

CODIFIED ORDINANCES OF PATASKALA
PART SEVEN - BUSINESS REGULATION CODE

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CODIFIED ORDINANCES OF PATASKALA
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 711
Amusement Devices

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CROSS REFERENCES

Gambling - see GEN. OFF. Ch. 517

Slugs - see GEN. OFF. 545.11

Tampering with coin machine - see GEN. OFF. 545.12

711.01 DEFINITIONS.

(a) “Exhibitor” means any person owning and exhibiting or contracting or permitting any mechanical amusement device, as defined in subsection (b) herein to be installed, used and exhibited in his own place of business irrespective of the ownership of such device.

(b) “Mechanical or electrically operated amusement device” means any machine, device or instrument which upon the insertion of a coin, token or slug, operates, or may be operated for use as a game, contest of skill or amusement of any description which in no way tends to encourage gambling. It does not include merchandise vending machines or musical machines.

(c) “Owner” means any person having title or legal rights to any mechanical amusement device, or amusement arcade as herein defined.
(Ord. 81-932. Passed 12-7-81.)

711.02 LICENSE REQUIREMENTS.

(a) No exhibitor, owner or other person, shall install or permit the use of any mechanical amusement device, without first obtaining an exhibitor's license and registration therefor from the City Administrator.

(b) No exhibitor, owner or other person having an interest in said license, mechanical or electrically operated device, shall be issued a license if they have been convicted in this State or any State of the United States of a crime of violence or moral turpitude.
(Ord. 81-932. Passed 12-7-81.)

711.03 APPLICATION REQUIREMENTS.

Every applicant desiring to obtain any exhibitors license or licenses shall file with the City Administrator a written application stating the full name and address, including street and number of the applicant, or if more than one person, or if an association or firm, the full names of all parties interested, and their addresses including street and number. If the applicant is a club, society or corporation, the application shall contain a complete list of the officers of such club, society or corporation, with their names and addresses, including street and number, and shall also give the state in which the club, society or corporation is organized, and the names and addresses of one or more persons whom the club, society or corporation desired to designate as its manager or managers, person or persons in charge. The applicant shall also set forth the name and address of the statutory agent when applicable. The application must also state the following:

- (a) The number of coin-operated machines to be exhibited;
- (b) The address of which the devices are to be maintained;
- (c) The serial numbers, manufacturer and name of each device;
- (d) Whether the applicant has ever been engaged in operating an amusement arcade and when, where and how long in each place within five years preceding the date of application; and
- (e) The Social Security number of all parties having an interest in said license, mechanical or electrically operated device.

Upon receipt of the appropriate application and fee, the City Administrator shall refer the application to the Chief of Police who shall conduct an investigation of the application and the premises to include the proposed coin-operated amusement devices. If the Chief of Police finds that the application information is in order and that the premises and devices are in compliance with law, he shall place an appropriate designation on each machine and shall so report to the City Administrator. The City Administrator shall then issue the appropriate license(s) and the date of inspection shall be placed on the license. The Chief of Police shall make one or more additional inspections each licensed year.
(Ord. 81-932. Passed 12-7-81.)

711.04 FEES.

The fees for licenses and registration shall be paid at the time of the issuance and shall be fifty dollars (\$50.00) for one and up to, and including, four coin-operated amusement devices per year. Twenty-five dollars (\$25.00) shall be charged for each such additional device beyond four devices per year. (Ord. 2003-3480. Passed 4-21-03.)

711.05 FEE EXEMPTION.

No license fee shall be charged for coin-operated amusement devices exhibited or operated solely for the benefit of a charitable, benevolent, religious or eleemosynary institution. (Ord. 81-932. Passed 12-7-81.)

711.06 TRANSFERABILITY.

The license and registration required by this chapter shall not be transferable to any other person, except that if one device is removed from the licensed premises the Chief of Police upon notification shall issue an additional designation to the replacement device. (Ord. 81-932. Passed 12-7-81.)

711.99 PENALTY.

Any person operating in violation of the provisions of this chapter is guilty of a minor misdemeanor for a first offense. For a second or subsequent offense such person is guilty of a misdemeanor of the fourth degree. In addition thereto, two or more violations within a one-year period shall constitute valid grounds for revocation of the license. A separate offense shall be deemed committed each day during on or which an offense occurs or continues. (Ord. 81-932. Passed 12-7-81.)

CHAPTER 713
Amusement Arcades

713.01	Purpose and findings.	713.11	Operation of arcade.
713.02	Definitions.	713.12	License revocation.
713.03	Operation; license required.	713.13	Revocation process.
713.04	Application information.	713.14	Transfer of license.
713.05	Corporations, trusts and partnerships.	713.15	Appeal.
713.06	Affidavit required.	713.16	Inspection.
713.07	License issuance; effective period; fee.	713.17	Nuisance.
713.08	License administration.	713.18	Effect of partial invalidity.
713.09	Approval.	713.99	Penalty.
713.10	License validity and display.		

713.01 PURPOSE AND FINDINGS.

(a) Purpose. That the purpose of this chapter is to establish reasonable and uniform regulations to minimize and control the negative effects of amusement arcades within the City in order to promote the health, safety, and welfare of the citizens of the City. It is not the purpose or intent of this chapter to restrict or deny access to recreational and skill-based amusement machines.

(b) Findings. The State of Ohio currently allows certain games of skill while games of chance are deemed illegal. It is the specific finding that games of skill operated electronically, may easily be altered to be illegal games of chance. Further, the City has a duty to its citizens to require businesses open to the public to maintain ingress and egress, to maintain adequate security where a considerable volume of cash is transacted, and otherwise operate within the bounds of the law. (Ord. 2007-3781. Passed 7-16-07.)

713.02 DEFINITIONS.

As used in this chapter, except where the context clearly indicates a different meaning:

- (a) “Amusement arcade” means any place of business where one or more skill-based amusement machines are located for the use or entertainment of persons patronizing the place of business.
- (b) “Skill-based amusement machine” means a skill-based amusement device, such as a mechanical, electronic, video, or digital device, or machine, whether or not the skill-based amusement machine requires payment for use through a coin or bill validator or other payment of consideration or value to participate in the machine’s offering or to activate the machine, provided that all of the following apply:
 - (1) The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, or tournament.
 - (2) The outcome of an individual’s play and participation is not determined largely or wholly by chance. For purposes of this Chapter, “largely or wholly” means at least by fifty-one percent (51%).
 - (3) The outcome of play during a game is not controlled by a person not actively participating in the game.
 - (4) The machine charges a price for a task, game, play, contest, competition, or tournament.

All of the following apply to any machine that is operated as described in subsection (b) hereof:

 - A. As used in this chapter, “task,” “game,” and “play” mean one event from initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single task, game, play, contest, competition, or tournament may be awarded prizes of cash payments or for the value of winnings, credits, rewards or prepayments based on the results of play, the prizes or rewards shall be established prior to the individual placing the wager, and the individual shall be aware of what prize or reward will occur before the start of play.
 - B. Advance play for a single task, game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single non-contest, competition, or tournament play.
 - C. To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending and is open to participants in competition for scoring and ranking results toward the awarding of prizes without the payment of additional consideration.
 - (5) No machine shall have a guessing game at the end of a successfully completed task, game, play, contest, competition, or tournament.

“Amusement device” does not include vending machines, pinball machines, or other arcade games that do not pay out cash or similar credits for the value of winnings, credits, rewards, or prepayments.
- (c) “Game machine” means any skill based amusement device.

- (d) “Good moral character” means not having been convicted of a crime involving moral turpitude within five years preceding the date of this application.
- (e) “Malfunction” means failure to operate in accordance with design.
- (f) “Moral turpitude” means a conviction for a theft offense, fraud, falsification, drug offense, or an offense involving gambling, or a felony.
- (g) “Operator” means any individual, corporation, or other entity conducting the business of an amusement arcade.
- (h) “Owner” means any individual, corporation or other entity owning title to any amusement device or the real property at which an amusement arcade is operated.
- (i) “Playing area” means that portion of the premises where the primary use is for customer play on amusement devices.
(Ord. 2007-3781. Passed 7-16-07.)

713.03 OPERATION; LICENSE REQUIRED.

(a) No individual, corporation, or other entity shall be an operator of an amusement arcade at any place of business unless such operator holds a valid amusement arcade license for the place of business where such amusement arcade is operated, issued by the City.

