

CODIFIED ORDINANCES OF ASHVILLE
PART SEVEN - BUSINESS REGULATION CODE

Chap. 709. Alarm Systems.

Chap. 735. Peddlers, Solicitors and Temporary Stores.

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CHAPTER 709
Alarm Systems

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CROSS REFERENCES

False alarms - see GEN. OFF. 509.07

709.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section:

- (a) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal audibly, visibly or electronically, to a location outside the structures protected by the system or to a monitoring station that in turn notifies the appropriate agency, the occurrence of an illegal entry or other activity requiring urgent attention to which the Division of Police shall respond.
- (b) "Alarm user" means the person, partnership, corporation or any other entity in control of any building, structure or facility, or any portion thereof, which is protected by an alarm system.
- (c) "Audible alarm" means any alarm system that has been designed to emit its signal by belt whistle, siren or other device to the immediate area near the structure that it protects. An audible alarm shall be considered as such if it transmits a signal to an additional location.
- (d) "Automatic dialer" means any alarm system that has been designed to emit its signal directly to the Division of Police by means of dialing a telephone number at the Division and giving a tape recorded message or synthesized voice message, intended to elicit a response.

- (e) "False alarm" means an alarm system signal or message eliciting an urgent response by the Division of Police when a situation requiring such response by the police does not exist. An alarm that was activated because of testing or repair shall not be considered as a false alarm if prior notification was given the day of repairs or test to the Police Department.
- (f) "Interconnected alarm system" means an alarm system that directly or indirectly, automatically or manually, uses a telephone line to transmit an alarm or message upon activation of the alarm system, including automatic dialing devices and building alarms connected to a private central operator who reports alarm calls to the Division of Police.
(Ord. 99-26. Passed 12-6-99.)

709.02 ALARM USER PERMIT REQUIRED.

(a) No person shall install, operate or allow on the premises under his control the operation of an alarm system unless such person first obtains a valid alarm user permit. This requirement shall be the responsibility of the owner unless the occupant of the property is different from the owner, in which case it shall be the responsibility of both.

(b) If an alarm user has more than one alarm system protecting two or more separate structures having different addresses, a separate permit shall be required for each system. All addresses shall be stated on the alarm user application.

(c) Alarm users shall apply for a permit prior to installing or activating any alarm system. Permits will be valid through December 31 of the year in which the permit is issued.

(d) No posting of the alarm user permit or the posting of any other evidence of registration shall be required.
(Ord. 99-26. Passed 12-6-99.)

709.03 ALARM USER PERMIT APPLICATION; FEE.

(a) Applications for alarm user permits shall be made on forms provided by the Chief of Police or his designee. The application shall include the name, address and telephone number of the property to be serviced by the alarm, and the name, address and telephone number of the owner of the property (including business phone number) and central station phone number of applicant's alarm company, if any.

(b) Each application for an alarm user permit for an alarm system that pertains to a residence shall provide at least one other name and telephone number of a person to be contacted in an emergency when the user unavailable. Each application for an alarm user permit for any alarm system that pertains to a building, structure or facility other than a residence shall provide at least three such names, unless such facility employs less than three persons. An alarm monitoring company name may be substituted for a required name, if a contractual arrangement exists between the user and the monitoring company.

(c) Each holder of an alarm user permit shall, within ten days of any change of the information on the alarm user permit application, notify the Chief of Police in writing of any changes in the information on the application.

(d) Each application for an alarm user permit shall contain an agreement to submit to the assessment schedule.

(e) An annual alarm user permit fee of fifteen dollars (\$15.00) shall be charged for a permit issued under the provisions of this chapter. Alarm permits are personal to the permit holder and are not transferable.

(f) No person, organization or business shall remove or otherwise terminate an alarm system in this Village without notifying the Chief of Police or his designee, in writing of removal or termination. Such notice shall include the address of the removed or terminated system, the type of alarm system and the name and address of the person, organization or business that shall perform such removal or termination. Such notice shall be served to the Chief of Police within thirty days of the removal or termination of the given alarm system.

(g) When there has occurred any material change in the information previously submitted with respect to such alarm system it shall be the duty of the occupant of a building, serviced by an alarm system, within ten days after a change of information previously submitted to the Village to file an application supplement containing accurate, current information with respect to the data required by the Chief of Police or his designee.

(h) The information contained in an alarm user permit application shall be securely maintained and restricted to inspection by the Chief of Police or their designated representatives. (Ord. 99-26. Passed 12-6-99.)

