

COUNCIL OF THE CITY OF GARFIELD HEIGHTS
COUNCIL CAUCUS @ 6:30 P.M.
REGULAR MEETING @ 7:00 P.M.
TUESDAY, OCTOBER 12, 2021

1. INVOCATION/PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. READING & DISPOSAL OF MINUTES
4. WRITTEN COMMUNICATIONS TO COUNCIL
5. COMMITTEE REPORTS
6. REPORTS OF MAYOR AND DIRECTORS
7. COMMUNICATIONS FROM CITIZENS ON AGENDA
8. ORDINANCES AND RESOLUTIONS
9. COMMENTS BY CITIZENS
10. MISCELLANEOUS BUSINESS
11. ADJOURNMENT

ORDINANCE NO. 76-2021

AN ORDINANCE CREATING CHAPTER 777, *MOBILE FOOD SERVICE OPERATIONS*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

ORDINANCE NO. 77-2021

AN ORDINANCE AMENDING SECTION 701.07, *GENERAL FEE SCHEDULE*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

ORDINANCE NO. 78-2021

AN ORDINANCE AMENDING CHAPTER 707, *CANVASSERS, SOLICITORS, AND PEDDLERS*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

ORDINANCE NO. 79-2021

AN ORDINANCE AUTHORIZING THE SALE AND DISPOSAL OF MUNICIPALLY OWNED PROPERTY WHICH HAS BEEN DETERMINED TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS.

RESOLUTION NO. 34-2021

A RESOLUTION COMMEMORATING OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH.

GARFIELD HEIGHTS CITY COUNCIL

PRESIDENT OF COUNCIL: MICHAEL NENADOVICH

WARD 1: COUNCILMAN MICHAEL DUDLEY, SR.

WARD 2: COUNCILMAN CHARLES DONAHUE

WARD 3: COUNCILMAN MICHAEL NENADOVICH

WARD 4: COUNCILMAN AVERY JOHNSON

WARD 5: COUNCILMAN JASON BLAKE

WARD 6: COUNCILMAN FRANK TAGLIARINI

WARD 7: COUNCILMAN THOMAS VAUGHN

CLERK OF COUNCIL: DEBRA SARNOWSKI

NEXT REGULAR COUNCIL MEETING MONDAY, OCTOBER 25, 2021

ORDINANCE NO.: 76-2021

SPONSORED BY: MAYOR MATTHEW A. BURKE
CO-SPONSORED BY: COUNCILPERSON MICHAEL NENADOVICH

AN ORDINANCE CREATING CHAPTER 777, *MOBILE FOOD SERVICE OPERATIONS*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

WHEREAS, At this time, the City of Garfield Heights wishes to permit mobile food service operations within the City, and

WHEREAS, accordingly, the City wishes to pass legislation to regulate this operation.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Garfield Heights, Ohio that:

SECTION 1. Chapter 777 of the Codified Ordinances of the City of Garfield Heights, Ohio, shall read as follows:

CHAPTER 777
Mobile Food Service Operations

- 777.01 Definitions.**
- 777.02 Mobile Food Service Operation Permit**
- 777.03 General Regulations**
- 777.04 Special Events**
- 777.99 Penalty**

777.01 Definitions

(a) “Mobile” Food Service Operation means a food service operation that is conducted from a movable vehicle whether self-powered or towed or a portable structure and is required to be licensed under the Ohio Revised Code. This includes businesses such as Mobile Catering, Food Trucks, and Farmer’s-type markets.

(b) “Food” As used in this Chapter, means a raw, cooked, prepared, or processed edible substance, ice, beverage, or ingredient used or intended to for use or for sale in whole or part for human consumption.

(c) “Food Service Operation License” means an official document issued by authority from a jurisdiction’s Health Department to license food service operations.

(d) “Mobile Food Service Operation Permit” shall mean the permit issued by the City of Garfield Heights pursuant to the Codified Ordances.

(e) “Food Service Operator” means an Individual, Partnership, Company, or Corporation engaged in the vending of food as defined in this chapter.