(b) No individual, corporation, or other entity shall permit or cause to be permitted any skill based amusement machine, game machine, or amusement device to be operated, placed into operation, moved onto the area of play, or played, without a current and valid license issued by the City for that machine displayed thereon.

(c) No individual, corporation, or other entity shall play any amusement device unless it is validly licensed by the City. (Ord. 2007-3781. Passed 7-16-07.)

713.04 APPLICATION INFORMATION.

The original and renewal application for an amusement arcade license and the license for each skill-based amusement machine, game machine, or an amusement device shall be upon a form prescribed by the City Administrator and shall set forth therein information such as the name and address of the operator, the address of the place of business which is to be the licensed amusement arcade, the year for which the license is sought, the number of skill-based amusement machines or amusement devices located at such place of business, the name and address of the owner of each machine, a detailed explanation of the machine operation, applicable software license authorization, player skills, and training required qualifying each machine as a game of skill, and such other information as the City Administrator reasonably requires. The application shall be signed by the operator in whose name the City licenses are to be issued as well as the owner of the real property. (Ord. 2007-3781. Passed 7-16-07.)

713.05 CORPORATIONS, TRUSTS AND PARTNERSHIPS.

(a) If the operator filing the application for a license under this chapter is a corporation, the application shall list the names and addresses of all officers and directors and any individual, corporation or other entity owning twenty-five percent (25%) or more of the issued and outstanding shares of every class of stock of such corporation.

(b) If the operator filing the application for a license is a partnership, the application shall list the names and addresses of all partners.

(c) If the operator filing the application for a license is a trust, the application shall list the names and addresses of all trustees and/or co-trustees.

(d) The listing required of any corporation, partnership, or trust shall be repeated and further repeated for any corporation, partnership or other entity who or which appears as a shareholder, trustee, co-trustee, or partner on the application.
(Ord. 2007-3781. Passed 7-16-07.)

713.06 AFFIDAVIT REQUIRED.

The application for a license under this chapter shall be submitted on the forms provided by the City Administrator and be accompanied by an affidavit attesting that the operator and all employees and agents of the operation have not been convicted of a crime of moral turpitude. No person shall swear falsely in any affidavit required to be filed under this section.
(Ord. 2007-3781. Passed 7-16-07.)

713.07 LICENSE ISSUANCE; EFFECTIVE PERIOD; FEE.

The City Administrator is hereby authorized to issue amusement arcade licenses and amusement and/or game machine licenses for machines that pay cash prizes or produce a ticket or card that may be exchanged for cash, or cash equivalents, in such form as he or she determines to be appropriate, for a period of up to one year, upon satisfaction of the following conditions

- (a) The operator of the amusement arcade has properly filed the application required by this chapter. The owner of the game machines and the real property owner shall sign the application;
- (b) A fee of one thousand dollars (\$1,000) per arcade location per year has been paid;
- (c) A fee of one hundred dollars (\$100.00) per machine per month has been paid in advance annually;
- (d) The operator or any employee of the operator has not been convicted of a crime of moral turpitude within the last five years;
- (e) The City Administrator has determined that no other reasonable cause exists to deny issuance of such license;
- (f) Compliance with Section 713.09;
- (g) License fees are non-refundable except upon approval of the Council.
(Ord. 2007-3781. Passed 7-16-07.)

713.08 LICENSE ADMINISTRATION.

(a) It shall be the duty of the City Administrator, or his or her designee, to administer the licensing regulations of this chapter.

(b) The City Administrator, or his or her designee, is hereby empowered to adopt and enforce such rules and regulations relating to any matter or thing pertaining to the issuance, administration, and enforcement of this chapter.

(c) The burden shall rest on the owner, applicant, operator, and/or agent of the operator, owner, or applicant to timely produce the complete, accurate, and true records, documents, program source codes, or other data objects necessary to substantiate the licensing requirements of this chapter. Absent such substantiation, the decision of the City Administrator shall be final subject to Section 713.15.

(d) A license shall be issued within forty-five days of receipt of complete application and compliance with this Chapter.

(e) No arcade license shall be issued until all individual skill-based amusement machines or amusement devices are licensed.
(Ord. 2007-3781. Passed 7-16-07.)

713.09 APPROVAL.

Each applicant, within forty-five days of submitting an application for an amusement arcade license, shall submit the following to the City Administrator:

- (a) A report prepared in accordance with the protocol established by the Attorney General of the State of Ohio stating that the specific amusement device, including but not limited to the source code, has been tested and examined under the requirements of the Ohio Revised Code and the specific amusement device is largely or wholly a game of skill.
- (b) Evidence of statutory enactment by the State of Ohio that the device is within the class of approved devices established as permissible within the State
- (c) A report must be prepared for each amusement device to be licensed.
(Ord. 2007-3781. Passed 7-16-07.)

713.10 LICENSE VALIDITY AND DISPLAY.

Each license under this chapter shall be valid for only so long as the amusement arcade is operated by the operator listed on such license, at the place of business listed thereon. Each skill-based amusement machine and/or amusement device shall be valid for operation or use only so long as the game machine and/or amusement device has displayed on it a current license, or until the license is revoked by the City or until such machines are determined to be games of chance or otherwise deemed illegal by the State of Ohio or a court of competent jurisdiction.
(Ord. 2007-3781. Passed 7-16-07.)

713.11 OPERATION OF ARCADE.

- (a) No person under the age of eighteen years shall be permitted on the premises.
- (b) No doors shall be locked preventing ingress or egress by members of the public while patrons are on the premises.
- (c) The operator shall adopt and enforce a no loitering policy on the premises.
- (d) The premises of every amusement arcade shall be equipped with exterior lighting of sufficient intensity to illuminate every means of ingress and egress and adjacent parking areas.
- (e) Each arcade shall be maintained so that it is handicap accessible throughout.
- (f) The operator shall maintain a record of each machine taken out of play for any reason, including but not limited to, machine malfunction. The record shall include, but not be limited to the following: name of operator taking the device out of play; name and address of player who last played; the amount reflected as won but not paid or lost by the arcade; a description of the malfunction; a description of how the game machine was designed to operate; time and date of removal from play; make, model, and serial number of the game machine. Said record shall be maintained on the premises for at least two years from the date of removal. Further, the record shall be available for inspection to the City Administrator, his or her agents, and designees during regular business hours.

(g) Each operator shall maintain a record of the full name, address, telephone number, date, tax identification number, and gross value amount for each player receiving consideration or anything of value exceeding two hundred dollars (\$200.00). This record shall be filed with the City Administrator for the City at least quarterly. Further, such record shall be available for inspection by the City Administrator, his or her agents, and designees during regular business hours for a period of two years.

(h) Each operator shall clearly post in a conspicuous place all circumstances in which a player may not “cash out,” be reimbursed, or receive cash payments for the value of winnings, credits, rewards, or prepayments.

(i) All on premises food service shall comply with state and local health regulations.

(j) Each operator shall conspicuously display by posting with each skill-based amusement machine the established prize or reward for each play. This information shall be posted so that the player can observe it prior to and during play.

(k) Each operator shall make available and have on display forms as prescribed by the City Administrator for the recovery of losses pursuant to Ohio R.C. Chapter 3763.

(l) No weapons, firearms, or dangerous ordnances are permitted on the premises.
(Ord. 2007-3781. Passed 7-16-07.)

713.12 LICENSE REVOCATION.

It shall be cause for revocation of any license required under this chapter, by the issuing authority, or for non-renewal of such license, for an operator or operator’s officers, directors, agents, or employees, trustee, twenty-five percent (25%) of the shareholders of an operator, or for any other person to:

- (a) Operate an amusement arcade without a valid license;
- (b) Operate or permit to be operated an amusement device or game machine without a valid license for that machine or device;
- (c) Fail to display any license required by this chapter;
- (d) Provide any false or misleading information in the material submitted during the application process;
- (e) Permit any violation of:
 - (1) An ordinance or regulation of the City or the County, including but not limited to the rules of the Department of Health; or
 - (2) Statute of the State for which a criminal penalty may be invoked.
- (f) Knowingly allow gambling on the premises;
- (g) Transfer or alter any license issued under this chapter;
- (h) Failure to comply with any provision in this chapter;
- (i) Be convicted of a crime involving moral turpitude.
(Ord. 2007-3781. Passed 7-16-07.)

713.13 REVOCATION PROCESS.

(a) The City Administrator shall notify the licensee in writing, at the address of the amusement arcade, of the reason for revocation. Service shall be made by regular first class mail with proof of service or personally.

