

CODIFIED ORDINANCES OF CANAL FULTON
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF CANAL FULTON
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CHAPTER 711
Amusement Devices

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CROSS REFERENCES

Disturbing the peace - see GEN. OFF. 509.03

Gambling - see GEN. OFF. Ch. 517

Slugs - see GEN. OFF. 545.11

Tampering with coin machines - see GEN. OFF. 545.12

711.01 DEFINITIONS.

(a) As used in this chapter:

- (1) "Amusement device" means any machine or device which operates or is designed to operate as a game, contest or amusement, or which may be used for any such game, contest or amusement on premises in the Municipality.
- (2) "Musical device" means any machine, apparatus or device designed or constructed for the purpose of producing, reproducing or playing any musical or vocal tone or combination of tones, which operates or is designed to operate or which may be operated for such playing of music, tones or combination of tones on premises in the Municipality.

- (3) "Amusement arcade" means premises in the Municipality in which more than five amusement devices are licensed and registered as provided herein.

(b) The definitions contained in this section shall not in any way be deemed to be exclusive, and shall exclude and not be deemed to permit in any manner any device, the possession of which is now or shall hereafter be prohibited by law. (Ord. 3-81. Passed -20-81.)

711.02 LICENSE A ND REGISTRATION REQUIRED.

(a) No person, partnership, firm, corporation, club or society or other legal entity shall use, maintain, operate, have in his possession or be permitted to maintain in or about any premises in the Municipality, which premises are open to the public or to the membership of any club or society, any amusement device or musical device, unless a license and registration for each device has first been obtained by the owner of the device from the Municipality.

(b) Premises which are open to the public, or similar words, as used in this section shall include clubs, private clubs, headquarters and meeting places of fraternal and other societies, associations and bodies and all other public places. (Ord. 3-81. Passed 1-20-81.)

711.03 LICENSE REQUIREMENTS; RESTRICTIONS; AMUSEMENT ARCADES.

(a) Application for a license in the Municipality for an amusement device or a musical device shall be made to the City upon such forms as shall be prescribed therefor. On the application the owner shall state his name; whether an individual, partnership, firm, corporation, club, society or other legal entity; the address at which he desires to maintain and operate such device; the nature of the business conducted at such place; the make, name, model, serial number and other identifying information with reference to the particular device which he desires to operate; the name and address of the owner of such device; the name and address of the owner of the premises and such other information as the City in its exclusive discretion may require. (Ord. 3-81. Passed 1-20-81.)

(b) Amusement arcades shall be located in B-1 and B-2 General Retail Office and Motorist Service Business Districts and I-1 Industrial District. (Ord. 5-87. Passed 2-23-87.)

(c) Excepting any amusement arcades that may be operating at the time that this chapter is adopted, the City shall not issue any licenses to an owner of an amusement device who contemplates establishing an amusement arcade which shall be located within 500 feet from any public or parochial school, regardless of the zone areas in which the public or parochial school is located.

(d) Any number of licenses for amusement devices may be issued in other zone areas in the Municipality, except as provided in subsection (b) and (c) hereof, or otherwise provided by law. (Ord. 3-81. Passed 1-20-81.)

711.04 LICENSE ISSUANCE AND REGISTRATION STICKERS.

(a) Upon the filing of the application and the payment of the fee required by this chapter, the City shall issue a license. The license shall entitle the licensee to maintain and operate on the premises set forth and described in the application, subject to the terms and conditions of this chapter and other City ordinances applicable thereto, and also subject to such rules which may be promulgated under Section 711.08.

(b) At the time of issuing the license the City shall also issue a registration slip or sticker for the device described in the application and such registration sticker shall be displayed on each device. (Ord. 3-81. Passed 1-20-81.)

711.05 LICENSE FEE.

(a) License fees shall be as established in Section 143.01(b)(9) and (10). (Ord. 2-85. Passed 2-5-85.)

(b) If an application is made for any license during the year, there shall be no proration of fees. (Ord. 3-81. Passed 1-20-81.)

711.06 EXPIRATION DATE OF LICENSE.

All licenses for amusement or musical devices shall expire on December 31 of each year. (Ord. 3-81. Passed 1-20-81.)

711.07 TRANSFER OF REGISTRATION STICKERS.

Any licensee of an amusement or musical device may transfer from one instrument or device to another, the registration sticker issued in accordance with the provisions of Section 711.04. However, application for such a transfer shall be made to the City and the application approved by the City and a record thereof made in the City office. There shall be a five dollar (\$5.00) fee for the transfer provided for in this section. (Ord. 3-81. Passed 1-20-81.)

711.08 RULES AND REGULATIONS.

The City is hereby authorized and empowered to establish, adopt and enforce or cause to be enforced such rules and regulations concerning or governing the issuance of licenses required for an amusement or musical device as may be deemed reasonable and necessary and not inconsistent with the provisions of this chapter. (Ord. 3-81. Passed 1-20-81.)

711.09 REFUSAL TO GRANT LICENSE; NOTICE.

The City is hereby authorized and empowered to deny for a reasonable cause any application for an amusement or musical device license. The City shall notify the prospective licensee by certified mail, return receipt requested, directed to his last address, of the decision to deny the license. (Ord. 3-81. Passed 1-20-81.)

