CODIFIED ORDINANCES OF SHADYSIDE

PART SEVEN - BUSINESS REGULATION CODE

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CHAPTER 701
Cable Television Service

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701.01 COMPLIANCE REQUIRED.
No person, firm or corporation shall place or erect, or cause to be placed or erected, or maintain any cables, wires and associated appliances for the purpose of furnishing television service in, upon, over or under the streets, alleys or public places of the Municipality, except in the manner set forth in this chapter.
(Ord. 527. Passed 2-23-53.)

701.02 MATERIAL AND EQUIPMENT STANDARDS.
All cables, wires and associated appliances used for the purpose of furnishing television service shall be of approved type for exterior use in accordance with specifications of the Fire Underwriters' Laboratory now effective or hereafter adopted.
(Ord. 527. Passed 2-23-53.)

701.03 CLEARANCE ABOVE ROADWAY; GROUNDING; CONSENT FOR ATTACHMENT.
All cables, wires and associated appliances used for the purpose of furnishing television service crossing any street, alley or public place shall be placed so as to have at least eighteen feet clearance above the roadway; shall be adequately grounded on both sides of such street, alley or public place and shall not be attached to private property abutting such street, alley or public place, nor use existing utility facilities without the written consent and license of the owner of such private property or utility facility.
(Ord. 527. Passed 2-23-53.)

701.04 PUBLIC LIABILITY INSURANCE.
Any person, firm or corporation erecting or maintaining cables, wires and associated appliances for the purpose of furnishing television service in, upon, over or under streets, alleys or public places shall file with the Clerk of Council evidence of public liability
insurance in force with a reputable insurance company of not less than fifty thousand dollars ($50,000) and one hundred fifty thousand dollars ($150,000) limitations covering property damage and personal injury losses that might arise by reason of the erection, operation and maintenance of such facilities. (Ord. 527. Passed 2-23-53.)

701.05 UNDERGROUND LINES.
No cables, wires or associated appliances for the purpose of furnishing television service shall be placed in or under any street, alley or public place without the consent and permission of Council, and any permitted lines under streets, alleys or public places shall be installed under the supervision of the Street Superintendent. (Ord. 527. Passed 2-23-53.)

701.06 NONCOMPLIANCE; ABANDONMENT OF LINE; REMOVAL OF LINE.
Upon failure to comply with the provisions of this chapter or abandonment of any line for television service, the person, firm or corporation erecting the same shall immediately remove such line and if they fail to do so upon ten days written notice from Council, the Municipality may remove such cables, wires and associated appliances from the streets, alleys or other public places. (Ord. 527. Passed 2-23-53.)

701.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00). Each day during or on which a violation occurs or continues shall be deemed a separate offense.
CHAPTER 705
Canvassers, Peddlers, Solicitors and Itinerant Vendors

705.01 License required.
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705.04 License application; investigation.
705.05 Fees.
705.06 Appeals.
705.07 Carrying and exhibiting license.
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CROSS REFERENCES
Power to inspect food products – see Ohio R.C. 715.46
Power to regulate – see Ohio R.C. 715.61
Home solicitation sales – see Ohio R.C. 1345.21 et seq.
Charitable solicitations – see Ohio R.C. Ch. 1716
Littering – see GEN. OFF. 521.08
Trespassing – see GEN. OFF. 541.05

705.01 LICENSE REQUIRED.
No person shall engage in the business of peddler, solicitor or canvasser or itinerant merchant as defined in Section 705.02 and solicit sales of, sell, offer for sale, barter or exchange goods, wares or personal services without first obtaining a license as provided in this chapter. (Ord. 715. Passed 5-10-65.)

705.02 DEFINITIONS.
As used in this chapter:
(a) "Person" includes the singular and plural and also means and includes any person, firm or corporation, association, copartnership or society.
(b) "Peddler" includes any person with no fixed place of business in the Municipality who carries wares or goods with him which he is prepared to sell at the time he solicits business and who deals primarily with consumers. The word "peddler" includes the words "hawker" and "huckster".
(c) "Solicitor" or "canvasser" means a person with no fixed place of business in the Municipality, dealing primarily with consumers, who takes orders for goods for future delivery or for personal services to be furnished in the future whether by telephone or by house to house or business to business canvassing.
(d) "Itinerant merchant" or "vendor" means a person who has a fixed place of business in the Municipality and has been located in this Municipality for a period of less than ninety days and who offers goods or wares for sale.
(e) "Goods" or "wares" includes any item of personal property including but not limited to merchandise, appliances, magazines, magazine subscriptions, books, photographs, produce, but excludes newspapers and products or articles raised or manufactured by such person. (Ord. 715. Passed 5-10-65.)
705.03 EXCEPTIONS.
The requirement of a license as provided in this chapter shall not apply to a duly authorized solicitor soliciting the sale of goods or wares for or on behalf of any recognized educational, civic, religious or charitable organization.
(Ord. 715. Passed 5-10-65.)