777.02 Mobile Food Service Operation Permit.

(a) No person shall cause a Mobile Food Service Operation to operate in the City unless the operator has received a Mobile Food Service Operation Permit from City.

(b) A proposed operator shall obtain a vendor’s license per Chapter 707. They shall submit this license with the application for a Mobile Food Service

Operation Permit application to the Building Commissioner or their designee along with:

1. A copy of the Health Department's Food Service License.
 2. A copy of liability insurance for each business vehicle used in the City.
 3. Written permission from the property owner(s) where business will be conducted.
 4. The permit fee as specified in Chapter 707.
- (c) Permits shall expire on December 31 of each year.

777.03 General Regulations

(a) No Food Service Operator shall:

1. Sell food items, display food items, or conduct vending operations to the occupants of vehicles stopped in traffic.
2. Display food items or advertising anywhere in the public Right of Way.
3. Conduct business from the public Right of Way or obstruct safe passage on any roadway or sidewalk.
4. Utilize loudspeakers or other noise-making devices, flashing or blinking lights, or animated displays, or any prohibited signage listed in Chapter 1140 to attract attention to their operation.
5. Leave a vending device unattended or only attended by an individual under 18 years of age.
6. Operate in the same location more than 5 days in a week.
7. Operate more than 12 hours a day in a single location.
8. Operate between the hours of 7 p.m. and 7 a.m.

(b) A Food Service Operator shall:

1. Be constructed to internally provide all required utility connections.
Exception: An electrical connection to a properly installed and maintained outlet by an approved cord and attachment cap.
2. Provide a means to collect trash and refuse generated during operation.
3. Obey any lawful order of a police officer.
4. Comply with all requirements of applicable state and local law, including without limitation, the City's Fire Prevention Code, the State of Ohio Fire Code, and the City's Traffic and Zoning Laws. Exception: Food Service vehicles shall be permitted to operate in U-3 Apartment House – Office Building District and any non-residential zoned districts.
5. Operate at all times in accordance with the Ohio Uniform Food Safety Code.
6. Exercise reasonable care to ensure that operations do not create a health or safety hazard to customers, other users of the streets or sidewalks, or adjacent properties.
7. Remove the food service vehicles and equipment from the property when not in use.
8. Park and store their food service vehicles and equipment in compliance with Chapter 351 Parking Generally when not in use and remain in the City.

777.04 Special Events

(a) A special event shall be an event held by, promoted by, or benefitting a non-profit, charitable, educational, youth, senior, religious, Veteran, or municipal entity.

(b) The event shall be properly permitted in compliance with Chapter 518.

(c) The event shall be limited to duration to three consecutive days.

(d) The hours of operation shall not begin prior to 9:00 a.m. or extend past 11:00 p.m.

(e) Special events would include, but not be limited to, races, walks, marathons, festivals, resource fairs, concerts, carnivals, and block parties.

(f) No more than four (4) special event permits per Individual or Business entity may be obtained in a calendar year.

(g) A Mobile Food Service Operation Permit shall be obtained. The Vendors License required in Chapter of 777.02(b) shall be waived.

777.99 Penalty

Whoever violates any provision of this Chapter shall be guilty of a second-degree misdemeanor for the first offense. Each subsequent offense shall be guilty of a first-degree misdemeanor. Upon conviction of the third offense their Mobile Food Service Operation Permit shall be permanently revoked.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____

ORDINANCE NO.: 77-2021

SPONSORED BY: MAYOR MATTHEW A. BURKE
CO-SPONSORED BY: COUNCILPERSON MICHAEL NENADOVICH

AN ORDINANCE AMENDING SECTION 701.07, *GENERAL FEE SCHEDULE*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

WHEREAS, In Ordinance 76-2021, the City of Garfield Heights implemented regulations with respect to mobile food service operations, and

WHEREAS, at this time, the City needs to update the business fee schedule for the City to include the newly implemented mobile food service operations.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Garfield Heights, Ohio that:

SECTION 1. Section 701.01 of the Codified Ordinances of the City of Garfield Heights, Ohio, shall read as follows (newly added language shall appear in **bold**; removed language shall be ~~struckthrough~~):

