

CODIFIED ORDINANCES OF MANTUA
PART SEVEN - BUSINESS REGULATION CODE

Chap. 705. Fairs and Festivals.

Chap. 713. Late Night Sales.

Chap. 721. Peddlers, Solicitors and Canvassers.

Chap. 723. Food Trucks.

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CHAPTER 705
Fairs and Festivals

705.01	Notification.	705.06	Beverage containers.
705.02	Planning.	705.07	Clean-up.
705.03	Safety.	705.08	Liability.
705.04	Curfew.	705.09	Animals and bicycles.
705.05	Alcoholic beverages.	705.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
 Portable amusement devices - see Ohio R.C. 1711.11(H); OAC
 901-11-01

705.01 NOTIFICATION.

At least three months before the scheduled fair or festival, the fair/festival committee shall notify the Mayor, Council and other responsible boards of its intention to hold the event. This request shall be submitted to the Village in writing on the Special Event Request Form. For good cause, the Village Council may, by majority vote, permit a lesser notification period than stated herein. (Ord. 2012-09. Passed 3-20-12.)

705.02 PLANNING.

At least three months before the activity is scheduled, the fair/festival committee shall appoint a spokesman for the activity, and its chairpersons and their responsibility. At least two months before the event is scheduled, the chairpersons shall provide a list of public services needed to the Mayor, and provide a block diagram of the proposed fair/festival area to the Mayor, Chief of Police, Village Administrator and such other Village officials as may be required. Six weeks before the event, a schedule of activities shall be distributed. (Ord. 2012-09. Passed 3-20-12.)

705.03 SAFETY.

To insure adequate safety measures during the scheduled event, the fair/festival committee shall grant to the Chief of Police authority to employ such additional personnel as necessary for that purpose. If time permits, the Chief shall contact the chairman or president of the fair/festival committee. Compensation for the additional personnel shall be paid by the fair/festival committee, unless this requirement is waived by a majority vote of the Village Council. The committee shall maintain twenty-four hour security watch in the fair/festival area during the event.

(Ord. 2012-09. Passed 3-20-12.)

705.04 CURFEW.

The Village curfew regulations shall be relaxed or not enforced until thirty minutes after closing of the event on nights activities are scheduled.

(Ord. 2012-09. Passed 3-20-12.)

705.05 ALCOHOLIC BEVERAGES.

(a) Vendors shall be responsible for obtaining proper license and permits for the sale of alcoholic beverages.

(b) The group responsible for the fair or festival shall obtain and supply the Village with a copy of proof of liquor liability insurance in an amount not less than five hundred thousand dollars (\$500,000). The Village shall be shown on the policy as an additional insured along with the group that is sponsoring the event. Proof of liquor liability insurance must be on file with the Clerk/Treasurer's office and submitted with Special Event Request Form.

(Ord. 2012-09. Passed 3-20-12.)

705.06 BEVERAGE CONTAINERS.

No glass containers for alcoholic and/or any other beverages shall be permitted in the designated areas of the Village used for any scheduled fair/festival.

(Ord. 2012-09. Passed 3-20-12.)

705.07 CLEAN-UP.

When the festival or fair is over, the fair/festival committee shall be responsible for the clean-up of the area used and restoring it to its pre-activity condition. If Village employees are required to perform clean-up or repair work as a result of the scheduled activity, the fair/festival committee shall compensate the Village for the wages and benefits of its employees for the hours they perform such necessary clean-up and repair work.

(Ord. 2012-09. Passed 3-20-12.)

705.08 LIABILITY.

The fair/festival committee shall hold the Village and its property owners harmless from any liability for injuries and/or damages arising out of the event. Proof of liability insurance must be on file with Clerk/Treasurer's office and submitted with Special Event Request Form.

(Ord. 2012-09. Passed 3-20-12.)

705.09 ANIMALS AND BICYCLES.

All animals in the fair/festival areas shall be on leash. Bicycles, skates, skateboards, etc., shall not be permitted in the fair/festival area, except for parades or exhibitions sponsored by the fair/festival committee. (Ord. 2012-09. Passed 3-20-12.)

705.99 PENALTY.

Whoever violates Sections 705.05, 705.06 and/or 705.09 shall be guilty of a minor misdemeanor. (Ord. 2012-09. Passed 3-20-12.)

**CHAPTER 713
Late Night Sales**

713.01 Definitions.
713.02 Requirements.

713.99 Penalty.

CROSS REFERENCES

Secondhand dealers - see Ohio R.C. Ch. 4737
Beverage sales - see Ohio R.C. 4301.01 et seq.