705.04 LICENSE APPLICATION; INVESTIGATION.
Applications for licenses for peddlers, solicitors and itinerant merchants must be filed with the Chief of Police on a form to be furnished by the Chief of Police which shall give the following information:
(a) Name of applicant.
(b) Home address.
(c) Name and address of the person by whom employed.
(d) Length of service with such employer.
(e) All places of residence and all employment during the preceding year.
(f) The nature and character of the goods to be sold or service to be furnished by the applicant.
(g) Names of other towns in which the applicant has recently conducted a business for which a license is herein required.
(h) A personal description and history of the applicant.
The applicant shall further furnish a recent photograph of himself taken not more than one year before the submission of the application. The photograph shall be approximately three inches by three inches in size.
The application shall be made at least ten days before the license is required in order to enable the Chief of Police to investigate the moral character and record of the applicant.
If the Chief of Police determines after an investigation that the applicant is of good moral character and proposes to engage in a lawful commercial or professional enterprise, a license shall be issued which shall expire on December 31, in the year in which it was issued. (Ord. 715. Passed 5-10-65.)

705.05 FEES.
For the purpose of this chapter and the license to be issued hereunder for canvassers, peddlers, solicitors and itinerant vendors, each applicant who is a nonresident of the Municipality shall pay to the Municipality one dollar ($1.00) per day for each working day, excluding Sundays, for the full period that such person proposes to sell or solicit within the terms of this chapter. All fees shall be payable in advance based upon the number of days furnished by the applicant.
Any person required by the nature of their business to procure a license hereunder, who has been a bona fide resident of the Municipality for a period of not less than six months prior to making such application, shall pay to the Municipality three dollars ($3.00) for such license, which shall expire on December 31, in the year in which it was issued.
(Ord. 715. Passed 5-10-65.)

705.06 APPEALS.
Any applicant who has applied for a license as a canvasser, peddler, solicitor or itinerant vendor in accordance with this chapter and to whom the Chief of Police has, after investigation, denied a license shall be entitled to appeal to Council.
Notice of such appeal shall be filed with the Clerk of Council within five days after the denial of the license by the Chief of Police. Council, on appeal, may grant or reject the application for license. (Ord. 715. Passed 5-10-65.)

705.07 CARRYING AND EXHIBITING LICENSE.
The license issued under this chapter shall be exhibited in the place of business by itinerant merchants and shall be carried by any peddler or solicitor at all times when peddling or soliciting and shall be exhibited to any person solicited or any police officer on request. In the case of peddlers or solicitors, an identification badge shall be issued which shall be worn while engaging in business. (Ord. 715. Passed 5-10-65.)

705.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00). Each day during or on which a violation occurs or continues shall be deemed a separate offense.
CHAPTER 707
Unauthorized Workers; Employment Prohibited

707.01 General provisions. 707.99 Penalty.
707.02 Definitions.

707.01 GENERAL PROVISIONS.
(a) It shall be unlawful for any employer to knowingly employ, hire, recruit or refer, either for himself or herself, or on behalf of another, for private or public employment within the Village, an unauthorized worker who is not duly authorized to be employed by law.

(b) Employers shall, and are, required to verify a prospective employee’s legal status or authorization to work prior to employing the individual, or contracting with the individual, for employment services, and at all other times while said individual is working in the employment of the employer within the Village.

(c) For purposes of this chapter, proof of legal status or authorization to work includes, but not limited to a valid social security card, a valid immigration or nonimmigration visa, including a photo identification, a valid birth certificate, a valid passport, a valid photo identification card issued by a governmental agency, a valid work permit or supervision permit authorized by the United States Department of Labor, a valid permit issued by the Department of Justice or other valid document providing evidence of legal residence or authorization to work in the United States. (Ord. 1569. Passed 8-13-07.)

707.02 DEFINITIONS.
As used in this chapter:
(a) “Employer” means any individual, person, corporation, company, firm, partnership, independent contractor or other business entity which employs or seeks to employ an individual or individuals for employment within the Village.

(b) “Unauthorized worker” means a person who does not have the legal right to be employed, or is employed in violation of any laws of the United States, State of Ohio and/or the Village.

