

CODIFIED ORDINANCES OF GRANVILLE

PART SEVEN - BUSINESS REGULATION CODE

Chap. 703. Circuses and Carnivals.

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CODIFIED ORDINANCES OF GRANVILLE  
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CHAPTER 703  
Circuses and Carnivals

703.01	License required; restrictions.	703.99	Penalty.
703.02	Deposit required.		
703.03	License fee.		

CROSS REFERENCES

Contests or games at county fairs - see Ohio R.C. 1711.09, 1711.11  
State licensing of portable amusement devices - see Ohio R.C. 1711.11(H)  
County license for public shows - see Ohio R.C. Ch. 3765  
Gambling - see GEN. OFF. 517.02 et seq.

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**703.01 LICENSE REQUIRED; RESTRICTIONS.**

(a) Each person, desiring to conduct, stage or give a circus, carnival, or similar entertainment, show or exhibition for which an admission or other fee is charged, shall first obtain a license and pay the license fee provided herein.

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

(c) No circus or carnival shall be given for more than two consecutive days, except in cases where Council by special resolution allows a longer period, or where such exhibition is to be conducted on municipal property and the use thereof for a longer period has been approved by Council.  
(1970 Code '114.02)

**703.02 DEPOSIT REQUIRED.**

At the time such application for a permit or license is made under Section 703.01, where use of municipal grounds is contemplated, the applicant may be required to deposit with the Chief Fiscal Clerk a cash bond of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the Manager. In the event such grounds are restored and cleaned up properly following the exhibition, the deposit shall be returned; otherwise the same shall be forfeited to the Municipality.

(Ord. 10-75. Passed 7-16-75.)

**703.03 LICENSE FEE.**

For each circus, carnival or similar entertainment, show or exhibition, the fee for such license shall be as follows:

- (a) For the first day fifty dollars (\$50.00).
- (b) For each day thereafter, twenty-five dollars (\$25, 00); provided that such fee shall not amount to more than one hundred fifty dollars (\$150.00) in any one week.

(1970 Code '114.04)

**703.99 PENALTY.**

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

CHAPTER 707  
Peddlers and Solicitors

707.01	Definitions.	707.03	Exceptions by written
707.02	Uninvited solicitors and peddlers.	707.99	approval. Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.  
Charitable solicitations - see Ohio R.C. Ch. 1716  
Littering - see GEN. OFF. 521.08  
Trespassing - see GEN. OFF. 541.05

707.01 DEFINITIONS.

For the purpose of this chapter the words and phrases defined herein shall have the meanings respectively ascribed to them:

- (a) "Itinerant vendor" includes any person, natural or artificial, who engages in or conducts a temporary or transient business of selling goods, wares and merchandise, within the Municipality, with the intention of continuing such business in any one location for a period of not more than four months and who for the purpose of carrying on such business hires, leases or occupies in whole or in part, any room, building or structure for the exhibition and sale of such goods, wares and merchandise.  
This term shall not apply to hawkers or peddlers, to vendors engaged in the sale of food or food products for human consumption, to commercial travelers or selling agents when making sales in the usual course of business or to salesmen who sell samples for future delivery.
- (b) "Person" means individuals, associations of individuals, partnerships, corporations, societies and Massachusetts or Common Law Trusts.
- (c) "Peddle" means to sell and make immediate delivery, or offer for sale and immediate delivery at any place within the Municipality other than from a fixed place of business, any goods, wares or merchandise in possession of the seller.
- (d) "Peddler" means any person who peddles, as herein defined.
- (e) "Solicit" means to sell or take orders or offer to sell or take orders at any place within the Municipality, other than a fixed place of business, for goods, wares or merchandise for future delivery, or for services to be performed.

- (f) "Solicitor" means any person who solicits, as herein defined.
- (g) "Fixed place of business" means a business operated and conducted from the same location for a period of at least ninety consecutive days in the Municipality.  
(1970 Code '111.01)

#### 707.02 UNINVITED SOLICITORS AND PEDDLERS.

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

(Ord. 15-12. Passed 7-5-61.)