711.10 RECORD OF DEVICES.

The Clerk of Council shall maintain records of all licenses issued pursuant to this chapter. Such records shall include such information as may be required by this chapter and such other additional information which the Clerk of Council deems appropriate. (Ord. 3-81. Passed 1-20-81.)

711.11 REVOCATION OF LICENSE; NOTICE.

(a) The City shall revoke the license of any licensee of a device who violates any of the terms of this chapter or any of the rules and regulations established and adopted by the City pursuant to Section 711.08. The Village shall notify the licensee by certified mail, directed to his last address, of such revocation.

(b) The City shall revoke any license issued for a device at any premises indicated in the application for such license when the owner, agent or an employee of the business at such premises has been found guilty of a gambling charge of any nature the violation of which took place upon the premises where such device is used or operated, and the City may further revoke any license when it has reasonable grounds to believe that such device is being used for gambling purposes.

(c) No license shall be issued for a period of one year to the owner of any device for installation upon any premises where the device license has been revoked in accordance with the provisions of this section. (Ord. 3-81. Passed 1-20-81.)

711.12 APPEALS.

Any licensee or prospective licensee for an amusement or musical device whose license has been revoked or who has been refused a license may appeal in writing to a board consisting of the Mayor, Chairman of the Safety Committee of Council, and the Chief of Police, within ten days after the date of mailing of the notice of revocation or denial by the City. The Board shall consider the appeal in whatever manner it may determine and its decision shall be final. (Ord. 3-81. Passed 1-20-81.)

711.13 OBSCENE DEVICES; DISTURBING THE PEACE.

No person, partnership, firm, corporation, club or society shall use or maintain any amusement or musical device, which plays, produces, shows, displays or reproduces any obscene, immoral or indecent selection, game or advertisement. No person shall use, or permit to be used or maintained, any such device in any manner as to disturb the peace and quiet of the neighborhood or of persons outside the licensed premises. (Ord. 3-81. Passed 1-20-81.)

711.14 MANAGEMENT; HOURS OF AMUSEMENT ARCADES.

(a) Any person, owner or operator, partnership, corporation, firm, club or society or other legal entity that maintains or operates an amusement arcade in the Municipality shall have on the premises, during all hours that such premises are open to the public or to the membership of any club or society, a manager for such amusement arcade who must be eighteen years of age or older. (Ord. 3-81. Passed 1-20-81.)

(b) No amusement arcade in the Municipality shall be open between the hours of 11:00 p.m. and 9:00 a.m. except for Friday evenings and Saturday evenings when arcades shall be permitted to remain open until 12:00 midnight. (Ord. 15-81. Passed 6-16-81.)

711.99 PENALTY.

- (a) Any person, partnership, firm, corporation, club or society who owns, maintains or operates any amusement or musical device in any public place, club or society, without having first obtained a license and registration sticker thereof, shall be guilty of a misdemeanor of the fourth degree.
- (b) Any licensee who violates any provision of this chapter or any rule or regulation of the City established and adopted under Section 711.08, in addition to having his license revoked, shall be guilty of a misdemeanor of the fourth degree.
- (c) Any person, partnership, firm, corporation, club or society or other legal entity who violates Section 711.14 shall be guilty of a misdemeanor of the fourth degree.
- (d) Any person, partnership, firm, corporation, club or society or other legal entity who has previously been convicted of violating any section of this chapter, shall be guilty of a misdemeanor of the first degree. (Ord. 3-81. Passed 1-20-81.)

CHAPTER 725
Peddlers and Solicitors

725.01	Definitions.	725.07	Trespassing in violation of posted signs.
725.02	Registration required.	725.08	Revocation of certificate.
725.03	Application for certificate.	725.09	Signs to be posted.
725.04	Issuance of certificate; duration.	725.10	Vending machine permit required.
725.05	Display of registration certificate; return.	725.99	Penalty.
725.06	Restrictions.		

CROSS REFERENCES

Power to inspect food products - see Ohio R. C. 715. 46
 Power to regulate - see Ohio R. C. 715.61 et seq.
 Home solicitation sales - see Ohio R.C. 1345.21 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Frozen desserts - see Ohio R.C. 3717.51 et seq.
 Littering - see GEN. OFF. 521.08
 Trespassing - see GEN. OFF. 541.05

725.01 DEFINITIONS.

As used in-this chapter:

- (a) "Canvassing" or "soliciting", unless expressly provided for otherwise, means traveling from address to address within the Municipality, without having a previous appointment to visit the address or addresses for the purpose of exposing or offering for inspection or sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or of services to be furnished or performed in the future. "Canvassing" or "soliciting" also means the soliciting of funds or other property for charitable or other purposes anywhere within the Municipality. The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers or will regularly deliver shall not be included in this definition. "Canvassing or soliciting by youth for local youth organizations headquartered within the City, or authorized by local schools shall not be included in this definition. (Ord. 30-01. Passed 8-7-01.)
- (b) "Canvasser" or "solicitor" means any person who engages in canvassing or soliciting. (Ord. 9-1978. Passed 3-21-78.)
- (c) "Vending machines" means any coin-operated device designed to distribute goods, products, wares, food, newspapers, magazines, or other tangible products. (Ord. 41-86. Passed 10-7-86.)