(c) “Knowingly” means with respect to conduct or to a circumstance described by a statute defining an offense that a person is aware by documentation or action that the person’s conduct is of that nature or that the circumstances exists. Failure to request or review documentation of an employee’s legal status or authorization to work is deemed to be “knowingly”.
(Ord. 1569. Passed 8-13-07.)
707.99 PENALTY.
(a) A violation of any of the provisions of this chapter is a misdemeanor punishable, for each offense, by a mandatory fine of five hundred dollars ($500.00), imprisonment of not more than six months, or both.

(b) The employment of unauthorized worker(s) for more than one day shall be deemed a separate offense for each day of the prohibited employment.

(c) The employment of more than one unauthorized worker by said employer, on any given day, within the Village, shall be deemed a separate offense for each unauthorized worker so employed.
(Ord. 1569. Passed 8-13-07.)
CHAPTER 709  
Dance Halls and Public Ballrooms

709.01 Permit; closing hour.  
709.02 Permit fee.  
709.03 Liquor prohibited; children restricted.  
709.04 Police power.  
709.05 Public dance defined; private dance exception.  
709.06 Private dances in public places.  
709.99 Penalty.  

CROSS REFERENCES 
Power to regulate - see Ohio R.C. 715.61  
Intoxicating liquor in dance hall - see Ohio R.C. 4399.14

709.01 PERMIT; CLOSING HOUR.
No person, firm, corporation or association of persons shall give a public dance or ball within the Municipality without having previously obtained a permit from the Mayor to do so. All applications for a permit shall give the name of the person or persons or organizations sponsoring the same and the time and place of the dance. All public dances shall discontinue at 12:00 midnight, unless otherwise specified, and all persons in or about the place where the dance is held, except the janitor or caretaker of the public place, shall leave the premises promptly.

709.02 PERMIT FEE.
Any person, firm, corporation or association of persons giving a public dance or ball shall pay to the Mayor a fee of five dollars ($5.00) for a permit for each public dance or public ball given.

709.03 LIQUOR PROHIBITED; CHILDREN RESTRICTED.
No person, firm, corporation or association of persons, who is the proprietor, owner or manager, or who has control of any public dance hall or ballroom, or who manages or conducts any public dance or ball, shall permit or allow the use of any intoxicating liquors or the presence of intoxicated persons in such dance hall or on the premises where such public dance or ball is being held, or the presence at such public dance or ball of any child less than eighteen years of age unless such child is accompanied by his father, mother or legal guardian, or some adult person having charge of such child. (Ord. 425. Passed 1-22-45.)

709.04 POLICE POWER.
No public dance shall be held unless some person with police power or authority is in attendance to preserve order. Costs or expense of providing such person with police power shall be at the expense of the person or persons or organization sponsoring the dance.

2009 Replacement
At the request of the person sponsoring the dance, the Mayor shall appoint a person suggested or some other person at his discretion to act as special police officer.
(Ord. 425. Passed 1-22-45.)

709.05 PUBLIC DANCE DEFINED; PRIVATE DANCE EXCEPTION.
A dance or ball shall be deemed to be a public dance or ball when the public generally has the right to attend or do attend the same without a personal invitation; or when admission can be had by the payment of a fee or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for caring for clothing or other property, or if the dance is held in a public hall or place where the general public has a right to gather.

However, no dance or ball shall be held to be a public dance or a public ball which is attended only by persons upon personal or written invitation or when the dance or ball is held in some private dwelling house. The provisions of this chapter shall not apply to private parties given in the home of the people giving the dance or to dances given by societies, clubs or organizations when the attendance is restricted to the members of the society, club or organization or members of their family or invited guests.
(Ord. 425. Passed 1-22-45.)

709.06 PRIVATE DANCES IN PUBLIC PLACES.
If a private dance is to be held in what is considered a public hall the same shall not be held unless the Mayor or Chief of Police shall first have been given notice of the name of the person, persons, society, club or organization holding the same, together with the time and place that such dance is to be held.

Except as otherwise provided in this section, any person, firm, corporation or association giving a private dance or ball at any public hall at which persons attend by invitation, shall have on hand at such time and place a written list of all invited guests and shall be required to exhibit the same to the Chief of Police or other police officer of the Municipality.

No person shall be permitted to attend such dance or ball except upon verbal or written invitation for that particular dance or ball, but at such private dance in a public hall or building, there may be some one or more persons, not more than three, who shall be able to vouch for the right of all persons attending the dance to attend the same, this to be in lieu of the written list. (Ord. 425. Passed 1-22-45.)