709.04 SYSTEM STANDARDS.

(a) The Chief of Police, or his designee, shall have the authority, at reasonable times and upon oral notice, to enter upon any premises within the Village to inspect only installation and operation of an alarm system the purpose of which is to report an emergency to the police.

In the event the premise to be inspected is a private dwelling such inspection shall only be done between the hours of 8:00 a.m. and 8:00 p.m. and only if the notice is in written form addressed to the permit holder and presented to a responsible adult. Under this chapter, such residences are only subject to the above inspection after three false alarms have originated from them. The written notice shall cite the specific false alarm history of that permit. Failure to allow reasonable inspection of alarm system may be grounds for revocation of the alarm permit.

(b) The Chief of Police, or his designee, may require that repairs or adjustments be made whenever he has determined that such repairs are necessary to assure proper operation. Failure to make such repairs or adjustments may be grounds for revocation of the alarm permit.

(c) No alarm user permit shall be issued for any alarm system installed after December 31, 1999 that can be activated by a failure in the electrical current from the utility. Systems shall be equipped with a secondary power source that shall hold the alarm readiness for a minimum of 120 minutes or shall be rendered inoperable by such power interruption.

(d) After December 31, 2000, no alarm user permit shall be issued or renewed for any audible alarm or automatic dialer alarm system designed to detect an intrusion that does not have an automatic cutoff that ceases the alarm signals within fifteen minutes after activation.

(e) The equipment shall meet standards as set forth by the State and the Chief of Police, and the applicants may be required to submit evidence of the reliability and suitability of the equipment to be installed.
(Ord. 99-26. Passed 12-6-99.)

709.05 ALARM VALIDITY DETERMINATION.

(a) Whenever an alarm is activated, requiring an emergency response to the location by the Division of Police, a police officer shall inspect the areas protected by the system and shall determine whether the emergency response was required as suggested by the alarm system.

(b) If the inspecting police officer finds the signal to be a false alarm, the officer shall make a report of the false alarm to the Chief of Police. A warning citation shall be issued to the holder of the user's permit after the second false alarm in a calendar year.
(Ord. 99-26. Passed 12-6-99.)

709.06 FALSE ALARM PROHIBITED.

(a) Each false alarm response shall constitute a separate false alarm. Any response to a false alarm to a Village address by another agency, in lieu of response by Village police because of mutual aid or automatic response agreements, shall constitute a false alarm.

(b) No service fee shall be assessed for the first three false alarms per calendar year for each alarm user permit.

(c) Each false alarm in a calendar year in excess of three false alarms and up to and including six false alarms transmitted by a alarm system for which a valid alarm users permit is in effect, shall be assessed by the Chief or his designee, a service fee of twenty-five dollars (\$25.00).

(d) Each false alarm in a calendar year in excess of six alarms and up to and including nine false alarms transmitted by any alarm system for which a valid alarm user permit is in effect, shall be assessed by the Chief or his designee, a service fee of fifty dollars (\$50.00).

(e) No person who is either the holder of an alarm user permit or responsible for the alarm system operation shall negligently allow such alarm to register ten (10) or more false alarms within a calendar year.
(Ord. 99-26. Passed 12-6-99.)

709.07 ALARM USER PERMIT REVOCATION.

(a) An alarm user permit shall be reviewed for possible suspension or revocation by the Chief of Police or his designee for any of the following reasons:

- (1) Any false alarm in excess of nine false alarms in a calendar year;
- (2) Failure to remit the service fee required by Section 709.07 within thirty days of receipt of invoice;
- (3) Falsification of any information on an application for issuance or renewal of an alarm user permit; or
- (4) Failure to notify the Chief of changes in permit information as required by Section 709.03(c).

(b) Before an alarm user's permit may be revoked a hearing shall be held before the Chief of Police or his designee. A notice setting forth the time, place and nature of the hearing shall be sent to the alarm permit holder no less than seven days before such hearing.

(c) After such hearing the Chief of Police, or his designee, shall within ten days notify the permit holder whether the complaint is dismissed or the alarm user permit revoked.

(d) At the end of the revocation period the alarm permit holder shall be required, if the holder intends to continue using his or her alarm system, to refile an application, pay the required fee and have it approved by the Chief of Police, or his designee.

(Ord. 99-26. Passed 12-6-99.)

709.08 LIABILITY OF THE VILLAGE.

The issuance of any permits in conjunction with this chapter shall not constitute acceptance by the Village of any liability to maintain any equipment to answer alarms or for anything in connection with it.

(Ord. 99-26. Passed 12-6-99.)