725.02 REGISTRATION REQUIRED.

No person shall canvass or solicit within the Municipality without first registering with the Chief of Police. A separate registration must be made for every solicitor, agent or employee soliciting within the Municipality. (Ord. 9-1978. Passed 3-21-78.)

725.03 APPLICATION FOR CERTIFICATE.

Each applicant for a certificate of registration shall, not less than five nor more than fifteen days prior to the commencement of solicitation furnish the Chief of Police with the following information on forms provided by the Municipality.

- (a) Name, age and physical description of applicant, with photo identification. (Ord. 30-01. Passed 8-7-01.)
- (b) Complete permanent and local address of applicant.
- (c) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made and any other person, firm, corporation, or association for whom the applicant has solicited during the past three years.
- (d) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the soliciting in which the applicant will engage.
- (e) The names of all other municipalities in which the applicant has conducted soliciting activities during the past six months.
- (f) Whether the applicant has complied with the requirements of Ohio R. C. Chapter 1716 pertaining to charitable solicitations if applicable.
- (g) Whether the applicant has ever been denied a license or permit to solicit or had such license or permit revoked, including the time and place of such denial or revocation.
- (h) Whether the applicant has ever been convicted of a felony violation or a misdemeanor violation involving moral turpitude including the time and place of such conviction.
- (i) The proposed dates and times of the solicitations and the routes to be followed in conducting same.
- (j) The make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation within the Municipality, and the number of the applicants driver's license and state of issuance. (Ord. 9-1978. Passed 3-21-78.)

725.04 ISSUANCE OF CERTIFICATE; DURATION.

(a) Not more than five days after completion of the application form provided in Section 725.03, the Chief of Police shall issue a certificate of registration to the applicant unless he has determined:

- (1) That the applicant has made a false, misleading or deceptive statement in providing the information required under Section 725.03.
- (2) That the applicant has been convicted of a felony violation or misdemeanor violation involving moral turpitude during the past five years.

(b) Such registration shall be valid for a period of ninety days. No registration certificate issued hereunder shall be assigned or transferred to any other person. (Ord. 9-1978. Passed 3-21-78.)

725.05 DISPLAY OF REGISTRATION CERTIFICATE; RETURN.

Each registrant shall carry the registration certificate at all times when in the Municipality and shall exhibit it to any resident or Municipal official upon request. At the conclusion of the period for which the registration certificate was issued, the registration certificate shall be returned to the Chief of Police. (Ord. 9-1978. Passed 3-21-78.)

725.06 RESTRICTIONS.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

- (a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.
- (b) No person subject to the provisions of this chapter shall canvass or solicit, except between the hours of 10:00 a.m. and 5:00 p.m., Monday through Saturday. In addition, no person shall canvass or solicit on any legal holiday.
- (c) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the Municipality without an express invitation from the occupant of the house or apartment.
- (d) No person subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the Municipality.
- (e) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that soliciting is prohibited as provided in Section 725.07.
- (f) No canvasser or solicitor shall engage in or transact any type of business or solicitation other than that specified on the registration application.
(Ord. 9-1978. Passed 3-21-78.)

725.07 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No person, while engaged in any profit or nonprofit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other property in the Municipality upon which is displayed at the entrance a notice which read "No Peddlers or Solicitors Allowed," or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof. (Ord. 30-01. Passed 8-7-01.)

725.08 REVOCATION OF CERTIFICATE.

- (a) A certificate of registration issued under this chapter shall be revoked by the Mayor for any of the following causes:
 - (1) It is subsequently determined that the registrant provided false, misleading or deceptive information in completing the application form set forth in Section 725.03.
 - (2) The registrant is convicted of a felony violation or misdemeanor violation involving moral turpitude.
 - (3) The registrant is convicted of a violation of any provision of this chapter.
- (b) Written notice shall be given to the registrant in person or by certified mail immediately upon such revocation. (Ord. 9-1978. Passed 3-21-78.)

725.09 SIGNS TO BE POSTED.

The Mayor shall cause appropriate signs to be posted at the corporate limits upon all highways indicating the necessity of registration by solicitors and canvassers. (Ord. 9-1978. Passed 3-21-78.)

725.10 VENDING MACHINE PERMIT REQUIRED.

(a) Every person, corporation, business, partnership or other business entity that desires to place a vending machine on City property or on a City right of way shall obtain and pay for a permit to do so from the City Manager.

(b) Vending machines shall only be placed on City property or City rights of way in those areas determined by the City Manager. (Ord. 41-86. Passed 10-7-86.)

725.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree.

CHAPTER 739
Taxicabs

739.01	Taxicab defined.	739.07	Qualifications of drivers.
739.02	License; fee.	739.08	Suspension or revocation of license.
739.03	Application for license.	739.09	Renewal of license.
739.04	Issuance of license.	739.10	Vehicle inspection; requirements.
739.05	Taxicab stands.	739.99	Penalty.
739.06	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(x)

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

739.01 TAXICAB 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. (Ord. 21-69. Passed 10-7-69.)

739.02 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 shall have obtained a taxicab license as herein provided covering such vehicle.

(b) Every such taxicab license shall expire on December 31 for the year in which issued. Licenses issued on or after July 1 of any year shall be issued at one-half the annual license fee herein provided.