(b) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days elapsed since the date the revocation became effective.

(Ord. 2007-3781. Passed 7-16-07.)

713.14 TRANSFER OF LICENSE.

(a) An amusement arcade license is not transferable from one licensee to another or from one location to another. Any purported transfer of an amusement arcade license shall automatically and immediately revoke that license.

(b) A skill-based amusement machine or amusement device license is not transferable from one machine or device to another or to a machine or device moved to a different location. Such transfer of a license shall automatically and immediately revoke that license.

(Ord. 2007-3781. Passed 7-16-07.)

713.15 APPEAL.

Any licensee may appeal the decision of the City Administrator for the denial of the issuance of a license, the denial of a renewal of a license, or the revocation of a license. An appeal must be filed within ten days of notice of non-issuance, in writing, to City Council stating the reason for the appeal. (Ord. 2007-3781. Passed 7-16-07.)

713.16 INSPECTION.

(a) The Police Department shall, from time to time, inspect that portion of the arcade business open to the public and licensed hereunder in order to assess the compliance with the provisions of this chapter.

(b) The Fire Marshal and/or Zoning Inspector shall, from time to time, inspect that portion of the arcade open to the public and licensed hereunder in order to assess compliance with all applicable Fire, Building, and Zoning Code regulations.

(Ord. 2007-3781. Passed 7-16-07.)

713.17 NUISANCE.

A violation of this chapter shall constitute a nuisance and is subject to civil proceedings, including an injunction, in addition to prosecution for criminal violations of the State of Ohio and the Codified Ordinances of the City.

(Ord. 2007-3781. Passed 7-16-07.)

713.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection, or clause of this chapter shall be deemed unconstitutional or otherwise invalid, the validity and enforcement of the remaining sections, subsections, and clauses shall not be affected. (Ord. 2007-3781. Passed 7-16-07.)

713.99 PENALTY.

Whosoever violates or fails to comply with any of the provisions of this chapter, for which no penalty is otherwise provided, is guilty of a second degree misdemeanor and shall be subject to the penalties set forth in Section 501.99. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

(Ord. 2007-3781. Passed 7-16-07.)

CHAPTER 715
Licensing of Medical Marijuana Facilities

<p>715.01 Definitions.</p> <p>715.02 Applicability.</p> <p>715.03 Local provisional license required.</p> <p>715.04 Local provisional license application.</p> <p>715.05 Local provisional license approval.</p> <p>715.06 Local operating license required.</p> <p>715.07 Local operating license application.</p> <p>715.08 Local operating license approval.</p> <p>715.09 Local operating license renewal.</p> <p>715.10 Local operating license renewal approval.</p>	<p>715.11 Validity of local provisional and local operating licenses.</p> <p>715.12 Medical marijuana entity consent.</p> <p>715.13 Notification.</p> <p>715.14 Violation.</p> <p>715.15 Notice of violation.</p> <p>715.16 Suspension of licenses.</p> <p>715.17 Revocation of licenses.</p> <p>715.18 Ceasing of operations.</p> <p>715.19 Right to appeal.</p> <p>715.20 Limitation of medical marijuana entities.</p> <p>715.21 Penalty.</p>
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CROSS REFERENCES

Drug abuse - see GEN. OFF. Ch. 513
Zoning regulations - see P. & Z. Ch. 1299

715.01 DEFINITIONS.

Cultivator: An individual, corporation, business association or other business entity that grows, harvests, packages, and/or transports medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code.

Dispensary: An individual, corporation, business association or other business entity that sells medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code.

Local Provisional License: a temporary license issued by the City of Pataskala to a medical marijuana entity that establishes conditions that must be met by the medical marijuana entity before a local operating license is issued.

Local Operating License: a license issued by the City of Pataskala to a medical marijuana entity. A medical marijuana entity shall not operate within the City of Pataskala without a valid local operating license.

Marijuana: All parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

Medical Marijuana: Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

Medical Marijuana Entity: A medical marijuana cultivator or processor as authorized by Chapter 3796 of the Ohio Revised Code.

Processor: An individual, corporation, business association or other business entity that manufactures medical marijuana products as authorized by Chapter 3796 of the Ohio Revised Code.

Testing Laboratory: An individual, corporation, business association or other business entity that conducts medical and scientific research on marijuana as authorized by Chapter 3796 of the Ohio Revised Code.

Prohibited Facility: A schools, church, public library, public playground, or public park.

Valid: Not expired, suspended, or revoked.
(Ord. 2017-4291. Passed 7-24-17.)

715.02 APPLICABILITY.

No medical marijuana entity shall operate in the City of Pataskala unless the medical marijuana cultivator or processor possesses a valid local operating license pursuant to this chapter and a valid state certificate of operation from the Ohio Department of Commerce.
(Ord. 2017-4291. Passed 7-24-17.)

715.03 LOCAL PROVISIONAL LICENSE REQUIRED.

A medical marijuana entity seeking to obtain a local operating license under this chapter must first apply for a local provisional license. A medical marijuana entity may not receive a certificate of compliance unless, at the time such documents are issued, the entity possesses a valid provisional license. (Ord. 2017-4291. Passed 7-24-17.)

715.04 LOCAL PROVISIONAL LICENSE APPLICATION.

An application for a local provisional license shall be made to the City Administrator or his/her designee and shall include the following:

- (a) The legal name of the applicant
- (b) The type of business organization of the applicant, such as individual, corporation, partnership, limited liability company, association, cooperative, joint venture, or any other business organization.

- (c) Confirmation that the applicant is registered with the Ohio Secretary of State as the type of business submitted pursuant to this rule, a certificate of good standing issued by the Ohio Secretary of State, and a copy of the applicable business documents governing the operations and administration of the business.
- (d) The mailing address, email address, and phone number of the applicant, if the applicant is an individual, or the name, mailing address, email address, and phone number of a designated representative of the applicant, if the applicant is not an individual.
- (e) If the applicant is currently, was previously, or has applied to be licensed or authorized in another state or jurisdiction to cultivate or process medical marijuana in any form, the following shall be required:
 - (1) A copy of each such licensing and/or authorizing document verifying licensure in that state or jurisdiction.
 - (2) A statement granting permission to contact the regulatory agency that granted the license, accompanied by the contact information, to confirm the information contained in the application.
 - (3) If the applicant was ever warned, fined, denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a written statement that the applicant was so licensed and was never warned, fined, denied, suspended, revoked or otherwise sanctioned. This includes notification of any pending proceedings regarding warnings, fines, denials, suspensions, revocations, or other sanctions.
- (f) With respect to any person presently or previously associated with the applicant, any instance in which such person managed or served on the board of a business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding in connection with such management or service, as well as information regarding the association between such person and the applicant.
- (g) The proposed physical address of the applicant's medical marijuana entity and confirmation that the property is properly zoned for such use.
- (h) A location area map of the area surrounding the proposed medical marijuana entity that establishes that the parcel on which the proposed facility will be located is at least 1,000 feet from the boundaries of a parcel having located upon it a prohibited facility as defined by Section 715.01.
- (i) A disaster plan, in addition to any state requirements, that will be implemented in case of fire, flood, tornado, or other disaster to include the following:
 - (1) The methods and procedures to be followed by owners and operators of the medical marijuana entity and by local emergency responders in the case of a disaster.
 - (2) The designation of a medical marijuana entity coordinator for the facility and identification of the heads of the emergency response organizations.
 - (3) An identification of procedures for reliable, effective, and timely notification and communication among emergency responders in the event of a disaster.
 - (4) The development of methods and schedules for exercising the plan.
 - (5) Other information determined to be necessary by the City Administrator or his/her designee.

- (j) A security plan to be reviewed and approved by the Pataskala Police Department.
- (k) Any additional information determined to be necessary by the City Administrator or his/her designee.
- (l) A non-refundable application fee of \$1,500.
(Ord. 2017-4291. Passed 7-24-17.)

715.05 LOCAL PROVISIONAL LICENSE APPROVAL.

An application for a local provisional license shall be granted on approval of City Council by resolution only after meeting all requirements of Sections 715.02 thru 715.04, except as otherwise provided in this Chapter. Within one (1) year of receiving a local provisional license, a medical marijuana entity may apply for a local operating license. If a medical marijuana entity possessing a local provisional license has not applied for a local operating license within one (1) year, the local provisional license will expire and a medical marijuana entity seeking a local operating license will first need to submit a new application for a local provisional license.