709.09 EXEMPTIONS.

The provisions of this chapter are not applicable to smoke or carbon monoxide detectors or local alarm systems not intended to be heard outside the dwelling unit or structure, nor to alarm systems or audible alarms affixed to automobiles, boats, boat trailers, recreation vehicles or other motor vehicles.

(Ord. 99-26. Passed 12-6-99.)

709.99 PENALTY.

(a) Whoever violates Section 709.02(a) is guilty of a minor misdemeanor for the first offense. All subsequent offenses shall be as misdemeanor of the fourth degree.

(b) Whoever violates Section 709.06(c) or (d) shall be assessed the fee stated in that section and such false alarms shall be included for purposes of Section 709.07.

(c) Whoever violates Section 709.06(e) is guilty of a misdemeanor of the fourth degree.

(d) All other violations of sections in this chapter shall be grounds for revocation of alarm user permits and shall carry no other penalty.

(Ord. 99-26. Passed 12-6-99.)

CHAPTER 735
Peddlers, Solicitors and Temporary Stores

<p>735.01 Definitions.</p> <p>735.02 Sales.</p> <p>735.03 Registration.</p> <p>735.04 Permit.</p> <p>735.05 Carrying and exhibiting licenses.</p> <p>735.06 License transfer and use.</p> <p>735.07 Peddling prohibited where signs posted.</p>	<p>735.08 Hours of solicitation; noise.</p> <p>735.09 Harassing or annoying prospective customers; trespass.</p> <p>735.10 Temporary stores; license and fee.</p> <p>735.11 Exceptions from application fees.</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

Littering - see GEN. OFF. 521.08

Trespassing - see GEN. OFF. 541.05

735.01 DEFINITIONS.

As used this chapter:

- (a) "Canvasser" means any person or organization who or which goes through places or among people asking for votes, opinions, orders, etc. (except candidates for political office).
- (b) "Peddler" means any person or organization who carries with him or her, for the purpose of sale at retail and immediate or future delivery, goods, wares, food, merchandise or other articles of value. "Peddler" also includes any person who, in person or as principal or agent, canvasses, sells or otherwise obtains orders or commitments for the sale, repair or exchange of goods, wares, food, merchandise or services.
- (c) "Solicitor" means any person or organization who or which obtains or seeks to obtain funds for any cause by means of canvassing from place to place.
- (d) "Temporary store" means the establishment of a store, outlet or other method of displaying for sale goods, wares or food from any type of temporary enclosure or vehicle, from a location in the Municipality on property not the property of the person, principal or agent of the enterprise for which a certificate of zoning compliance is required.
(Ord. 99-25. Passed 10-4-99.)

735.02 SALES.

(a) No person or organization shall sell, offer for sale, or solicit orders for any goods, property, merchandise, periodicals or services by going door to door within the Village of Ashville unless such person or organization has first registered with the Police Department and obtained from the Police Department the permit.

(b) No person or organization shall solicit contributions for any cause by going from door to door within the Village unless such person or organization has first registered with the Police Department and obtained the permit.
(Ord. 99-25. Passed 10-4-99.)

735.03 REGISTRATION.

Persons or organizations who wish to conduct activity shall personally appear at the Municipal Office, 91 West Main Street, Ashville, Ohio, weekdays during Village business hours and register themselves in the following manner.

- (a) Sign their full legal name, write out their present permanent address, and write out the date of registration in a registration book which the Police Department shall have at all times.
- (b) Write out in a registration book which the Police Department shall have available at all times, the name of the entity for which the person or organization intends to sell, offer for sale, or solicit orders, or the name of the cause for which he intends to solicit contributions.
- (c) Provide to the Police Department evidence of personal identification in the form their thumb print and any of the following:
 - (1) A valid drivers' license;
 - (2) A certified copy of a birth certificate;
 - (3) A valid United States passport;
 - (4) An official organization photo identification containing the following information: name, address and telephone of the organization and the individual's name, address and social security number.
 - (5) A current State of Ohio Bureau of Motor Vehicles identification card.
- (d) Provide to the Police Department evidence of organizational identification in the form of any of the following:
 - (1) A vendor's license;
 - (2) An IRS identification number;
 - (3) A corporation identification number;
 - (4) A date Charter number;
 - (5) Any other identification acceptable to the Police Department.
- (e) The applicant shall pay the Village of Ashville a fee as set forth by Council. This fee is to be paid per organization if more than one person from the same organization applies, with that person acting as an agent for the organization, or per individual if one person applies for the permit. This fee is intended to cover and defray the cost of registration and issuance of the permit, and may not be waived unless by authority of the Mayor.
(Ord. 99-25. Passed 10-4-99.)

