

CODIFIED ORDINANCES OF NEW LONDON
PART SEVEN - BUSINESS REGULATION CODE

Chap. 705. Cable Television.

Chap. 713. Mechanical Amusement Devices.

Chap. 721. Peddlers, Canvassers and Temporary Stores.

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CHAPTER 705
Cable Television

| | |
|----------------------------------|---|
| 705.01 Rates and charges. | 705.04 Scope. |
| 705.02 Adoption of rules. | 705.05 Video Service Provider Fee. |
| 705.03 Consultant. | |

CROSS REFERENCES

Unauthorized connections - see Ohio R.C. 4933.42

705.01 RATES AND CHARGES.

All rates and charges for basic cable service and any other cable programming services, as defined by the 1992 Cable Act and applicable FCC regulations, shall, to the extent permissible, be subject to regulation by the Village in a manner provided by this chapter. This chapter shall apply to all cable television system operators in the Village. The Cable Operator and/or any other operator of a cable television system operating in the Village shall be subject to the rate regulation provisions provided for herein, and those of the FCC at 47 C.F.R., Part 76.900, Subpart N. The Village reserves the right to amend this chapter from time to time consistent with the requirements of the FCC, and State and Federal law.
 (Ord. 94-06. Passed 4-19-94.)

705.02 ADOPTION OF RULES.

(a) The Village hereby adopts and shall follow the rules relating to cable rate regulations promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N. Prior to approving or disapproving any rates, the Village shall provide an opportunity for consideration of the views of interested parties.

(b) Upon adoption of this chapter, the Clerk-Treasurer will send to the Cable Operator and each operator of a cable television system in the Village, via Certified Mail, Return Receipt Requested, a written notice, which shall include a copy of this chapter and notice that the Village is certified by the FCC to regulate the cable television rates authorized by the chapter.

(c) Within thirty days after receipt of the aforesaid notice, the Cable Operator and any other cable television operator shall have thirty days to respond with rate and benchmark information utilizing FCC Form 393-Determination of Maximum Initial Permitted Rates for Regulated Cable Services and Actual Cost of Equipment.

- (1) If the initial rates and/or any subsequent rate increases are within the FCC standards, the rates will be effective thirty days after submission.
- (2) If the Village is unable to determine whether the rate at issue is within the FCC's standards, based on the material before it, or if the Cable Operator or any other cable operator has submitted a cost-of-service showing seeking to justify a rate above the FCC's reasonable rate level, the Village may take an additional period of time to make a final determination and toll the effective date of the proposed rates for a commensurate period.
 - A. The Village may take an additional ninety days if it needs more time to ensure that a rate is within the FCC's rate standards.
 - B. The Village may take an additional 150 days to evaluate a cost-of-service showing seeking to justify a rate above the reasonable rate level.
 - C. The Village through its Solicitor or his designee, will issue a brief written decision regarding the Village's invocation of the additional time period.
- (3) In all cases, the Village will issue a written decision to approve the rate schedule, disapprove the rate schedule or continue for review.
- (4) If rates are in excess of the FCC's standards, the rates may be reduced and refunds to cable subscribers ordered by the Village pursuant to applicable FCC regulations.

(d) After the initial rate schedule procedures are followed, as described in this section, the Cable Operator and/or any other cable operator shall, in conjunction with each change in the rates and charges applicable to the basic cable service, conform to the standards of the FCC. Before any rate change is effective, the Cable Operator and/or any other cable operator shall notify the Village of its requested rate change by giving the Village thirty days advance written notice before the change is effective and by providing the Village with its rates and applicable information pursuant to FCC regulations.

(e) To the extent specifically permitted by federal law and applicable FCC rules, the Cable Operator and/or any other cable operator shall be permitted to appeal to the FCC for a review of the decision of the Village.
(Ord. 94-06. Passed 4-19-94.)

705.03 CONSULTANT.

(a) The Village may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A rate consultant may be any person who has sufficient background and experience, in the sole opinion of the Village, to properly evaluate and analyze rates and charges.

(b) All costs for the review of initial rates or rate changes shall be paid by the Cable Operator upon demand of the Village, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of services (as determined by the Village) rendered by the Village or any Village employees, agents or representatives of the Village.
(Ord. 94-06. Passed 4-19-94.)