(c) The annual license fee for each taxicab shall be ten dollars (\$10.00). (Ord. 21-69. Passed 10-7-69.)

739.03 APPLICATION FOR LICENSE.

Each applicant for a taxicab license shall present and file with the Clerk 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. (Ord. 21-69. Passed 10-7-69.)

739.04 ISSUANCE OF LICENSE.

(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, applicant shall furnish and file with the Clerk 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, or if none exists from a neighboring city in the State, 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 Treasurer, 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 of the amount provided for in Ohio R.C. 4509.51.

(b) In lieu of the policies of insurance above described, 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 amount provided for in Ohio R.C. 4509.51, with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency by the Treasurer and as to legality by the Solicitor.

(c) Thereupon, the Mayor shall examine such supporting information and documents and being satisfied that 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. (Ord. 21-69. Passed 10-7-69.)

739.05 TAXICAB 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 applicant's business and agreeable with the public convenience and welfare. (Ord. 21-69. Passed 10-7-69.)

739.06 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; and it shall be unlawful for any owner or driver to 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. (Ord. 21-69. Passed 10-7-69.)

739.07 QUALIFICATIONS OF DRIVERS.

No person under twenty-one years of age and no person not possessing an operator's license as such under the laws of the State shall operate a taxicab on any street or alley of the Municipality.

739.08 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee shall for a period of sixty days fail to make a reasonable or consistent effort to operate any such taxicab or taxicabs, the Mayor may either suspend or revoke such license. This power to suspend or revoke shall not limit the powers granted to the Mayor elsewhere in this chapter. (Ord. 21-69. Passed 10-7-69.)

739.09 RENEWAL OF LICENSE.

All owners of taxicabs hereby licensed, at the completion of the year for which such 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. (Ord. 21-69. Passed 10-7-69.)

739.10 VEHICLE INSPECTION; REQUIREMENTS.

(a) It shall be unlawful for the owner or other person having possession or control of any taxicab to operate the same upon the streets unless such vehicle shall have 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, it shall be unlawful for the owner or other person having possession or control thereof to operate the same 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. (Ord. 21-69. Passed 10-7-69.)

739.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

CHAPTER 741
Garbage and Refuse Collection

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| 741.01 Private collector license;
fee; insurance. | 741.03 Vehicles. |
| 741.02 Requirements for licensee;
revocation. | 741.04 Penalty. |

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715. 43, 717. 01
 Employment of scavengers - see Ohio R.C. 3707.39
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08

741.01 PRIVATE COLLECTOR LICENSE; FEE; INSURANCE.

(a) No private collector of garbage or rubbish shall collect, remove or haul, or cause to be collected, removed or hauled, any garbage or rubbish over, upon or through any of the streets within the corporate limits without first having obtained a license from the City Manager. The fee for such license shall be in the amount of fifty dollars (\$50.00) per truck per year or any fraction thereof. Such license shall not be issued until proof is provided to the City Manager that each and every vehicle provide minimum liability coverage of two hundred fifty thousand dollars (\$250,000) per person, and five hundred thousand dollars (\$500,000) per accident for bodily injury, and one hundred thousand dollars (\$100,000) property damage. As an alternate, however, there can be a five hundred thousand dollar (\$500,000) combined single limit for bodily injury and property damage. Such policy must further provide that the above minimum rates should be in effect for each accident and shall not be reduced by reason of prior accidents on the part of the insured. The insurer must further agree to give the City Manager twenty days notice before cancellation of any liability insurance policy herein required.

(b) All licenses shall be purchased or renewed between July 1 and July 30.
 (Ord. 27-85. Passed 9-3-85; Ord. 26-86. Passed 9-16-86.)

741.02 REQUIREMENTS FOR LICENSEE; REVOCATION.

Each and every licensee must comply with the following requirements:

- (a) The license issued by the City Manager must be continuously on display in the truck.
- (b) No collection shall be made before the hour of 6:00 a. m. or after the hour of 6:00 p. m. and no collection shall be made upon Sunday, except at commercial establishments or upon authority granted by the City Manager.
- (c) The names, addresses and chauffeur's license numbers of all drivers of collection trucks must be filed with the City Manager.
- (d) No trucks shall be permitted to be parked overnight within the City limits unless they have been unloaded, disinfected and are free from noxious odors.
- (e) The City license number issued by the City Manager shall be displayed on both doors to the cab of each truck in a manner prescribed by the City Manager.
- (f) Each truck and the equipment incidental thereto shall be maintained in a safe and sanitary condition and must be made available for periodic inspection by the Police Department to include, but not be limited to, the time of procuring a new license.
- (g) All trucks utilized by the licensee in the City shall have clearly marked on both doors of the cab the name of the company or the licensee, and the address and phone number of the company or licensee. All letters and numbers shall be at least two inches in height.
- (h) Failure of a licensee to appear for inspection on the date and time required by the Police Department shall be considered a violation of this chapter and will subject the licensee to a revocation of his license.
(Ord. 27-85. Passed 9-3-85.)

741.03 VEHICLES.

(a) No garbage or rubbish shall be removed or hauled over or through any of the streets within the City except in vehicles which shall be so constructed as to prevent any dripping of the contents on the streets, and such vehicles shall be operated and loaded so as to prevent spillage except for loading and unloading.

