

**CODIFIED ORDINANCES OF JAMESTOWN**  
**PART SEVEN - BUSINESS REGULATION CODE**

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**Chap. 701. General Licensing Provisions.**

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**CODIFIED ORDINANCES OF JAMESTOWN**  
**PART SEVEN - BUSINESS REGULATION CODE**

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**CHAPTER 701**  
**General Licensing Provisions**

|               |                                                                                  |               |                                             |
|---------------|----------------------------------------------------------------------------------|---------------|---------------------------------------------|
| <b>701.01</b> | <b>Licenses required to engage in certain trades, businesses or professions.</b> | <b>701.05</b> | <b>License not transferable.</b>            |
| <b>701.02</b> | <b>Application for license.</b>                                                  | <b>701.06</b> | <b>License certificate to be displayed.</b> |
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| <b>701.04</b> | <b>Date and duration.</b>                                                        | <b>701.08</b> | <b>Appeal and review.</b>                   |

**CROSS REFERENCES**  
Falsification - see GEN. OFF. 525.02

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**701.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES AND PROFESSIONS.**

No person shall engage in any of the trades, businesses or professions for which licenses are required by this Code without first applying for and obtaining a license from the Fiscal Officer or other duly authorized issuing authority.  
(1994 Code 110.01)

**701.02 APPLICATION FOR LICENSE.**

(a) All original applications for licenses, unless otherwise specifically provided, shall be made to the Village Fiscal Officer in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner or business associate;
- (2) His present occupation and place of business;
- (3) His place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;
- (6) A description of the merchandise to be sold, if for a vendor;
- (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(b) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(c) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(d) It shall be unlawful knowingly to make any false statement or representation in the license application.  
(1994 Code 110.02)

#### **701.03 ISSUANCE OF LICENSE.**

Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Fiscal Officer, by and with the written approval of the Mayor, or other chief administrative officer, shall forthwith deposit the fee in the Treasury and issue to the applicant a proper license certificate signed by the Fiscal Officer and Mayor, or other chief administrative officer. If for any reason the license is not issued, this fee less five dollars (\$5.00) to cover expenses of considering such application, shall be returned to the applicant. (1994 Code 110.03)

#### **701.04 DATE AND DURATION.**

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issue of the license. (1994 Code 110.04)

#### **701.05 LICENSE NOT TRANSFERABLE.**

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.  
(1994 Code 110.05)

#### **701.06 LICENSE CERTIFICATE TO BE DISPLAYED.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit same.  
(1994 Code 110.06)

#### **701.07 REVOCATION OR SUSPENSION.**

(a) Any license may be revoked by the Mayor or other chief administrative officer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state or municipal law or ordinance involving moral turpitude.

(b) The revocation shall become effective upon notice served upon such licensee or posted upon the premises affected.

(c) As a preliminary to revocation, the Mayor or other chief administrative officer may issue an order suspending the license, which shall become effective immediately upon service of written notice to such licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with such conditions within the time specified, the license may be restored.  
(1994 Code 110.07)

#### **701.08 APPEAL AND REVIEW.**

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to Council from such denial, revocation or suspension. Notice of appeal shall be filed in writing with the Fiscal Officer who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The Fiscal Officer shall notify the Mayor and all members of Council of the time and place of such hearing not less than 24 hours in advance thereof. Three members of Council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of Council present at such meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.  
(1994 Code 110.08)



**CHAPTER 707**  
**Billiards and Pool**

**707.01 Billiards and pool.**

**CROSS REFERENCES**  
Gambling - see GEN. OFF. Ch. 517

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**707.01 BILLIARDS AND POOL.**

(a) Each proprietor of a billiard or pool table, or a combination of both, shall pay an annual license fee of twenty-five dollars (\$25.00) for each such table; and ten dollars (\$10.00) for each additional table.

(b) It shall be unlawful to operate any such table between the hours of 1:00 a.m. and 6:00 a.m.

(c) It shall be unlawful to permit betting or gambling in connection with the use of such table. (1994 Code 113.01)

(d) Whoever violates this section is guilty of a minor misdemeanor.

**CHAPTER 729**  
**Outdoor Public Entertainment Activity**

- |                                                                                                                                         |                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>729.01</b> Definitions.<br><b>729.02</b> Registration required by sponsoring agency and operator.<br><b>729.03</b> Deposit required. | <b>729.04</b> License fee for public entertainment or exhibition.<br><b>729.05</b> License fee may be waived in civic interest.<br><b>729.99</b> Penalty. |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|

**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.

**729.02 REGISTRATION REQUIRED BY SPONSORING AGENCY AND OPERATOR.**

(a) No sponsoring agency shall conduct or operate or allow to be conducted or operated any outdoor public entertainment within the Village without prior approved registration with the Mayor.