701.07 GENERAL FEE SCHEDULE.

(a)	Admissions		
	(1) Certificate of Registration		\$10.00
	(2) Percent of admission price as provided in Section 703.02		
(b)	Ice cream and frozen dessert dealers		
	(1) Each vehicle and operator		\$50.00
	(2) Additional operators		\$10.00
(c)	Canvassers, solicitors, vendors , and peddlers		
	(1) Investigation	\$10.00	\$100.00
	(2) Per month	\$5.00	\$15.00
	(3) Per year	\$35.00	\$75.00
(d)	Junk and secondhand dealers		
	(1) Place of business		\$60.00
	(2) Junk cart		\$15.00
(e)	Mechanical amusement device		
	(1) Bowling-type machine		\$50.00
	(2) Other machines		\$50.00
(f)	Barber shop - Beauty shop		\$10.00
(g)	Bowling alleys		
	(1) First alley		\$20.00
	(2) Additional alleys, each		\$10.00
(h)	Florist or greenhouse produce		\$20.00
(i)	Pool or billiard rooms		
	(1) Each table		\$15.00
	(2) Minimum per establishment		\$50.00
(j)	Soft drinks		\$15.00
(k)	Delicatessen stores		\$10.00

(l)	Food handlers		
	(1) Retail grocery and meats	\$15.00	\$25.00
	(2) Wholesale grocery and meats	\$30.00	\$50.00
	(3) Delivery vehicles		\$15.00
(m)	Private investigators and agencies		
	(1) Private investigators, individual		\$15.00
	(2) Private investigation agency		\$30.00
(n)	Private patrol watchmen and agencies		
	(1) Private patrol watchmen, individual		\$15.00
	(2) Private patrol agency		\$30.00
(o)	Mechanical musical instruments		
	Each instrument		\$15.00
(p)	Discontinuing business sales		
	Per month		\$30.00
(q)	Dairy producers, sale of milk and dairy products		\$15.00
(r)	Circus or exhibition (seating capacity)		
	5000 or more, each day		\$250.00
	2000 or more, each day		\$100.00
	600 to 2000, each week		\$100.00
	up to 600, each week		\$50.00
(s)	Dance hall		
	Licenses (per square feet)		Permits
	Up to 2500	\$25.00	\$15.00
	2501 to 6500	\$40.00	\$15.00
	Exceeding 6500		\$15.00
(t)	Exterminator, journeyman		
		Application \$35.00	License \$15.00
(u)	Exterminator, master		
		Application \$35.00	License \$35.00
(v)	Food service operation (per seats)		
	0 to 59		\$20.00
	60 to 99		\$25.00
	100 to 149		\$30.00
	150 and up		\$35.00
	Mobile Food Service Operation (Vehicle)		\$75.00
	Mobile Food Service Operation (Farmer's stand)		\$15.00
	Mobile Food Service Operation (Special Event)		\$25.00
(w)	Food stuff vending machine		\$10.00
(x)	Fumigator, journeyman		
		Application \$10.00	License \$15.00
(y)	Fumigator, master		
		Application \$35.00	License \$35.00
(z)	Motion picture machine operators		
		Application \$40.00	License \$15.00
(aa)	Music		
	Places where instrumental or mechanical music is provided for patrons, for one year		\$25.00
(bb)	Private waste hauler		
	Private for hire vehicles used to convey waste to City dumps and incinerators		\$25.00

(cc)	Secondhand dealer Dealers in second hand articles such as gold, silver, jewelry, tools, clothing, etc.	\$25.00
(dd)	Auction merchandise Sale of merchandise at public auction, each auction	\$15.00
(ee)	Trailer park (per units)	
	25 or less	\$25.00
	Less than 100	\$35.00
	More than 100	\$45.00
(ff)	Ticket broker Persons dealing in the resale of tickets for a fee, to places of amusement	\$100.00

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

EFFECTIVE DATE: _____

ORDINANCE NO.: 78-2021

SPONSORED BY: MAYOR MATTHEW A. BURKE

CO-SPONSORED BY: COUNCILPERSON MICHAEL NENADOVICH

AN ORDINANCE AMENDING CHAPTER 707, *CANVASSERS, SOLICITORS, AND PEDDLERS*, OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS

WHEREAS, In Ordinance 76-2021, the City of Garfield Heights implemented regulations with respect to mobile food service operations, and

WHEREAS, at this time, the City needs to update Chapter 707 to include the newly implemented mobile food service operations.