#### 707.03 EXCEPTIONS BY WRITTEN APPROVAL.

Solicitations and/or sales for public, religious or charitable purposes are specifically exempted from the operation of this chapter when prior written approval has been obtained from the Manager. (Ord. 24-70. Passed 12-2-70.)

#### 707.99 PENALTY.

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

**CHAPTER 711**  
**Street and Sidewalk Sales**

711.01	Permit required.	711.99	Penalty.
711.02	Written request; deposit.		

**CROSS REFERENCES**

Power to regulate auctions - see Ohio R.C. 715.24, 715.63  
 Power to inspect food products - see Ohio R.C. 715.46  
 State license required for sale or manufacture of frozen  
 desserts - see Ohio R.C. 3717.52  
 Peddlers and solicitors - see BUS. REG. Ch. 707

**711.01 PERMIT REQUIRED.**

Each group or individual desiring to conduct sales, auctions, handicraft exhibits or other similar events within the public streets or sidewalks of the Municipality must first obtain a permit from the Manager. The requirements and criteria for the issuance of a permit are established by Section 711.02. A cash deposit may be required under the provisions of Section 703.02.

(Ord. 10-75. Passed 7-16-75.)

**711.02 WRITTEN REQUEST; DEPOSIT.**

(a) All requests for use of the public streets and sidewalks shall be submitted to the Manager in writing.

(b) The written request shall include, at least, the following information:

- (1) A description of the planned event including the location and space that the event will require;
- (2) The duration of the event both in hours per day and number of days over which the event will extend;
- (3) The name of the specific person who will be responsible for the event and who will be available to the Manager at any time during the event if problems arise; and
- (4) If the event is to be held in the downtown business area, the Manager shall refer the applicant to the Granville Merchants' Association prior to acting on the request. The Granville Merchants' Association may then advise the Manager of their position regarding the event.

(c) Following the receipt of the information listed in subsection (b) hereof the Manager may act on the request for use of the public streets and sidewalks or he may refer the request to Council for action.

(d) In considering the request, the Manager or Council shall give full attention to the effect that the event will have on the movement of pedestrian and vehicular traffic including police, fire and emergency vehicles, noise, litter, the possibility of damage to public or private property, whether the event is intended for private gain or to promote a charitable or civic purpose and prompt restoration of the site of the event to its original condition.

(e) A deposit as provided by Section 703.02 may be required from the applicant to insure the prompt restoration of the site at the conclusion of the event.

(f) If permission for the event is denied, the reasons for denial shall be given to the applicant in writing.

(g) Granting permission for such an event shall not rescind any ordinances or laws of the Municipality or the State, and such laws shall be fully enforced at all times during the event. (Res. 75-15. Passed 6-4-75.)

**711.99 PENALTY.**

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

**CHAPTER 715**  
**Garbage and Refuse Collectors**

<p>715.01 License required for garbage or refuse collection from commercial customers.</p> <p>715.02 License application.</p> <p>715.03 Fees and renewals.</p> <p>715.04 Revocation of license.</p> <p>715.05 Appeals.</p> <p>715.06 Recyclable materials.</p> <p>715.07 Curbside containers.</p> <p>715.08 Definitions.</p> <p>715.09 Bulky wastes.</p>	<p>715.10 Collection.</p> <p>715.11 Equipment.</p> <p>715.12 Hauling.</p> <p>715.13 Disposal.</p> <p>715.14 Compliance with laws.</p> <p>715.15 Collection rights.</p> <p>715.16 Indemnity.</p> <p>715.17 Licenses and taxes.</p> <p>715.18 Insurance.</p> <p>715.99 Penalty.</p>
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**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 of public ways - see Ohio R.C. 3767.20 et seq.  
Vehicle loads dropping, sifting, leaking - see TRAF. 339.08  
Littering - see GEN. OFF. 521.08

**715.01 LICENSE REQUIRED FOR GARBAGE OR REFUSE COLLECTION FROM COMMERCIAL CUSTOMERS.**

(a) No person or firm shall collect garbage, refuse or recyclable materials from commercial customers for compensation within the Village, nor solicit customers for such collection, unless and until such person or firm holds a license therefor as hereinafter provided.