705.04 SCOPE.

The requirements described in this chapter are applicable to the Cable Operator and all operators of cable television systems within the Village subject to rate regulation according to the 1992 Cable Act and applicable FCC rules.
(Ord. 94-06. Passed 4-19-94.)

705.05 VIDEO SERVICE PROVIDER FEE.

(a) For any Video Service Provider which operates within the Village of New London, a Video Service Provider Fee is hereby assessed. The amount of the Fee shall be five percent (5%) of Gross Revenue, provided, however, that if a Fee in excess of that amount should be permissible under Ohio R.C. 1332.32, then the Fee shall be set at that higher amount. The fee shall be calculated in accordance with the provisions of Ohio R.C. 1332.32; and the Village shall retain the audit rights specified in Ohio R.C. 1332.33.

(b) The Fee assessed under subsection (a) hereof shall not be applicable to Time Warner Cable, or its successors, during the continuation of its existing franchise agreement; provided, however, that at the termination of the current franchise agreement, subsection (a) hereof shall automatically be effective with regard to its operation thereafter.

(c) The Clerk-Treasurer shall notify any video service provider which conducts operation within the Village of the enactment of this section.
(Ord. 08-11. Passed 5-12-08.)

CHAPTER 713
Mechanical Amusement Devices

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|---------------|-------------------------------------|---------------|--------------------------------------|
| 713.01 | Definitions. | 713.09 | Impounding. |
| 713.02 | Gambling devices prohibited. | 713.10 | Falsification of application. |
| 713.03 | License required. | 713.11 | Exemptions. |
| 713.04 | Restrictions. | 713.12 | Licensing existing devices. |
| 713.05 | Processing of application. | 713.13 | Inspection. |
| 713.06 | Fee and term of license. | 713.14 | Special Events License. |
| 713.07 | Display of license. | 713.99 | Penalty. |
| 713.08 | Revocation of license. | | |

CROSS REFERENCES

Gambling - see GEN. OFF. Ch. 517

Slugs - see GEN. OFF. 545.11

Tampering with coin machine - see Gen. OFF. 545.12

713.01 DEFINITIONS.

(a) "Mechanical Amusement Device" means any machine or device which may be operated as a game, contest or amusement by the payment of money or anything of value or by the insertion of a coin or token, which is displayed in public within the Village of New London. "Mechanical Amusement Device" includes, but is not limited to, pinball games, mechanical bowling games, electrically operated target games, mechanical baseball and football games, air hockey, skee ball, shuffle alley and shuffle skill games. "Mechanical Amusement Device" does not include juke boxes, photo-booths, those devices designed for use by persons under the age of 18 years such as mechanical horses, miniature cars, buses, space ship, or carousels, or rides, games set up on a temporary basis by legitimate operators or other amusement devices otherwise licensed by the Village of New London.

(b) "Person" or "persons" includes individuals, partnerships, unincorporated associations of every type, and corporations.

(c) "Owner" includes persons holding title to mechanical amusement devices and bailees, franchises, lessees, operators and any other person who may lawfully exercise any degree of control over a mechanical amusement device.

(Ord. 81-8. Passed 6-9-81.)

713.02 GAMBLING DEVICES PROHIBITED.

Nothing in the chapter shall in any way be construed to authorize, license, or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law, or that may be contrary to any future laws of the State of Ohio or ordinance of the Village. No game herein described shall be operated in any way, manner or form as a gambling device or game of chance.

(Ord. 81-8. Passed 6-9-81.)

713.03 LICENSE REQUIRED.

(a) The owner or person displaying or keeping for operation a mechanical amusement device is hereby required to obtain a license from the City and pay the specified fee therefor.

(b) Application for the license required hereby shall be made to the Chief of Police, upon the forms provided, by the owner or person displaying or keeping for operation every mechanical amusement device.

(Ord. 81-8. Passed 6-9-81.)

713.04 RESTRICTIONS.

No license shall be issued to any natural person nor any partnership or unincorporated association a principal of which, nor a corporation an officer of which, has been convicted of violating a federal or state statute or local ordinance pertaining to gambling, sale of hallucinogens, sale of alcoholic beverages to minors or any crime of moral turpitude.

(Ord. 81-8. Passed 6-9-81.)

713.05 PROCESSING OF APPLICATION.

Each application for a license shall be filed with the Chief of Police who shall keep the original copy on file in the Police Department at all times.