NOW, THEREFORE, BE IT ORDAINED by this Council of the City of Garfield Heights, Ohio that:

SECTION 1. Chapter 707 of the Codified Ordinances of the City of Garfield Heights, Ohio, shall read as follows (newly added language shall appear in **bold**; removed language shall be ~~struckthrough~~):

CHAPTER 707

Canvassers, Solicitors, **Vendors**, and Peddlers

- 707.01 Definitions.
- 707.02 License, Certificate of Registration, required.
- 707.03 Application; fee.
- 707.04 Investigation and issuance.
- 707.05 Fees; adjustments.
- 707.06 Bond.
- 707.07 Exhibition of license.
- 707.08 License required; carrying license; vendors prohibited.
- 707.09 Records.
- 707.10 Duty of police to enforce.
- 707.11 Expiration of license.
- 707.12 Revocation of license.
- 707.13 Appeal.
- 707.14 Certificate of Registration for religious solicitation of funds; exemption.
- 707.15 Application for and issuance of Certificate of Registration.
- 707.16 Credentials for solicitors of religious solicitations.
- 707.17 Investigation of applicant; exemptions.
- 707.18 Investigative costs and certificate fees.
- 707.99 Penalty.

707.01 DEFINITIONS.

(a) "Canvasser", "solicitor" "**vendor**", and "peddler" **means** any individual **or entity**, whether a resident of the City or not, who travels either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, from street to street, or who by telephone takes or attempts to take orders for the sale of goods, wares, and merchandise, personal property or any nature whatsoever for immediate sale or 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 he is collecting advance payments on such sales or not. "Canvasser", "solicitor" and "peddler" also means a person who solicits for or directly or indirectly requests money, credit, property, financial assistance or any other thing of value on the representation that such requests or a part thereof will be used for charitable or religious purposes. The definition also includes any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tenant, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

Exempt from this definition is anyone who travels from place to place, from house to house, from street to street, or communicates by telephone in order to spread, exchange, promote or advertise any idea, thought, opinion, product or concept and who does not, directly or indirectly, solicit or request money, credit, property, financial assistance or any other thing of value. The willingness to accept unsolicited donations is not regarded as direct or indirect solicitation of funds and is not a characteristic subject to the provisions herein. Such exempt activities include, but are not limited to, religious proselytizing, anonymous political speed, and the distribution of handbills.

(b) Canvassers, solicitors, **vendors**, and peddlers, other than those who by telephone take or attempt to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for immediate sale or 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 he is collecting advance payments on such sale or not, are to be restricted, in any event, to those transactions which occur during daylight hours.

(c) **Canvassers, solicitors, vendors, and peddlers who conduct business from a stationary location but not enclosed in a building, whether full-time, part-time, intermittently, or occasionally and whose products are consumable food products. This section includes mobile catering, food trucks, and "farmer's market" type businesses. These businesses shall also comply with Chapter 777. This section shall not apply to a resident selling excess fruits and vegetables grown and sold on their property.**

707.02 LICENSE, CERTIFICATE OF REGISTRATION, REQUIRED.

No solicitor, peddler, **vendor**, or canvasser shall engage in such business within the corporate limits without first obtaining a license therefor in compliance with the provisions of this chapter or a Certificate of Registration as required by Section 707.14.