(Ord. 2017-4291. Passed 7-24-17.)

715.06 LOCAL OPERATING LICENSE REQUIRED.

No medical marijuana entity may operate within the City of Pataskala without a valid local operating license. (Ord. 2017-4291. Passed 7-24-17.)

715.07 LOCAL OPERATING LICENSE APPLICATION.

An application for a local operating license shall be made to the City Administrator or his/her designee and shall include the following:

- (a) A copy of the provisional license application by the medical marijuana entity to the Ohio Department of Commerce under Chapter 3796 of the Ohio Revised Code
- (b) A copy of the provisional license granted by the Ohio Department of Commerce under Chapter 3796 of the Ohio Revised Code to the medical marijuana entity at the address at which the facility is to be located.
- (c) Confirmation that the medical marijuana entity is conforming to all requirements under this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code.
- (d) Confirmation that the Pataskala Police Department has inspected the facility and approved security arrangements.
- (e) Any additional information determined to be necessary by the City Administrator or his/her designee.
- (f) A non-refundable application fee of \$5,000.
- (g) A copy of the approved State of Ohio certificate of operation/ license.
(Ord. 2017-4291. Passed 7-24-17.)

715.08 LOCAL OPERATING LICENSE APPROVAL.

An application for a local operating license shall be granted on the approval of City Council by resolution, only after meeting all requirements of Sections 715.06 and 715.07 except as otherwise provided in this Chapter. Every local operating license issued by City Council shall expire one (1) year after the date it was approved.

(Ord. 2017-4291. Passed 7-24-17.)

715.09 LOCAL OPERATING LICENSE RENEWAL.

An application to renew a local operating license for a medical marijuana entity shall be submitted to the City Administrator or his/her designee at least 90 days prior to the expiration date of the local operating license. The renewal application shall include the following:

- (a) Confirmation that the medical marijuana entity is conforming to all requirements under this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code.
- (b) A copy of a valid certificate of operation issued by the Ohio Department of Commerce to the medical marijuana entity for the same address.
- (c) Any additional information determined to be necessary by the City Administrator or his/her designee.
- (d) A non-refundable renewal fee of \$5,000.
- (e) A copy of the approved State of Ohio certificate of operation/ license.
(Ord. 2017-4291. Passed 7-24-17.)

715.10 LOCAL OPERATING LICENSE RENEWAL APPROVAL.

An application for a renewal of a local operating license shall be granted on the approval of City Council at their discretion by resolution, except as otherwise provided in this Chapter.
(Ord. 2017-4291. Passed 7-24-17.)

715.11 VALIDITY OF LOCAL PROVISIONAL AND LOCAL OPERATING LICENSES.

Both local provisional licenses and local operating licenses are valid only as to the particular medical marijuana entity listed in the initial provisional license application. If the ownership of a medical marijuana entity changes, requiring a transfer of ownership application to the State of Ohio pursuant to Chapter 3976:2-1-08 of the Ohio Administrative Code, the medical marijuana entity shall notify the City Administrator or his/her designee. If the State of Ohio determines that the proposed ownership changes complies with Chapter 3796:2-1-08, the ownership change shall be permitted by the City of Pataskala under the existing local provisional license or local operating license. If the State of Ohio determines that a new state license application is required under Chapter 3976:2-1-08(B)(1)(d) of the Ohio Administrative Code, then the ownership change shall not be permitted by the City of Pataskala without a new provisional license and a new local operating license. (Ord. 2017-4291. Passed 7-24-17.)

715.12 MEDICAL MARIJUANA ENTITY CONSENT.

As part of the submission of an application that results in the issuance of a local provisional license or a local operating license, a medical marijuana entity irrevocably consents to the following:

- (a) Any inspection by the City of Pataskala or the Pataskala police Department that is deemed necessary to ensure compliance to the medical marijuana entity with this Chapter, Chapter 3796 of the Ohio Revised Code, and Chapter 3796 of the Ohio Administrative Code. An inspection may be conducted with or without notice. During an inspection, a representative of the City of Pataskala or the Pataskala Police Department may:
 - (1) Review and make copies of all records maintained in accordance with rules 3796:2-2-08, 3796:3-2-08, 3796:6-3-18, and 3796:4-2-09 of the Ohio Administrative Code.
 - (2) Enter any area in the facility.
 - (3) Inspect facility vehicles.

- (4) Review the policies and procedures of the medical marijuana entity, including methods of operating.
- (5) Survey the premises and any off-site facilities.
- (6) Inspect all equipment, instruments, tools, materials, machinery, or any other resource used to cultivate or process, medical marijuana.
- (7) Request access to locked areas in the facility.
- (8) Question licensed employees at the location.
- (9) Obtain samples for testing of any medical marijuana at the facility, media used to grow medical marijuana, chemicals and ingredients used in the cultivation process, any labels or containers for marijuana, or any raw packaged medical marijuana.
(Ord. 2017-4291. Passed 7-24-17.)

715.13 NOTIFICATION.

(a) If a medical marijuana entity is subject to any enforcement action by the State of Ohio under Administrative Code Chapter 3796:5-6-01, the medical marijuana entity must immediately notify the City Administrator or his/her designee and provide any relevant information or documentation requested by the City Administrator or their designee.

(b) If a medical marijuana entity or an employee thereof has a reasonable belief that an actual loss, theft, or diversion of medical marijuana or currency over \$100 has occurred, the medical marijuana entity must immediately notify the Pataskala Police Department, and such notification shall be provided no later than 24 hours after the discovery of the loss, theft, or diversion.

(c) If any information related to a medical marijuana entity's local provisional license or local operating license changes, the medical marijuana entity must immediately notify the City Administrator or his/her designee.
(Ord. 2017-4291. Passed 7-24-17.)

715.14 VIOLATION.

If, at any time, the City of Pataskala becomes aware that a medical marijuana entity possessing a local provisional license or a local operating license has engaged in, is engaged in, or is about to engage in any act or practice declared to be prohibited by this Chapter, Chapter 3796 of the Ohio Revised Code, Chapter 3796 of the Ohio Administrative Code, or any other local, state law, rule or regulation, , City Council may do any of the following:

- (a) Refer such violations to the Ohio Department of Commerce
- (b) Issue a warning to the medical marijuana entity, which may include possible corrective action.
- (c) Suspend the license and require any violations to be resolved and corrective actions taken as conditions to the reinstatement of the suspended license.
- (d) Revoke the license.
(Ord. 2017-4291. Passed 7-24-17.)

715.15 NOTICE OF VIOLATION.

(a) A warning, suspension, or revocation issued by City Council under this Chapter shall be served upon the medical marijuana entity at the address for which a local provisional license and local operating license was granted by: personal service; by certified and then regular mail, if necessary; or by posting in a conspicuous location.

(b) Notice by certified mail shall be effective upon acceptance. In the event that notice by certified mail is returned unclaimed or refused, mailing of the notice by regular mail shall be deemed effective upon mailing. Notice by personal service or by posting shall be deemed effective at the time of personal service or posting, respectively. (Ord. 2017-4291. Passed 7-24-17.)

715.16 SUSPENSION OF LICENSES.

(a) Suspension of licenses shall be accomplished only through the procedures outlined in this Section. Suspension shall be accomplished after a public hearing is held thereon by City Council, which hearing shall be held within 30 days after notice is given to the licensee of such hearing, by certified mail and then regular mail, if necessary. The licensee shall have the right to appear at such hearing, to be represented by counsel, and to have the right to examine and cross examine witnesses. Council may suspend a local license for reasons including, but not limited to, loss or expiration of a state certificate of operation/license, ongoing public nuisance issues, events that may harm the safety and health of the public, and illegal activities.

(b) Suspension may take place without a prior hearing if City Council finds clear and convincing evidence that the continued distribution of medical marijuana presents a danger of immediate and serious harm to others. Notice of the suspension shall be made as provided in this Chapter and a hearing on the merits of the suspensions shall take place within five (5) days of the suspension.

(c) The suspension will remain in effect, unless lifted by City Council, pending the results of the hearing. If City Council does not issue an order within 90 days after the hearing, the suspension shall be lifted on the 91st day following the hearing.

(d) As a condition of the reinstatement of a suspended license, City Council may require any violations to be resolved and reasonable corrective actions to be taken. (Ord. 2017-4291. Passed 7-24-17.)

