

TITLE XI: BUSINESS REGULATIONS

Chapter

110. OCCUPATIONAL LICENSING PROVISIONS

111. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

112. PAWNBROKERS

113. COMMUNITY ANTENNA TELEVISION SYSTEM

CHAPTER 110: OCCUPATIONAL LICENSING PROVISIONS

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§ 110.01 LICENSE REQUIRED.

(A) Within the corporate limits of the city it shall be unlawful for any person, firm, or corporation to engage in any business, occupation, trade, or profession, or to sell or offer for sale, any article of goods, wares, or merchandise named in this chapter without first having procured a license to do so, and paying the required license tax therefor.

(B) The license tax provided for in this chapter shall be required of each member of a firm where two or more persons are engaged in the practice of the profession. It shall also be required where an individual, firm, or corporation may have separate locations for conducting business and each separate location shall require the license tax according to the business conducted therein.
(Ord. passed 2-5-90) Penalty, see § 110.99

§ 110.02 APPLICATION.

Every person desiring to obtain a city license for any of the businesses herein enumerated shall apply for a certificate therefor to the City Clerk, and the person to whom the license certificate shall be issued shall pay to the City Treasurer the required license tax. The possession of a duly issued license shall be prima facie evidence of the fact that the license tax has been duly paid.
(Ord. passed 2-5-90)

§ 110.03 DISPLAY OF LICENSE.

Every person holding a license for any of the purposes mentioned herein shall keep the license

posted in his place of business, if any, in a conspicuous place, or if he has no particular place of business, shall keep the license on his person, so that it may be inspected upon request by the proper authorities. Every person holding a city license shall produce the license for inspection whenever requested so to do by the City Clerk, City Treasurer, City Police, or other proper agent or officer of the city.

(Ord. passed 2-5-90)

§ 110.04 TERM OF LICENSE; PAYMENT OF TAX.

(A) All licenses issued under this chapter shall be due on March 1 of each year, and all licenses shall expire on the last day of February of each year, succeeding the date issued, except as herein specified. No license shall be issued for less than a full year except in the case of businesses, occupations, trades, and professions as to which specific provision is made for licensing by the day or week and except in the case of a new business. A license for a new business, that is, where the applicant for the license was not in that business on March 1 of that year, may, except where otherwise provided herein, be issued and license tax paid for a pro rata portion of the license year, any fraction of a month of the license year remaining shall be counted as a full month. No license tax shall be prorated to an amount less than \$5, nor to an amount less than one-fourth of the license tax for the entire year.

(B) Except as is specifically provided otherwise in this chapter, division (A) of this section shall not apply to any solicitor who merely sets up business for a short period of time or comes to the city on various occasions throughout the year to sell his wares. Persons engaged in this type of business shall be subject to the annual fee amount for the type of business that the solicitor is engaged in, for example, a solicitor selling furniture would pay a fee in an amount equal to the fee paid by a furniture store as set out in § 110.07 of this chapter.

(Ord. passed 2-5-90) Penalty, see § 110.99

Cross-reference:

Peddlers, itinerant merchants, and solicitors, see Ch. 111

§ 110.05 DELINQUENT PAYMENT OF TAX.

Any and all license fees or taxes due to be paid on March 1 and not paid within 30 days from that date, or each license due thereafter not paid within 30 days from the due date, shall be assessed a penalty of 10% of the fee or tax required for that particular business, occupation, or profession for each month delinquent, but not to exceed a total of 50%, which penalty, together with the regular fee or tax, shall be paid before the license is issued.

(Ord. passed 2-5-90)

§ 110.06 DISPOSITION OF FUNDS.

All revenue received from the payment of license taxes and penalties required by this chapter shall

be paid into and become a part of the general fund of the city to be used for general operating expenses of the city.

(Ord. passed 2-5-90)

§ 110.07 LICENSE TAX SCHEDULE.

(A) Each person, firm, or corporation owning, operating, conducting, or engaging in any of the following businesses, occupations, trades, or professions, whether operated or conducted separately or in connection with another business, occupation, trade or profession, except as herein specifically provided, shall pay the amount of license tax herein provided, the name used in each case being a designation of the business, occupation, trade, or profession required to be licensed.

(B) The provisions of this chapter shall not apply to students working on a part-time basis (example: mowing and racking yards, washing windows, running errands, etc.). The Clerk shall have the authority to determine when these provisions apply.