735.04 PERMIT.

Within one business day from the time of the completion of the registration the Police Department shall issue a solicitor's permit to the organization as represented by its agent, or to an individual solicitor. The solicitor's permit shall be valid for 30 days from the date of registration. In the event of the loss or destruction of a solicitor's permit, the Police Department shall reissue a duplicate within one business day upon request for a duplicate and the payment of five dollars (\$5.00).

(Ord. 99-25. Passed 10-4-99.)

735.05 CARRYING AND EXHIBITING LICENSES.

The license/permit issued under the provisions of this chapter shall be carried by any peddler or solicitor at all times when peddling or soliciting and shall be displayed to any persons being solicited or to any police officer upon request. Failure to produce this permit is prima facie evidence that no permit exists.

(Ord. 99-25. Passed 10-4-99.)

735.06 LICENSE TRANSFER AND USE.

No license issued under this chapter shall be in any manner assignable or transferable. No license shall authorize any person other than the one named in such license to do business, nor shall a licensee conduct any other business than is named therein to be transacted.

(Ord. 99-25. Passed 10-4-99.)

735.07 PEDDLING PROHIBITED WHERE SIGNS POSTED.

No peddler, canvasser or solicitor shall knock at the door of or ring the bell of any private home, apartment or apartment building in the Municipality where there is displayed at the entrance a notice reading "No peddlers, solicitors or canvassers allowed," or which otherwise clearly purports to prohibit persons from soliciting, peddling or canvassing, unless such peddler, canvasser or solicitor is or has been invited upon such premises by the owner, lessee or occupant thereof.

(Ord. 99-25. Passed 10-4-99.)

735.08 HOURS OF SOLICITATION; NOISE.

(a) All peddling and solicitation under a license/permit issued shall be done between the hours of 10:00 a.m and one-half hour after sunset Monday through Saturday. Sundays and State and Federal holidays: 1:00 p.m. through 4:00 p.m.

(b) No peddler or solicitor shall use any whistle, bell, horn or other mechanical or electrical device for the purpose of advertising his or her goods, wares, merchandise, food or services. No peddler or solicitor shall call out in a loud voice for such advertising purpose.

(Ord. 99-25. Passed 10-4-99.)

735.09 HARASSING OR ANNOYING PROSPECTIVE CUSTOMERS; TRESPASS.

(a) No solicitor, peddler or canvasser shall vex, annoy or harass any person by importuning such person to purchase or look at his or her goods or wares.

(b) No solicitor, peddler or canvasser shall enter any private house or residence without being invited to do so.
(Ord. 99-25. Passed 10-4-99.)

735.10 TEMPORARY STORES; LICENSE AND FEE.

(a) No person shall open or conduct a temporary store or place for selling goods, wares, merchandise or food until he or she has obtained from the Chief of Police a license/permit to open such store or conduct such sale.

(b) The licensing process is the same as set forth in Section 735.03.

(c) Exceptions defined in Section 735.11 apply to this section.

(d) Fees are included in the General Fee Schedule
(Ord. 99-25. Passed 10-4-99.)

735.11 EXCEPTIONS FROM APPLICATION FEES.

A license/permit shall be required of the following persons or organizations, but no fee shall be charged in association with the granting of said license/permit.

(a) Any person selling products of his or her own raising or manufacture;

(b) Any organization which employs persons who solicit only the purchase of, or subscription for, newspapers having their principal sale or distribution in the Municipality or in the County;

(c) Any person or organization who or which solicits, only for wholesale delivery to merchants, manufacturers or other business persons at their offices, places of business, or factories, the sale of equipment or articles used in the conduct of their professions, businesses, or manufacturing establishments; and

(d) Any organization which, without compensation, solicits or peddles on behalf of and for any locally recognized religious, educational, civic or charitable organization.

(Ord. 99-25. Passed 10-4-99.)

735.99 PENALTY.

(a) Whoever violates section 735.02, 735.05, 735.06, 735.07, 735.08(a), 735.09(b), 735.10, or any person who provides false information in the registration as described in section 735.03 is guilty of a misdemeanor of the fourth degree.

(b) Whoever violates section 735.08(b) or 735.09(a) is guilty of a minor misdemeanor and shall not be fined more than one hundred dollars (\$100.00) for each offense.

(c) A separate offense shall be deemed to have occurred each day during or on which a violation of, or noncompliance with, any provisions of this chapter occurs or continues. A permit may be revoked by the Mayor for good cause shown.
(Ord. 99-25. Passed 10-4-99.)