707.03 APPLICATION; FEE.

Applicants for a license under this chapter must file with the ~~Finance Director~~ **Building Commissioner** a sworn application in writing which shall give the following information:

- (a) Name, age and description of the applicant;
- (b) Permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right to do business is desired;
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery. **When the proposed location is not owned by the applicant, express written permission of the property owner shall also be submitted;**

(g) Two photographs of the applicant, taken within sixty days immediately prior to the date of filing of the application, which pictures shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(h) The fingerprints of the applicant **along with a verifiable criminal background report** and the names of at least two reliable property owners of the County of Cuyahoga, Ohio, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and

~~(j) A statement by a reputable physician of the City, dated not more than ten days prior to submission of the application, certifying the applicant to be free of contagious, infectious, or communicable disease.~~

(j k) Businesses that involve the sale of food products shall submit a valid copy their food service license from the Health Department or regulating agency.

At the time of filing the application, a fee as provided in Section 701.07 shall be paid to the ~~Finance Director~~ **Building Commissioner** to cover the cost of investigation of the facts stated herein.

707.04 INVESTIGATION AND ISSUANCE.

(a) Upon receipt of an application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's ~~business and moral character~~ **criminal background report** to be made as he deems necessary for the protection of the public good.

(b) If, as a result of such investigation, the applicant's ~~character or business responsibility~~ **criminal background report** is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the application to the Safety Director, who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If, as a result of such investigation, ~~the character and business responsibility~~ **the criminal background report** of the applicant ~~are~~ **is** found to be satisfactory, the Chief of Police shall endorse on the application his approval, and return the application to the Safety Director, who, upon the final approval and payment of the prescribed license fee shall direct the ~~Finance~~ **Building** Department to deliver to the

applicant his license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The ~~Finance Director~~ **Building Commissioner** shall keep a permanent record of all licenses issued.

707.05 FEES; ADJUSTMENTS.

(a) The license fees which shall be charged for such license shall be as provided in Section 701.07, the General Fee Schedule.

(b) None of the license fees provided for in the General Fee Schedule shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the ~~Mayor or Director of Law~~ **Zoning Board of Appeals** for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, **upon proper application and** by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the ~~Mayor or Director of Law~~ **Zoning Board of Appeals** may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The ~~Mayor or Director of Law~~ **Zoning Board of Appeals** shall then conduct ~~an investigation, a hearing, comparing applicant's business with other businesses of like nature~~ and shall make findings of fact from which ~~he~~ **they** shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the ~~Mayor or Director of Law~~ **Zoning Board of Appeals** shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the ~~Mayor or Director of Law~~ **Zoning Board of Appeals** determine the gross sales measure of the fee to be the fair basis, ~~he~~ **they** may require the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsection(a) hereof.

707.06 BOND AND INSURANCE.

Every applicant, not a resident of the City, or who, being a resident of the City, represents a firm whose principal place of business is located outside the State of Ohio, shall file with the Director of Finance a surety bond, running to the City in the amount of one thousand dollars (\$1,000) with surety acceptable to and approved by the Director of Law, conditioned that the applicant shall comply fully with all the provisions of the ordinances of the City and the statutes of the State of Ohio regulating and concerning the business of solicitor and guaranteeing to any citizen of the City that all money paid as a down payment will be accounted for and applied according to the representations of the

solicitor and further guaranteeing to any citizen of the City doing business with the solicitor that the property purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought in the name of the City to the use or benefit of the aggrieved person. **The applicant shall furnish a copy of their General Liability Policy in the amount of \$300,000.00 naming the City of Garfield Hts. additionally insured.**

707.07 EXHIBITION OF LICENSE.

~~Solicitors and Canvassers~~, **solicitors, vendors, and peddlers** are required to exhibit their license(s) **in plain view at their place of business, at their mobile location, and / or** at the request of any citizen.

707.08 LICENSE REQUIRED; CARRYING LICENSE; VENDORS PROHIBITED.

(a) No person shall sell or offer for sale, barter or exchange or go from door to door soliciting the purchase of or gift of any goods, wares, merchandise or other articles of value or money or offer any services for hire or commission in any place in, upon or along the streets or other public places within the City, unless he is the holder of a license which is in full force and effect and issued pursuant to the provisions of this chapter. Such person shall at all times have such license with him while exercising such calling and shall exhibit such license to any police officer or official of the City or occupant of any residence or business establishment which he contacts or solicits within the City, upon demand, except as otherwise provided by law.