713.01 DEFINITIONS.

As used in this chapter, late night retail establishments and late night gas stations are defined as follows:

- (a) "Late night retail establishment" means any partnership, corporation or other entity which:
- (1) Derives fifty percent (50%) or more of its gross income from the sale of goods, merchandise or other articles of value; and
 - (2) Sells goods, merchandise or other articles of value in their original containers between the hours of 12:00 a.m. and 6:00 a.m. Specifically excluded from this definition are establishments whose owners are the sole operators and/or clerks present during the subject hours of operation.
(Ord. 2004-03. Passed 4-20-04.)

713.02 REQUIREMENTS.

All late night retail establishments and late night gas stations shall:

- (a) Post a sign in the window which is conspicuous and states that there is a safe on the premises and it is not accessible to the employees on the premises.
- (b) Post a sign in the window which is conspicuous and state that the cash register has fifty dollars (\$50.00) or less in it.
- (c) So arrange the signs posted in the windows so as to provide a clear and unobstructed view of the interior of the store. In no case shall signs obstruct the view of the register from the street.

- (d) Have a drop safe on the premises which is bolted to the floor, or weighs at least 500 pounds.
- (e) Position their registers so that they are visible from the street.
- (f) The area of the parking lots of late night retail establishments and gas stations commonly utilized by customers and employees must be lighted and maintained at a minimum of five foot candles per square foot.
The level of lighting shall be measured at a height of three feet above pavement level.
- (g) Have an enclosed, secured area for employees, or maintain more than one employee during the hours as set forth above.
- (h) Have acceptable panic type alarm(s) and the employee shall carry on their person some type of sending unit or any systems that are designed to directly or indirectly provide immediate notification to the Mantua Village Police Department of a robbery or other life-threatening situation.
(Ord. 2004-03. Passed 4-20-04.)

713.99 PENALTY.

Any person, partnership, corporation or entity who violates this section is guilty of a misdemeanor of the third degree; upon each subsequent offense, such person, partnership, corporation or other entity is guilty of a misdemeanor of the first degree. It is not the intent of this section that any person be imprisoned for violation of this section.
(Ord. 2004-03. Passed 4-20-04.)

CHAPTER 721
Peddlers, Solicitors and Canvassers

<p>721.01 Definitions.</p> <p>721.02 License or notification required.</p> <p>721.03 Application; fee; license; notification.</p> <p>721.04 Street peddling; adult attendant required.</p>	<p>721.05 Restrictions; hours; conduct.</p> <p>721.06 Resident prohibition by notice.</p> <p>721.07 Excess noise.</p> <p>721.08 "Do Not Knock Registry".</p> <p>721.99 Penalties.</p>
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CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61 et seq.
Home solicitation sales - see Ohio R.C. 1345.21 et seq.
Charitable solicitations - see Ohio R.C. Ch. 1716
Trespassing - see GEN. OFF. 521.08

721.01 DEFINITIONS.

As used in this Chapter:

- (a) "Peddler" or "Solicitor" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future;
- (b) "Canvasser" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street who obtains or influences or seeks to obtain or influence the opinions of the residents of the Village, upon the private residences including any house, apartment or other dwelling in the Village, who also may or may not obtain or seek to obtain funds for any cause whatsoever. (Ord. 2018-55. Passed 12-18-18.)

721.02 LICENSE OR NOTIFICATION REQUIRED.

- (a) No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid license issued pursuant to Section 721.03. (Ord. 2018-55. Passed 12-18-18.)

721.03 APPLICATION; FEE; LICENSE; NOTIFICATION.

(a) Any person wanting a license shall obtain an application for same from the Police Department, and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Police Department which shall contain the following information:

- (1) Name and address of the applicant;
- (2) Name and address of the organization represented;
- (3) Names, addresses and social security numbers of all individual peddlers or solicitors;
- (4) A description of the proposed peddling or soliciting activities; and
- (5) Dates, times and particular locations where the peddling or solicitation is to be performed.

Such application shall also be accompanied by a copy of the Internal Revenue Service Federal Income Tax Exemption Letter and State of Ohio Letter of Registration under Ohio Revised Code Chapter 1716 in effect at the time of application hereunder, if the applicant and/or organization represented has been issued either or both of said Letters.

(b) All license applications shall be referred to the Police Department who shall, within five (5) days after receipt of the completed application, issue licenses to the solicitors or peddlers unless he finds that:

- (1) The applicant has provided false, misleading or deceptive information in his application; and/or
- (2) The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving fraud or moral turpitude within the past five years.