(b) The City Manager shall cause all vehicles used for the transporting of garbage and rubbish to be washed thoroughly and disinfected as may be necessary to prevent such vehicles from becoming a nuisance or endangering the public health.
(Ord. 27-85. Passed 9-3-85.)

(c) No private collector of garbage or rubbish shall collect, remove or haul, any garbage or rubbish upon or through any of the streets within the corporate limits unless they are operating a trash compactor or other closed-top truck. (Ord. 26-86. Passed 9-16-86.)

741.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a fourth degree misdemeanor. Each day the offense continues shall be deemed a separate offense.
(Ord. 27-85. Passed 9-3-85.)

CHAPTER 749
Tow Trucks

749.01	Defined.	749.05	Authority to remove.
749.02	Identification of trucks.	749.06	Record keeping.
749.03	Tow truck license.	749.07	Exemptions.
749.04	Tow truck license number.	749.99	Penalty.

CROSS REFERENCES

Commercial and heavy vehicles - see TRAF. Ch. 339
Private tow-away zones - see TRAF. 351.16

749.01 DEFINED.

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

- (a) "Tow truck" means any truck or other vehicle adapted or used for the purpose of towing, winching or otherwise removing disabled motor vehicles.
- (b) "Tow truck owner" means any person, firm or corporation engaged in the business of offering towing services. For the purposes of this chapter, a lessee in operation of a tow truck shall constitute an owner.
(Ord. 6-87. Passed 3-3-87.)

749.02 IDENTIFICATION OF TRUCKS.

Any person, firm or corporation engaged in the business of offering towing services shall have permanently imprinted and affixed on both sides of any vehicle used as a tow truck, the name, address, telephone number, and City tow truck license number of the person, firm or corporation owning such vehicle. The name shall be printed in letters three inches high and not less than three-eighths inches wide, while the address, place, phone number, and City tow truck license number shall be in letters two inches high and not less than three-eighths inches wide. Such lettering shall be done in a color which will contrast sharply with the background upon which it is painted and shall be placed in such a position as to be easily seen by anyone wishing to identify the vehicle. Markings shall be kept clear and distinct at all times.
(Ord. 6-87. Passed 3-3-87.)

749.03 TOW TRUCK LICENSE.

No tow truck shall operate upon the streets of the City without obtaining a license from the City Manager. Such license shall be issued for a twelve month period, or a prorated portion thereof, and expire on July 31 of each year. Application for a license for two trucks shall be made by the owner on forms provided by the City Manager and the license fee shall be twenty-five dollars (\$25.00) for the first vehicle and five dollars (\$5.00) for each additional vehicle for each full year or any part thereof. Each owner of a two truck shall furnish, at the time of

application and/or renewal of such license, a certificate of insurance or an acknowledgment thereof by an insurance carrier licensed to do business in the State, evidencing liability insurance in the minimum amounts of one hundred thousand/three hundred thousand (\$100,000/\$300,000) for bodily injury and twenty-five thousand dollars (\$25,000) for property damage. In addition, the first application and each renewal thereof shall include a photograph of each vehicle to be licensed. (Ord. 6-87. Passed 3-3-87.)

749.04 TOW TRUCK LICENSE NUMBER.

Upon acceptance and approval of the application, the City Manager shall issue a license and permanent license number which shall be displayed on each tow truck operated by the owner as set forth in Section 749.02. (Ord. 6-87. Passed 3-3-87.)

749.05 AUTHORITY TO REMOVE.

No tow truck shall have a motor vehicle in tow within the City limits unless the operator has authorization to remove such vehicle, such authorization being either in his possession or in a logbook at the base dispatching office. The authorization of the owner or of an officer of the Canal Fulton Police Department shall include, but not be limited to, the name of the owner of such motor vehicle, the name and telephone number of the person authorizing the moving of the motor vehicle, the motor vehicle registration number and/or the vehicle identification number. (Ord. 6-87. Passed 3-3-87.)

749.06 RECORD KEEPING.

(a) The owner of a tow truck shall keep a record of all vehicles towed, including but not limited to the date, time and place of removal and the ultimate new destination of the towed vehicles, and shall, at the request of the Chief of Police or his designated representative, make available for inspection a record of all transactions.

(b) After a towed vehicle has been stored for seven days, the owner and lien holder of the vehicle shall be notified by certified mail of the holding of the vehicle. The fee for such notification shall be paid by the owner or lien holder. No notification of the owner shall be required if the owner has acknowledged in writing that the vehicle is in the custody of the tow company. (Ord. 6-87. Passed 3-3-87.)

749.07 EXEMPTIONS.

Where a tow truck, originating from a location outside the Village, is passing through Canal Fulton on City streets to a destination outside Canal Fulton, such truck shall be exempt from the provisions of this chapter. (Ord. 6-87. Passed 3-3-87.)

749.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor for the first offense and shall be fined not more than one hundred dollars (\$100.00). For a second or subsequent offense, such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, and shall, in addition, forfeit his license to operate for the balance of its effective period and shall not be permitted to operate an unlicensed tow truck on the streets and roadways of the City. Enforcement of this section shall be the responsibility of the Police Department. (Ord. 6-87. Passed 3-3-87.)