No person, while engaged in the business licensed by this chapter, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the City upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed" or which otherwise clearly purports to prohibit peddlers, solicitors or vendors on the premises, unless such peddler, solicitor or vendor is, or has been, invited upon the premises by the owner, lessee or occupant thereof. The terms of this section shall not apply to persons who, without compensation or remuneration, solicit in behalf of and for any publicly recognized religious, educational, civic or charitable organization.

~~(b) The Director of Finance shall make available to the residents of the City a uniform plastic sign stating "No Peddlers or Solicitors Allowed" for a nominal fee of twenty five cents (25¢) and the proceeds from the sale of such sign shall be deposited in the General Fund.~~

707.09 RECORDS.

The Chief of Police shall report to the ~~Safety Director~~ **Building Commissioner** all convictions for violation of this chapter and the ~~Safety Director~~ **Building Commissioner** shall maintain a record for each license issued and record the reports of violation therein.

707.10 DUTY OF POLICE TO ENFORCE.

It shall be the duty of any police officer of the City to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this chapter against any person found to be violating the same.

707.11 EXPIRATION OF LICENSE.

All annual licenses shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license.

707.12 REVOCATION OF LICENSE.

(a) Licenses issued under the provisions of this chapter may be revoked by the Safety Director after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

707.13 APPEAL.

Any person aggrieved by the action of the Chief of Police or the ~~Safety Director~~ **Building Commissioner** in the denial of a license as provided in Section 707.04, or the action of the ~~Mayor or Director of Law~~ **Building Commissioner** in the assessing of the fee as provided in Section 707.05(b) shall have the right of appeal to Council. Such appeal shall be taken by filing with Council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 707.12 for notice of hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive.

707.14 CERTIFICATE OF REGISTRATION FOR RELIGIOUS SOLICITATION OF FUNDS; EXEMPTION.

No person shall solicit contributions for any religious purpose within the City without a Certificate of Registration from the ~~Finance Director~~ **Building Commissioner**. However, the provisions of this section shall not apply to any established person or denomination organized and operating exclusively for religious purposes so long as such solicitation of funds by such established person or denomination is conducted among the members thereof by other members, or officers thereof, voluntarily and without remuneration for making such solicitations, or, alternatively, so long as such solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person or denomination.

707.15 APPLICATION FOR AND ISSUANCE OF CERTIFICATE OF REGISTRATION.

Application for a certificate for religious solicitation of funds shall be made to the ~~Finance Director~~ **Building Commissioner** upon forms provided by him. Such application shall be sworn to or affirmed and shall be filed in the office of the ~~Director~~ Commissioner for public inspection and shall contain the following information, or in lieu thereof a statement of reason or reasons why such information cannot be furnished:

(a) The name and address or headquarters of the person applying for the Certificate of Registration.

(b) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a certified copy of the resolution or other authority, if any, authorizing such solicitation.

(c) The purpose in detail for which such solicitation of funds is to be made, the total amount of funds proposed to be raised thereby and the use or disposition to be made of any receipts therefrom.

(d) A specific statement, supported by reasons, and, if available, figures showing the need for the contributions to be solicited.

(e) The name and address of the person or persons by whom the receipts of such solicitation shall be disbursed.

(f) The name and address of the person or persons who will be in direct charge of conducting the solicitation.

(g) An outline of the method or methods to be used in conducting the solicitation.

(h) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitation or canvass.

(i) The estimated cost of the solicitation.

(j) The amount of any wages, fees, commissions, expenses and emoluments to be expended or paid to any person in connection with such solicitations and the names and addresses of all such persons.

(k) A current balance sheet statement of assets and liabilities of the applicant and an itemized statement for the last preceding fiscal year of all income and expenditures of the applicant, such statements to bear the certificate of an independent certified public accountant. Such statement of income and expenditure shall include and accurately show the itemized fund-raising cost of the organization. In the case of any national or statewide organization, the financial statements shall include such departmentalization as to accurately and clearly show income and expenditures, including fund-raising costs allocable to activities within the City.