(c) Each applicant shall pay a fee of twenty-five (\$25.00) for the initial annual license, and a fee of fifteen dollars (\$15.00) for the annual renewal of that license, which fee shall be paid at the time the application is submitted. All licenses shall be valid for one year from the date of issuance. Applicants who are agents for charitable, religious or educational organizations that meet the definition thereof as contained in the Ohio Revised Code 2915.07(H), (I), or (J), or have duly registered with the State of Ohio under the provisions of Ohio Revised Code Chapter 1716, shall be required to obtain a license, but shall be exempt from the payment of any fee as required hereunder.

(d) Once issued, a license may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Police Department for any of the following causes:

- (1) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.
- (2) The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.
- (3) The licensee violates any provision of this Chapter or peddles or solicits in an unlawful manner.

(e) Any applicant who has applied for a license in accordance with this chapter and to whom the Police Department has, after an investigation, denied a license may appeal to the Safety Committee. Notice of such appeal shall be filed with the Safety Committee within twenty days after the denial by the Police Department. The Safety Committee, on appeal, may grant or reject the application for a license.

(f) Any canvasser is encouraged to notify the Police Department before obtaining or influencing or seeking to obtain or influence the opinions of the residents of the Village. Any canvasser is urged to provide the Police Department in writing with his or her name and address, the name and address of organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the notification of any canvasser.

(g) Upon issuance of the permit, the peddler and/or solicitor shall be issued a current copy of the Village's Peddler and Solicitors "Do Not Knock Registry" as established by Section 721.08 below, together with a copy of Section 721.06 "Resident Prohibition by Notice." Failure to be in actual possession of said registry while peddling or soliciting in the Village of Mantua shall constitute a violation of this section. (Ord. 2018-55. Passed 12-18-18.)

721.04 STREET PEDDLING; ADULT ATTENDANT REQUIRED.

No person shall vend or peddle from a vehicle in public streets and public places in the Village without a license issued under this Chapter, and in pursuit of such business or activity when children under age eighteen (18) collect, congregate, assemble or gather about such vehicle for the purpose of making purchases therefrom or in response to such person's actions, such person so vending or peddling shall be required to be accompanied by an adult attendant whose sole duty and occupation shall be to protect and safeguard such children from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard children from injury therefrom. (Ord. 2018-55. Passed 12-18-18.)

721.05 RESTRICTIONS; HOURS; CONDUCT.

Every person to whom a license to peddle or solicit is issued and every canvasser under the terms of this Chapter shall be governed by the following rules and regulations:

- (a) Canvassers subject to the provisions of this Chapter may canvass only between the hours of 9:00 a.m. and 9:00 p.m. Monday through Saturday, and between the hours of 12:00 p.m. and 5:00p.m. on Sunday; no such person shall canvass on any legal State or Federal Holiday.
- (b) Solicitors or Peddlers subject to the provisions of this Chapter may solicit or peddle only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday respectively; no such person shall peddle or solicit on Sunday or any legal State or Federal Holiday.
- (c) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the Village without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.
- (d) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.
- (e) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the Village without the consent of an adult occupant of the residence, house, apartment or other dwelling in the Village.
- (f) No peddler or solicitor shall peddle or solicit at any residence on the "Do Not Knock Registry". (Ord. 2018-55. Passed 12-18-18.)

721.06 RESIDENT PROHIBITION BY NOTICE.

Notwithstanding any other provision of this Chapter, no peddler, solicitor, or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the Village upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been invited upon the premises by the owner, lessee or an adult occupant thereof. (Ord. 2018-55. Passed 12-18-18.)

721.07 EXCESS NOISE.

No peddler shall use any whistle, bell, horn or other mechanical device for the purpose of advertising his goods, wares and merchandise or services, or of attracting customers, and he shall not call his goods, wares, foods, merchandise or services in a loud voice for such purposes. (Ord. 2018-55. Passed 12-18-18.)

721.08 "DO NOT KNOCK REGISTRY".

(a) The Police Department shall separately establish and maintain a Peddlers and Solicitors' "Do Not Knock Registry".

- (b) (1) Any person in lawful possession and occupancy of any residence, house, apartment or other dwelling in the Village may require the Village to place and maintain his or her residence, house, apartment or other dwelling in the Village's Peddlers and Solicitors' "Do Not Knock Registry" by submitting a request to be placed thereon on a form supplied by the Police Department. This form shall be made available at Village Hall, the Police Department and on the Village's website. The completed form may be turned in at any of the above-referenced locations or online and must contain the following information:
- A. The name of the person completing the form(s);
 - B. The complete address of the residence, house, apartment or other dwelling to be placed on the registry;
 - C. The date the form was completed; and
 - D. A statement that no peddlers and solicitors shall knock, ring the doorbell or otherwise call at this address, or words of similar import, on the applicable form.
- (2) The Police Department shall update these lists on a bi-weekly basis.