(b) No person or firm shall collect garbage, refuse or recyclable materials from residential customers for compensation within the Village, nor solicit customers for such collection, unless and until such person or firm has received an exclusive contract for the collection of residential garbage, refuse or recyclables granted by the Village.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.02 LICENSE APPLICATION.

Any person or firm desiring a license for the collection of garbage, refuse and recyclable materials for compensation from commercial customers shall submit an application therefor to the Village Manager. Such application shall be in writing and in such form as may be prescribed from time to time by the Village Manager. Each application shall be accompanied by a surety bond in the amount of one thousand dollars (\$1,000), conditioned on the faithful performance of any and all contracts for the collection of garbage, refuse and recyclable materials that the applicant may make with commercial customers within the Village. Each applicant shall also submit evidence showing insurance coverage as outlined in Section 715.18 and shall satisfy the Village as to the adequacy and safety of equipment as outlined in Section 715.11. If a license is granted, such coverage shall be maintained so long as the licensee is engaged in the business of collecting garbage, refuse and recyclable materials from commercial customers in the Village. No license for the collection of garbage, refuse and recyclable materials shall be granted unless the applicant establishes that all the conditions of this chapter have been met.

(Ord. 19-09. Passed 11-18-09.)

#### 715.03 FEES AND RENEWALS.

Each license issued under this chapter shall expire on December 31 of the year in which it is granted. The fee for the original license shall be one hundred dollars (\$100.00). Each license granted hereunder may be renewed for succeeding years upon approval of a renewal application including all of the items required in Section 715.02 and payment of a fifty-dollar (\$50.00) renewal fee each year.

(Ord. 19-09. Passed 11-18-09.)

#### 715.04 REVOCATION OF LICENSE.

Whenever the Village Manager finds that the holder of a license issued hereunder has failed to perform the obligations under such license, or has breached contracts with individual customers in the Village, or has been in violation of other applicable laws, ordinances or regulations, he shall so notify the licensee by certified mail addressed to the licensee at the address given in the application for license, stating generally the grounds for revocation. Such license shall be revoked ten days after the mailing of such notice unless within such ten day period the licensee has filed an appeal from such decision as provided in Section 715.05.

(Ord. 19-09. Passed 11-18-09.)

#### 715.05 APPEALS.

Appeals of a license revocation or denial shall be heard by Council. Any person or firm whose application for a license for the collection of commercial garbage, refuse and recyclable materials has been rejected, or whose license has been revoked, may, within ten days after the notice of such rejection or revocation has been mailed, file an appeal with Council. Council shall set and conduct a hearing within thirty days unless an extension of time is requested by the applicant. After the hearing, Council may allow or deny the application, or affirm or reverse the revocation, or make such other orders as may be appropriate under the circumstances. The decision of Council shall be final.

(Ord. 19-09. Passed 11-18-09.)

#### 715.06 RECYCLABLE MATERIALS.

(a) Collection and proper disposal of recyclable materials shall be and is hereby deemed a necessary service attendant to the issuance of a license for the collection of commercial garbage, refuse and recyclable materials within the Village. Licensees may enter into agreements with commodity buyers or collection services for the sale or proper processing of all recyclable materials.

(b) Recyclable materials collected by a license holder shall not be disposed of by means of landfill, incineration or other nonrecyclable method without written authorization of the Municipality.

(c) Licensees shall, within sixty days of the issuance or renewal of a license hereunder, notify all customers by mail of the availability of recycling services, materials included therein, service frequency, scheduling and cost thereof.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.07 CURBSIDE CONTAINERS.

Licensees shall offer to each customer a container or containers for recyclable materials. Licensees may provide customers a container for solid waste at the customer's option. (Ord. 19-09. Passed 11-18-09.)