(l) A full statement of the character and extent of religious solicitation of funds being done by the applicant within the City.

(m) Such other information as may be required by the Finance Director in order to determine the kind and character of the proposed solicitation and the persons connected therewith.

If while any application is pending or during the term of any Certificate of Registration granted thereon, there is any change in fact, policy, or method that would

alter the information given in the application, the applicant shall notify the ~~Director~~ **Commissioner** in writing thereof within twenty-four hours after such change.

Upon receipt of such application, the ~~Director~~ **Building Commissioner** shall without undue delay commence to investigate the affairs of the applicant and cause to have verified the information submitted by the applicant. Upon completion of processing of the application and related detail and verification thereof, the ~~Director~~ **Commissioner** shall issue the applicant a Certificate of Registration. The Certificate shall remain in force and effect for a period of not more than one year after the issuance thereof. Certificates of Registration for religious solicitation of funds shall bear the name and address of the person by whom the solicitation is to be made, the number of the Certificate, the date issued and a statement that the Certificate does not constitute an endorsement by the City of the purpose of the solicitation.

707.16 CREDENTIALS FOR SOLICITORS OF RELIGIOUS SOLICITATIONS.

All persons to whom Certificates of Registration have been issued shall comply with the applicable provisions of Section 707.03. No person shall solicit funds or contributions for any religious cause without having such credentials on his person, and such person shall, upon demand, present these credentials to any person solicited or to any police officer of the City.

707.17 INVESTIGATION OF APPLICANT; EXEMPTIONS.

The Finance Director is authorized to request the ~~Safety Director~~ **Building Commissioner** to investigate the affairs of any person soliciting contributions for religious purposes and the affairs of any person exempt from the requirement of a Certificate of Registration under Section 707.14 and may make public his written finding. The person being investigated shall make available to the Finance Director and/or the ~~Safety Director~~ or to any representative designated by the Finance Director, for such specific purpose, all books, records, and the like, to enable the Finance Director and/or the ~~Safety Director~~ to fully and fairly inform the public of the work and methods of such religious solicitation of such persons, provided that five days before the public release of any findings the Finance Director must first serve a copy of the findings upon the person investigated and at the time of the release of his findings he must release a copy of any written statement such person may file with the Finance Director in explanation, denial or confirmation of such findings.

707.18 INVESTIGATIVE COSTS AND CERTIFICATE FEES.

At the time of the application for the Certificate of Registration, each applicant shall deposit with the ~~Finance Director~~ **Building Commissioner** a fee as provided in the General Fee Schedule in Section 701.07 for the purpose of investigation. Certificate fees for each applicant, solicitor or canvasser shall thereafter be charged as is further provided by Section 701.07.

707.99 PENALTY.

~~Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree.~~

Whoever violates any provision of this Chapter shall be guilty of a second-degree misdemeanor for the first offense. Each subsequent offense shall be guilty of a first-degree misdemeanor. Upon conviction of the third offense their Mobile Food Service Operation Permit, License or Certificate of Registration shall be permanently revoked.

SECTION 2. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____

ORDINANCE NO.: 79-2021

SPONSORED BY: MAYOR MATTHEW BURKE

CO-SPONSORED BY: COUNCILPERSON MICHAEL NENADOVICH

AN EMERGENCY ORDINANCE AUTHORIZING THE SALE AND DISPOSAL OF MUNICIPALLY OWNED PROPERTY WHICH HAS BEEN DETERMINED TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES PURSUANT TO SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF GARFIELD HEIGHTS.

