



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: February 10, 2022

REF: M-26-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Text Amendment to TMC 1104.0603

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 10, at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Text Amendment to TMC 1104.0603
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

STAFF ANALYSIS

This request is for the review of Toledo Municipal Code Section 1104.0603 to remove the 2000-foot spacing requirement between convenience stores in a special use permit. The spacing requirement for convenience stores was first added to the TMC in 1993 by Ordinance 781-93. The 2004 comprehensive rewrite of the zoning code resulted in the removal of the spacing requirement. Legislation passed in 2009, Ordinance 568-09, reinstated the spacing requirement. The text change prohibited a convenience store from locating within 2,000 feet of another convenience store or within 1,000 feet of schools, parks, libraries, licensed day cares or children-oriented uses. Existing convenience stores will be a legal conforming status. This proposed amendment will remove the required 2,000-foot spacing requirement between convenience stores. The consequences of having that section has allowed for establishments to have government protection by controlling new competition through the zoning process.

STAFF ANALYSIS (cont'd)

Research conducted by the Urban Land Institute shows that urban neighborhoods are betwixt and between limited retail businesses to serve local residents. These same residents end up traveling outside of their neighborhoods for basic goods. Many metropolitan areas are redirecting growth back into existing communities to improve neighborhood retail experiences. In the spirit of laissez-faire competition, the removal of the 2,000-foot spacing between convenience stores should create an environment of healthy competition.

Plan Commission staff recommends that special use permits for convenience stores be removed entirely as licensing is a better tool to address nuisances associated with convenience stores. The list of concerns indicated by residents involving convenience stores include problems of business operations, behaviors of customers, public health and safety infractions. As a result, Council approved Ordinance 545-21, amending Chapter 721 entitled "Neighborhood Plans" through adopting "Convenience Stores Licensing Requirements" which requires all convenience store operators to acquire a license to operate.

Any new construction of a convenience store development would be subject to a Site Plan Review to ensure compliance with the standards of the Zoning Code. This process reviews land use conflicts and whether a project meets commercial design standards which encourage attractive street fronts and accommodates pedestrian and vehicular movement.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of M-26-21, a request to remove the 2000-foot spacing requirement between convenience stores in the special use permit Section 1104.0603 of the Toledo Municipal Code. However, staff further recommends the removal of the requirement for a Special Use Permit for convenience stores to the Toledo City Council. for the following reason:

1. The proposed text amendment updates the stated purpose of the Zoning Code.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

NH
Exhibit "A" follows
Cc: Lisa Cottrell, Administrator
Nancy Hirsch, Planner

Exhibit "A"

(Additions in bold italic. Deletions in strikethrough.)

Chapter 1104 I
Use Regulations
Sec. 1104 0100 I
Use Table

Use Category	RS 12	RS 9	RS 6	RD 6	RM (all)	R MH	CN	CO	CM	CS	CR	CD	IL	IG	IP	POS	IC
Financial, Insurance and Real Estate Services	-	-	-	-	-	-	P [13]	P	P	P	P	P	-	-	-	-	-
Short-Term Lender	-	-	-	-	-	-	P [29]	P [29]	P [29]	P [29]	P [29]	P [29]	-	-	-	-	-
Food and Beverage Retail Sales																	
Large Stores	-	-	-	-	-	-	P [13]	-	P	P	P	P	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	S [18]	-	S [18]	S [18]	S [18]	S [18]	-	-	-	-	-
Convenience Stores	-	-	-	-	-	-	<i>P</i> <i>[13]</i>	-	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	-	-	-	-	-

1104.0600 Convenience stores.

~~The following standards apply to convenience stores with a floor area of less than 5,000 square feet.~~

1104.0601 Hours of Operation.

~~The hours of operation of a convenience store may be limited to 5:30 a.m. to 1:00 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to convenience stores located adjacent to any residential district, school, place of religious assembly, park, or playground.~~

1104.0602 Negative Secondary Effects.

~~The Special Use permit granted for a convenience store shall be subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if said convenience store is determined to have significant negative secondary effects that have not been sufficiently alleviated under zoning, building or health code regulations. Negative secondary effects are defined as:~~

