

1st Reading: 5-7-18
2nd Reading: 5-21-18
3rd Reading: 6-4-18

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 8678 Passed June 4, 2018

ORDINANCE ADOPTING THE CITY OF BOWLING GREEN JOB CREATION & RETENTION PROGRAM

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That the Council of the City of Bowling Green, Ohio, does hereby adopt the City of Bowling Green Job Creation & Retention Program as set forth in substantial accordance with the document attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: June 4, 2018 MAA
Date President of Council

Attest: Kay D. Scherreik **MICHAEL A. ASPACHER**
Clerk of Council

Approved: June 5, 2018 Richard A. Edwards
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord No. 8678 passed by the Council of the City of Bowling Green, Ohio, June 4, 2018.
Kay D. Scherreik
Clerk of Council

Job Creation & Retention Program

PURPOSE:

The purpose of the Bowling Green Job Creation & Retention Program (JCRP) is to help maintain Bowling Green's competitiveness as a location for new businesses and the expansion or retention of existing businesses. This program is an economic development incentive offered to qualifying businesses who agree to create a specified number of new jobs. The program may be used in conjunction with other incentive programs available through the State of Ohio and the City of Bowling Green.

ELIGIBILITY for Creation of New Jobs:

1. Any company located or locating within the corporate limits of the City of Bowling Green, Ohio, which will increase job opportunities and annual payroll, is eligible to submit an application. Eligible projects may include headquarters, manufacturing, science and technology, research and development, distribution, and certain types of service industries.
2. Each applicant must be creating jobs which are new to the city of Bowling Green. Those jobs that are newly created must equal a minimum annual local payroll totaling \$350,000 within a 3 year period, not including benefits.
3. The company claiming job creation may receive up to 50% of the total payroll tax that the city receives from those jobs for a period of up to three years. The JCRP Review Board will make the percentage determination based on the number of jobs to be created and the size of the investment the company has made or will make in the community.
4. Applicants must have approval of their application by the Bowling Green City Council prior to the start of their project. The execution of a lease, a construction contract, or release of a purchase order for equipment is generally considered to denote the start of a project.
5. Applicants may not have any significant outstanding issues or liabilities with city, state or federal entities in the form of taxes due or unpaid utility payments.

ELIGIBILITY for RETENTION of EXISTING JOBS:

1. Consideration will be given to eligible companies contemplating leaving Bowling Green for sound financial or economic reasons. Eligible projects may include headquarters, manufacturing, science and technology, research and development, distribution, and certain types of service industries, whose annual local payroll totals a minimum of \$350,000, not including benefits. JCRP funds may be awarded as a part of an overall effort to retain these jobs in the city.
2. An existing company claiming job retention would be eligible for a grant based upon the amount of payroll for those jobs to potentially be lost if the retention effort is not successful.
3. Applicants claiming retention must make a strong case that without this grant the company will either lose these jobs permanently or the company will close down permanently. The retention of jobs must be adequately documented to the satisfaction of the JCRP and Bowling Green's City Council. For example, the local company is in competition with other plants within their network to move jobs/operations to a different site outside the city of Bowling Green.
4. The company claiming retention of jobs may receive up to 50% of the total payroll tax that the city receives from those jobs for a period of up to three years. The JCRP Review Board will make the percentage determination based on the number of jobs to be lost and the size of the investment the company has made in the community.
5. If the case is made for retention, City Council, upon the recommendation of the JCRP Review Board can waive the one year payment period and grant the incentive immediately. The company must comply with the annual reporting requirements and the commitment to remain operational in the city for a period of 1.5 years times the grant period.

PROCESS & TERMS:

1. Applications are available at the office of the Bowling Green Community Development Foundation, 130 S. Main St., Bowling Green, OH 43402 or at www.bowlinggreen-OH.com.
2. All companies must have an initial consultation with the Bowling Green Community Development Foundation and City of Bowling Green representatives prior to submitting an application.
3. There is a \$200 application fee to apply for the incentive. One hundred dollars will go toward administrative costs by the City and \$100 will go to the Bowling Green Community Development Foundation for administration.