WHEREAS, pursuant to Section 129.02 of the Codified Ordinances of the City of Garfield Heights, various departmental Directors of the City have determined that certain municipally owned properties are no longer needed for municipal uses or have become unsuitable for such uses; and

WHEREAS, the Mayor of the City of Garfield Heights, also pursuant to Section 129.02 of the Codified Ordinances, has approved this determination in writing, and

WHEREAS, the City of Garfield Heights intends to utilize the GovDeals Online Auction Site for the disposal of the various items identified herein as authorized pursuant to Ordinance 81-2010.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GARFIELD HEIGHTS, OHIO, THAT:

SECTION 1. Pursuant to Section 129.02 of the Codified Ordinances of the City of Garfield Heights, this Council hereby approves the sale of the following municipally owned properties which have been determined by the various Directors to be no longer needed for municipal uses or have become unsuitable for such uses, and such determination being approved by the Mayor in writing:

EQUIPMENT

- | | |
|-----------------------|--|
| 1. Senior Center B35 | 2007 Ford E-350 Bus VIN#1FDWE35L67DA92178 |
| 2. Police 3449 | 2005 Ford Crown Vic VIN#2FAHP71W65X125836 |
| 3. Service #85 | 1998 Bomag/Master Pavement Roller
VIN#BOA226C1004UM150V |
| 4. Nutrition M-2 | 2006 Ford Crown Vic VIN# 2FAHP71W26X145728 |
| 5. Police 3454 | 2011 Ford Crown Vic VIN# 2FABP7BV3BX169106 |
| 6. Fire FC4 | 2007 Ford Crown Vic VIN# 2FAHP71W37X124470 |
| 7. Building B-1 | 2011 Ford Crown Vic VIN#2FABP7BV6BX172792 |
| 8. Nutrition CS-1 | 2005 Ford Crown Vic VIN#2FAHP71WX5X165451 |
| 9. Court CRT | 2011 Ford Crown Vic VIN#2FABP7BV1BX172795 |
| 10. Building B-7 | 2010 Ford Crown Vic VIN#2FABP7BV0AX133856 |
| 11. Senior Center B34 | 2007 Ford Eldorado Bus VIN#1FDXE45S47DB11327 |
| 12. Service #40 | 2001 Freightliner FL-60 VIN#1FVABPBW01HH96221 |

SECTION 2. The Finance Director is hereby authorized and directed to post the items identified herein for disposal/sale through the GovDeals Public Auction on-line system pursuant to the agreement entered into with GovDeals under Ordinance 81-2010 and in accordance with Section 129.02 of the Codified Ordinances.

SECTION 3. Council declares this Ordinance to be an emergency measure necessary for the preservation of the public health, safety and welfare and for the further reason that it relates to the daily operation of a municipal department(s), therefore this Ordinance shall be in full force and effect upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____

RESOLUTION NO.: 34-2021

SPONSORED BY: COUNCILMAN JASON BLAKE

CO-SPONSORED BY: ALL OF COUNCIL

A RESOLUTION COMMEMORATING OCTOBER AS NATIONAL
BREAST CANCER AWARENESS MONTH

WHEREAS, During National Breast Cancer Awareness Month, the City of Garfield Heights stands with the courageous women and men who have been diagnosed with breast cancer and honor those who have lost their battle to this terrible disease, and

WHEREAS, as the second most common cancer affecting women, an estimated 1 in 8 women will develop breast cancer over the course of their lifetime and approximately 281,550 women will be diagnosed with breast cancer in the United States in 2021, and

WHEREAS, the City of Garfield Heights would like to applaud the advocates, medical professionals, researchers, and caregivers who dedicate their lives to making progress toward curing breast cancer, and

WHEREAS, this month, the City honors and stands in solidarity with breast cancer survivors in our community, and

WHEREAS, during National Breast Cancer Awareness Month, the City encourages women to take charge of their own breast health, by practicing regular self-breast exams, making sure to schedule an annual mammogram, adhering to prescribed treatment, and knowing the facts about recurrence.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Garfield Heights, Ohio, that:

SECTION 1. The Mayor and Council hereby officially commemorate National Breast Cancer Awareness Month and encourage everyone to become more aware about breast cancer risks and prevention.

SECTION 2. The Law Department is hereby authorized and directed to transmit a copy of this Resolution to the local news media.

SECTION 3. This Resolution shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____
MAYOR

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

EFFECTIVE DATE: _____