

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 7-16-2019

WAIVE RULES? YES ☒ NO

FINAL ACTION DATE: 8-20-2019

VOTE: YES ☒ NO

SUSPENSION OF TWO
READING RULE:

YES NO

YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO

DENISE LINGO
JENNIFER MOODY
ROBERT PARSONS
JUDY PETERSEN
JOE ROETTING
KISHA DOSA
CORDEL GEORGE

TOTALS

ADOPTION OF
ORDINANCE:

YES NO

YES NO
YES NO
YES NO
ABSENT NO
YES NO
YES NO
ABSENT NO
5 0

ORDINANCE NO. 19-1888

**AN ORDINANCE AMENDING CHAPTER 118 OF THE CITY OF MT. HEALTHY
CODE OF ORDINANCES REGARDING TEEN CLUB PERMITTING AND LICENSING**

WHEREAS, the Mt. Healthy Police Department has identified certain enhancements to the current Ordinance regarding teen club permitting and licensing, and

WHEREAS, it would be a benefit to the public safety to incorporate those enhancements into the code.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

Section 1. That the existing Title of Chapter 118, including certain Sections and Sub-Sections in Chapter 118 of the City of Mt. Healthy code of ordinances be amended to read as follows.

CHAPTER 118: TEEN EVENT AND TEEN CLUB PERMIT AND LICENSE

§ 118.01 DEFINITIONS.

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

EMPLOYEE. Any person who works in and or for a teen club business or teen event, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business and whether or not the person is determined an employee, independent contractor, agent or otherwise. The term **EMPLOYEE** does not include a person

exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

PERMITTEE and/or **LICENSEE**. Any person in whose name a permit and/or license to operate a teen club business or teen event has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

TEEN CLUB. All buildings and places of assembly where the intended occupancy on any given occasion is either overwhelmingly or exclusively persons aged between 13 and up to but not including 21 years of age unaccompanied by an adult parent or guardian shall constitute a **TEEN CLUB**. **TEEN CLUB** shall include, but not be limited to teen nightclubs, teen dance clubs and teen entertainment establishments, even if the teen events are only occasional events at a facility that on other days or occasions promotes adult events.

(Ord. 10-1570, passed 4-6-10)

TEEN EVENT. Any event in which at least 10 or more participants under the age of 18 and where any participant will be charged admission to attend or in which food is available for purchase, or entertainment is available for a fee.

§ 118.02 PERMIT REQUIRED.

(A) No teen club business or teen event shall be permitted to operate without a valid teen club business or teen event permit issued by the city. Operation of such a business or event without a permit shall be a violation of this chapter and shall result in a fine of up to \$1000 and a suspension of license/permit for 30 days for a first offense, and a fine of up to \$2000 and immediate revocation of license/permit for a second offense and each subsequent offense thereafter.

(B) The City Manager, or his designee, is responsible for granting, denying, revoking, renewing, suspending and canceling permits for proposed or existing teen club businesses or teen events. To be approved, applications must comply with all requirements of this chapter.

(C) Applications must be made on a form provided by the city. Applicants must provide an original and two copies of a sworn application which must contain the following information and documents.

(1) If the applicant is:

(a) An individual: the individual's legal name, aliases. Social Security number, and proof of age over 18.

(b) A partnership: the complete name and tax identification number for the partnership, names of all partners, and a copy of any partnership agreement.

(c) A corporation: its complete name, date and place of incorporation, tax identification number, names of all officers, directors, and stockholders owning 5% or more of all outstanding stock, name and address of its registered agent, and evidence of good standing under Ohio law.

(2) The name of the teen club business or teen event permittee/licensee if different from the applicant's and any required registration documents.

(3) Whether the applicant or any other listed individuals has had a teen club business or teen event permit revoked, suspended, or denied, and the name of the business, the city or county of occurrence and the date on which the permit was suspended, revoked, or denied within the last five years.

(4) Whether the applicant or other listed individuals hold any other teen club business or teen event permits and the names and locations of all other such businesses.

(5) The proposed teen event or teen club location, including a legal description of the property, street address and telephone number.

(6) The applicant's business and residential addresses and telephone numbers. If the applicant has been at his current address for less than five years, then all business and residential addresses of applicant for five years prior to the date of the application must be included.

(7) The applicant's tax identification number and written proof of age in the form of picture identification issued by a governmental agency.