CHAPTER 769
Adult Cabaret Businesses

769.01	Purpose and intent.	769.12	Requirements for the operation of adult cabaret establishment.
769.02	Definitions.	769.13	Rules governing conduct of employees.
769.03	Scope of regulations.	769.14	Measure of distance.
769.04	Permit required.	769.15	Records.
769.05	Application for permit.	769.16	Deposits and use of fees.
769.06	Inspection and investigation.	769.17	Criminal violation.
769.07	Action on application.	769.18	Appeals.
769.08	Expiration of permit.	769.19	Severability clause.
769.09	Display of permit.	769.99	Penalty.
769.10	Revocation of permit.		
769.11	Inspections and investigations.		

CROSS REFERENCES

Obscenity and sex offenses - see GEN. OFF. Ch. 533

769.01 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to regulate adult cabarets to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult cabarets within the City, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment at their intended market. Neither is it the intent nor effect of the chapter to condone or legitimize the distribution of obscene material. (Ord. 15-94. Passed 4-5-94.)

769.02 DEFINITIONS.

As used in these regulations:

- (a) "Adult cabaret" means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties.
- (b) "Church" means any synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

- (c) “Nudity” means the showing of either of the following:
 - (1) The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
 - (2) The female breast with less than a fully opaque covering on any part of the nipple.
- (d) “Permit” means a permit to operate an adult cabaret establishment, issued pursuant to these regulations.
- (e) “Public park” means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the City which is under the control, operation, or management of the City, County, or State.
- (f) “Residential District” means those areas zoned “Residential District” in the City of Canal Fulton Zoning Code.
- (g) “Residential use” means a “dwelling” as defined in the City of Canal Fulton Zoning Code.
- (h) “School” means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.
(Ord. 15-94. Passed 4-5-94.)

769.03 SCOPE OF REGULATIONS.

These regulations govern adult cabaret establishments within the City of Canal Fulton and the owners, operators, persons in charge, and employees of such establishments.
(Ord. 15-94. Passed 4-5-94.)

769.04 PERMIT REQUIRED.

(a) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in the City of Canal Fulton, the operation of an adult cabaret without first having obtained a permit from the City.

(b) A separate permit is required for each location at which an adult cabaret is operated. (Ord. 15-94. Passed 4-5-94.)

769.05 APPLICATION FOR PERMIT.

(a) Application for an original or renewal permit shall be in writing, addressed to the City of Canal Fulton, Ohio.

(b) An application for a renewal permit shall be filed not later than 30 days prior to expiration of the permit to be renewed.

(c) All applications shall be filed with the City Manager.

(d) A nonrefundable filing fee shall be paid at the time of filing the application as follows:

- (1) \$500.00 for an initial permit to operate an adult cabaret.
- (2) \$250.00 for a renewal permit to operate an adult cabaret.

(e) An application for an initial permit to operate an adult cabaret establishment shall contain the following:

- (1) The address where the adult cabaret establishment is operated, or is to be operated;
- (2) The status of the applicant as an individual, partnership or limited partnership, domestic or foreign corporation, or other entity;
- (3) The full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation, or other entity;
- (4) If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner;
- (5) If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each shareholder holding more than two percent (2%) of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership;
- (6) Authorization for an investigation into the background, including any criminal record, of the applicant and any person or entity named in the application, including authorization to conduct subsequent investigations to supplement or update the information;
- (7) The applicant's agreement to abide by these regulations and the laws of Ohio, and any amendments, additions, or reenactment thereof.

(f) Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty days from the date of such change, by supplementing the application on file with the City shall be grounds for suspension of a permit.

(Ord. 15-94. Passed 4-5-94.)

769.06 INSPECTION AND INVESTIGATION.

(a) Upon receipt of an application for a permit or renewal permit to operate an adult cabaret, the City Manager shall notify State or local authorities to conduct health and safety inspections of the specified premises, and to determine compliance or noncompliance with applicable health and safety codes. Written reports of inspection shall be prepared by the inspectors and filed with the City Manager within 30 days after receipt of an application for a permit or renewal permit to operate an adult cabaret, and shall become part of the application for a permit.

(b) Upon receipt of an application for a permit or renewal permit to operate an adult cabaret, the City Manager shall refer the applicant to the City Manager Police Department to be finger printed, and to conduct an investigation into the background of the applicant and of other persons or entities named in the application. A written report of the results of the investigation shall be prepared by the investigating officer or agency and filed with the City Manager within 30 days after receipt of an application for a permit or renewal permit to operate an adult cabaret, and shall become part of the application for a permit.
(Ord. 15-94. Passed 4-5-94.)

769.07 ACTION ON APPLICATION.

(a) The City Manager shall act on the application within 30 days after the filing of the reports required in Sections 769.05 and 769.06.