- ~~A. Litter, broken bottles and paper discards that diminish the aesthetics of the immediate area. (See [Chapter 521](#) of the General Offenses Code).~~
- ~~B. Noise, disruption from the carryout to the quiet enjoyment of adjoining residential districts, and public and civic uses. (See [Chapter 507](#) of the General Offenses Code).~~
- ~~C. Traffic, traffic noise and congestion.~~
- ~~D. Pedestrian congestion which can intimidate individual patrons and disrupt neighborhood civility.~~

1104.0603 Spacing Requirements.

- ~~A. A convenience store shall not be located within a 2,000-foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.~~
- ~~B. A convenience store shall not be located within a 1,000-foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.~~
- ~~C. The distances specified in this section shall be measured per TMC [1106.0208](#) *Distances for Spacing Requirements*.~~
- ~~D. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established by ordinance of City Council.~~

1104.0105 Developments with Multiple Principal Uses.

- A. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a computer store, bookstore, and discount store, for example, would be classified in the Retail Sales, General category because all of the development's principal uses are in that category.
- B. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to applicable regulations within that category. ~~For example, a gas station that also contains a mini-convenience store would be subject to the special permit regulations for both gasoline and fuel sales facility and for a convenience store.~~
- C. Developments with multiple principal uses, such as shopping centers, shall incorporate only those uses allowed in the underlying base zoning district.

E-mail list of neighborhood groups for M-26-21

Association	Contact	Email
Auburn-Delaware Residents Assoc	Ella Taylor	ellataylor703@gmail.com
Broadway Corridor Coalition	Janet Hickey	bccsouthtoledo@gmail.com
Burroughs Neighborhood Assoc	Robert Worthington	bno.group@yahoo.com
Englewood Improvement Assoc	Keith Polin	kdp7673@gmail.com
Englewood South Central	Tracy Belcher	tbelcher01@yahoo.com
Fairmont Park Addition Assoc	Edd Mays	eddmays75@hotmail.com
Highland Heights Neighborhood Assoc	Sarah Abts	sarahabts@hotmail.com
Historic South Initiative	Chris Amato	cjamato1@gmail.com
Historic Vistula Foundation	John Scott	historicvistulafoundation@gmail.com
Junction Coalition	Alicia Smith	junctionfunction419@gmail.com
Kenwood Sheridan Place	Stephanie Beebe	nsbeebe2013@gmail.com
Library Village Revitalization	Jane Millikin	jane.millikin@yahoo.com
Lincoln School Community Coalition	Michele Williams	michelewilliams9@gmail.com
LISC	Brittany Burns	bburns@lisc.org
Old Orchard Neighbors	Dick Cromwell	rcroms@gmail.com
Old West End Association	N/A	oweassociation@gmail.com
Old West End Neighborhood Initiatives	Brenda Sawyers	oweni.community@gmail.com
ONE Village Council	Alfonso Narvaez	fonsotoledo@gmail.com
Point Place Business Association	Joyce Ejhinger	ppbaonline@gmail.com
Ragan Woods/Hawthorne Hills	David Lemon	gatortennis08@gmail.com
Reynolds Corners CD Inc	Rocleen Reihing	rocleen_reihing@yahoo.com
Toledo Olde Towne Neighborhood	Fanny Effler	fannyeffler@gmail.com
West Toledo Neighbors Association	Tina Scott	westtoledoneighbors@gmail.com
Westmoreland Association	Mike Wielgopolski	info@historicwestmoreland.com
WOWE	Toni Moore	tmoore_etfc@hotmail.com



City of Toledo

One Government Center
Toledo, OH 43604

Legislation Text

File #: R-544-21, Version: 1

Council Members Hobbs and Ludeman

Submitting to the Toledo City Plan Commission an amendment to TMC 1104.0603 to remove the 2000 ft spacing requirement between convenience stores in a Special Use Permit; authorizing a public hearing on said text amendment and publication of said hearing; and declaring an emergency.

SUMMARY & BACKGROUND:

The Toledo City Council proposes a text amendment to Toledo Municipal Code subsection 1104.0603 Spacing Requirements.

The spacing requirement for convenience stores was first added to the TMC in 1993 by Ordinance 781-93. The 2004 comprehensive rewrite of the zoning code resulted in the removal of the spacing requirement. Legislation passed in 2009 (568-09) reinstated the spacing requirement. The text change prohibited a convenience store from locating within 2,000 feet of another convenience store or within 1,000 feet of schools, parks, libraries, licensed day cares or children-oriented uses. Existing convenience stores would be provided a legal conforming status.