(c) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling in the Village may require the Village to remove his or her residence, house, apartment or other dwelling from the list set forth in division (b), above, by submitting a separate "Notice of Removal" from said registry on a form supplied by the Police Department, which shall contain the following information:

- (1) The name of the person completing the form(s);
- (2) The complete address of the residence, house, apartment or other dwelling to be removed from the registry;
- (3) The date the form was completed;
- (4) A statement that the residence, home, apartment or other dwelling be removed from the Village's Peddlers and Solicitors' "Do Not Knock Registry", or words of similar import, on the applicable form; and

- (5) Such other information that verifies the identity of the person completing the form(s) as a lawful possessor and occupant as may be required by the Police Department.

(d) The decision whether to place a residence, house, apartment or other dwelling on the Village's Peddlers and Solicitors' "Do Not Knock Registry" shall be solely that of the lawful possessor and occupant thereof, and no official, employee or other agent of the Village shall interfere with said decision.

(e) A residence, house, apartment, or other dwelling, after being lawfully placed on the Village's Peddlers and Solicitors' "Do Not Knock Registry" shall remain on such Registry until the earliest of any of the following:

- (1) The Village receives a Notice of Removal pursuant to division (c) above;
- (2) The Village receives notice that the person who submitted the form pursuant to division (b) above is not or is no longer a lawful possessor or occupant of the premises; or
- (3) The expiration of five calendar years, expiring on December 31 of the fifth full calendar year from the date of the form submitted pursuant to division (b) above.

(f) A copy of the Village's Peddlers and Solicitors' "Do Not Knock Registry" shall be made available for public inspection at all times on the internet website of the Village and at any time at the Police Department. (Ord. 2018-55. Passed 12-18-18.)

721.99 PENALTIES.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor for the second or subsequent offenses. (Ord. 2018-55. Passed 12-18-18.)

**CHAPTER 723
Food Trucks**

<p>723.01 Definitions.</p> <p>723.02 Food truck permit/registration.</p> <p>723.03 License and permit requirements for operation.</p> <p>723.04 General requirements.</p> <p>723.05 Exemptions from a permit and required registration.</p>	<p>723.06 Operation in right of way; public property.</p> <p>723.07 Products for sale.</p> <p>723.08 Restrictions on hours of operation and parking.</p> <p>723.99 Penalty.</p>
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723.01 DEFINITIONS.

(a) “Food” shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or part for human consumption.

(b) “Food Truck” shall mean a retail food establishment that is not intended to be permanent and is a motorized wheel vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages. The sale of ice cream and similar products shall be excluded. See Section 723.05.

(c) “Food Truck Permit” shall mean the permit issued by the Village Administrator as part of the registration process.

(d) “Mobile Food Service License” and “Mobile Food Establishment License” means the official document issued by the Portage County Board of Health or other health department in the State of Ohio possessing the appropriate licensing authority which allows the operation of a Food Truck in Portage County.
(Ord. 2021-42. Passed 10-19-21.)

723.02 FOOD TRUCK PERMIT/ REGISTRATION.

Food Trucks must register with the Village before operating within the Village corporation limits. Application for registration shall be made through the Village Administrator's Office prior to any operation within the Village. Registration requirements include proof of insurance, a copy of the current Portage County Food License issued to the vehicle.
(Ord. 2021-42. Passed 10-19-21.)

723.03 LICENSE AND PERMIT REQUIREMENTS FOR OPERATION.

(a) No person shall offer for sale any food from any Food Truck within the Village without a current and valid Mobile Food Service or Mobile Food Establishment License issued by the Portage County Board of Health or other health department in the State of Ohio possessing the appropriate licensing authority.

(b) A Mobile Food Service or Mobile Food Establishment License must be clearly and conspicuously displayed on the Food Truck during all times of operation for inspection by the Portage County Board of Health.

(c) A Food Truck Permit must be obtained each calendar year by the operator of any Food Truck before the Food Truck may operate within the Village.

(d) The applicant shall also deposit, before the license is issued, the sum of one hundred dollars (\$100.00) to guarantee the cost of cleaning the premises and removing any property therefrom after the termination of the business. If the premises on which the business is conducted are not cleaned and all merchandise, property, refuse, and temporary structures are not removed therefrom and properly disposed of within forty-eight hours after the termination of the business, the Village Administrator shall immediately cause such work to be done and report the cost thereof to the Chief Fiscal Officer, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.