709.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00).
CHAPTER 713
Fortunetellers, Palmists and Clairvoyants

713.01 License required; fee and term of license.
713.02 License application and requirements.
713.03 License issuance; denial; revocation.
713.04 Appeals.
713.05 License renewal and fee.
713.06 License to be displayed.
713.99 Penalty.

CROSS REFERENCES
Petty theft - see GEN. OFF. 545.05

713.01 LICENSE REQUIRED; FEE AND TERM OF LICENSE.
(a) No person shall engage in the profession, business or practice of a fortuneteller, palmist, clairvoyant, hypnotist, astrologer, phrenologist or similar activity without first applying for and obtaining a license therefor from the Chief of Police.

(b) Any applicant who is a nonresident or who has resided in the Municipality for a period of less than one year shall pay a fee of twenty-five dollars ($25.00) per week for such license.

(c) Any applicant who has been a resident of the Municipality for one or more years shall pay a fee of fifty dollars ($50.00) annually for such license, which shall expire on December 31, of the year issued; except that at any time after December 14, such licenses may be issued for the ensuing calendar year.

713.02 LICENSE APPLICATION AND REQUIREMENTS.
(a) Applicants for licenses required by Section 713.01 must file with the Chief of Police a sworn application in writing, on a form to be furnished, which form shall give the following information:

(1) Name of applicant and his social security number.
(2) Permanent home address and local address, if applicable, of the applicant.
(3) All places of residence and employment during the preceding year.
(4) A physical description of the applicant.
(5) Location of the intended business or enterprise.
(6) Names of other municipalities in which the applicant has recently conducted activities for which a license is required by Section 713.01.
(7) Such other information concerning the applicant and his business as may be reasonable and proper.
(b) The applicant shall also furnish a photograph of himself taken not more than one year before the submission of the application. The photograph shall be approximately three inches by three inches in size.

(c) The application shall be made not less than ten days prior to the date the license is issued in order to enable the Chief of Police to investigate the information given on the application, the moral character and record of the applicant.

713.03 LICENSE ISSUANCE; DENIAL; REVOCATION.
(a) Upon receipt of an application for a license for a fortuneteller, palmist, clairvoyant or similar activity, accompanied by the proper fee, and if the Chief of Police determines after an investigation that the information furnished as required in Section 713.02(a) is correct and the applicant is of good moral character and proposes to engage in a lawful activity or enterprise, the Chief of Police shall issue a license to the applicant.

(b) The Chief of Police is hereby authorized to deny issuance of a license upon being satisfied, after an investigation as provided in Section 713.02(c), that there is just and reasonable cause for such denial.

(c) Any license issued under the provisions of this chapter may be revoked at any time by the Chief of Police, if the licensee is guilty of fraud, misrepresentation or any unlawful act in connection with his business or the application required by Section 713.02; or if the licensee violates any provision of this chapter.

713.04 APPEALS.
Any applicant who has applied for a license as a fortuneteller, palmist, clairvoyant or similar activity in accordance with this chapter and to whom the Chief of Police has denied a license, pursuant to Section 713.03(b), shall have the right to appeal to Council. Notice of such appeal shall be filed with the Clerk of Council within five days after the denial by the Chief of Police.
Council on appeal may order the issuance of such license or sustain the denial of such license.

713.05 LICENSE RENEWAL AND FEE.
Renewal of a license for a fortuneteller, palmist, clairvoyant or similar activity may be granted to a licensee in good standing upon the original application. The fee for renewal of a license shall be the same as provided in Section 713.01 for an original license.

713.06 LICENSE TO BE DISPLAYED.
Any license issued for a fortuneteller, palmist, clairvoyant or similar activity under the provisions of this chapter shall be posted in a prominent place upon the licensed premises at the location designated in the application for the license.

713.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00). Each day during or on which a violation occurs or continues shall be deemed a separate offense.
CHAPTER 717
Taxicabs

717.01 License; fee per year per vehicle. 717.99 Penalty.
717.02 Insurance

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
Operation and equipment - see TRAFFIC CODE
Use of taxicab stands - see TRAF. 351.10
Taxicab stand locations - see TRAF. 351.19

717.01 LICENSE; FEE PER YEAR PER VEHICLE.
Before any person, firm or corporation operates a taxicab upon the streets, alleys and public ways of the Municipality, such person, firm or corporation shall make an application to the Council Clerk and pay a license fee of one hundred dollars ($100.00) per year for the first taxi operated and twenty-five dollars ($25.00) for each additional taxi operated. (Ord. 969. Passed 11-14-77.)