(8) A sketch or diagram showing the configuration and total floor space of the premises, drawn to scale.

(9) A lighting plan for all parking areas and at all entrances and exits of the teen club or teen event designed to provide a safe and secure environment.

(10) A maximum occupancy statement.

(11) A security plan demonstrating that the teen club or teen event has met all city and state building and fire code requirements, and including the number and location of all access doors, including emergency exits.

(12) A sound-proofing plan that demonstrates that noise and/or vibrations shall not be heard or felt beyond the property line of any teen club or teen event.

(13) (a) The application must be signed by the individual applicant, and each person who has at least a 5% interest in the business.

(b) Applicants are under a continuing duty to promptly update their application information. Failure to do so within 30 days of the date of a change in application information shall be grounds for permit suspension or revocation.

(c) If the City Manager learns that an applicant improperly completed the permit application, the City Manager shall promptly notify the applicant and allow ten days for correction.

(d) A \$500 non-refundable application fee is due at the time the applicant files an application under this chapter. A \$100 non-refundable application fee is due for subsequent Teen Events held within 1 year of the initial application at the same location of the same type and approximately the same number of teen patrons as the initial Teen Event.

(D) Prior to obtaining a permit to operate a teen club business or teen event, the applicant shall certify that the proposed location complies with the location requirements of this chapter.

(E) By filing an application under this chapter, the applicant shall be deemed to have consented to the provisions of this chapter and to the investigation of the application by the City Manager and his designees. Such investigation shall include, but not be limited to, a criminal background check of all owner(s) and operator(s) listed on the application.

(F) The applicant is required to provide the city with the names of all employees required to be licensed under § 118.11. This obligation continues even after a permit is granted or renewed. All new employees required to obtain a license under this chapter must be reported to the city no later than ten business days after the employee is hired.

(G) A teen club business or teen event permit may be renewed annually upon written application, subject to the payment of a \$1000.00 annual renewal fee, and a finding that the permit holder is still in conformance with the permit requirements.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.03 APPLICATION INVESTIGATION PROCESS.

(A) Upon receipt of a completed application the city shall send photocopies of the application to all city departments responsible for the enforcement of health, fire, building and zoning codes and laws. Each department shall investigate the application for compliance with its respective policies and codes and approve or disapprove the application within 20 days of the receipt of the application by the city. A department shall disapprove an application if it finds that the business would be in violation of a specific provision of a statute, code, resolution regulation or other law in effect in the city.

(B) An application shall be disapproved if a criminal background check reveals that any owner, operator, partner, principal shareholder, permittee, licensee or employee has been convicted of or pleaded guilty to any of the following:

(1) A violation of R.C. § 2919.22; R.C. § 2919.24; any crime of violence as defined in the Ohio Revised Code; any violation of R.C. Chapter 2907; or any violation of R.C. Chapter 2925.

(2) A violation of an existing or former law of this state, any political subdivision of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1) of this section.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.04 ISSUANCE OF A PERMIT.

(A) An application shall be granted or denied within 30 days from the date of the city's receipt of a completed application except as provided under division (D) of this section.

(B) The permit shall state on its face the name of the person or persons to whom it is granted, the address of the teen club business or teen event, and the permit expiration date. The permit shall be posted at all times in a conspicuous place at or near the entrance to the teen club business or teen event.

(C) An application may be denied for any of the following reasons:

(1) An applicant knowingly has in his or her employ an employee who does not have a valid license as required in § 118.11.

(2) An applicant is overdue on the filing of any tax return, or overdue on the payment of any taxes, fees, fines, or penalties assessed by any governmental agency in relation to a teen club business. *OR teen event*

(3) An applicant's permit to operate a teen club business or teen event has been denied or revoked within the preceding 12 months.

(4) The premises to be used are not in compliance with city, county or state health, fire, and/or building codes as determined by the governmental agency responsible for determining such compliance.

(5) An applicant has failed to provide information as requested in the application or has supplied false information.

(6) The application fee or renewal fee has not been paid.

(7) To grant the application would violate a statute, resolution, or court order.

(8) The applicant has a teen club or teen event permit which has been suspended or revoked.

(9) An applicant knowingly has in his or her employ an employee who does not have a valid license as required in this chapter.

(10) Any owner, operator, licensee or permittee who fails to pass the criminal background check as set forth in § 118.03.