(Ord. 81-8. Passed 6-9-81.)

713.06 FEE AND TERM OF LICENSE.

(a) Each applicant shall pay a license fee of ten dollars (\$10.00) per year, or any portion thereof, for each establishment, for the privilege of displaying or keeping for operation a mechanical amusement device or devices.

(b) Licenses, shall be required from and after July 1, 1981 and shall expire the following and each June 30, unless revoked or rescinded sooner.

(Ord. 83-6. Passed 7-19-83.)

713.07 DISPLAY OF LICENSE.

(a) The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the device on the premises wherein the device is displayed or maintained to be operated.

(b) A license shall not be transferable from person to person or place to place, and shall be usable only at the place and by the person designated in the license.

(Ord. 81-8. Passed 6-9-81.)

713.08 REVOCATION OF LICENSE.

(a) Every license issued hereunder is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee permit the display or operation of any mechanical amusement device, contrary to the provisions of this chapter, other ordinances of the Village, or the statutes of the State of Ohio.

(b) The Chief of Police shall revoke any license for any violations of this chapter by written notice of revocation served upon the applicant or operator of such mechanical devices by personal service or by U.S. Mail, certified return receipt requested. Such notice, upon service, shall act as immediate and final revocation of the license. Appeal of such revocation may be made to any court of competent jurisdiction. An appeal shall not stay revocation.
(Ord. 81-8. Passed 6-9-81.)

713.09 IMPOUNDING.

If the Chief of Police determines that any mechanical amusement device is, or has been used as a gambling device, the machine shall be seized and impounded by the Police Department.
(Ord. 81-8. Passed 6-9-81.)

713.10 FALSIFICATION OF APPLICATION.

No applicant for license shall falsify an application for license or knowingly or intentionally omit information required thereon.
(Ord. 81-8. Passed 6-9-81.)

713.11 EXEMPTIONS.

This chapter shall not be applicable to any device used solely in a public or parochial school, church or non-profit youth center where no charge is made for operation either directly or indirectly.
(Ord. 81-8. Passed 6-9-81.)

713.12 LICENSING EXISTING DEVICES.

Every owner currently displaying or maintaining for operation a mechanical amusement device or devices shall obtain the required licenses within sixty days of the effective date of this chapter.
(Ord. 81-8. Passed 6-9-81.)

713.13 INSPECTION.

The applicant for any license herein expressly authorizes the Chief of Police or other officer to inspect the license premises during normal business hours to insure that all such mechanical amusement devices are licensed.
(Ord. 81-8. Passed 6-9-81.)

713.14 SPECIAL EVENTS LICENSE.

Any person, organization, or corporation may apply for and receive a "Special Events License" in the manner previously described for, for fairs, shows, festivals or similar type events. Such Special Events License shall be good for a maximum of seven days and shall cover all amusement devices at the site of such festivals, shows, fairs, or other public events. The fee for a Special Events License shall be fifty dollars (\$50.00).
(Ord. 82-11. Passed 5-18-82.)

713.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be subject to immediate revocation of license and shall be guilty of a minor misdemeanor. Whoever displays or maintains for operation any mechanical amusement device without license, or after revocation thereof, shall be fined not more than ten dollars (\$10.00) per day for each day in violation hereof. (Ord. 81-8. Passed 6-9-81.)

CHAPTER 721
Peddlers, Canvassers and Temporary Stores

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|---------------------------------|---------------------------|
| 721.01 Peddlers. | 721.04 Appeals. |
| 721.02 Canvassers. | 721.05 Yard sales. |
| 721.03 Temporary stores. | 721.99 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

721.01 PEDDLERS.

(a) "Peddler" as used in this chapter, means any person who is at least eighteen years of age, who goes from house to house or from place to place through the streets of the Village, and who:

- (1) Carries with him for the purpose of sale at retail and immediate or future delivery goods, wares, food or merchandise; or
- (2) For himself, or as principal or agent for another, sells, offers to sell, or otherwise obtains orders or commitments for the sale, repair, or exchange of goods, wares, food, merchandise, or services.