(b) The application will be denied if :

- (1) The application is incomplete, contains any false information, or fails to comply with these regulations;
- (2) If the applicant is a limited partnership, corporation or other entity, the applicant is not in good standing in the jurisdiction where organized;
- (3) The operation of an adult cabaret establishment at the specified premises would violate existing zoning restrictions;
- (4) The report of the health and safety inspections conducted pursuant to Section 769.06(a) reveal any unsanitary, unsafe or hazardous condition on the premises subject to the permit or renewal permit or any violation of applicable health or safety codes;
- (5) The applicant for a permit or renewal permit to operate an adult cabaret establishment has failed to cooperate with any required health or safety inspection or background investigation;
- (6) The applicant or any person named in the application for a permit or renewal permit to operate an adult cabaret is under age eighteen;
- (7) The applicant or any person named in the application for an initial or renewal permit to operate an adult cabaret within the past five years has been convicted of or pleaded guilty to an offense under Ohio Revised Code Chapter 2907 or substantially equivalent offense under a municipal ordinance in Ohio, or under laws of another state or territory or of the United States, or under a municipal ordinance in any such jurisdiction;
- (8) Any person employed at the licensed adult cabaret has been convicted of or pleaded guilty to a violation in Section 769.17(b)(2);

- (9) The Liquor Control Commission has revoked, under Section 4301.25 of the Revised Code, a permit held by any one of the persons named on the application;
- (10) The applicant has violated these regulations, or aided and abetted any violation of these regulations;
- (11) If the location of the adult cabaret is within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public park, tavern, bar, or another adult cabaret;
- (12) If the location of the adult cabaret is within one thousand feet from the boundaries of any residential district or residential use;
- (13) If the building, structure, or portion thereof already contains another adult cabaret, a bar or tavern.

(c) If the application is denied, the City Manager shall promptly notify the applicant in writing of the order denying the application. If approved, the City Manager shall promptly issue to the applicant a permit.

(d) A permit or renewal permit to operate an adult cabaret establishment shall contain the address of the permit premises, the name and address of the permit holder, and the date of issuance and date of expiration of the permit. (Ord. 15-94. Passed 4-5-94.)

769.08 EXPIRATION OF PERMIT.

(a) A permit to operate an adult cabaret establishment is valid for one year, and expires on the anniversary of the date of issuance, unless sooner revoked as provided in these regulations.

(b) Application for renewal shall be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the permit will not be affected. (Ord. 15-94. Passed 4-5-94.)

769.09 DISPLAY OF PERMIT.

The permit to operate an adult cabaret establishment shall be prominently displayed in an area of the establishment open to the public. (Ord. 15-94. Passed 4-5-94.)

769.10 REVOCATION OF PERMIT.

(a) The City may at any time revoke a permit issued pursuant to these regulations, on any of the same grounds listed in Section 769.07(b) for denial of the permit. The City Manager shall promptly notify the permittee in writing of the order of revocation.

(b) When a permit is revoked, the revocation shall continue for one year. (Ord. 15-94. Passed 4-5-94.)

769.11 INSPECTIONS AND INVESTIGATIONS.

(a) The City may order health and safety inspection at any time there is reasonable cause to believe that an unsanitary, unsafe, or hazardous condition exists on the premises. The City Manager shall notify the appropriate authorities or agencies to make such inspections at the designated times. Written reports of inspections shall be filed with the City Manager.

(b) City personnel or agents may at all reasonable times inspect permit premises to insure continued compliance with the laws of Ohio and these regulations.

(c) At any time there is reasonable cause to do so, the City may order a background investigation, including the criminal record, if any of any permittee, person named in the application for a permit or employee of a permittee. Written report of the investigation shall be filed with the City Manager. (Ord. 15-94. Passed 4-5-94.)

769.12 REQUIREMENTS FOR THE OPERATION OF ADULT CABARET ESTABLISHMENT.

(a) The establishment shall be closed and shall not be operated between the hours of 1:00 a.m. and 6:00 a.m.

(b) All parts of the establishment shall at all times be maintained in a neat, clean, sanitary and safe condition.

(c) The owner, operator, or person in charge of the establishment shall allow state or local authorities including law enforcement officer, access to any and all part of the premises for the purpose of making any health or safety inspection pursuant to these regulations, and shall cooperate in any background investigation.

(d) No person under the age eighteen shall be employed by the establishment in any capacity, whether full-time or part-time, or with or without remuneration or compensation in any form.

(e) The owner, operator, or person in charge of the establishment shall exercise adequate supervision to insure that the employees of the establishment comply at all times with these regulations and the laws of Ohio.

(f) Signs.

- (1) Exterior painting. Buildings and structures shall not be painted or surfaced with garish colors or textures or any design that would simulate a sign or advertising message.
- (2) Advertisements, signs, or any other exhibit depicting adult entertainment activities placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.
- (3) No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult entertainment use is allowed.
- (4) Upon order of the Zoning Inspector, graffiti appearing on any exterior surface of a building or premises, when graffiti is within public view, shall be removed and that surface shall be restored within seventy-two hours of notification to the owner or person in charge of the premises.

(g) No person shall operate or cause to be operated an adult cabaret business, and knowingly or with reasonable cause to know, permit, suffer, or allow:

- (1) Admittance of a person under eighteen years of age to the business premises unless accompanied by a parent or guardian;

- (2) A person under eighteen years of age to remain at the business premises unless accompanied by a parent or guardian;
- (3) A person under eighteen years of age to purchase goods or services at the business premises without the specific consent of a parent or guardian; or
- (4) If the interior of the premises is visible from outside the premises, so that any matter that is harmful to minors is visible from outside the premises, the owner or manager of the premises shall install opaque covering over all windows through which minors could view any harmful matter and install a privacy curtain at all entrances of the premises through which minors could view any harmful matter.
(Ord. 15-94. Passed 4-5-94.)