(b) No operator shall operate any form of outdoor public entertainment without prior approved registration with the Mayor.

(c) Such registration will be completed to the satisfaction of the Mayor on forms prescribed by the Mayor.

**729.03 DEPOSIT REQUIRED.**

At the time application for a license is made, where use of municipal grounds is contemplated, the applicant shall deposit with the Fiscal Officer a cash bond of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), conditioned upon the restoration and cleaning up of the grounds in a manner satisfactory to the Mayor. In the event the grounds are restored and cleaned upon properly following the exhibition, the deposit shall be returned; otherwise the same shall be forfeited to the Village.  
(1994 Code 113.03)

**729.04 LICENSE FEE FOR PUBLIC ENTERTAINMENT OR EXHIBITION.**

The fee for such license shall be fifty dollars (\$50.00) for the first day, twenty-five dollars (\$25.00) for each day thereafter. However, such fee shall not amount to more than one hundred fifty dollars (\$150.00) in any one week.  
(1994 Code 113.04)

**729.05 LICENSE FEE MAY BE WAIVED IN CIVIC INTEREST.**

The Mayor may, in his discretion, grant without cost a license for the holding of entertainment for not more than six consecutive days, where all of the performances are fostered and supervised by civic interests of the Village, and a substantial part of the funds derived therefrom is expended for charitable or civil purposes.  
(1994 Code 113.05)

**729.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree. Each day constitutes a separate offense.

Ordinance regulating garage and Yard Sales in the Village of Jamestown

Ordinance # 3-2012

Definitions:

1.0 For the purpose of this ordinance, certain words are defined as follows:

- (a) "Person" means individual, associations of individuals, partnerships or corporation who or which conduct sales for a commission or other remuneration
- (b) "Public Sale" means any sale and delivery or offer of sale and delivery of any household furniture, furnishings, equipment, goods, wares, merchandise from in, about or upon any premises, property or residence zoned for residential use within this municipality to which the general public is invited pursuant to any advertisement or notice by newspaper, mail or individual flyer or otherwise
- (c) "Garage Sale" or "Yard Sale" means a sale of household goods, equipment, utensils, appliances, personal clothing or effects, or other similar personal property including such sales commonly termed "basement sales," "house sales" or "lawn sales"

2.0 License Required

No person shall conduct, hold or permit a public sale or garage sale within a residential district of this municipality without having an unrevoked, valid license from the Village of Jamestown for such purpose in effect at the time and issued pursuant to the provisions of this ordinance. No fee shall be charged for the issuance of such license.

3.0 Application and Issuance

Licenses shall be issued by the Director of Public Safety and Service or a person acting and authorized to act on his/her behalf upon the applicant's complying with the following provisions:

- (a) Giving his/her name and permanent address
- (b) Obtaining the license required by this ordinance at least five (5) days prior to the first day of the sale
- (c) Giving the name and address of all persons who will be associated or engaged in such public sale
- (d) Giving the name and address of the party for whom the sale is being held
- (e) Giving the date(s) of sale

4.0 Traffic Supervision During Sale

The applicant shall provide sufficient parking and shall insure adequate traffic supervision to prevent traffic congestion at the time and place of the sale.

5.0 License Effective Period

- (a) Licenses shall be valid only for the period of the sale indicated thereon, not to exceed three (3) consecutive days.
- (b) No more than three (3) sales per year shall be permitted at the same location or for the same applicant.

#### 6.0 Display of License, Sign Restrictions

- (a) Every person licensed under this ordinance shall have license in his/her possession at all times when conducting a public sale or garage sale within a residential district of this Village and shall display the same upon demand of any police officer, the Director or his/her designee, and upon demand of any person who attends such public sale
- (b) No more than one (1) sign advertising such sale, not exceeding two feet by two feet shall be located on the property where the sale is conducted. No other signs shall be used off the premises for such sales.
- (c) Under no circumstances shall signs be placed or attached to utility poles
- (d) All signs shall be removed or caused to be removed by the individual who obtains the permit within twenty-four (24) hours after the conclusion of the garage sale

#### 7.0 Sale Hours, Merchandise Restrictions

No person shall conduct a public sale or garage sale before 9:00 a.m. or after sunset of any day; or sell any household furniture, furnishings, equipment or goods which were brought into the residence or onto property for the sole purpose of selling the same at such sale by a person who regularly furnishes such household furniture, furnishings, equipment or goods in such public sales or garage sales for profit,