This proposed amendment will remove the required 2000 ft spacing requirement between convenience stores. The consequences of having that section has allowed for establishments to have government protection by controlling new competition through the zoning process.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That part Eleven, Planning and Zoning, Toledo Municipal Code Section 1104.0603 which reads as follows:

1104.0603 Spacing Requirements

- A. A convenience store shall not be located within a 2,000 foot radius of another convenience store, whether that other convenience store is operating pursuant to a Special Use Permit or operating without such Special Use Permit by virtue of having been in operation prior to the requirement to obtain such permit.
- B. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
- C. The distances specified in this section shall be measured per TMC 1106.0208 *Distances for Spacing Requirements*.

- D. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established by ordinance of City Council.

SECTION 2. That part Eleven, Planning and Zoning, Toledo Municipal Code Section 1104.0603 be amended to read as follows:

1104.603 Spacing Requirements

- A. A convenience store shall not be located within a 1,000 foot radius of a school, public park, public library, licensed child day care center, or other use established specifically for the activities of minors.
- B. The distances specified in this section shall be measured per TMC 1106.0208 *Distances for Spacing Requirements*.
- C. A convenience store shall not be subject to the foregoing restrictions if the convenience store is located within the boundaries of any Community Entertainment District (CED) now in existence or subsequently established

SECTION 3. That the request for a proposed text amendment is hereby referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date. That a public hearing upon a proposed ordinance to effectuate the above described change shall be held in the Council Chambers at One Government Center and the Clerk of Council is hereby authorized and directed to give notice of the time and place of said hearing in the manner required by the law.

SECTION 4. That this Resolution hereby is declared to be an emergency measure and shall take effect and be in force immediately from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that this Resolution must be immediately effective so that the text amendment can be expeditiously forwarded to the Toledo City Plan Commission so the proper time may be committed for the proposed text amendment.

Vote on emergency clause: yeas 12, nays 0.

Adopted: NOV 23 2021, as an emergency measure: yeas 11, nays 1.

Attest: 
Clerk of Council


President of Council

Approved: NOV 23 2021


Mayor

ORD. 545-21

Amending Chapter 721 entitled "Neighborhood Plans" by adopting a new Chapter 721 entitled "Convenience Stores Licensing Requirements" thereby requiring all convenience store operators to acquire a license to operate.

SUMMARY & BACKGROUND:

Since 1992 a Special Use Permit was required through the Toledo City Plan Commission, under the provisions of the Zoning Code, to regulate the locations where convenience stores are allowed to operate. Toledo City Council has been faced with complaints about the operation of convenience stores, many of which are not subject to the SUP requirements because they pre-date the 1992 zoning regulation. The concerns include the manner of operation, the activity, proximity to other properties, behavior by customers, licensees and the public. The provisions of this Chapter which establish licensing requirements for convenience stores will preserve the best interests of all parties in a more neighborhood-oriented, business-friendly environment. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Chapter 721 which currently reads as follows:

Chapter 721 Neighborhood Plans

721.01 Neighborhood plans.

(a) In those parts of the City in which a recognized Community Development Corporation ("CDC"), as defined by the current map on file at the City of Toledo Department of Neighborhoods, operates, a convenience store and the applicable CDC may enter into a written Neighborhood Plan. The Neighborhood Plan shall address issues of concern, which may include but not be limited to plans to address issues of crime, safety, loitering, traffic, noise, convenience store operations, items offered for sale at the convenience store, marketing plans to encourage residents to patronize the store, and any other areas the convenience store and the CDC deem appropriate. Either party may withdraw from the Neighborhood Plan upon thirty (30) days notice to the other party. The parties may mutually agree to modify the Neighborhood Plan or mutually terminate it at any time. A representative of the convenience store and the CDC shall sign the Neighborhood Plan and provide a copy to the Director of Finance who shall keep the Neighborhood Plan on file.

(b) The Director of Finance shall periodically publish a list of the convenience stores that have entered into Neighborhood Plans with CDCs and distribute that list in a manner that encourages the community to patronize establishments that have Neighborhood Plans on file.