715.17 REVOCATION OF LICENSES.

(a) Revocation of licenses shall be accomplished only through the procedures outlined in this section. Revocation shall be accomplished only after a public hearing is held thereon by City Council, which hearing shall be held within 30 days after notice is given to the licensee of such hearing, by certified mail and then regular mail, if necessary. The licensee shall have the right to appear at such hearing, to be represented by counsel, and to have the right to examine and cross examine witnesses. Council may revoke a local license for reasons including, but not limited to, loss or expiration of a state certificate of operation/license, ongoing public nuisance issues, events that may harm the safety and health of the public, and illegal activities.

(b) If a medical marijuana entity's local provisional license or local operating license is revoked, the medical marijuana entity will coordinate with the City Administrator or their designee and the Ohio Department of Commerce in the closing of the facility as provided for in the Ohio Administrative Code. (Ord. 2017-4291. Passed 7-24-17.)

715.18 CEASING OF OPERATIONS.

A medical marijuana entity must immediately cease operations upon suspension, revocation, or expiration of a local operating license. (Ord. 2017-4291. Passed 7-24-17.)

715.19 RIGHT TO APPEAL.

In the event of a decision or ruling adverse to a licensee or license applicant regarding a denial, revocation, or suspension of a license, the licensee or license applicant shall have the right to appeal such decision and ruling to a court of competent jurisdiction, under authority of and pursuant to the provisions of Chapter 2506 of the Ohio Revised Code. (Ord. 2017-4291. Passed 7-24-17.)

715.20 LIMITATION OF MEDICAL MARIJUANA ENTITIES.

(a) For a period of 36 months following the effective date of this Chapter, City Council shall limit the number of medical marijuana entities to no more than:

- (1) Two (2) Level One medical marijuana cultivators
- (2) Two (2) Level Two medical marijuana cultivators
- (3) Two (2) Level One medical marijuana processors
- (4) Two (2) Level Two medical marijuana processors

(b) After the 36 month period following the effective date of this Chapter has elapsed, City Council shall limit the number of medical marijuana entities to no more than:

- (1) Five (5) Level One medical marijuana cultivators
 - (2) Five (5) Level Two medical marijuana cultivators
 - (3) Five (5) Level One medical marijuana processors
 - (4) Five (5) Level Two medical marijuana processors
- (Ord. 2017-4291. Passed 7-24-17.)

715.21 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a misdemeanor of the first degree. (Ord. 2017-4291. Passed 7-24-17.)

CHAPTER 717
Garage Sales

717.01	Definitions.	717.04	Fee for permit.
717.02	Prohibitions.	717.05	Contents of application for permit.
717.03	Regulation of sales and advertisements.	717.99	Penalty.

CROSS REFERENCES

Theft by deception - see GEN. OFF. 545.05

717.01 DEFINITIONS.

(a) "Garage sale" includes "garage sale", "lawn sale", "porch sale", "attic sale", "rummage sale" and "flea market" conducted by any person, firm or corporation from any lot or land, or by whatever other name the same may be called, and for the sale of tangible personal property, except:

- (1) Auction sales conducted by a licensed auctioneer.
- (2) Sales by established retail establishments holding a vendors license, issued by the Ohio Department of Taxation, where the place of business is permanent or is intended to be permanent.
- (3) Any sale conducted by a non profit corporation or organization as defined by Section 501 of the Internal Revenue Code.
- (4) Any private sale, where the public is not invited, where goods are offered for sale by private showing only by means of a newspaper advertisement commonly called a "want ad".

(b) "Calendar year" means the period of time between January 1 and December 31 of each year.

(c) "Permit premises" means the house address of the residence or other premises for which the license is issued.

(Ord. 77-807. Passed 2-7-77.)

717.02 PROHIBITIONS.

No person, firm or corporation shall conduct a garage sale without having first made an application to the Director of Finance and having paid the required fee therefor at least twenty-four hours prior to the commencement of the sale.

(Ord. 77-807. Passed 2-7-77.)

717.03 REGULATION OF SALES AND ADVERTISEMENTS.

(a) No person shall receive, or make application for any permit premises, of more than two permits, issued in accord with Section 717.02 in any one calendar year.

(b) No garage sale as defined herein shall continue for more than three consecutive days or more than 72 consecutive hours.

(c) All advertising signs shall be limited as follows:

(1) One sign within the permit premises.

(2) Two signs erected other than on the permit premises, none of which shall be erected more than twelve hours prior to the commencement of the sale; and all signs to be removed within twelve hours after the closing of the sale.

(Ord. 77-807. Passed 2-7-77.)

717.04 FEE FOR PERMIT.

The fee for the permit shall be five dollars (\$5.00) and shall be paid to the Director of Finance at the time the application is filed in the Director's office.
(Ord. 77-807. Passed 2-7-77.)

717.05 CONTENTS OF APPLICATION FOR PERMIT.

All applications shall be on forms furnished by the Finance Director and shall contain the following information.

(a) The name of the applicant.

(b) The address of the premises for which a license is sought; and

(c) The time of the proposed sale, including the time of commencement and the time of closing.

(Ord. 77-807. Passed 2-7-77.)

717.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of a minor misdemeanor. (Ord. 77-807. Passed 2-7-77.)

CHAPTER 719
Mobile Food Vendors

<p>719.01 Definitions.</p> <p>719.02 Purpose.</p> <p>719.03 Permitted.</p> <p>719.04 Permit required.</p> <p>719.05 Insurance required for operation.</p> <p>719.06 Permit contents.</p> <p>719.07 General requirements.</p> <p>719.08 Revocation of permit.</p>	<p>719.09 Transfer of permit prohibited.</p> <p>719.10 Outdoor public entertainment activity, licensed mobile food vendors.</p> <p>719.11 Appeals.</p> <p>719.12 Severability.</p> <p>719.13 Enforcement and penalty.</p>
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719.01 DEFINITIONS.

(a) Department of Health: Shall have the same meaning as "licensor" for a mobile vending health license in Ohio Revised Code 3717.01(O).

(b) Food: A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(c) Food Delivery Operation: A food service operation from which food is ordered off-site by a customer, prepared, and delivered to the customer. "Food delivery operation" includes, by way of example and not by way of limitation, pizza delivery, sandwich delivery, restaurant delivery services, or "food delivery sales operations" as defined in Ohio Revised Code 3717.01(H).

(d) Food Service Operation: For the purposes of a mobile food vending license, a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

(e) Food Trailer: Any vehicle without motive power that is designed to be drawn by a motor vehicle and is specifically designed for food vending operations.

(f) Food Truck: A vehicle propelled by an engine which has been specifically designed or used for mobile food vending.

(g) Food Vending Operation: A place location, site or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this subsection "served" means a response made to order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at temperature at which it was received.

(h) Health License: An official document issued by a department of health pursuant to Section 3701 of the Ohio Revised Code. Such document may be either an annual health license or a temporary health license.

(i) Mobile Food Vending Unit: A food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location. For the purposes of a Mobile Food Vendor Permit, "mobile food vending unit" excludes food delivery operation and vending machines, as defined in Ohio Revised Code 3717.01(L).

(j) Mobile Food Vendor: Every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any mobile food vending unit, food trailer or food truck.

(k) Operator: The individual or entity who manages one (1) or more mobile food vending units whether as the owner, an employee of the owner or as an independent contractor.

(l) Permanently Revoke: For the purposes of a mobile food vending license, shall mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.

(m) Public Right of Way: Any property owned by the City of Pataskala, including, but not limited to, any street, road, alley, or sidewalk.

(n) Revoke: shall, for the purposes of a mobile food vending license, shall mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
(Ord. 2017-4297. Passed 11-11-17.)

719.02 PURPOSE.

The purpose of this chapter is to permit Mobile Food Vendors, on a temporary basis, while protecting the health, safety and general welfare of the community.
(Ord. 2017-4297. Passed 11-11-17.)

719.03 PERMITTED.

Mobile Food Vendors shall be permitted in the following zoning districts:

- (a) Professional Research Office District (PRO)
- (b) Downtown Business District (DB)
- (c) Local Business District (LB)
- (d) General Business District (GB)
- (e) Light Manufacturing District (M-1)
- (f) Planned Manufacturing District (PM)

Mobile Food Vendors may be permitted in other zoning districts at the discretion of the City Administrator or their designee.

(Ord. 2017-4297. Passed 11-11-17.)