(11) The business or event for which a permit is sought, or for which renewal of a permit is sought, has been declared a nuisance as defined under the Ohio Revised Code.

(12) If, after an investigation is conducted by the police, that the issuance of the permit will disturb the peace and quiet of the surrounding neighborhood.

(D) As set forth in § 118.03, all city departments responsible for the enforcement of health, fire, building and zoning codes and laws shall determine if the proposed business ^{OR event} is in compliance with its area of regulation within 20 days of receipt of a completed application. If the applicant requests additional time to comply with a statute, code, ordinance, regulation or other law in effect in the city, a one-time extension of an additional 30 days may be given for the city to grant or deny the application. The City Manager or his designee and City Police Officers shall at all times have access to any premises for which a permit for a teen club or teen event has been issued.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.05 ANNUAL PERMIT FEE.

The annual renewal fee for a teen club business or teen event permit is \$1000.00

(Ord. 10-1570, passed 4-6-10)

§ 118.06 EXPIRATION OF PERMIT.

Each permit shall expire one year from the date of issuance and may be renewed by making an application under § 118.02 at least 30 days before the expiration date. If a renewal is denied, a renewal shall not be issued for one year from the date of denial. If the basis for denial is delinquency in fees or taxes or an incomplete or false application, and the original defect has been corrected, and at least 90 days have elapsed from the date the denial became final, a renewal may be granted.

(Ord. 10-1570, passed 4-6-10)

§ 118.07 SUSPENSION OF PERMIT.

A permit to operate a teen club business or teen event may be suspended for a period not to exceed 30 days if a permittee/licensee knowingly, or an employee of a permittee/licensee intentionally violates or is not in compliance with this chapter; works at the teen club business or teen event while under the influence of alcohol; fails to correct a violation of a building, fire, health or zoning code within seven days of notification of such violation; transfers the teen club business or teen event permit to another in violation of this chapter; or employs a person without a valid license as required in § 118.11.

(Ord. 10-1570, passed 4-6-10)

§ 118.08 REVOCATION OF PERMIT.

(A) A permit to operate a teen club business or teen event shall be revoked upon a determination that either a permit is to be suspended for a second time within a 12-month period or that a permittee/licensee or an employee of a permittee/licensee:

(1) Gave false or misleading information on the permit application which enhanced the permittee's/licensee's opportunity to obtain a permit;

(2) Knowingly allowed the possession, sale or use of a controlled substance or alcohol on the premises;

(3) Knowingly operated the business while under permit suspension;

✓
OR EVENT

(4) Has been convicted of tax violations for taxes or fees related to a teen club business or teen event; or

(5) Knowingly operated the business or event in violation of the additional operating conditions of § 118.14.

(B) Any permit revocation shall be for a period of one year, during which time a permittee/licensee shall not receive any other permits for any other teen club business or teen event.

(Ord. 10-1570, passed 4-6-10)

§ 118.09 REVIEW OF PERMIT DENIAL, SUSPENSION OR REVOCATION.

An applicant or permittee/licensee may seek review within 30 days of the denial of an application, denial of a renewal of an application, suspension or revocation of a permit before the City Council. If an applicant properly appeals to the Council, the denial will continue during the pendency of the appeal.

(Ord. 10-1570, passed 4-6-10)

§ 118.10 TRANSFER OF PERMIT.

(A) A permittee/licensee shall not operate a teen club business or teen event at any place other than the address designated in the application for permit.

(B) A permittee/licensee shall not transfer a permit to another person unless that person:

(1) Obtains an amendment to the permit upon the satisfactory completion of an application; and

(2) Pays a transfer fee of 20% of the annual permit fee.

(C) A permit may not be transferred after the permittee/licensee has been notified that suspension or revocation proceedings have been or will be brought against the permittee/licensee.

(D) A permit shall not be transferred to another location.

(E) Any transfer attempted in violation of this chapter will result in revocation of the permit.

(Ord. 10-1570, passed 4-6-10)

§ 118.11 TEEN CLUB BUSINESS OR TEEN EVENT EMPLOYEE LICENSE.

(A) All employees of a teen club business or teen event are required to obtain a teen club business or teen event employee license and shall submit to a criminal background check as set forth in § 118.03, and shall pay a permit fee of \$25 to cover reasonable administrative costs. In addition, at the discretion of the Police Chief, employees may be required to submit to a BCI and/or FBI fingerprint check, cost of which shall be borne by the employee.