769.13 RULES GOVERNING CONDUCT OF EMPLOYEES.

(a) A person under age eighteen shall not accept or continue employment by an adult cabaret establishment, in any capacity, whether full-time or part-time, or with or without remuneration or compensation in any form.

(b) No employee of the establishment, in the performance of his or her duties, shall do any of the following:

- (1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breast of any female or, if the employee is a female, of any other female, for the purpose of sexual stimulation.
- (2) Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female, or if the employee is a female, of any other female, for the purpose of sexual stimulation.
- (3) Uncover the genitals, pubic area, or buttocks of any other person or the breast of any female or, if the employee is a female, of any other female.
(Ord. 15-94. Passed 4-5-94.)

769.14 MEASURE OF DISTANCE.

The required minimum distance between any two adult cabaret or to any bar or tavern shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business. The distance between any adult cabaret establishment and any school, public park, church, library, residential district, or residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult cabaret business to the closest property line of the school, public park, church, library, residential district, or residential use.
(Ord. 15-94. Passed 4-5-94.)

769.15 RECORDS.

The City Manager shall keep a complete record of all documents and proceedings under these regulations, including without limitation applications, reports, copies of permits issued, notices, correspondence, Board proceedings, resolutions and orders, and petitions. All documents shall be endorsed by the City Manager with the date of filing.
(Ord. 15-94. Passed 4-5-94.)

769.16 DEPOSITS AND USE OF FEES.

Fees collected by the City for permits under these regulations shall be deposited in the Village General Fund, and first applied to the cost of administering and enforcing these regulations. (Ord. 15-94. Passed 4-5-94.)

769.17 CRIMINAL VIOLATION.

(a) Whoever engages in, conduct or carry on, or permit to be engaged in, conducted or carried on in the City of Canal Fulton, the operation of an adult cabaret without first having obtained a permit from the City is guilty of a misdemeanor of the first degree.

(b) Whoever violates any of the following is guilty of a misdemeanor of the third degree.

- (1) If the owner or operator of an adult cabaret located in the City knowingly:
 - A. Refuses to allow appropriate state or local authorities, including police officers, access to the adult cabaret for any health or safety inspection, or any other inspection conducted to ensure compliance with the regulations adopted by the City under this chapter;
 - B. Operate during the hours designated as prohibited hours of operation;
 - C. Employ any person under the age of eighteen;
 - D. Establish or operate an adult cabaret within one thousand feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public park, tavern, bar, a "sexually oriented business" or another adult cabaret; or within one thousand feet from the boundaries of any residential district or residential use.
- (2) If an employee of the establishment, in the performance of his or her duties, do any of the following:
 - A. Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the genitals, pubic area, or buttocks of any other person or the breast of any female or, if the employee is a female, of any other female, for the purpose of sexual stimulation;
 - B. Perform, offer, or agree to perform any act that would require the touching of the genitals, pubic area, or buttocks of any other person or the breasts of any female or, if the employee is a female, of any other female, for the purpose of sexual stimulation;
 - C. Uncover the genitals, pubic area, or buttocks of any other person or the breast of any females or, if the employee is a female, of any other female. (Ord. 15-94. Passed 4-5-94.)

769.18 APPEALS.

Any persons adversely affected by an order of the City Manager denying or revoking a permit to operate an adult cabaret may appeal from the order of the City Manager to the Board of Zoning Appeals.

(Ord. 15-94. Passed 4-5-94.)

769.19 SEVERABILITY CLAUSE.

If any provision, clause, condition, and/or portions of this chapter is determined by a court of competent jurisdiction to be unconstitutional, invalid, and/or unenforceable, for any reason, the same shall not effect in any manner the validity, enforcement, and/or constitutionality of any other clause, condition, or portion hereof and the same shall remain in full force and effect. (Ord. 15-94. Passed 4-5-94.)

769.99 PENALTY.

See Section 501.99 for penalties applicable to any misdemeanor classification.
(Ord. 15-94. Passed 4-5-94.)

CHAPTER 771
Garage Sales

771.01 Community Garage Sale Days.

771.01 COMMUNITY GARAGE SALE DAYS.

(a) The second weekend in June and third weekend in August (Saturdays and Sundays), are hereby designated Community Garage Sale Days in the City of Canal Fulton, Ohio, and such Community Garage Sale Days shall be observed annually.

(b) The designation of Community Garage Sale Days in no way precludes residents from holding sales of household goods during other times of the year.

(c) City staff shall advertise Community Garage Sale Days as widely as possible through the media and community organizations to attract as much participation as possible by sellers and buyers.

(d) Garage sale sponsors are asked to observe City sign regulations during Community Garage Sale Days, specifically that no signs are posted in rights of way or on street or stop sign poles, or on utility poles, and that signs are removed when sales conclude.

(e) Off-premises signs advertising sale locations during Community Garage Sale Days shall be permitted provided that individuals posting signs obtain the permission of property owners on whose properties off-premises signs are posted.
(Res. 4-97. Passed 5-6-97.)