#### 8.0 License Revocation

A license issued pursuant to this ordinance may be revoked by the Director of Public Safety and Service for any of the following reasons:

- (a) Fraud, misrepresentation or any false statement made in furnishing the information required by this ordinance
- (b) Fraud, misrepresentation or any false statement contained in the application
- (c) A conviction of the licensee for violation of any of the provisions of this ordinance
- (d) A conviction of the license
- (e) Conducting a public sale in any unlawful manner or in such manner as to constitute a breach of the peace

#### 9.0 Penalty

Whoever is found guilty of violating any provision of this ordinance shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

Three Reading Dates:

10/15/12, 11/5/12, 11/19/12

Passed on

11/19/12

Attest:

Mansharam

Mayor

President of Council

VILLAGE OF JAMESTOWN GARAGE /YARD SALE PERMIT  
\*\*Permit Must Be Visible At All Times\*\*

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

If applicant is an organization, Name/Address/Phone of contact person:

\_\_\_\_\_

NOTE: 3 DAYS ONLY – THREE PERMITS PER YEAR

Date(s) of Sale \_\_\_\_\_

HOLD HARMLESS AGREEMENT: The Permit Applicant agrees to indemnify and hold harmless the City of Lorain and its agents and employees against all claims, damages, losses and expenses, including but not limited to attorney fees, sustained by any person or persons and arising out of or resulting from the performance of this contract, provided that any such claim, damage, loss or expense is not solely attributable to or caused by the negligent act or omission of the City of Lorain, its employees, agents or subcontractors.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

(By signing this application, I agree to abide by the responsibilities printed on the back of this application)

-----  
GARAGE SALE LICENSE  
Garage/Yard Sale Permit  
No. \_\_\_\_\_ - \_\_\_\_\_

Permission is hereby granted to:

Name \_\_\_\_\_

Address \_\_\_\_\_

Date of Sale \_\_\_\_\_

By \_\_\_\_\_  
(Director of Public Service)

Date \_\_\_\_\_



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- (b) Fraud, misrepresentation or any false statement contained in the application
- (c) A conviction of the licensee for violation of any of the provisions of this ordinance
- (d) A conviction of the license
- (e) Conducting a public sale in any unlawful manner or in such manner as to constitute a breach of the peace

9.0 Penalty

Whoever is found guilty of violating any provision of this ordinance shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

**CHAPTER 753**  
**Vendors, Peddlers and Solicitors**

|               |                                          |               |                                  |
|---------------|------------------------------------------|---------------|----------------------------------|
| <b>753.01</b> | <b>Definitions.</b>                      | <b>753.04</b> | <b>License required.</b>         |
| <b>753.02</b> | <b>Solicitation declared a nuisance.</b> | <b>753.05</b> | <b>License issuance and fee.</b> |
| <b>753.03</b> | <b>Enforcement.</b>                      | <b>753.99</b> | <b>Penalty.</b>                  |

**CROSS REFERENCES**

Trespass - see GEN. OFF. 541.05

Theft by deception - see GEN. OFF. 545.05

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**753.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Peddler" means any person, whether or not a resident of the Village, traveling by foot, wagon, automobile or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise or any other personal property, offering and exposing it for sale, or making sales and delivering articles to the purchaser; or who, without traveling from place to place, shall sell or offer it for sale from any vehicle. One who solicits orders and as a separate transaction, makes deliveries to the purchaser shall be deemed a "peddler", subject to the provisions of this chapter. The word "peddler" also includes the words "hawker" and "huckster".
  - (b) "Solicitor" means a person, whether or not a resident of the Village, traveling either by foot, wagon, automobile, motor truck or other type of conveyance from place to place, house to house, or street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sales.
- (1994 Code 112.01)

**753.02 SOLICITATION DECLARED A NUISANCE.**

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

(1994 Code 112.02)

**753.03 ENFORCEMENT.**

The Police Chief and police force of the Village are required and directed to suppress the above defined nuisances and to abate any such nuisances as is described in this chapter.

(1994 Code 112.03)

**753.04 LICENSE REQUIRED.**

Every solicitor of funds or itinerant vendor of any magazines, medicine, goods, wares or anything of value, before exposing or offering the same for sale upon the streets or sidewalks of the Village or within the Village, shall procure a license as provided in Section 753.05.

(1994 Code 112.04)

**753.05 LICENSE ISSUANCE AND FEE.**

The Mayor is authorized to grant a license as required by Section 753.04 to any person applying therefor for a fee of five dollars (\$5.00) per day or twenty-five dollars (~~\$25.00~~) per year, for each day for which such application is made.

(1994 Code 112.05)

**753.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's violation shall be considered a separate offense.