719.04 PERMIT REQUIRED.

(a) Unless otherwise stated in this chapter, no Mobile Food Vendor shall operate, or cause to be operated, any mobile food vending unit within the limits of the City of Pataskala without first obtaining a Mobile Food Vendor permit issued by the City Administrator or their designee. The mobile food vendor permit shall be valid for a period of 60 days from the date of issuance. A maximum of three (3) Mobile Food Vendor permits shall be issued per Mobile Food Vendor per calendar year.

(b) Unless otherwise stated in this chapter, no Mobile Food Vendor shall operate, or cause to be operated, any mobile food vending unit within the City of Pataskala without a current and valid health license issued in accordance with laws, rules and regulations established in the Ohio Revised Code, and the Ohio Administrative Code.

(c) Nothing in the chapter shall be construed as superseding, supplanting, or otherwise replacing any duty imposed by the Ohio Revised Code Chapter 3701 or 3717, or rules or regulations promulgated thereunder, upon an applicant for a health license, or upon department of health in its responsibilities relative to Mobile Food Vendors.

(Ord. 2017-4297. Passed 11-11-17.)

719.05 INSURANCE REQUIRED FOR OPERATION.

No Mobile Food Vendor shall operate, or cause to be operated, any mobile food vending unit within the City of Pataskala without doing both of the following:

(a) Provide to the City Administrator or their designee a certificate of general liability insurance from an insurance company duly licensed to transact such business in the State or of an insurance company not authorized to transact business in this state, provided such insurance is written through a citizen of this state licensed as provided by Ohio Revised Code Sections 5905.03, et seq., in the amount of no less than the state minimum liability insurance as same is defined by the Ohio Department of Insurance.

(b) Affirm, in writing, that the Mobile Food Vendor will forever indemnify and hold harmless the City of Pataskala and all of its agents, employees, officials (elected and appointed), representatives, and insurance providers from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from operation of a mobile food vending unit in the City of Pataskala.

(Ord. 2017-4297. Passed 11-11-17.)

719.06 PERMIT CONTENTS.

The following items shall be submitted as part of an application for a mobile food vendor permit:

- (a) The mobile food vendor application form provided by the City Administrator or their designee and the proper filing fee.
- (b) A site plan to include the following:
 - (1) A diagram indicating where the mobile food vending unit will park.
 - (2) Dimensions of the mobile food service unit including awnings, canopies and signage.
 - (3) All proposed signage and advertising.
 - (4) The location of parking for patrons.
 - (5) The location of the queue for patrons to line up.
 - (6) The location of all receptacles for trash and recycling.
 - (7) The location of all seating, tables, planters and other accessory items.
- (c) Photographs of the mobile food vendor unit to include details of all signage and menus.
- (d) A copy of the health license pursuant to Section 715.04.
- (e) A copy of the liability insurance for the mobile food service unit pursuant to section 715.05.
- (f) A map indicating the proposed location of where the mobile food service unit will conduct business and, where applicable, written permission from the property owner.
- (g) Other information determined to be necessary by the City Administrator or their designee. (Ord. 2017-4297. Passed 11-11-17.)

719.07 GENERAL REQUIREMENTS.

A Mobile Food Vendor shall abide by all of the following requirements:

- (a) A mobile food vending unit shall not be located in the public right-of-way unless permitted by the City Administrator or their designee.
- (b) A mobile food vending unit shall not cause or allow to be placed or encroach in the public right-of-way any seating, signage, planters, or other temporary structures unless permitted by the City Administrator or their designee.
- (c) All signs and graphics shall be attached to the mobile food vending unit. Free standing or off-premise advertising shall be prohibited.
- (d) A mobile food vendor shall not cause or allow the illegal disposal or release of oils or greases.
- (e) All required City, County and/or State permits shall be clearly displayed on the mobile food vending unit.
- (f) A mobile food vending unit shall be located so that patrons shall be protected by placing the queue in a safe location that does not impede vehicular, bicycle, or pedestrian traffic.
- (g) All cooking and preparation of food shall be conducted within the mobile food vending unit.
- (h) The location of a mobile food vending unit shall have adequate parking so that its operation does not impede vehicular, bicycle or pedestrian traffic or create a safety hazard.
- (i) Alcohol or tobacco shall not be served from a mobile food vending unit.

- (j) The location of a mobile food vending unit shall be kept in a clean and sanitary condition at all times. The mobile food vendor shall have a minimum of one (1) trash receptacle and shall be responsible for the proper disposal of waste and trash associated with the mobile food vending unit. The mobile food vendor shall remove all waste and trash from their location at the end of each day and as needed to maintain cleanliness.
- (k) A mobile food vendor shall not operate between the hours of 11:00pm and 7:00am, unless otherwise permitted by the City Administrator or their designee.
- (l) Any connections for gas, electric and water shall not create a safety hazard nor shall they create a public nuisance.
- (m) All mobile food vending units shall have a minimum of one (1) operable and current fire extinguisher mounted in the cooking area.
- (n) Temporary restroom facilities shall not be permitted as part of the mobile food vendor operation unless permitted by the City Administrator or their designee.
- (o) If at any time the Licking County Health Department revokes, suspends, or provides a notice of deficiency of the Food Service Operation License or Retail Food Establishment license, the mobile food vendor shall cease operation in the City of Pataskala.
- (p) A mobile food vendor shall timely remit all applicable income taxes, income tax returns, and other taxes associated with the operation of a business in the City of Pataskala.
- (q) Refrain from otherwise causing or allowing the operation of a mobile food vending unit in a manner that violates this chapter or other applicable section of the City of Pataskala Code.
- (r) Permanent changes to the site wherein the mobile food vendor is operating shall be prohibited.
- (s) Mobile Food Vendors shall have no inherent rights within the zone in which they locate. (Ord. 2017-4297. Passed 11-11-17.)

719.08 REVOCATION OF PERMIT.

The City Administrator or their designee may revoke, or permanently revoke the permit of any Mobile Food Vendor who engages in any of the following conduct:

- (a) Obtains a license by a false statement in their application.
- (b) Fails to comply with the requirements for Mobile Food Vendors established in this chapter.
- (c) Receives a citation for impeding the flow or operation of pedestrian and vehicle traffic, creating unsanitary conditions, becoming an attractive nuisance for children or any other violation of the City of Pataskala Code.
- (d) Fails to maintain general liability insurance for each mobile food vending unit.
- (e) Is convicted or pleads guilty for any crime committed in or from the mobile food vending unit.
- (f) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of mobile food vending unit owners and employees, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own or work in a mobile food vending unit. (Ord. 2017-4297. Passed 11-11-17.)

719.09 TRANSFER OF PERMIT PROHIBITED.

No permit issued under this chapter shall be transferred or assigned by the named Mobile Food Vendor to any other individual or organization. (Ord. 2017-4297. Passed 11-11-17.)

719.10 OUTDOOR PUBLIC ENTERTAINMENT ACTIVITY, LICENSED MOBILE

FOOD VENDORS.

(a) No Mobile Food Vendor permit shall be required for any Mobile Food Vending Unit that operates exclusively within an Outdoor Public Entertainment Activity permit.

(b) Nothing in this section shall limit periodic inspections by the City of Pataskala or the Licking County Health Department.
(Ord. 2017-4297. Passed 11-11-17.)

719.11 APPEALS.

Any Mobile Food Vendor who has been refused a permit under this chapter or has had a permit issued under this chapter suspended or revoked, may appeal such decision to Council for the City of Pataskala within 30 days of the refusal, suspension or revocation.
(Ord. 2017-4297. Passed 11-11-17.)

719.12 SEVERABILITY.

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.
(Ord. 2017-4297. Passed 11-11-17.)

719.13 ENFORCEMENT AND PENALTY.

(a) The City Administrator or their designee shall determine compliance with the provisions of this chapter.

(b) Whoever violates any section of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offence on each successive day continued. Strict liability is intended to be imposed for a violation of this chapter.
(Ord. 2017-4297. Passed 11-11-17.)

CHAPTER 723
Junk Yards

723.01	Definitions.	723.04	Scrap yard fences.
723.02	Prohibitions.	723.05	Inspections.
723.03	License requirements.	723.99	Penalty.

CROSS REFERENCES

State licensing and required fencing - see Ohio R.C. 4737.05 et seq.
Junk vehicles - see TRAF. 303.09, 303.10

723.01 DEFINITIONS.

As used in this chapter, the following words have the meanings set forth herein for the purpose of definition.