(b) Notwithstanding the foregoing, a person is not acting as a peddler under any of the following circumstances:

- (1) He is responding to a prior request from the person being contacted;
- (2) He is contacting only members of the same entity, group, or organization on whose behalf he is peddling;
- (3) He is making a delivery of goods, wares, food, or merchandise which has previously been ordered;
- (4) He is engaged in commercial sales to a commercial business on behalf of a manufacturer, wholesaler, distributor, or other supplier; or
- (5) He is engaged solely in canvassing.

(c) No person shall either engage in business as a peddler or, as the employee of another for such purpose, act as a peddler within the Village of New London, without having obtained a license issued by the Village Police Chief or his designee.

(d) Application for a license to act as a peddler shall be filed with the Village Police Chief by the individual requesting license as a peddler or by the seller he represents, on a form to be furnished by the Police Chief, which shall require the following information:

- (1) Name of the applicant;
- (2) If the applicant is an individual, a physical description of the individual;
- (3) The applicant's Social Security number or federal identification number;
- (4) The name and address of the person by whom the applicant is employed or for whom he is peddling if any, and the length of the applicant's service for that employer;
- (5) The name(s) and address(es) of all the persons who will be peddling pursuant to this license;
- (6) The nature and character of the goods to be sold or services to be furnished by the peddler;
- (7) A statement as to whether any individual to be covered by the license has ever been convicted of a felony or a misdemeanor involving moral turpitude, including the date and place of conviction; and
- (8) Two copies of a current photograph, approximately 2" x 2", of each individual to be covered by the application.

(e) The Police Chief shall issue a license to each individual covered by the application within seventy-two hours of the receipt of a completed application unless he determines that the application is incorrect in some respect material to that individual, that the applicant proposes to engage in unlawful activity, or that he has reason to believe that a clear and present danger to the residents of the Village would exist through the issuance of a license to a specific applicant. If the application is to cover more than one individual, a separate license will be required by each such individual, and may be issued based on a single application. The filing fee for each license shall be paid before the license is issued. The license shall bear the photograph of the individual to whom it is issued and shall not be transferable.

- (f) The filing fee for licenses shall be as follows:
- (1) For the initial application and one individual license thereunder, ten dollars (\$10.00);
 - (2) For subsequent licenses issued in connection with an application on behalf of more than one individual, five dollars (\$5.00) per individual.

(g) A peddler shall have his license with him at all times that he is engaged in peddling within the Village, and shall display it on the request of any individual from whom he is soliciting.

(h) A license shall expire one year from its issuance.

(i) No person shall act as a peddler in activities at dwelling houses, at businesses, or on sidewalks or streets of the Village, between the hours of 9:00 p.m. and 9:00 a.m. (Ord. 2009-24. Passed 10-12-09.)

721.02 CANVASSERS.

(a) "Canvasser," as used in this chapter, means any person who is at least eighteen years of age, who goes from house to house or from place to place through the streets of the Village, and who solicits funds through donations for the benefit of any patriotic, philanthropic, social service, welfare, eleemosynary, benevolent, educational, charitable, civic, fraternal, veterans', social research, political, or religious purpose.

Notwithstanding the foregoing, a person is not acting as a canvasser under any of the following circumstances:

- (1) He is responding to a prior request from the person being contacted;
- (2) He is contacting only members of the same entity, group, or organization on whose behalf he is canvassing.
- (3) He is making a delivery of goods, wares, food, or merchandise which has previously been ordered;
- (4) He is engaged in commercial sales to a commercial business on behalf of a manufacturer, wholesaler, distributor, or other supplier; or
- (5) He is simultaneously licensed as a peddler.

(b) No person shall either engage in business as a canvasser or, as the employee of another for such purpose, act as a canvasser within the Village, without having registered with the Village Police Chief or his designee.

(c) Registration to act as a canvasser shall be filed with the Village Police Chief by the individual intending to act as a canvasser or by the organization he represents, on a form to be furnished by the Police Chief, which shall require the following information:

- (1) Name of the organization for which contributions will be solicited and one of that organization's officers;
- (2) The nature or purpose of the organization;
- (3) The name, address, and telephone number of the person in charge of the canvassing activity;
- (4) The name and address of the person(s) who will be doing the canvassing;
- (5) The length of time during which the canvassing will be conducted.

(d) The Police Chief shall issue a certificate to the organization or individual covered by the registration within seventy-two hours of the receipt of a completed application unless he determines that the application is incorrect in some material respect.