717.02 INSURANCE.
Every person, firm or corporation, before operating a taxi, shall secure a public liability and property damage insurance policy in the amount of twenty-five thousand dollars ($25,000) because of bodily injury to or death of one person in any one accident, in the amount of fifty thousand dollars ($50,000) because of bodily injury to or death of two or more persons in any one accident, and in the amount of seven thousand five hundred dollars ($7,500) because of injury to property of others in any one accident. Copies of such policies shall be filed with the Council Clerk when the license is secured. (Ord. 969. Passed 11-14-77.)

717.99 PENALTY.
Whoever violates any provision of this chapter shall be fined not more than one hundred dollars ($100.00). (Ord. 969. Passed 11-14-77.)
CHAPTER 721
Garage Sales

721.01 Definition.
721.02 Hours.
721.03 Frequency.
721.04 Merchandise.

721.05 Advertising; signs.
721.06 Zoning Ordinance not affected.
721.07 License required.
721.99 Penalty.

721.01 DEFINITION.
"Garage sale" includes all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by the Zoning Ordinance, for the purpose of disposing of personal property including but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market", "rummage", "basement", "barn", or "clothesline" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items sold. (Ord. 1440. Passed 9-25-00.)

721.02 HOURS.
Garage sales shall not commence before 9:00 a.m. and must terminate by sundown. No garage sales shall be permitted on Sunday. (Ord. 1440. Passed 9-25-00.)

721.03 FREQUENCY.
No person shall conduct more than two garage sales on his premises in any one calendar year, nor shall any sale exceed a two-day period. (Ord. 1440. Passed 9-25-00.)

721.04 MERCHANDISE.
(a) Garage sales shall offer only used unwanted items of personal property owned by the following:
   (1) The resident of the property where the sale is held; and
   (2) Those persons who are jointly participating in the sale with the resident of the property where the sale is held.

(b) No new merchandise shall be offered for sale nor may new merchandise from sources be brought in and offered for sale. (Ord. 1440. Passed 9-25-00.)
721.05 ADVERTISING; SIGNS.
(a) Garage sales may be advertised through the newspaper or other media.
(b) A sign, not greater in size than three feet by three feet, may be installed on the following property.
   (1) The property where the sale is being conducted; or
   (2) Property owned by persons other than the person conducting the sale with the consent of such other property owners.
(c) No lighted or illuminated sign shall be used to advertise a garage sale.
(d) No sign advertising a garage sale shall be placed upon publicly owned property or the public right of way under any circumstances.
(e) All signs permitted herein advertising garage sales shall contain the name and address of the person conducting the garage sale, the date of the sale and the telephone number of the person conducting the sale.
(f) No sign advertising a garage sale shall be affixed or attached in any manner to any tree, or utility pole.
(g) No sign advertising a garage sale shall be displayed earlier than two days prior to the sale. All signs advertising a garage sale shall be removed by 12:00 noon of the day following the garage sale.  (Ord. 1440.  Passed 9-25-00.)

721.06 ZONING ORDINANCE NOT AFFECTED.
It is not the intention of this chapter to change or amend the Zoning Ordinance of the Village.  (Ord. 1440.  Passed 9-25-00.)

721.07 LICENSE REQUIRED.
No person shall conduct any sale commonly known as a garage sale without first having received a license.
Upon application, properly completed and fee paid, the Mayor is authorized to issue such a license.
The license shall set forth the name, address, and date of sale.
There shall be a ten dollar ($10.00) fee for the license.
(Ord. 1440.  Passed 9-25-00.)

721.99 PENALTY.
Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor. Each day that the violation continues shall constitute a separate offense.
(Ord. 1440.  Passed 9-25-00.)
CHAPTER 723
Skill Based Amusement Machines and Skill Based Amusement Establishments

723.01 Skill based amusement machines prohibited.

CROSS REFERENCES
Tampering with coin machine - see GEN. OFF. 545.12

723.01 SKILL BASED AMUSEMENT MACHINES PROHIBITED.
Skill based amusement machines, including mechanical, electronic, video, digital devices, machines which require use through coin or bill validator or other payment of consideration to participate in the machine’s offering or to activate the machine are hereby prohibited within the Village of Shadyside until such time legislation is enacted which regulates and/or further prohibits skill based amusement machines and establishments in the Village of Shadyside. (Ord. 1551. Passed 11-27-06.)