<i>Business</i>	<i>License Tax</i>
<i>A</i>	
Agent, representative or solicitor, not otherwise herein specifically provided for, taking or soliciting orders or making sales, per year	\$50
Alcoholic beverages	
Beer retailers and distributors	
For the purpose of this schedule, <i>BEER</i> shall be construed to include within its meaning only beer, lager beer, ale, stout, or similar fermented malt liquor, or fruit juice containing not less than 3.2% of alcohol by weight. This license shall be issued only by the City Council. All ordinances now in force regarding the regulation of establishments granted a license under this paragraph, and the revocation of that license, shall remain in full force and effect, and reference is made to those ordinances to have the same effect as if the regulations were embodied herein.	
Beer retailer, selling beer as herein defined for consumption on or off the premises of the seller	\$100
Beer distributor, including anyone, whether distributor, jobber, broker, agent, or other person who distributes malt beverages for the purpose of being sold at retail	\$150
Whiskey, selling whiskey or other spirituous, vinous, or intoxicating liquors	
At wholesale	\$300
At retail	\$200

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<i>Business</i>	<i>License Tax</i>
<p>This license shall be issued only by the City Council. All ordinances now in force regarding the regulation of establishments granted a license under this paragraph, and the revocation of the license shall remain in full force and effect and reference is made to these ordinances to have the same effect as if the regulations were embodied herein.)</p> <p>Whiskey by drinks</p> <p>Wine by drinks in connection with a restaurant operation where whiskey by the drink is not available</p> <p>On the premises of private clubs</p> <p>All licenses regarding the sale of whiskey or other spirituous, vinous, or other intoxicating liquors shall be purchased on or before March 1 of each year. Licenses for a new business engaged in the sale of whiskey or other spirituous, vinous, or other intoxicating liquors where the applicant for the license was not in business on March 1 of that year may, except where otherwise provided herein, be issued a license for a pro rata portion of the license year. Any fraction of a month of the license year remaining shall be counted as a full month; however, no license shall be pro-rated to an amount less than one-half of the license tax for the entire year.</p> <p>Bottling liquor, to engage in the bottling of beer, whiskey, or other spirituous or intoxicating liquors</p>	<p>\$500</p> <p>\$100</p> <p>\$200</p> <p>\$125</p>
<p>Apartment rentals</p> <p>First three units</p> <p>Each additional unit</p>	<p>\$50</p> <p>\$10</p>
<p>Auction house of any kind</p> <p>Per year</p>	<p>\$50</p>
<p>Auctioneer</p> <p>When an auctioneer is also a real estate agent and/or an insurance agent or all three, a staggered fee will apply</p> <p>First profession</p> <p>Second profession</p> <p>Third profession</p>	<p>\$75</p> <p>\$40</p> <p>\$20</p>
<p>Automobile dealer, selling automobiles and trucks or conducting an automobile sales agency for new or used cars at a regular fixed place of business in the city, including the privilege of operating in connection therewith a repair shop and the selling of accessories and parts for the automobiles for which he is a dealer, and selling gasoline, oil, and grease and furnishing storage and also the selling of power farm equipment</p>	<p>\$100</p>

Occupational Licensing Provisions

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<i>Business</i>	<i>License Tax</i>
Automobile garage or automobile service station, including storage, the sale of gasoline, oil, and grease, and all branches of the business except the privilege of selling automobiles and power farm equipment, new or used	\$50
Automobile laundry where automobiles are washed, cleaned, or polished, where the automobile laundry is not operated by a person, firm, or corporation operating an automobile garage or automobile service station	\$50
Automobile, motorcycle, and truck parts, hardware, accessories, wholesale in established place of business	\$50
Automobile and truck repair and handling of accessories and parts for vehicles being repaired	\$50
Automotive body repair shop	\$50
Appliances, sale of major appliances	\$50
B	
Bands/Music, any establishment who features live bands	\$50
Bakery	\$50
Barbershop, Beauty Shop	\$50
Bed and Breakfast	\$25
Beer retailers and distributors, see Alcoholic Beverages	
Billiard or pool room, where compensation is received directly or indirectly	
For one table	\$50
Each additional table	\$25
Bottling liquor, see Alcoholic Beverages	
Bowling alleys	\$50
Business machines, where sales and repairs are not in connection with any other business	\$50
C	
Cabinet shop, manufacture and sale of cabinets and furniture	\$50
Carnival, street fair, or similar exhibitions and attractions	
Per day	\$100

Bloomfield - Business Regulations

<i>Business</i>	<i>License Tax</i>
<i>CARNIVAL</i> shall include all aggregations, associations, or companies that exhibit, maintain, and show under tents or other temporary cover, and, moving in groups of two or more shows, carrying riding devices, concessions, and other entertainment usually included in the terms <i>STREET FAIR</i> or <i>CARNIVAL</i> .	
Caterer, provide food and services	\$50
Per day	\$25
Circus or menagerie, to unload from or load onto railroad cars, or to pass over or parade the streets, to exhibit within the city limits	
Per day	\$100
The amount here fixed included all license taxes for side shows, concessions, and parades, but the city shall have the right to regulate the weight and size of loads carried over the streets of the city and the city shall have exclusive right to designate the route to and from show grounds from point of loading and unloading and the route of parades.	
Cleaning, pressing, and dyeing plant and laundry, or either, operating within the city	\$50
Cleaning, dyeing, and laundry agent, soliciting the business of cleaning, dyeing, and laundry, or either, of clothes or other materials without the cooperation of a plant within the city	\$100
Cobbler, see Shoe Repair	
Computer sales and service, programming of computers and the writing of programs, including those designed to run on the Internet	\$50
Includes computer training, consultation, bulk mailing, copying services, and any related functions.	
Concrete blocks, sale of concrete blocks, when not done in connection with the operation of a hardware, or lumber business located within the corporate limits of the city	\$50
Contractors	
Building, including the construction of buildings, streets, parking lots, curbs, and gutters. Special contractors, including electric, plumbing, heating and air conditioning, carpet and flooring (sales and installation), siding, roofing, aluminum, storm doors and windows.	\$75
Signs and sign painting, house painters, home repair, and professional carpet and home cleaning	\$50