4. The incentive will be in the form of an annual payment for a maximum of three (3) years, of up to 50% of the city income tax revenue realized from the new payroll or retained payroll. The percentage applied for the grant will be determined by the JCRP Review Board, with the approval of Bowling Green City Council, and will be dependent on the size of investment and number of jobs to be created or retained.
5. The payment will be made to the company creating the new jobs at the end of the first year that the company entered into the agreement with the city pending payroll and employment verification, and providing the company is up to date on all tax filings and payments.
6. The timeframe for making payment on the incentive of retaining jobs will be determined by the JCRP Review Board. It could be immediately upon entering into an agreement with the city or up to one year from signing the agreement. Verification of payroll and employment numbers will be necessary and proof that the company is up to date on all tax filings and payment and utility payments.
7. The company must agree to remain operational in the city for a time period of at least 1.5 years beyond the length of the award period.
8. The application for this grant will be initially reviewed by the Bowling Green JCRP Review Board. This board shall be comprised of 5 members and make all grant recommendations to the city council. The members shall be the Municipal Administrator, the City Finance Director, the Director of the CDF, the President of the CDF and one city council member.
9. If the company receiving the grant exceeds its payroll projections, the new payroll used to determine the annual JCRP payment in any given year will not exceed 25% above the maximum projection for the term of the grant. For example, if a company's annual payroll increases from \$10 million to \$15 million, the maximum allowable payroll amount used to determine the annual grant payment would be \$12.5 million.
10. If any company that receives a grant under this program considers a second expansion project, they will be eligible to apply for a second JCRP. It will require going through the application and approval process a second time.

MONITORING COMPLIANCE:

1. The company receiving the grant must enter into an agreement with the city to verify annually the dollar amount of their payroll and number of employees that are included in the agreement.
2. The applicant must give permission to the City of Bowling Green Tax Division to provide information of the total quarterly amount of payroll tax submitted to the tax division and changes in payroll submission to the JCRP Review Board.

3. The applicant must give permission to the City of Bowling Green Tax Division to provide information on the status of the grant recipient's timeliness of filing tax returns, withholding submissions, and any other required submissions to the tax division to the JCRP Review Board.
4. In the event of a transfer in the ownership of the applicant company, program benefits may be transferred to the new company with permission from the JCRP Board and City Council.

RECAPTURE:

1. If a company fails to meet its projected payroll or employment projections during the three year period, City Council may require the company to repay the grant funds awarded.
2. Each agreement shall include a recapture provision requiring the company to immediately reimburse the City of Bowling Green for 100% of the of the amount they were granted if the applicant leaves or discontinues operations in the city during the three year term of the agreement or during the post grant commitment period agreed to in their award.

CONTACTS:

For more information about this incentive program, please contact Sue Clark, Bowling Green Community Development Foundation, at (419) 353-3591 or sclark@BowlingGreen-OH.com to assist your company through the application and approval process.

1st Reading: 5-7-18
2nd Reading: 5-21-18
3rd Reading: 6-4-18

RECORD OF ORDINANCES

EMERGENCY CLAUSE ADOPTED 6/4/18

BEAR GRAPHICS 800-325-6094 FORM NO. 30043

Ordinance No. 8683 Passed June 4, 2018

ORDINANCE AMENDING AND ADOPTING CHAPTER 113 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING MOBILE FOOD VENDORS, PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS, AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Chapter 113 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read in accordance with the exhibit attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is to implement the mobile food vendor policies and guidelines prior to the summer season, thereby protecting the public health, safety and well-being of our citizens.