(e) The application must include color photographs of all sides of the mobile food vendor unit and any signage to be used in operation of the business.

(f) At the time of application, the applicant must provide a signed statement that the licensee will hold harmless the Village and its officers and employees, and shall indemnify the Village, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity earned on under the terms of the mobile food vendor license.

(g) Mobile Food Truck Vendors shall maintain comprehensive general liability insurance in an amount of at least one hundred thousand dollars (\$100,000.00), naming the Village of Mantua as additional insured.
(Ord. 2021-42. Passed 10-19-21.)

723.04 GENERAL REQUIREMENTS.

(a) All Food Trucks operating in the Village of Mantua shall provide at least one trash receptacle, shall keep the surrounding area immediately adjacent to the Food Truck clean and shall properly remove all waste and trash generated by the operation at least once per day as needed to maintain cleanliness.

(b) All Food Trucks must be constructed to internally store and contain all sewage and waste water for proper disposal and to prevent ground water contamination. There shall be no discharge of any sewage and wastewater onto the ground or into any storm water or sanitary sewers within the Village.

(c) No Food Truck shall utilize generators, loudspeakers or other noise-making devices in such a way to create a nuisance, or in violation of the Village's ordinances.

(d) A Food Truck unit shall not be in such a deteriorated physical condition as to adversely affect the character, appearance, image, or economic value of surrounding property.

(e) No Food Truck shall be located closer than five feet to any property line, unless written permission is provided by the abutting property owner.

(f) A Food Truck shall not obstruct a public way, impair the movement of pedestrians or vehicles, impair the clear view of traffic from any direction, or pose a hazard to public safety.

(g) Residential Districts - Food Trucks shall not operate within a Residential Zone unless an annual permit has been issued as part of the registration process required by the Village. Food Trucks shall not operate in a residential zone unless the host is responsible for all food costs. Point of sale is prohibited.

(h) Non-Residential Districts - Food Trucks may operate on private property where there is a commercial, office or industrial use subject to the following conditions:

- (1) Permission. Food Trucks selling to the public from private property shall have written permission of the property owner, which shall be made available to the Village upon request.
- (2) Unimproved Properties. Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel unless that parcel is paved and has paved ingress and egress.

(i) Non-Residential Institutional Uses - Food Trucks may operate on property where there is educational or place of worship with the following conditions:

- (1) Permission. Food Trucks selling to the public from a property with a school or place of worship shall have written permission of the property owner, which shall be made available to the Village upon request.
- (2) Unimproved Properties. Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel unless that parcel is paved and has paved ingress and egress.
(Ord. 2021-42. Passed 10-19-21.)

723.05 EXEMPTIONS FROM A PERMIT AND REQUIRED REGISTRATION.

(a) Ice Cream Trucks.

- (1) Rights-of-Way: An Ice Cream Truck may not operate from the right-of-way at any one location for more than fifteen (15) minutes without relocating to another location.
- (2) Ice Cream Trucks may operate during the time period of 11:00 a.m. until sunset.

(b) Children's lemonade/Kool-Aid stands;

(c) Home delivery of pre-packaged and/or pre-made food;

(d) Temporary produce stands located on private property.
(Ord. 2021-42. Passed 10-19-21.)

723.06 OPERATION IN RIGHT OF WAY; PUBLIC PROPERTY.

(a) Food Truck operators are prohibited from parking or operating in the public right of way or upon any Village street unless in conjunction with a community event or a parade/assemblage as permitted by the issuing of a special events permit.

(b) Food Truck operators are prohibited from parking or operating on public property, including public parks, without prior written authorization from the Village Administrator or by the issuing of a special events permit.

(c) Food Truck operators may park in the right of way during a neighborhood block party or activity where a temporary road closure has been approved.
(Ord. 2021-42. Passed 10-19-21.)

723.07 PRODUCTS FOR SALE.

Food Trucks shall only offer for sale food as defined in Section 723.01(a).
(Ord. 2021-42. Passed 10-19-21.)

723.08 RESTRICTIONS ON HOURS OF OPERATION AND PARKING.

Food Trucks may not operate or remain parked in the Village between the hours of 9:00 p.m. and 7:30 a.m., except during a Community Event.
(Ord. 2021-42. Passed 10-19-21.)

723.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a fourth-degree misdemeanor.
(Ord. 2021-42. Passed 10-19-21.)