- (a) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, rubber, tires, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale for remelting purposes, and establishment having facilities for processing such materials.
- (b) "Junkyard" or "Scrap Yard" means an establishment or place of business, (not including an establishment having facilities for processing and recycling of iron, steel, nonferrous scraps and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, and of the maintenance or operation of any automobile graveyard including where more than two (2) junk or nuisance motor vehicles, or parts thereof, per Section 303.10 are stored even when concealed by fence or opaque hedges.
- (c) "Fence" means an enclosure at least six feet in height, constructed of nontransparent material, and maintained so as to secure the junk in the enclosure from ordinary view of persons passing upon the streets or from a neighboring property from a vantage point.
(Ord. 2011-4032. Passed 9-6-11.)

723.02 PROHIBITIONS.

No person shall operate or maintain a junk yard within the Municipality unless the person has obtained a license issued under Section 723.03.

No licensee shall maintain or operate a junk yard in violation of the provisions of Section 723.03. (Ord. 2011-4032. Passed 9-6-11.)

723.03 LICENSE REQUIREMENTS.

(a) No person shall operate or maintain a junk or scrap yard without having first obtained a license to do so from the City Administrator.

(b) The fee for license under this section is one hundred dollars (\$100.00). All licenses issued under this section shall expire on the 1st day of January following the date of issue. Licenses shall be renewed from year to year upon the payment of one hundred dollars (\$100.00).

(c) Any license or renewal thereof issued under this section may be revoked by the City Administrator after giving ten day's notice and an opportunity to be heard to show cause why the license should be revoked due to a violation by the licensee or any of his officers, agents or employees.

(d) In the event that the person who seeks a license has been previously refused a license by the county auditor of any county in the State acting under the provisions of Ohio R.C. Chapter 4737, the person shall not be entitled to receive a license within this City.

(e) An application for a license to operate and maintain a junk r scrap yard or for the renewal thereof shall be made in writing, accompanied by the proper fee payable to the City setting forth the name and address of the applicant, the location of the junk or . rap yard, if the applicant is a firm, partnership or association, the names and addresses of each member, if the applicant is a corporation the date and place of incorporation, the names and the addresses of the officers and directors, and such other reasonable information as may be required. The application shall be signed and sworn to by the applicant.
(Ord. 2011-4032. Passed 9-6-11.)

723.04 SCRAP YARD FENCES.

(a) Any fence required to be constructed under the provisions of this chapter shall be neatly constructed, shall be of uniform nontransparent materials throughout and shall be kept in good order and repair and no advertisement shall be permitted thereon other than the name of the person under whose license has been issued and the nature of the business conducted therein. Fencing material that are of composition or condition requiring paint shall maintain such paint in good condition. The paint colors shall blend into the environs of the street right of way.

(b) Piling of materials above the planned height of fencing is prohibited.

(c) Additional plant materials around the fence shall be given proper maintenance to remain in good condition. Dead plant material shall be removed immediately and shall be replaced if it was condition of approval of the facility.

(d) The right to maintain a nonconforming junkyard or scrapyard shall be terminated if for a period of three (3) months the property is void of junk, or if, for a period of six (6) months, there is no additional junk is placed on the site.
(Ord. 2011-0432. Passed 9-6-11.)

723.05 INSPECTIONS.

(a) The Zoning Inspector shall inspect each junk or scrap yard located within this City and for which a license has been issued to obtain information as to whether the licensee's business has been and is being conducted in accordance with the provisions of this chapter. The Zoning Inspector shall submit a written report of such examination to the City Administrator.

(b) The Zoning Inspector shall for the purpose of this examination have access to the grounds and the buildings used in the conduct of the business by the licensee during the regular hours of the licensee. (Ord. 2011-0432. Passed 9-6-11.)

723.99 PENALTY.

(a) Whenever the City Administrator or Law Director is of the opinion that the junk yard is being operated or maintained in violation of any provisions of this chapter, and that corrective action has not been completed within 30 days of notification, they may apply, in the name of the City, to a court of competent jurisdiction alleging violation thereof and praying for an injunction to abate the nuisance, or other proper relief.

(b) Court costs and the costs of abatement and costs to the City for investigation and follow up on the complaint, shall be delivered to the Clerk of Council to make a return to the County Auditor for assessment on the property tax of the parcel or parcels.

(c) Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree for each violation, and each day in which the violation continues shall be deemed to be a separate offense.
(Ord. 2011-0432. Passed 9-6-11.)

CHAPTER 729
Outdoor Public Entertainment Activity

729.01	Definitions.	729.05	Decision by Administrator and review of decision.
729.02	Permit required for outdoor public entertainment.	729.99	Penalty.
729.03	Application for permit.		
729.04	Conditions of permit, performance bond and waiver of bond requirement.		

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
State licensing of portable amusement devices - see Ohio R.C. 1711.11(H)
County license for public shows - see Ohio R.C. Ch. 3765

729.01 DEFINITIONS.

Unless otherwise expressly stated in this chapter, the following terms shall have the meanings provided in this section.

- (a) "Operator" means the person, firm, partnership, corporation, club, society, or other legal entity that operates or supervises any outdoor public entertainment activity or constructs structures incident to outdoor public entertainment.
- (b) "Outdoor public entertainment" means any carnival, fair, festival or similar enterprise which offers to the public, for a fee, any one or combination of: amusement rides; games of chance for which prizes may be awarded; sales of food or beverages; exposition of or offer for sale of goods; entertainment performance or series of performances; or musical concert.
- (c) "Sponsoring agency" means the person, firm, partnership, corporation, club, society or other legal entity that organizes, funds, promotes or sponsors any outdoor public entertainment.
- (d) "Property owner" means the owner or owners of record of the property or properties upon which the sponsoring agency and/or operator wishes to conduct outdoor public entertainment.

(Ord. 2007-3795. Passed 9-4-07.)

729.02 PERMIT REQUIRED FOR OUTDOOR PUBLIC ENTERTAINMENT.

No sponsoring agency, operator, or property owner shall conduct, operate or allow to be conducted or operated any outdoor public entertainment within the City without a permit issued by the City Administrator pursuant to the guidelines that may be established from time to time by the City Council relative to outdoor public entertainment. Guidelines established shall be made available to any interested individual and/or applicant upon request.

(Ord. 2007-3795. Passed 9-4-07.)

729.03 APPLICATION FOR PERMIT.

(a) Application: The sponsoring agency, operator and property owner shall jointly submit an application for a permit to conduct outdoor public entertainment to the City Administrator upon such form or in such manner as may be established by the City which shall, at a minimum, contain the following:

- (1) Proposed date(s) and hours of activity.
- (2) Nature of activity.
- (3) Anticipated level of public attendance if known.
- (4) Name(s) of individual(s) who will be available on the proposed location for the activity during all hours of the activity.
- (5) Extent of law enforcement or other safety force needs anticipated and/or expected along with the name of the contact person at each such office and the details of the arrangements made for such services.
- (6) The date(s) and location(s) of any prior activity conducted, the nature of any complaints received, citations issued and/or actions taken relative to any performance bonds required.
- (7) Name, current address and telephone number of each individual submitting the application on behalf of the Sponsoring agency, operator and property owner.

(b) Application Deadline: Any application for a permit required by this chapter shall be submitted not later than thirty days prior to the dates proposed for the activity as set forth in subsection (a)(1) hereof.

(c) Application Fee: Each application shall include a non-refundable administrative processing fee of twenty-five dollars (\$25.00).
(Ord. 2009-3911. Passed 6-1-09.)

729.04 CONDITIONS OF PERMIT, PERFORMANCE BOND AND WAIVER OF BOND REQUIREMENT.

(a) The City Administrator shall review the application for outdoor activity and, after consulting with such other City officials:

- (1) That the guidelines established by Council would require given the information disclosed by the applicant in Section 729.03(a) hereof, and,
- (2) Such other additional City officials as the Administrator feels appropriate based upon the nature of the application, approve, approve with additional specific conditions or deny an application for outdoor activity.

(b) Every permit issued by the City Administrator shall be limited to the conditions set forth in the permit or document of approval including but not limited to the approved hours of operation, special limitations, or additional requirements such as law enforcement presence and/or other safety force utilization.

(c) Every permit issued, unless a specific waiver has been authorized by the City Administrator as a consequence of the community based nature of the activity, (such as, by way of illustration and not by way of limitation, the annual Community Street Fair, church events, school events and community based not for profit events), shall be conditioned upon the provision by the applicants of a performance bond in the amount of two thousand five hundred dollars (\$2,500) to secure the faithful performance of all of the terms and conditions established relative to the permit.

