIDER FEE REQUIRED.

(A) Following notice of a video service provider's (hereinafter "VSP") intent to offer service in the city pursuant to R.C. § 1332.27 and as compensation for the benefits and privileges granted under the state video service and in consideration of permission to use the city's streets and rights-of-way, the VSP shall pay to the city a video service provider fee in the amount of 5% of the VSP's gross revenues, which gross revenue base shall include advertising revenue, as defined by R.C. § 1332.32. Notice of this video service provider fee shall be served upon the VSP by the City Manager, or duly appointed designee, within ten days of the city receiving notice of the VSP's intent to offer service in the city.

(B) The city, at its sole expense, may conduct an annual audit for the purpose of verifying the accuracy of a VSP's calculation of the video service provider fees paid to the city in the audit period. For the purpose of the audit, the VSP shall make available for inspection, at the location where such records are kept in the normal course of business, those records pertaining to gross revenues, including advertising revenues.

(C) A VSP shall pay any amounts found to have been underpaid in the audit within 30 days after notice and shall include interest on the underpayments as provided in R.C. § 1343.03, unless the VSP brings an action pursuant to R.C. § 1332.33(D).

(D) Except as otherwise provided by law, no acceptance of any payment by the city shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a video service provider fee or from the performance of any other obligation of the VSP.

(E) Video service provider payments shall be made no sooner than 45 nor later than 60 days after the end of each calendar quarter.

(F) The city represents that it is its intention to be able to charge up to the maximum amount of video service provider fees allowed by law which is presently set at 5% pursuant to R.C. § 1332.32(C)(1)(b).

(G) A VSP shall meet all the customer service standards contained in R.C. § 1332.26.

(H) A VSP currently providing PEG (activities or actions performed for the benefit of public, educational and government video programming) channel pursuant to a franchise competitive video service agreement, ordinance or resolution shall continue to provide the PEG channel(s) and support pursuant to R.C. § 1332.30.

(1985 Code, § 115.01) (Ord. 08-06, passed 1-14-2008)