<i>Business</i>	<i>License Tax</i>
D	
Dance hall, for operating a public dance hall	\$75
If dance hall periodically has live band, additional fee	\$25
Daycare, caring for four or more children	\$50
Drug stores, sale at retail of medicines, notions, soft drinks, candies, nuts, pens, small electrical equipment, cosmetics, magazines, stationary, watches, costume jewelry, and other similar articles	\$100
Dry goods, sale at retail of men's and women's furnishings, including notions, novelties, toys, souvenirs, and costume jewelry	\$50
E	
Electrical appliances retail store, selling at retail paints, electrical and gas appliances and supplies, plumbing fixtures, and similar articles, and repairing the articles	\$100
Equipment and tool rental, including repair of equipment	\$50
Exterminator	\$50
F	
Fertilizer and other chemical dealers	\$50
Finance/bank/loan company, to conduct or engage in the loan agency business of lending on the deferred payment or installment plan	\$100
Fitness center	\$50
Flea market, peddler's mall	\$150
Florist shop or florist agent	\$50
Flour mill or feed mill, operation and sale of products and related objects, wholesale or retail	\$100
Fortune tellers	\$1,000
Furniture repairer and upholsterer	\$50
Furniture store, sale of new or used furniture	\$50
G	
Game room for use, sale or rent of legal gaming equipment	\$100

<i>Business</i>	<i>License Tax</i>
Garbage hauler	\$100
Gasoline filling station, dispensing gasoline, oils, and automobile accessories or parts at the station, but not engaged in repair work, and including the privilege of greasing, washing, changing tires, and repairing tubes	\$100
Gasoline and petroleum products dealer, selling at wholesale or retail and delivering to customers in the city by truck	\$150
General license fee, any business that does not fit into any listed category	\$50
Gift shop, including the sale of novelties, cards, toys, arts, gifts, antiques, china, glassware, magazines, wrappings, and bicycles	\$50
Grocery store, selling at retail groceries and other items usually handled by this type of store, including the privileges of selling cigarettes and other tobacco products, meat, fish, and soft drinks Does not include sales of alcoholic beverages	\$100
Gun shop, including sales and repair	\$50
H	
Hardware store, selling hardware at retail, including the privilege of selling lumber, building metal, seed, fertilizer, electrical supplies and equipment, and automobile accessories and equipment, but not including the privilege of selling power farm equipment	\$100
Home occupations professional offices, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any producer shall qualify as a home occupation. Home occupations include only those which meet the following performance: Incidental to the principal residential use, occupying no more than 25% of the total floor space. No exterior evidence excepting a permitted sign that the dwelling is used for a nonresidential use. Shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy equipment traffic.	\$50
I	
Ice cream parlor	\$25

<i>Business</i>	<i>License Tax</i>
Ice dealer, selling at retail or wholesale	\$50
Insurance agent, engaged in the business of soliciting, selling, or writing automobile, casualty, health, accident, and fire insurance, each agent, not each agency	\$50
Intoxicating beverages, see Alcoholic Beverages	
J	
Jewelry store selling jewelry, silverware, watches, clocks, cameras, and operating a watch repair department	\$50
Junk dealer to conduct the business of a junk dealer or store where only secondhand articles are bought and sold	\$50
L	
Laundromat	\$100
Lawn care, including mowing, trimming, fertilizing, sodding, and related lawn maintenance	\$25
Lumber dealer, soliciting and selling lumber and building material in the city without maintaining a lumber yard in the city	\$100
Lumber yard or mill, for sawing lumber, including planing mill and the sale of building material	\$50
M	
Manufacturing and warehousing establishments	\$100
Marriage parlor	\$50
Massage parlor	\$1,000
Mini mart, including selling of groceries, soft drinks, sandwiches, etc., including gas and oil and tobacco products Does not include selling of alcoholic beverages	\$100
Mini storage, rental space for storage	\$50
Monuments, each dealer in monuments or tombstones, and each agent soliciting their sale	\$50
Music, including the sale of stereos, radios, musical instruments, related equipment, and installation and repair of same	\$50
Musicians, including instrumentalists and vocalists playing at an event for profit	\$50
Per day	\$25