(d) The failure to comply with the provisions of this chapter or any of the terms and conditions set forth in the permit shall constitute a violation of the Section 729.99 under this Chapter and shall form the basis for an immediate suspension of the permit by the Chief of Police and/or a revocation of the permit by the City Administrator.

(e) Any suspension of a permit issued under this chapter shall be accompanied by a prompt review and determination by the City Administrator as to whether the permit should be subject to revocation with subsequent bond forfeiture proceedings, additional conditions or additional performance bond amounts.
(Ord. 2009-3911. Passed 6-1-09.)

729.05 DECISION BY ADMINISTRATOR AND REVIEW OF DECISION.

(a) The approval, approval with conditions or denial of an application by the City Administrator shall be made within ten days of the receipt of a completed application. Any approval that imposes conditions shall be in writing and shall be specific as to the conditions imposed and shall state the reasoning for the imposition of such conditions. Any denial of an application shall be in writing and shall set forth in detail the reason or reasons for the denial. The applicant shall be promptly notified of the determination of the City Administrator on the action taken relative to an application.

(b) Any applicant aggrieved by the determination of the City Administrator may appeal the Decision of the Administrator to Council who shall consider the appeal at the next following regularly scheduled meeting of Council or at a special meeting called to consider any such matter.
(Ord. 2007-3795. Passed 9-4-07.)

729.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Each individual violation of a condition as set forth in a permit issued under the authority of this chapter constitutes a separate violation.
(Ord. 2007-3795. Passed 9-4-07.)

CHAPTER 735
Peddlers and Solicitors

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| <p>735.01 Definitions.</p> <p>735.02 License required.</p> <p>735.03 Regulations.</p> | <p>735.99 Penalty.</p> |
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CROSS REFERENCES

Home solicitation sales - see Ohio R.C. 1345.21 et seq.
 Charitable solicitations - see Ohio R.C. Ch. 1716
 Door to door sales activity of minors restricted - see Ohio R.C. 4109.21
 Trespassing - see GEN. OFF. 541.05
 Littering - see GEN. OFF. 521.08

735.01 DEFINITIONS.

As used in this chapter:

- (a) Person. "Person" includes the singular and the plural and shall include any person, firm, corporation or organization.
- (b) Peddler. "Peddler" includes any person, whether a resident of this Municipality or not, traveling by foot, wagon, automobile, truck, cart or any other type of conveyance, from place to place, or from street to street, or from door to door, carrying, conveying or transporting goods, wares, merchandise, farm products or provisions, offering and exposing the same for sale, or selling from a wagon, automotive vehicle or other vehicle conveyance, but shall not be deemed to include a person engaged in the sale of dairy and bakery products by traveling or regularly established routes. This shall not be deemed to include the youth of this community who on their own initiative engage in free enterprise for themselves. "Peddler" includes "hawker" and "huckster".
- (c) Mobile Food Service Operation. "Mobile food service operation" includes any operation which is maintained for the purpose of selling or dispensing edible food on the streets of this Municipality from a cart, wagon, or motorized vehicle. No person shall operate, control, maintain or allow to be maintained within this Municipality any mobile food service operation without first obtaining a license from the Licking County Board of Health and produce the license for inspection by the Chief of Police.
- (d) Solicitor or Canvasser. "Solicitor" or "canvasser" includes any person with no fixed place of business in this Municipality dealing primarily with consumers, who takes orders for goods for future delivery or for personal service to be furnished in the future, whether by telephone or by house to house or business to business canvassing.

- (e) Itinerant Merchant or Vendor. “Itinerant merchant” or “vendor” includes any person with a fixed place of business within this Municipality, but who on no more than four days in one calendar year offers goods or services for sale at places other than their fixed place of business.
(Ord. 84-979. Passed 2-4-85.)

735.02 LICENSE REQUIRED.

No person shall engage in the business of peddler, solicitor, canvasser, itinerant merchant or mobile food service operation to solicit sales of, sell, offer for sale, barter, or exchange goods, wares, or personal service without applying for a license, paying the required fee and receiving from the Chief of Police a license to conduct business in this Municipality.
(Ord. 84-979. Passed 2-4-85.)

735.03 REGULATIONS.

(a) Exceptions. The requirements of a fee and registering as provided herein shall not apply to:

- (1) A duly authorized agent soliciting the sale of goods or wares for or on behalf of any recognized educational, civic, religious or charitable organization.
- (2) Agents or salesmen of wholesale houses or firms selling or offering to sell their wares or merchandise by sample to merchants of this Municipality, nor to farmers selling or offering for sale the products of their own farms.

(b) Cancellation.

- (1) In addition to any right otherwise to revoke an offer or cancel a contract, the buyer or seller in a home solicitation sale may revoke an offer, or promise to purchase, cancel a contract, or rescind a consummated sale and purchase until midnight of the third calendar day after the day on which the buyer signs an agreement.
- (2) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address stated in the agreement, contract or offer to purchase. Notice of cancellation given by the buyer need not take any particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale.
- (3) Notification by mail shall be considered given at the time mailed.
- (4) The buyer may not cancel a home solicitation sale if the seller in good faith makes a substantial beginning of performance of service before the buyer gives notice of cancellation.

(c) Application.

- (1) Applicants for a license under this chapter must file with the Chief of Police a sworn application in writing on a form to be furnished by the Finance Director’s Office which shall give the following information:
 - A. Name;
 - B. Address (both legal and local);
 - C. Name and address of employer;
 - D. Name and address of supervisor;
 - E. Length of service with employer;

- F. All places of employment and residence during the preceding twelve months;
 - G. Description of the nature and character of business, the goods to be sold or the service to be furnished by the applicant;
 - H. Valid identification;
 - I. Written proof of employment; and
 - J. Period of time license is requested.
- (2) The license shall not be issued sooner than five working days after the application is filed. When the Chief of Police shall determine that the applicant is of good moral character and proposes to engage in a lawful commercial or professional enterprise, a license will be issued.

(d) Appeals. Any applicant whom the Chief of Police has denied a license shall be entitled to appeal to Council.

(e) Registration, Transfer and Use. Any peddler, solicitor, agent, canvasser, itinerant merchant or mobile food service operation may engage in the business after application to the Chief of Police, registering, paying the fee and receiving a license from the Chief of Police.

- (f) Fees.
- (1) Twenty-five dollars (\$25.00) for thirty days or less.
 - (2) One hundred dollars (\$100.00) for no more than one year.
(Ord. 84-979. Passed 2-4-85.)

735.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense, and a misdemeanor of the fourth degree for any subsequent offense. Each and every day upon which the violation takes place shall be deemed a separate offense.
(Ord. 84-979. Passed 2-4-85.)

CHAPTER 739
Video Service Providers

739.01 Fees.

739.01 FEES.

(a) In accordance with the requirements of Ohio R.C. 1332.32, and subject to its taking effect, all video service providers providing video service in the City of Pataskala pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees (“VSP Fees”) in the amount of five percent (5%) of gross revenues received from providing video service in the City of Pataskala, which gross revenue base shall include advertising revenues as permitted and defined by Ohio R.C. 1332.32(B)(2)(g). The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

(b) The City Administrator is hereby authorized and directed, upon receipt of notice from a video service provider that it will be providing service in the City pursuant to a state-issued video service authorization, to provide such video service provider with notice of the VSP Fee as determined by this Council above, which notice may be given by overnight (return receipt), certified mail or other manner of delivery no later than ten (10) days from receipt of the provider’s notice. (Ord. 2008-3847. Passed 2-4-08.)

CHAPTER 745
Medical Marijuana Retail Dispensaries

745.01 Prohibitions.

745.01 PROHIBITIONS.

(a) Medical Marijuana is defined by Ohio R.C. 3796.01 as “marijuana that is cultivated, processed, dispensed, tested, possessed, or used for medical purposes” (“Medical Marijuana”).

(b) Medical Marijuana retail dispensaries, licensed under Ohio law, are hereby prohibited from locating and/or doing business within the City of Pataskala, Ohio.

(c) The prohibition set forth in subsection (b) hereof does not limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(d) Once this section takes effect, no provision, definition, regulation or use (permitted or conditional), set forth in the City of Pataskala Zoning Code shall include, or be interpreted to include, Medical Marijuana cultivation, processing, and/or retail dispensing. (Ord. 2017-4285. Passed 6-19-17; Ord. 2017-4291. Passed 7-24-17.)