(c) The Mayor, from time to time, shall recommend other means of rewarding and encouraging CDCs and convenience store owners to work together to build stronger neighborhoods, reduce the incidence of tobacco use, especially among young people, and increase the opportunity for residents to purchase healthy foods at neighborhood convenience stores.

(Ord. 425-09. Passed 8-4-09.)

Is hereby repealed and a new Chapter 721 is to read as follows:

Chapter 721 Convenience Stores Licensing Requirements

721.01. Definitions and Scope

The provisions of this Chapter shall apply to all establishments, which now exist and which may be established or conducted in the future, locations and/or places, which are included in the Toledo Municipal Code definitions of Section 1116.0217 Food and Beverage Retail Sales- Chapter 11, as amended for purposes of this Ordinance, established or conducted in the future. "Convenience store"- as defined in TMC 1116.0217 (A) Food and Beverage Retail Sales- Retail sales of food and beverages for immediate consumption or home consumption: convenience stores with a floor area of less than 5000 sq ft., requiring food preparation licensure pursuant to TMC 1719, excluding eating and/or drinking establishments outlined in TMC 1116.0213, and excluding establishments not requiring a Toledo-Lucas County Health Department permit.

721.02 License Required

No person or legal entity shall operate a convenience store within the limits of the City of Toledo until the convenience store has been duly licensed for such purpose. Failure on the part of any person(s) or entity to obtain such license shall subject the licensee to the penalties hereinafter provided.

721.03 Application for License

Every person, society, club, firm, or legal entity, including but not limited to (corporation, partnership, sole proprietorship, limited liability company) desiring a license to operate a convenience store shall make written application to the City of Toledo Department of Finance. Each application shall be in the form prescribed herein. Such application shall be filed at least 30 days prior to the time of granting such license and subject to an investigation as hereinafter provided.

721.04 Content of Application

Each applicant for a convenience store license shall file with the Department of Finance a written application stating the name and residence address of the applicant, or if more than one person or an entity or firm, the full name of all parties interested and their addresses. If the applicant is a partnership, corporation or limited liability company, the application shall contain a complete list of the officers or members of such entity with the names and addresses of such officers, the state in which such entity is organized, and the names and addresses of persons designated as its manager or managers. The application shall also include the following:

- (a) The location by street name and address where the convenience store is to be operated.
- (b) The name of the owner of the premises in which such convenience store is to be located.
- (c) Whether a shareholder, owner, member, manager or chief financial officer applicant has ever been engaged in the operation of a convenience store, and if so, when, where and duration at each location.

(d) Certificate of tax compliance. No license shall be issued, or renewed if taxes, assessments or other financial claims of the City of Toledo, Lucas County or State of Ohio are delinquent or unpaid. If an appeal is filed regarding the amount or the validity of taxes, the Division of Taxation may waive this provision. No waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless a payment plan has been entered into or the liability is included in litigation.

(e) The application shall include a criminal background check of all applicants performed within 1-year prior to the application. The background check shall be for Northwest, Ohio unless the applicant has resided or operated a business in any other State in the last two (2) years in which case additional checks may also be required. All background checks shall be performed at the expense of the applicant. Within two (2) years preceding the date of the application an applicant cannot have been convicted of any crime related to the occupation for which the license is sought, unless pursuant to law, said record is sealed or expunged. These crimes include, but are not limited to, the violation of any law dealing with food subsidy programs or the sale, possession, manufacture or transportation of controlled substances and Alcohol violations. If a conviction is considered there must be an additional review and approval by the Toledo Police Department of said background check. The applicant has the right to show relevant evidence of sufficient rehabilitation and present fitness.

The application shall be signed by the applicant or applicants or in the case of a partnership, limited liability company or corporation, by the shareholder/directors or members of the entity thereof in addition to the manager/chief financial officer.

(f) The application shall have attached a zoning review addendum. This form must be completed and approved by the Toledo Lucas County Plan Commission. The addendum will verify the correct zoning and satisfaction of conditions and confirmation of legal, non-conforming use status (grandfathering), if applicable. This review includes but is not limited to zoning, special use permits and site plan reviews.

(g) The application shall have attached a Building Inspection review addendum, as shown by an Occupancy Permit for said location. This form must be completed and approved by the Toledo Division of Building Inspection.