Bloomfield - Business Regulations

<i>Business</i>	<i>License Tax</i>
N	
Nursery to engage in the sale of or disposition of nursery products, trees, evergreens, shrubbery, and the like, whether raised or produced within the corporate limits of the city or not, includes the privilege of operating a florist shop	\$50
Nursing home	\$100
P	
Pawnbroker	\$150
Photograph gallery or photographer, maintaining a shop in the city	\$50
<p>Photographer, itinerant</p> <p style="padding-left: 40px;">Per day</p> <p>For the purpose of this schedule, <i>ITINERANT PHOTOGRAPHER</i> shall include any person making photographs, ambrotypes, daguerreotypes, or pictures of any kind by the action of lights for the purpose of selling the pictures or giving the pictures away in connection with the sale of picture frames or other articles, and who has no permanent place of business in the city, for the practice of photography.</p> <p>Should two or more persons be associated in a firm or group engaged in this work, each member thereof actually engaged in the business in the city shall pay a separate license.</p>	\$25
Poolroom, see Billiard or Pool Room	
Popcorn, peanut, and candy stand	\$25
Printing, to engage in the business of job printing when not operated in conjunction with publication of a newspaper	\$50
<p>Produce dealer, wholesale or retail</p> <p>Maintaining a permanent place of business in the city for buying and selling poultry, eggs, butter, hides and wool, feeds, or any of these, and including the privilege of operating a hatchery</p> <p>As long as the City of Bloomfield has an established farmer's market which requires vendors to pay an annual occupation license tax fee, individuals selling any produce, plants, eggs, dairy, value added and/or similar products within the city limits shall do so only at the city established farmer's market during the designated hours as set by committee.</p>	\$50

<i>Business</i>	<i>License Tax</i>
Professions, including architects, attorneys, accountants, auctioneers, chiropractors, chiropodists, civil engineers, counselors, dentists, electrical engineers, financial advisors, insurance adjusters, oculists, opticians, optometrists, osteopaths, physicians, psychologists, and surgeons, and veterinarians	\$100
Propane gas, selling of propane gas when not handled in conjunction with another business	\$100
Psychics and parapsychology practitioners	\$1,000
R	
Radio and television sales and service, including CBs, digital antenna systems, antenna installation and repair and related activities	\$50
Real estate agents, to conduct or engage in the business of buying, selling, or offering for sale, real estate for others for compensation, or to engage in the business of a real estate agent, for each agency	\$100
Record shop, selling at retail phonograph records and tape recordings only, when not handled in conjunction with other business	\$50
Restaurant, operating a restaurant, including the right to sell soft drinks, cigarettes, and tobacco products Does not include the privilege of selling alcoholic beverages	\$50
S	
Secondhand store, purchase and sale, at an established place of business, of secondhand goods not of the category generally known as junk. Includes antique stores.	\$50
Sewing machine sales agency, maintaining and operating within the city, at an established place of business where sewing machines and appliances applicable to the machines are offered for sale and when not in connection with the hardware and electrical appliance store	\$50
Shoe repair, including selling leather goods, conducting a shop where work is done by machine	\$50
Show To exhibit in the city any dramatic, operatic, or comic play or vaudeville performance in places other than a regularly licensed theater, for compensation for each day's performance This section shall not apply to performance held for school or charitable purposes only.	\$50

<i>Business</i>	<i>License Tax</i>
Skating rink, to operate a skating rink where skating on roller skates is carried on, for compensation, directly or indirectly	\$50
Small engine repair, including selling and repair of related equipment	\$50
Sporting goods Selling at retail hunting and fishing equipment, golfing equipment, and other known sporting items This license shall apply only when not handled in conjunction with a hardware license.	\$50
T	
Tanning beds Per bed	\$10
Temporary peddlers license Per day	\$5
Trailer or mobile home sales and service agency, at a fixed location	\$100
Tree services, trimming trees, and similar services	\$50
U	
Undertaker establishments to conduct or engage in the business of undertaking by embalming, or selling or furnishing burial outfits and caskets for the dead	\$100
V	
Variety store	\$50
Vending machine operators, engaged in the business of supplying, renting, or leasing any type of vending machine which provides either entertainment or that vend merchandise, per machine to be assessed against owner of equipment	\$10
Video, renting and/or selling and audio media including licensed software, video games, video cassettes, compact disks, DVDs or any other electronic media. Includes sale and service of related hardware	\$50
Videographers' video or film tapes of an event for profit Per day	\$50 \$25

<i>Business</i>	<i>License Tax</i>
W	
Welding and machine shop, not operated in conjunction with another licensed business	\$25
Whiskey, see Alcoholic Beverages	
Wholesaler, operating from a vehicle, selling at wholesale to retail dealers or merchants in the city, bread, fruits, vegetables, soft drinks, or other articles or merchandise not otherwise specifically provided for herein, and delivering the merchandise to the buyers at their places of business by means of a truck or other motor propelled vehicle owned or operated by the seller	\$75

(Ord., passed 2-5-90; Am. Ord. 2000-2, passed 3-13-00; Am. Ord. 2014-95, passed 9-8-14) Penalty, see § 110.99

§ 110.99 PENALTY.