#### 715.08 DEFINITIONS.

As used in this chapter:

- (a) "Bulky waste" means stoves, refrigerators, water tanks, washing machines, furniture and other waste materials (other than construction debris, dead animals, hazardous waste or stable matter) with weights or volumes greater than those allowed for containers.
- (b) "Construction debris" means waste building materials resulting from construction, remodeling, repair or demolition operations.
- (c) "Container" (recyclables) means a receptacle designed for the purpose of the collection of recyclable materials.
- (d) "Container" (solid waste) means a receptacle constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting and having a tight-fitting lid capable of preventing entrance to the container by vectors.
- (e) "Disposal site" means a depository for materials covered under this chapter including but not limited to sanitary landfills, transfer stations, incinerators and waste processing/separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.
- (f) "Garbage" means all putrescible wastes (except sewage and body waste), and including vegetable and animal offal and recognizable industrial by-products.
- (g) "Licensee" means the person or firm licensed by the Municipality to collect garbage, refuse and recyclable materials within the municipal corporation limits.
- (h) "Recyclable materials" means reusable materials including newsprint, glass, aluminum, bi-metal cans, plastics or any materials set forth by the Municipality in regulations which may be adopted from time to time as markets change.

- (i) "Solid waste" means putrescible and nonputrescible nonliquid wastes.
- (j) "Refuse" means nonputrescible, nonliquid wastes including ash, cinders, metal cans, rags, waste paper, wool, boxes, trunks, branches, stumps, large household objects, masonry, plaster and construction, remodeling and repair materials from buildings or grounds.
- (k) "Village" means the Village of Granville, Ohio.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.09 BULKY WASTES.

Licensees may offer customers bulky waste removal services but are not required to do so as a licensing requirement.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.10 COLLECTION.

(a) Collection shall not start before 7:00 a.m. or continue after 8:00 p.m. on the same day.

(b) The collection of recyclable materials shall be on the same day that the licensee collects garbage or refuse for commercial customers.

(c) In those instances where the licensee is providing collection services for recyclable material but not otherwise providing collection services for garbage and refuse to an individual commercial customer, the recyclable materials of each commercial customer shall be collected on the same day as the licensee is otherwise in the area providing collection services for garbage, refuse and recyclable materials.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.11 EQUIPMENT.

(a) Licensees shall provide an adequate number of vehicles for regular collection services. All vehicles and other equipment shall be kept in good repair, good appearance and sanitary condition at all times. All equipment shall be covered, if appropriate, so as not to scatter or litter.

(b) Licensees shall use enclosed, leakproof packer-type truck bodies. Refuse, recyclable materials and bulky waste, but not garbage, may be picked up by other types of equipment, provided such equipment is covered, if appropriate, so as not to scatter or litter.

(c) Each vehicle of a license holder shall have clearly visible on each side the identity and telephone number of such licensee.  
(Ord. 19-09. Passed 11-18-09.)

#### 715.12 HAULING.

All material hauled by licensees shall be so contained, tied or enclosed that leaking, spilling, scattering or littering is prevented.  
(Ord. 19-09. Passed 11-18-09.)

**715.13 DISPOSAL.**

All material collected for disposal shall be hauled to a disposal site approved by the Coshocton-Fairfield-Licking-Perry County Solid Waste District.  
(Ord. 19-09. Passed 11-18-09.)

**715.14 COMPLIANCE WITH LAWS.**

At all times licensees shall conduct operations in compliance with all applicable laws, ordinances and regulations pertaining to solid waste, recyclable materials, vehicle conditions, labor relations and any other requirements applicable to such operations.  
(Ord. 19-09. Passed 11-18-09.)

**715.15 COLLECTION RIGHTS.**

(a) A contractor, who has received a contract from the Village for the collection of residential refuse and garbage shall have the exclusive privilege of collecting, transporting, and processing garbage, refuse, recyclables, and yard waste from residential premises in the incorporated areas of the Village for the duration of the contract. Effective with the date of the contract, any hauler or person other than the Contractor providing collection, transportation, and/or processing services of residential garbage, refuse, recyclables, and yard waste within the incorporated areas of the Village shall be subject to the fines and penalties as provided in the Granville Code of Ordinances Section 715.99.