(e) A canvasser shall have with him at all times that he is engaged in canvassing within the Village, and shall display on the request of any individual from whom he is soliciting, the following:

- (1) A legible copy of the pertinent certificate of registration; and
- (2) An identification card, bearing a current photograph of the individual, and issued by the organization on whose behalf he is canvassing, identifying the individual as an authorized representative.

(f) A registration shall expire at the conclusion of the period designated in the application, or in one year, whichever is sooner.

(g) No person shall act as a canvasser in activities at dwelling houses, at businesses, or on sidewalks or streets of the Village, between the hours of 9:00 p.m. and 9:00 a.m. (Ord. 2009-24. Passed 10-12-09.)

721.03 TEMPORARY STORES.

(a) "Temporary store", as used in this chapter, means any public or quasi-public place, including but not limited to any hotel room, rooming house, storeroom, building, or part of a building, that is temporarily being occupied for the purpose of making retail sales to the public, provided that it shall not include a portion of a permanent residence which has been occupied for more than six months or a place of business which has been in continuous use by the same person or firm for more than six months.

(b) No person shall engage in the sale of goods, wares, merchandise, property, or services, from a temporary store within the Village, without having obtained a license issued by the Village Police Chief or his designee.

(c) Application for a license to operate a temporary store shall be filed with the Village Police Chief by the individual requesting, on a form to be furnished by the Police Chief, which shall require the following information:

- (1) Name and address and telephone number of the applicant;
- (2) Location of the temporary store;
- (3) The applicant's Social Security number or federal identification number;
- (4) The nature and character of the goods to be sold or services to be furnished at the temporary store;
- (5) Evidence that the applicant has authority to occupy the temporary store;
- (6) Anticipated number of employees;
- (7) Dates and hours of operation;
- (8) A statement as to whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude, including the date and place of conviction; and
- (9) Two copies of a current photograph, approximately 2" x 2", of each individual managing or operating the temporary store.

(d) The Police Chief shall issue a license to the applicant within ten days of the receipt of a completed application unless he determines that the application is incorrect in some material respect, that the applicant proposes to engage in unlawful activity, or that he has reason to believe that a clear and present danger to the residents of the Village would exist through the issuance of a license. The filing fee for the license shall be paid before the license is issued. The license shall bear the photograph of the individual identified as the manager or operator.

(e) The filing fee for licenses shall be twenty-five dollars (\$25.00).

(f) A temporary store shall have its license displayed in a conspicuous place at all times.

(g) A license shall expire on the date requested in the application or one year from its issuance, whichever is earlier.

(h) No temporary store shall be located so as to interfere with any portion of the premises set aside for required parking other lawful uses on the property, or so as to breach any applicable setback or lot use requirements; and no merchandise shall be stored or displayed more than twenty-five feet from the primary structure on the lot where the temporary store will be located. (Ord. 2009-24. Passed 10-12-09.)

721.04 APPEALS.

Any person who has been denied a license or certificate of registration pursuant to the requirements of this chapter may appeal by submitting a written notice of appeal to the Village Clerk-Treasurer within five days after issuance of the denial. In such case, the Council may approve, disapprove, or modify the Police Chief decision and shall take action with respect to the appeal within thirty days after filing of the notice with the Clerk-Treasurer, thereafter, the applicant may appeal according to state law.

(Ord. 2009-24. Passed 10-12-09.)

721.05 YARD SALES.

(a) As used in this section, a "yard sale" means an offering for sale of miscellaneous items of personal property at a residence, whether displayed in the yard, within a porch, and/or within a garage, where the sale is incidental to the use of the premises as a residence and the sale is not conducted as a year-round or regular business.

(b) Yard sales shall only be conducted within the Village according to the following restrictions:

- (1) A yard sale shall continue for no more than a period of five consecutive days;
- (2) There shall be no more than two yard sales conducted at any one residence per calendar year;
- (3) There shall be a period of at least thirty days between conducting yard sales at a residence;
- (4) Yard sales shall only be conducted for the periods of May 1 through September 30 in each calendar year.

(c) A person who violates this section shall be guilty of a minor misdemeanor. (Ord. 2012-40. Passed 11-12-12.)

721.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six month, or both. Each day's continued violation of any provision of this chapter shall constitute a separate offense.

(Ord. 00-16. Passed 10-24-00.)