Except as otherwise specifically provided herein any person, firm, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than three times the normal license fee that the person, firm, or corporation would have to pay, not to exceed \$500. Each day the person, firm, or corporation continues the violation shall constitute a separate offense.

(Ord. passed 2-5-90)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification

- 111.99 Penalty

Cross-reference:

Term of license, payment of tax, see § 110.04

§ 111.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

PEDDLER.

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

§ 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application; or

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or

(C) Any violation of this chapter; or

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement

setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words “Licensed Peddler” or “Licensed Solicitor,” the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 111.99

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day’s violation shall constitute a separate offense.

CHAPTER 112: PAWNBROKERS

Section

- 112.01 Definitions
- 112.02 Bond
- 112.03 Register to be kept; daily reports
- 112.04 Receipt to be given for each article; sale of article
- 112.05 Maximum interest, resale price
- 112.06 Receipt to be given for payment of loan
- 112.07 Prohibited activities
- 112.08 Enforcement

- 112.99 Penalty

§ 112.01 DEFINITIONS.

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

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.
(KRS 226.010)

§ 112.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he or she will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.
(KRS 226.020)

§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her. The register shall show the dates of all loans or purchases, and the names of all

persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his or her official duty.

(KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him or her, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070)

Penalty, see § 112.99

§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his or her register. He or she shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless he or she redeems the article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 112.99

§ 112.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 112.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 112.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 112.99

§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) Penalty, see § 112.99

§ 112.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) Penalty, see § 112.99

§ 112.08 ENFORCEMENT.

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100)

§ 112.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500, and his or her license may be forfeited to the city. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$100. (KRS 226.990(3))

CHAPTER 113: COMMUNITY ANTENNA TELEVISION SYSTEM

Section

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§ 113.01 DEFINITIONS.

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

BIDDER. Refers to bidder or bidders in the event that the franchise is awarded to more than one bidder, and the words shall have the same meaning and are used interchangeably throughout this chapter.

CITY. The City of Bloomfield and/or its legislative body.
(Ord. passed 6-7-82)

§ 113.02 AUTHORITY OF CITY.

As authorized by Chapter 164 of the Constitution of the Commonwealth of Kentucky, non-exclusive right or rights may be issued by the city to engage in the business of operating and providing a community antenna television (CATV) service in the corporate limits of the city and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in streets, roads and public ways, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and, in addition, so to use, operate and provide similar properties purchased, rented or leased from other persons, firms, or corporations, for such purpose.

(Ord. passed 6-7-82)

§ 113.03 REQUIREMENTS OF FRANCHISE HOLDERS.

In order for such franchise to issue, the city shall cause to be advertised, as provided by law, solicitations for bid proposals, and the bidder's proposal must meet with each and every one of the following requirements, which bid proposal as accepted by the city and as evidenced by the appropriate executed contract are made a part hereof and incorporated herewith by reference.

(A) Each bidder must give his name, firm or company and his or its address.

(B) The bidder must give the amount of capital available and proposed to be devoted to the franchise business.

(C) The bidder must give the amount of the proposed annual payment to the city, for award of the franchise, and the time and manner of the payment.

(D) The successful bidder or bidders shall at all times under the term of this franchise render CATV services to all persons and organizations, public and private, without discrimination and of a reasonable rate.

(E) The successful bidder or bidders shall be an independent agency solely responsible for the operation of the franchise service.

(F) Each bidder must further detail in bid:

- (1) Organizational structure of the applicant company;
- (2) Television services proposed;
- (3) Management policy;
- (4) Financial projection and debt structure;
- (5) Rates and charges;
- (6) Cable television experience;
- (7) Technical capabilities;
- (8) Map of areas to be served;
- (9) Provide a public access cable television service; and
- (10) Minimum number of television channels available.

(G) The successful bidder or bidders shall be required to comply with all applicable state, national and local laws, ordinances and regulations.

(H) The successful bidder or bidders further agree(s) by the acceptance of this franchise to indemnify, keep and save the city and its officers, agents, officials and employees free and harmless from liability on account of injuries or damages to persons or property growing out of the construction, maintenance, repair and operation of its CATV. In the event that suit shall be brought against the city or its officers, agents, officials, and employees, either independently or jointly with the bidder(s) on account thereof, the bidder(s), upon notice by the city, shall defend the city and other persons named above in any such suit at the cost of the bidder(s). In the event of final judgment being obtained against the city or any of its officers, agents, officials and employees, either independently or jointly with the bidder(s), the successful bidder(s) shall pay such judgment with all costs and hold the city, its officers, agents, officials and employees harmless therefrom.