(h) In the event an applicant operates more than one convenience store location, the individual or entity need complete only one identity disclosure, background check and tax compliance report. A separate site identification and permit are required for each convenience store location.

721.05 Issuance of License; Renewal of License

(a) If the Director of Finance determines that an application meets the requirements of this Chapter, the Director of Finance shall evaluate the application and may issue the license.

(b) Any application for a license that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120)

days shall be administratively denied by the Director of Finance. The Director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(c) If the application remains incomplete after being given the thirty-day notice, the Director of Finance may send written notice that the application is denied. Applicants shall not be allowed to engage in any activities for which a license is required. The application fees shall not be refunded.

(d) An applicant may, prior to denial, send a written request to extend the application deadline. The Director may extend the deadline for good cause.

(e) After being granted a license under this Chapter, the licensee shall make an annual application for renewal of the license accompanied by the required license fee. If there have been no material changes in the information provided on the licensee's last full application, the licensee shall so state on an approved renewal form and need not submit the full application required for an initial license. The Director of Finance is authorized to issue the renewal of the license on the basis of the affirmation of no material change, but is authorized to require the licensee to provide complete information and to conduct a review of that information if the Director deems such further review to be appropriate.

721.06 Denial of Application

- (a) The application for a license or renewal shall be denied if the report submitted therewith shows that the applicant fails to qualify or the premises sought to be licensed do not comply with the health, building and fire inspection regulations, ordinances and laws applicable thereto.
- (b) Any violation under Title 43 of the Ohio Revised Code is a basis for denial.

721.07 Right to Appeal; Procedure and Board

(a) If an application is denied, the applicant shall be notified in writing of the reasons for denial and shall have the right to appeal to a Board composed of the Director of Public Safety, Director of Neighborhoods and the Director of Law, or their designees. Publication will be made of all appeals filed.

(b) In case of a denial, an applicant shall, within ten (10) days after receiving notice of denial, perfect the appeal by giving notice in writing of the applicant's request to appeal at the office of the Director of Finance. The Appeal Board shall attempt to set a time and place for a hearing not later than thirty (30) days after the date of filing the notice of appeal. The Appeal Board may extend such time at the request of applicant. The applicant may be represented by counsel at the hearing and present witnesses or other evidence showing that the application should be granted. The Appeal Board may sustain, modify or reverse the decision of the Director of Finance.

(c) A fine assessed under TMC 721.99(a) may be suspended, held in abeyance, modified or upheld by the Appeal Board.

721.08 License Fee; Expiration date

Any person, firm or entity to whom a license is granted shall pay an annual fee of Two Hundred and Fifty Dollars (**\$250.00**) per license location. The annual fee shall be due and payable on September 1 (commencement date) of each year. The license is valid for one year expiring annually on August 31st. A renewal application submitted after September 1st and prior to September 30th will require an additional late fee of \$50. Failure to renew by September 30th will constitute full expiration.

721.09 Transfer of License

Transfer of a Convenience Store license shall be permitted only upon written notice to the Director of Finance and will be effective for a period of 90 days at which time a new license should be in effect. Upon issuance of a new license for a specific location it shall supersede and cancel any previous licenses for the same location.

721.10 Conditional Licensing

At the discretion of the Director of Finance, if a license is under consideration for issuance, renewal or scheduled to be revoked, it may be granted or extended for a length of time as a conditional license. This license may contain written terms as conditions to the license.

721.11 Suspension / Revocation of License-

(a) The Director of Finance may suspend or revoke the license of any convenience store, up to thirty (30) if the Director of Finance determines that the licensee during the term of said license has been convicted of a crime related to the operation of said license and/or no longer satisfies the requirements for holding a license under this Chapter. In determining whether to make a certification for suspension or revocation, the Director of Finance will take into consideration the type and number of convictions. A license generally should not be revoked until the licensee has been given a reasonable opportunity to cure discrepancies.

(b) A revocation of a convenience store license shall go into effect thirty (30) days after the Director of Finance notifies the licensee of the revocation. A revocation shall not be effective during a period in which a licensee appeals a revocation to the Appeal Board. In the event the Appeal Board affirms a decision to deny issuance, deny renewal or revoke a license, such decision shall be effective thirty (30) days following the certified mailing of said decision to licensee or by personal service.