(B) On a form provided by the city the applicant shall provide his or her name, current resident and business addresses and phone numbers, proof of minimum age of 18 in the form of a state driver's license or other form of picture identification issued by a governmental agency; and a color photograph and fingerprints on a form provided by the Police Department.

(C) The application review shall be completed within ten days of filing. If requested, a temporary license may be issued pending review of the application, if the prior history of the applicant demonstrates responsible use under this chapter and the laws of Ohio.

(D) The employee license shall be issued unless the city finds that:

(1) The employee applicant knowingly made a false, misleading or fraudulent statement of material fact;

(2) The employee applicant is under 18 years of age;

(3) The employee applicant has had an employee license revoked within two years of the date of the current application; or

(4) The employee applicant fails to meet the requirements of the criminal background check as set forth in § 118.03.

(E) An employee license may be renewed annually upon written application subject to the payment of a \$10 renewal fee and a finding that the employee applicant is still in conformance with all application requirements.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.12 HOURS OF OPERATION.

(A) All teen clubs or teen events allowing persons under the age of 14 may operate no later than 10:00 p.m.

(B) All teen clubs or teen events allowing persons aged 14 and older ~~only~~ may operate no later than 11:00 p.m.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.13 ADMISSION.

(A) No re-admission of any person shall be allowed without payment of the full admission fee required of all patrons entering the club or event.

(B) Parents and/or guardians and on-duty police officers shall be allowed to enter the club or event during all hours of operation.

(C) Parents and/or guardians and on-duty police officers shall not be subject to payment of any admission fee.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.14 ADDITIONAL OPERATING CONDITIONS.

(A) The permittee/licensee shall notify the Police Chief of the maximum number of teens that will be permitted to occupy the premises at any time during any event. The notification shall be required to be submitted to the Police Chief at least seven days prior to the event. The permittee/licensee shall then provide at least four off-duty police officers for the first 200 teens permitted to attend, and one additional officer for every additional 100 teens that will be permitted to attend. Additional off-duty officers shall be hired if so directed by the Police Chief or his designated officer, as the circumstances warrant or as deemed necessary based on prior history.

(B) No noise and/or vibrations shall be heard or felt beyond the property line of any teen club or teen event, and there shall be no speaker, sound system or other device emitting noise and/or vibrations on the exterior of the building.

(C) Teen clubs or teen events shall not be allowed within 200 feet of any single family residential structure.

(D) Teen clubs or teen events shall not be allowed within 200 feet of any establishment selling alcohol.

(E) Firearms shall not be permitted on the premises except for police and certified security personnel hired by the sponsor of the event.

(F) Alcohol consumption shall not be permitted on the premises during any teen event.

(G) Although alcohol may be stored on the premises during a teen event, it must be secured so that it is not accessible by anyone during the event.

(H) All rules shall be clearly posted for all patrons on the premises.

(I) Nothing in this section relieves the permittee/licensee from compliance with any Ordinance of the city.

(J) Additional security measures, including, but not limited to ending times, security requirements, notice to potentially affected neighborhoods, parking and pick-up areas, and identification of attendees, may be instituted by the City Manager to ensure the safety and welfare of the participants where prior violations by the applicant in the city or any other jurisdiction justify additional security measures be taken.

(K) Permittee/licensee shall be obligated to take affirmative steps to prevent loitering on the premises of persons not within the confines of the building's teen club or teen event.

(Ord. 10-1570, passed 4-6-10) Penalty, see § 110.99

§ 118.15 EXEMPTION OF CERTAIN ORGANIZATIONS.

The following shall not be subject to the provisions of this chapter:

(A) Nonprofit organizations such as churches and educational institutions;

(B) Fraternal orders or societies conducting dances where admission is restricted to members of such clubs, orders or societies and families of members, whether held on their own premises or in a hall leased or donated for such purposes; and


(C) Places of organized sporting events where teen activities are sport-related, including bowling lanes, basketball leagues, and baseball leagues.

(Ord. 10-1570, passed 4-6-10)

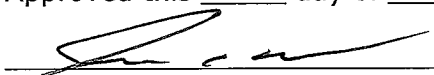
Section 2. That this Ordinance shall be in full force and effect from and after the first date provided by law.

Passed this 20 day of AUGUST, 2019.


President of Council

Attest: 
Clerk of Council

Approved this 20 day of AUGUST, 2019.


Mayor