(I) The successful bidder or bidders further agree(s) to obtain and keep continuously in effect public liability insurance with an insurance company approved by the city; with the policy to be in a form satisfactory to the city, and the coverage represented by the policy or policies shall be for the protection of the city, its officers, agents, officials and employees against liability for loss or damage, for bodily injury, death or property damage, occasioned by the activities of the successful bidder under the policy to be \$500,000 for personal injury or death of any one person, and \$1,000,000 for personal injury or death of two or more persons in any one occurrence, and \$500,000 for damage to property

as the result of any one occurrence. Additional persons shall be added as insureds subject to the same provisions at the request of the city. Proof of such insurance shall be furnished with a minimum cancellation term of 30 days, the time to commence after delivery of the notices to the city.

(J) The successful bidder or bidders, if and when they come within the provisions of the Worker's Compensation Act of Kentucky, shall carry in a company authorized to transact business in the state, a policy of insurance fulfilling all requirements of occupational disease.

(K) The city, through its Mayor, Chairperson, or such assistants as it may employ or designate, may at all reasonable times, examine or verify all or any of the accounts, books, records, contracts, documents or papers of the company reasonably necessary to the administration of this franchise.
(Ord. passed 6-7-82)

§ 113.04 TERM OF FRANCHISE.

The franchise shall be for a period not to exceed 15 years, from and after the date same shall become effective, but is not exclusive, and the city reserves the right to sell similar franchises to others.
(Ord. passed 6-7-82)

§ 113.05 BANKRUPTCY.

The agreement shall terminate in the case of bankruptcy, voluntary or involuntary, or insolvency of the bidder(s). The time of termination in the event of bankruptcy shall be the day and time of filing of the petition of bankruptcy.
(Ord. passed 6-7-82)

§ 113.06 NOTICE.

A letter addressed and sent by certified United States mail to either party to its business address shown hereinafter shall be sufficient notice whenever required for any purpose in this agreement.
(Ord. passed 6-7-82)

§ 113.07 ASSIGNMENT; WRITTEN CONSENT OF CITY REQUIRED.

No franchise granted pursuant hereto shall be assigned or sublet in total or in part without the prior written consent of the city.
(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.08 CITY'S RIGHT TO REQUIRE PERFORMANCE OF PROVISIONS OF AGREEMENT.

The failure of the city at any time to require performance by the bidder(s) of any provisions of the agreement shall in no way affect the right of the city thereafter to enforce same. Nor shall waiver by the city or any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of provisions or as a waiver of any provision itself.

(Ord. passed 6-7-82)

§ 113.09 SEVERABILITY.

This franchise is granted pursuant to the laws of the Commonwealth of Kentucky relating to the granting of such rights and privileges by the city, and if any article, section, sentence, clause or phrase of the agreement is for any reason held illegal, invalid or unconstitutional, then such invalidity shall not affect the validity of the agreement or any of the remaining portions. Invalidity of any portion of this franchise agreement shall not abate, reduce or otherwise affect the obligations required of the bidder.

(Ord. passed 6-7-82)

§ 113.10 ACCEPTANCE OF TERMS AND CONDITIONS BY FRANCHISE HOLDER.

By acceptance of this franchise, the bidder(s) agree(s) that they will not at any time set up against the city or any official thereof in any claim or proceeding and condition or term of this franchise as unreasonable, arbitrary, void or that the city had no authority or power to make such term or condition, but shall be required to accept the validity of the terms and conditions of this franchise in its entirety.

(Ord. passed 6-7-82)

§ 113.11 RIGHTS OF CITY WHEN CONSIDERING BIDS.

The city expressly reserves the right to reject any and all bids, to accept bids in whole or in part, to waive formalities and informalities and to accept the bid or bids that appear to be the most advantageous and to the best interest of the citizens of the city.

(Ord. passed 6-7-82)

§ 113.12 CONSTRUCTION, MAINTENANCE AND/OR REMOVAL OF EQUIPMENT AND APPARATUS; REQUIREMENTS.

(A) When the successful bidder or bidders shall enter upon any road for the purpose of constructing, erecting, operating, maintaining and/or removing equipment and apparatus, it shall prosecute the work, at its own cost and expense, with due diligence and shall dig and close up all

trenches and exposed places as rapidly as possible, and shall leave the roads in reasonably the same condition as when it entered the same for the purpose or purposes.

(B) In the construction or reconstruction or maintenance or removal of any of the equipment and apparatus, the successful bidder(s) shall have due regard for the rights of the city and others, and shall not interfere with, or in any way injure the property of the city or others, under, on or above the grounds. The purchaser shall comply with all the laws of the Commonwealth of Kentucky and ordinances of the city as to placing lights, danger signals or warning signs and shall be liable for any and all damages that may arise by reason of its failure or neglect to comply with such ordinances and laws. Work by the successful bidder(s) hereunder shall be done in a workmanlike manner and so as not to unnecessarily interfere with the public use of any of the roads.