(c) Any violation under Title 43 of the Ohio Revised Code is a basis for revocation.

721.12 Notice of Revocation; Hearing

The Director of Finance shall notify a licensee in writing via U.S. certified mail, return receipt requested of a revocation within ten (10) days after the decision of revocation. The notice shall advise the licensee of the right to file an appeal and the right to a hearing under TMC 727.07.

721.13 License Conditions; Security Cameras Required

(a). In conjunction with acquiring a license, all convenience stores are required to maintain an existing camera or install a surveillance camera system selected by the applicant and operated in the following manner:

1. Establishments shall post a conspicuous sign which states that the premises are under camera surveillance.
2. All camera devices shall operate during the premise's hours of operation.
3. The camera system shall provide photographic coverage of the counter where purchases are made.

(b). A camera system shall be:

1. Maintained on a routine basis by the licensee to ensure that the camera system contains required equipment and is working properly.
2. Capable under normal lighting and operating conditions of recording and producing a recognizable, retrievable, and reproducible photographic image of persons in the designated photographic field. Such photographic image shall be of sufficient clarity to provide for suspect identification in investigations or criminal proceedings.

(c). Media forms shall be maintained in the following manner:

1. Each licensee shall maintain his or her media form or retrievable images for a period of no less than seven (7) days.
2. It is the responsibility of the licensee to acquire and maintain all equipment, assure the accuracy of time keeping and schedule repair if necessary.

721.14. Business premise maintenance.

Licensee shall comply with all applicable Health Department, Department of Neighborhoods, Building Code and landscaping requirements as detailed in the Toledo Municipal Code. All solid waste and recyclable materials shall be stored in approved refuse containers made of metal or plastic and shall be equipped with secure lids or covers, and such covers shall remain closed so as to prevent the intrusion of storm water or vermin. Unless required by a special use permit or site plan conditional requirement, refuse storage containers shall be enclosed on three (3) sides by screening compatible with the principal structure and not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street if adjacent to residential property.

721.15 Business license management responsibilities.

(a) A licensee shall comply with requirement of this Chapter. Failure to comply with any of the following standards and conditions may be grounds for imposition of penalties as set forth in TMC 721.99 herein.

(1) It shall be the responsibility of said licensee to maintain the premises in a nuisance free condition as defined by TMC 1726.01.

(2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, health, food, liquor, Tobacco and building and fire codes.

(3) Parking and other outdoor areas of the premises accessible to the public shall be illuminated subject to TMC 1107.1908 Lighting.

(4) This section shall not preclude the enforcement of any other provisions of The Toledo Municipal Code or state and federal laws and regulations.

721.16 License certificate to be posted in conspicuous place.

The license or conditional license certificate issued under this Chapter shall be posted in a conspicuous place on the premises of the business. For the purposes of this section, "conspicuous place" shall mean display of the license certificate on a wall of the business, clearly visible to customers of the business.

721.17 New license after revocation.

Upon a license revocation, no license application, for the same location, shall be accepted by the same individual, firm, entity or any shareholder/director, member, manager/chief financial officer or immediate family member of any of the same licensee until after the expiration of at least one (1) year from the effective date of revocation.

721.99 Penalty

(a) Except for one who operates a convenience store without the license required by this Chapter, a violation of the provisions of this Chapter shall not be deemed to be a criminal offense. A licensee who violates the provisions of this Chapter shall be subject to a civil administrative fine of \$100.00 per violation. Within ten (10) days after receiving notice of the assessment of a civil fine, the licensee may file a notice of appeal as provided in TMC 727.07.

(b) The Law Director is authorized to bring an action to compel compliance with this Chapter including the collection of outstanding fines and to bring an action to cease and desist operations in violation of this Chapter.

(c) One who operates a convenience store without a license required by this Chapter shall be guilty of a misdemeanor of the fourth degree with applicable Toledo Municipal Code criminal penalties.

SECTION 2. That this Ordinance shall take effect and be in force from and after May 1, 2022.

SECTION 3. All parties with a fully compliant SUP will pay only \$100.00 for the initial application fee in 2022.

Passed: December 21, 2021: yeas 9, nays 2.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

December 21, 2021
Wade Kapszukiewicz
Mayor