

City of Cincinnati

JRS

AWB

An Ordinance No. _____

- 2022

MODIFYING Title VIII, "Business Regulations," of the Cincinnati Municipal Code by AMENDING Section 809-3, "License Required," of Chapter 809, "Antique Dealers"; Section 843-3, "License Required," of Chapter 843, "Junk Dealers and Second-Hand Dealers"; and Sections 875-1, "Definitions," 875-3, "Report of Acquisition or Purchase of Stained or Beveled Glass," 875-5, "Alteration or Sale of Stained or Beveled Glass," and 875-7, "Stained and Beveled Glass in Place," of Chapter 875, "Stained and Beveled Glass," to modify obsolete references to former Chapter 811, "Auctioneers."

WHEREAS, Council repealed former Cincinnati Municipal Code ("CMC") Chapter 811, "Auctioneers," on November 17, 1982, through the adoption of Ordinance No. 488-1982, following the General Assembly's restructuring of state licensing requirements for auctioneers, which requirements are currently codified in Ohio Revised Code Chapter 4707, "Auctioneers"; and

WHEREAS, Ordinance 488-1982 did not repeal certain references to former CMC Chapter 811, "Auctioneers," found throughout the CMC, which references were rendered obsolete by the repeal of that chapter; and

WHEREAS, Council wishes to modify the obsolete references to former CMC Chapter 811, "Auctioneers," to eliminate the potential for confusion with references to the recently ordained CMC Chapter 811, "e-Scooter Rental Franchises"; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 809-3, "License Required," of Chapter 809, "Antique Dealers," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 809-3. - License Required.

No person, firm or corporation shall carry on the business of antique dealer without obtaining a license therefor from the city treasurer for each place of business operated by such person, firm or corporation. ~~except that auctioneers duly licensed under the provisions of Chapter 811 of the Cincinnati Municipal Code not obtain a license under the provisions of this chapter.~~

Section 2. That existing Section 809-3, "License Required," of Chapter 809, "Antique Dealers," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That Section 843-3, "License Required," of Chapter 843, "Junk Dealers and Second-Hand Dealers," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 843-3. - License Required.

No person shall act as a second-hand dealer or junk dealer within the city limits of Cincinnati without first obtaining from the city manager or the city manager's designee a license to act as a second-hand dealer or junk dealer, ~~except that auctioneers duly licensed under the provisions of Chapter 811 of the Cincinnati Municipal Code need not obtain a second-hand dealer's license under the provisions of this chapter.~~

Nothing in this section is intended to apply to the sale or purchase of aluminum cans.

License Requirements for Second-Hand Dealers and Junk Dealers. Before an original license is issued for a second-hand dealer or junk dealer, the person seeking the license shall make application therefore with the city manager or city manager's designee. If the dealer owns or operates a store, facility, or yard, the dealer shall attach to the application an accurate plot plan of the area, showing the actual shape and dimensions of the lot or area to be used, and shall provide any other additional information that may be requested by the city manager or city manager's designee or director of buildings and inspections in determining whether the applicant should be granted the requested license. An application shall be approved by the director of buildings and inspections and the city police prior to granting a license and shall show that the applicant has complied with all city ordinances and rules and state laws regarding sales and purchasing, duties of dealers, licensing, zoning, drains, signs, driveways, fencing and barrier curbs. The city manager or city manager's designee shall be empowered to suspend, revoke, or deny reissuance of any existing license when it is shown through an investigation by the city police or buildings and inspections departments that the licensee has not complied with all city ordinances and rules and state laws regarding sales and purchasing, duties of dealers, licensing, zoning, drains, signs, driveways, fencing and barrier curbs.

Under no circumstances shall any license to operate a junk yard be issued or renewed until the fencing requirements section forth in Section 843-7 of this chapter have been met and the fence has, after completion, received final approval by the director of buildings and inspections. No license to operate a junk yard shall be renewed if, in the opinion of the director of buildings and inspections, the premises are not adequately fenced pursuant to Section 843-7 of this chapter. Anyone who operates a motor vehicle salvage lot on the same premises and who has obtained a license therefore shall not be required to also obtain a license under this chapter.

Section 4. That existing Section 843-3, "License Required," of Chapter 843, "Junk Dealers and Second-Hand Dealers," of the Cincinnati Municipal Code is hereby repealed.

Section 5. That Sections 875-1, "Definitions," 875-3, "Report of Acquisition or Purchase of Stained or Beveled Glass," 875-5, "Alteration or Sale of Stained or Beveled Glass," and 875-7, "Stained and Beveled Glass in Place," of Chapter 875, "Stained and Beveled Glass," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 875-1. - Definitions.

For the purpose of this chapter the words antique dealer, ~~auctioneer~~, junk dealer and second-hand dealer shall have the meanings assigned to them in Chapters 809, ~~811~~ and 843 of the Cincinnati Municipal Code.

Sec. 875-3. - Report of Acquisition or Purchase of Stained or Beveled Glass.

Every antique dealer, ~~auctioneer~~, junk dealer, and second-hand dealer shall make a daily report to the chief of police of all stained or beveled glass bought or acquired by such person during the day for sale. The report shall be on forms approved by the police division and shall contain a full and complete description of all such stained and beveled glass including all marks of identification, colors, materials, size, name, and approximate date if known of each item, the date of the purchase or acquisition of the item and the name, address, birthdate, social security number and physical description (sex/race/height/weight/complexion) of the person from whom such item was acquired. The antique dealer, ~~auctioneer~~, junk dealer, or second-hand dealer shall further obtain written proof of identification and the signature of the seller on the required form. A copy of these forms shall be retained for one year. Upon the demand of the chief of police or police officer deputed by the chief of police, the antique dealer, ~~auctioneer~~, junk dealer, or second-hand dealer shall produce and show any reported item in such person's possession.

Sec. 875-5. - Alteration or Sale of Stained or Beveled Glass.

No antique dealer, ~~auctioneer~~, junk dealer, or second-hand dealer shall change, alter, sell, or voluntarily release possession of any stained or beveled glass acquired or held by such person until the expiration of 168 hours after the delivery to the chief of police of a copy of the report as required by Section 875-3 of the Cincinnati Municipal Code, except by the permission of the police department.

Sec. 875-7. - Stained and Beveled Glass in Place.

Notwithstanding Sections 875-3 and 875-5 of the Cincinnati Municipal Code, antique dealers, ~~auctioneers~~, junk dealers, and second hand dealers may acquire and sell stained and beveled glass without filing the report or waiting the prescribed period required by such sections when the glass has been removed by the dealer from the place of permanent or original installation. In this case the antique dealer,

~~auctioneer, junk dealer, or second-hand dealer~~ shall make a record of the name and address of the owner or seller of the stained or beveled glass. If the seller is not the owner, the antique dealer, ~~auctioneer, junk dealer, or second-hand dealer~~ shall require written permission from the owner before the glass may be acquired. The name, address, and written permission when required shall be kept on record by the antique dealer, ~~auctioneer, junk dealer, or second-hand dealer~~ and shall be produced for inspection by the police upon request.

Section 6. That existing Sections 875-1, "Definitions," 875-3, "Report of Acquisition or Purchase of Stained or Beveled Glass," 875-5, "Alteration or Sale of Stained or Beveled Glass," and 875-7, "Stained and Beveled Glass in Place," of Chapter 875, "Stained and Beveled Glass," of the Cincinnati Municipal Code are hereby repealed.

Section 7. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.