



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 0189-2014

30-Day

File ID: 0189-2014

Type: Ordinance

Status: Passed

Version: 2

***Committee:** Rules & Reference Committee

File Name: Title 5 Chapter Repeal

File Created: 01/15/2014

Final Action: 02/06/2014

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: 645-5344

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To repeal Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and 596 595 of the Columbus City Code in order to remove outdated or unenforceable code chapters from the Business Regulation and Licensing Code, Title 5.

Sponsors: Michelle M. Mills and Zachary M. Klein

Attachments:

Approval History

Version	Date	Approver	Action
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History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	01/27/2014	Read for the First Time				
1	Columbus City Council	02/03/2014	Amended as submitted to the Clerk				Pass
			Absent: 1 Priscilla Tyson				
			Affirmative: 6 Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, and Andrew Ginther				
1	Columbus City Council	02/03/2014	Approved as Amended				Pass
			Absent: 1 Priscilla Tyson				
			Affirmative: 6 Hearcel Craig, Zachary Klein, A. Troy Miller, Michelle Mills, Eileen Paley, and Andrew Ginther				
2	COUNCIL PRESIDENT	02/03/2014	Signed				
2	MAYOR	02/06/2014	Signed				
2	CITY CLERK	02/06/2014	Attest				

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

BACKGROUND: This legislation will repeal Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and ~~596-595~~ of the Columbus City Code. All of these Chapters are part of the Business Regulation and Licensing Code, Title 5. They have been determined to be outdated and are no longer enforced, or are no longer enforceable due to preemption by State law and regulation. The following provide an explanation for why each chapter is being repealed:

Chapter 511 - ASTROLOGERS: The License Section has not regulated or issued licenses for astrologers for at least the past 10 years. It was determined that license officers are not skilled to determine who is qualified to be an astrologer. Due to this, the license fee was repealed in 2003 (868-03) and the requirement for a license is no longer enforced.

Chapter 515 - BONDSMEN: The License Section stopped issuing licenses and enforcing Chapter 515 when the Ohio Department of Agriculture's Enforcement Division started issuing licenses for all bondsmen.

Chapter 519 - ITINERANT WHOLESALE PRODUCE DEALERS: This matter was resolved with the commercial sales code and itinerant vendor code. The license fee was repealed in 2003 (868-03) and no licenses have been issued.

Chapter 533 - AUTOMOBILE PARKING LOTS: This code was created to minimize the amount of dust and debris caused by large automobile parking lots. The code requires that the lots be sprayed with a substance that will not damage cars and frequently enough to keep dust and dirt from rising during hours of business. In the mid-80's, a code was passed that requires automobile parking lots to be a hard surface (asphalt/concrete). Chapter 533 is no longer applicable or being enforced.

Chapter 537 - JEWELRY AUCTIONS: The code does not have a date for when the license fee was repealed but the License Section has not been issuing or enforcing this code for at least the past 18 years. The Ohio Department of Agriculture's Enforcement Division licenses all auctions and auctioneers. The only auctions that are not licensed by the state are online auctions. There are currently no rules and regulations that govern this type of auction.

Chapter 538 - OPHTHALMIC LENSES AND EYEGLASSES: This code was created in 1968. No license has been issued or enforcement taken place in at least the last 18 years. (724-68)

Chapter 557 - EXHIBITING OBJECTS OF CURIOSITY: The section of the code that required a license, license fee and exemptions was repealed in 2003 (868-03). There is nothing remaining in the code that defines an object of curiosity or that a license is needed.

Chapter 562 - MOTION PICTURE FILMS: A commission has been formed by the City to evaluate motion picture productions in the city of Columbus. This code should have been repealed prior to the commission being created.

Chapter 571 - BICYCLE REGISTRATION: The registry has not been done for many years. After discussion with the Mayor's Office, we have agreed that a bike registry could benefit the community and police. However, a code is not required or needed to accomplish this. The Mayor's Office is coordinating with local bike advocacy groups to determine implementation of an online system.

Chapter 581 - PRIVATE UTILITY COMPANY RATES: This is regulated by PUCO, preempting this code.

Chapter ~~596~~ 595 - COMMUNITY ANTENNA TELEVISION SYSTEMS: After checking with Building and Zoning and Public Service, we found that this code is mentioned in CCC 910 (Public Service). All cable companies are required to have a 910 permit that covers all the things required in Chapter 595. CCC 910 does state that if a utility company has a 595 permit (AKA service permit) they are still required to obtain a 910 permit but doesn't pay the fees. Over time, utilities companies stopped getting a 595 permit because of the cost and started getting a 910 permit only. No companies have gotten a 595 permit in at least the past 6 years and Chapter 595 is not enforced. All utility companies now obtain a 910 permit and it covers all necessary requirements.

FISCAL IMPACT: None.

Title

To repeal Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and ~~596~~ **595** of the Columbus City Code in order to remove outdated or unenforceable code chapters from the Business Regulation and Licensing Code, Title 5.

Body

WHEREAS, there is a need to repeal Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and ~~596~~ **595** of the Columbus City Code in order to remove outdated or unenforceable code chapters from the Business Regulation and Licensing Code, Title 5; and

WHEREAS, these chapters have been determined to be outdated and are no longer enforced, or are no longer enforceable due to preemption by State law and regulation; and

WHEREAS, as a result, the Department of Safety, License Section, and the Division of Police cannot actively enforce these City Code chapters; and

WHEREAS, this ordinance establishes language and authorizes the repeal of Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and ~~596~~ **595** of Columbus City Code for the above-described purpose; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapters 511, 515, 519, 533, 537, 538, 557, 562, 571, 581 and ~~596~~ **595** of the Columbus City Code be and are hereby repealed.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.