(C) Whenever the city or any of its departments, agencies, and/or agents, servants or employees shall grade, regrade, construct, reconstruct, repair, maintain or alter any other public works (including but not limited to storm sewers, sanitary sewers and street lights) therein, it shall be the duty of the successful bidder(s), when so ordered by the city, to change its equipment and apparatus in the road at its own expense so as to conform to the established grade, or line of such road and so as not to interfere with such public works so constructed, reconstructed or altered; provided that where the law otherwise provides for or permits recovery by the successful bidder(s) of expenses associated with the changing of its equipment and apparatus recovery of such expenses shall not be restricted on account of this section.

(D) The successful bidder(s) shall be given access to road plans and specifications in the possession of the city and any proposed changes thereto.

(E) The minimum clearance of wires and cables placed above the road of the city, and also the placement of underground facilities, shall conform to the standards of the latest edition of the National Electrical Safety Code, National Bureau of Standards, U.S. Department of Commerce. The city reserves the right to require, by ordinance observation of greater standards of safety than those contained in the National Electrical Safety Code.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.13 SALE OF FRANCHISE AND PRIVILEGE.

It shall be the duty of the Mayor, Chairperson or his designee as soon as practicable, after the passage of this chapter, to offer for sale the franchise and privilege. The franchise and privilege shall be sold to the highest and best bidder(s) at a time and place fixed by the Mayor, Chairperson, or his designee after due notice thereof has been given by appropriate advertisement.

(Ord. passed 6-7-82)

§ 113.14 SUBMISSION OF BIDS; COUNCIL'S RIGHT TO REJECT BIDS.

Bids and proposals for the purchase and acquisition of the franchise and privileges hereby created shall be in writing and shall be delivered to the Mayor, Chairperson or his designee upon the date and

at the time fixed in the advertisement for receiving same. Thereafter, the Mayor or Chairperson shall report and submit to the Board of Commissioners or Council, at the time of its next regular meeting, the bids and proposals for its approval. The Council reserves the right, for and on behalf of the city, to reject any and all bids for the franchise and privileges; and, in case the bids reported by the Mayor or Chairperson shall be rejected by the legislative body, it may direct, by resolution or ordinance, the franchise and privilege to be again offered for sale, from time to time, until a satisfactory bid therefor shall be received and approved.

(Ord. passed 6-7-82)

§ 113.15 BIDS TO STATE ACCEPTANCE OF FRANCHISE CONDITIONS; REMISSION OF PAYMENT.

Bids offered for purchase of this franchise shall state the bidder(s) acceptance of the conditions set forth in this chapter. If any bid shall include an offer of payment over and above the terms of this franchise, then a certified check for the amount, payable to the city, shall be remitted with the bid. Any check deposited by an unsuccessful bidder shall be returned.

(Ord. passed 6-7-82)

§ 113.16 FORFEITURE OF FRANCHISE.

Any violation by the successful bidder(s), its vendee, lessee, or successor of the provisions of this franchise or any material portions thereof, or the failure promptly to perform any of its provisions thereof, shall be cause for the forfeiture of this franchise and all rights hereunder after written notice to the successful bidder(s) and continuation of such violation, failure or default.

(Ord. passed 6-7-82)

§ 113.17 RIGHT OF BIDDER TO ASSIGN FRANCHISE; CONSENT OF CITY REQUIRED.

The bidder(s) is hereby given the right to assign the franchise created by this chapter to any person, firm or corporation able, ready, and willing to carry out the terms of this franchise, but shall, prior to such assignment, obtain written consent from the city to such assignment.

(Ord. passed 6-7-82)

§ 113.18 EFFECTIVE DATE OF FRANCHISE.

The franchise created by this chapter shall become effective 30 days after the bid for it is accepted by the city, as set forth in an ordinance fixing the initial revenue percentage to be paid.

(Ord. passed 6-7-82)

§ 113.19 OTHER AUTHORITY TO APPLY.

This franchise authorizes only the operation of a cable television system and service as provided for herein and does not take the place of any other franchise, license, or permit which might be required by the law of the company now or in the future.

(Ord. passed 6-7-82)

§ 113.20 FILINGS AND COMMUNICATIONS WITH REGULATORY AGENCIES.

All petitions, applications and written communications submitted by the company to the Federal Communications Commission Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to this franchise, shall also be submitted simultaneously to the city.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.21 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES.

(A) The bidder(s) shall at all times during the life of this franchise be subject to all lawful exercise of the police power by the city including all codes, zoning ordinances, and subdivision regulations.

(B) The right is hereby reserved to the city to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations shall be reasonable and shall not be in conflict with the rights herein granted.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.22 SERVICE QUALITY.

(A) The bidder(s) shall comply with all Federal Communications Commission technical standards.

(B) The bidder(s) shall maintain the CATV system in good condition, render efficient services, make repairs promptly, and interrupt service only for good cause during the franchise period. Such interruptions shall, where possible, occur during periods of minimum use and be preceded by notice to subscribers.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.23 PROCEDURE UPON TERMINATION.