(b) No person or firm other than licensees authorized by the Village shall collect and/or dispose of commercial garbage, refuse or recyclable materials in the Village.  
(Ord. 19-09. Passed 11-18-09.)

**715.16 INDEMNITY.**

Licensees shall indemnify and hold harmless the Village, its agents and employees, from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the licensee's operations, provided that such claims, damages, losses or expenses:

- (a) Are attributable to bodily injury, sickness, disease or death, or injury to or destruction of real or personal property, including the loss of use resulting therefrom, and;
- (b) Are caused in whole or in part by any intentional, reckless or negligent act or omission of the licensee, its officers, agents or employees, or anyone for whose acts the licensee, its officers, agents or employees, may be liable, regardless of whether or not caused in part by the Village, its agents or employees. Such obligation shall not be construed to negate, abridge or otherwise reduce any other duty or obligation of indemnity which should otherwise be owed by the licensee, its agents or employees to the Village, its agents or employees.  
(Ord. 19-09. Passed 11-18-09.)

**715.17 LICENSES AND TAXES.**

Licensees shall obtain all other applicable licenses and permits and promptly pay all taxes required by the Village.  
(Ord. 19-09. Passed 11-18-09.)

715.18 INSURANCE.

(a) Licensees shall at all times during the license period maintain in full force and effect Worker's Compensation and Commercial General Liability (including vehicle coverages) insurance, including contractual liability coverage, with the Village named as an additional named insured for the provisions of Section 715.16. All insurance shall be by insurers and for policy limits acceptable to the Village. Before the license hereunder is issued, licensees agree to furnish the Village certificates of insurance or other evidence satisfactory to the Village to the effect that such insurance has been procured and is in force. Certificates of insurance, acceptable to the Village, shall be filed with the Village at the time of license issuance and renewals thereof. These certificates shall contain a provision that coverages afforded under the policies will not be cancelled or reduced until at least thirty days' prior written notice has been given to the Village. Any claims-made-policy shall be brought to the attention of the Village immediately as well as any specific limitations, exclusions or self-insured retentions. Certificates of insurance shall include a statement that the insurer(s) agrees to the provisions of subsection (b) hereof.

(b) All insurance companies providing coverages required herein shall familiarize themselves with all of the conditions and provisions of the license and shall waive the right of special notification of any change or modification of this chapter, any extension of time, any decreased or increased work, the revocation of the license, or any act or omission by the Village or its agents or employees. Failure to so notify the aforesaid insurance companies of changes or modifications shall in no way relieve the insurance companies of their obligations under their policies.

(c) For the purpose of the license, licensees shall carry the following types of insurance in at least the limits specified below:

<u>Coverage</u>	<u>Limits of Liability</u>
Worker's compensation	Statutory
Commercial general liability	
Combined single limit for bodily injury, personal injury, and property damage:	
Per occurrence	\$1,000,000
General aggregate	\$1,000,000
Products aggregate	\$1,000,000
or equivalent	
<u>Automobile</u>	
Combined single limit for bodily injury and property damage unloading	
MCS (90) endorsement	
Per occurrence or accident	\$1,000,000
<u>Excess umbrella liability</u>	
Commercial general liability and automobile liability:	
Per occurrence	\$5,000,000
Aggregate	\$5,000,000

To the extent permitted by law and to the extent accepted by the Village, all or any part of any required insurance coverage provided by a licensee may be provided under a plan or plans of self-insurance. The coverage may be provided by the licensee's parent corporation. (Ord. 19-09. Passed 11-18-09.)

**715.99 PENALTY.**

Whoever on the first offense violates any of the provisions of Sections 715.03, 715.06, 715.07, 715.10, 715.11, 715.12, 715.13, 715.14, 715.15, 715.16, 715.17 or 715.18 in addition to the penalties set forth in Section 715.04, shall be guilty of a minor misdemeanor. On each subsequent offense, such violators shall be deemed guilty of a first degree misdemeanor and subject to penalties set forth in Section 501.99 of the General Offenses Code. Whoever violates Section 715.01 on any offense shall be guilty of a first degree misdemeanor. (Ord. 19-09. Passed 11-18-09.)