Upon expiration of the franchise, if the bidder(s) shall not have acquired an extension or renewal thereof and accepted the same, the bidder(s) may enter upon the streets and public ways of the city for the purpose of removing therefrom any or all of its property and otherwise and so removing the property the bidder(s) shall refill at its own expense, any excavation that shall be made by it, and shall

leave such streets and public ways and places in as good condition as that prevailing prior to the bidder(s) removal of its property.
(Ord. passed 6-7-82)

§ 113.24 LOCAL OFFICE; COMPLAINT PROCEDURE.

The bidder(s) shall maintain a business office, or agent, which subscribers may telephone during regular business hours, so that CATV maintenance service shall be promptly available. Should a subscriber have an unresolved complaint regarding the quality of cable service, equipment malfunctions or similar matters, the subscriber shall be entitled to file his complaint with the City Clerk, and the bidder(s) according to the bidder(s) established procedures for resolving complaints, and thereafter should the complaint not be resolved, to meet jointly with a representative of the Council and a representative of the company within 30 days to fully discuss and resolve such matter.
(Ord. passed 6-7-82)

§ 113.25 SERVICE TO PUBLIC BUILDINGS.

The bidder(s), upon request, shall provide without charge one outlet offering basic cable service to each governmental office building, fire station, courthouse, and public school building that is passed by its cable lines as constructed in compliance with § 113.12 of this chapter. If more than one outlet is required at any of the locations, the bidder(s) shall install such other outlets at the cost of time and material only. Premium service and tiered service above the basic service shall be charged at regular subscriber monthly rates. The distribution of the cable facility inside such buildings and the extent thereof shall be the responsibility of and at expense of the building owner.
(Ord. passed 6-7-82)

§ 113.26 ANNUAL PAYMENT OF PERCENTAGE OF GROSS REVENUE.

In consideration of the terms of this license contract the franchise holder agrees that within 30 days after the first anniversary date of this agreement and within 30 days after each succeeding anniversary date of this agreement, it will pay to the city an amount determined at 3% of the franchisee's gross revenue, derived from subscribers fees paid to the franchisee. This 3% is to be paid on gross receipts in lieu of all taxes and impositions levied or imposed by the city upon the franchisee, its property, business or operations for, the preceding tax year.
(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.27 LIMITATIONS OF GRANT.

(A) No privilege or exemption is granted or conferred by this franchise except those specifically prescribed herein.

(B) Any privilege claimed under this franchise by the grantee in any street shall be subordinate

to any prior lawful occupancy of the streets, or other public property, or which in the future may interfere with public safety or necessary public improvements as determined by the city.

(Ord. passed 6-7-82)

§ 113.28 RIGHTS RESERVED TO CITY.

There is hereby reserved to the city, every right and power which is required to be herein reserved or approved by any ordinance of the city, and the grantee, by its acceptance of this license, agrees to be bound thereby and to comply with any action or requirement of the city in its exercise of any such right or power, heretofore or hereafter enacted or established.

(Ord. passed 6-7-82)

§ 113.29 TIME OF INSTALLATION AND EXTENSION OF SERVICE; BOND REQUIREMENT.

(A) Installation of a CATV system shall be substantially completed within two years after the effective date of this franchise and extensions and service pursued with due diligence thereafter. Construction shall commence at the most densely populated area contemplated to be served and shall be extended to serve all contiguous areas where the concentration of residential housing units reaches at least 40 per linear mile which can be served from the area of original construction.

(B) To assure that the CATV system is constructed by the grantee as provided in this section, the grantee shall deposit a cash bond of \$5,000 with the city which shall be forfeited if the grantee fails to construct the system within two years as provided in this section. The bond shall be returned at the end of the two-year construction period if not forfeited.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.30 LOCATION OF FRANCHISE PROPERTIES.

Franchise property shall be constructed or installed in streets and roads only at such locations and in such manner as shall be approved by the city acting in the exercise of reasonable discretion. Construction or installation of franchise property in all other public places shall be subject to approval of and regulated by the city.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.31 REMOVAL OR ABANDONMENT OF FRANCHISE PROPERTY.

(A) In the event that the use of any franchise property is discontinued for any reason for a continuous period of 12 months or that franchise property has been installed in any street without complying with the requirements of this license, or the license has been terminated, cancelled or has expired, the grantee shall promptly remove from the street all such property other than any which the city may permit to be abandoned in place. In the event of any such removal, the grantee shall

promptly restore the street or other area, from which such property has been removed to condition satisfactory to the city.

(B) Franchise property to be abandoned in place shall be abandoned in such manner as the city shall prescribe. Upon permanent abandonment of any franchise property in place, the grantee shall submit to the city, an instrument satisfactory to its attorney, transferring to the city the ownership of such property.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.32 COMMENCEMENT AND COMPLETION OF SYSTEM.

The grantee shall commence actual construction of the community antenna system within a period of six months from the date of this agreement and proceed with due diligence to substantial completion within a period of two years.

(Ord. passed 6-7-82) Penalty, see § 113.99

§ 113.99 PENALTY.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.