Passed: June 4, 2018 [Signature]
Date President of Council
MICHAEL A. ASPACHER

Attest: [Signature]
Clerk of Council
KAY D. SCHERREIK

Approved: June 5, 2018 [Signature]
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8683, passed by the Council of the City of Bowling Green, Ohio, June 4, 2018
[Signature]
Clerk of Council

CHAPTER 113: MOBILE FOOD VENDORS, PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS

Section

- [113.01](#) Definitions
- [113.02](#) License required
- [113.03](#) Exceptions
- [113.04](#) Mobile Food Vendors
- [113.05](#) Peddlers, Solicitors, and Itinerant Merchants
- [113.99](#) Penalty

Cross-reference:

For classification of civil offenses and related proceedings, see Chapter 38

Statutory reference:

Power of city to regulate, R.C. § 715.61 et seq.

§ 113.01 DEFINITIONS.

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

GOODS or **WARES**: Any item of personal property, including, but not limited to, merchandise, appliances, magazines, magazine subscriptions, books, photographs, and produce, but excluding newspapers.

ITINERANT MERCHANT or **VENDOR**: A person with a fixed place of business who has been located in the city for a period of less than one year and who offers for sale goods or wares.

MOBILE FOOD VENDOR: A food sales business that is operated from a movable vehicle or portable structure.

PEDDLER: A person with no fixed place of business who carries wares or goods with him or her which he or she is prepared to sell at the time he or she solicits business and who deals primarily with consumers.

SOLICITOR or **CANVASSER**: A person with no fixed place of business who deals primarily with consumers and who takes orders for goods for future delivery or for personal services to be furnished in the future, whether by telephone or by house-to-house or business-to-business canvassing.

§ 113.02 LICENSE REQUIRED.

No peddler, solicitor, canvasser, mobile food vendor, or itinerant merchant shall solicit sales of, sell, offer for sale, barter, or exchange goods, wares, or personal services without first obtaining from the Municipal Administrator a license to do so.

§ 113.03 EXCEPTIONS.

(A) With the exception of mobile food vendors, no owner of any product of his or her own raising, or the manufacturer of any article manufactured by him or her, need obtain a license to vend or sell, by himself, herself or his or her agent, any such article or product, nor shall the licensing provisions of this chapter apply to persons selling by sample only.

(B) The licensing provisions of this chapter shall not apply to a person making delivery of goods, wares, or merchandise theretofore sold by an establishment having a permanent place of business; or to a person making delivery of the following items of daily household consumption: baked goods, fruits and vegetables, or dairy products; or to a person soliciting the purchase of

goods, wares, merchandise, or gifts for or on behalf of any recognized educational, civic, religious, or charitable organization.

§113.04 MOBILE FOOD VENDORS.

(A) All mobile food vendors must maintain the “visibility triangle” in accordance with Section 150.05 of the City’s Codified Ordinances.

(B) **Permit Required.** Mobile Food Vendor Permit is required for the sale of food by a mobile food business on public or private property selling to the general public. No permit is required for a mobile food vendor operating on private property for a private event. An application must be filed in the Office of the Municipal Administrator and shall include the following minimum requirements:

- (1) Copy of current/valid State of Ohio Mobile Food Vendor License (front & back)
- (2) Proof of registration with City of Bowling Green Income Tax Division;
- (3) Proof of current liability insurance of at least \$1,000,000
- (4) Plan for power and water
- (5) Payment of fee as provided in Section 35.70 of the City’s Codified Ordinances.
- (6) An applicant with an existing permanent place of business in the City Bowling Green is exempted from the fee and proof of registration with City Income Tax Division.

(C) **Public Property Operation.**

- (1) Vendors are prohibited from operating from on-street parking locations on Main Street and Wooster Street and within city-owned parking lots; unless as part of an authorized Mobile Food Vendor Special Event Permit or Special Event Permit.
- (2) On-street parking operation: all parking and traffic laws must be followed, no additional seating or tables may be utilized; external signs must conform to the City of Bowling Green zoning laws.
- (3) Sidewalk operation: vendor must maintain a 4-foot path that is free and clear for pedestrian traffic, and shall not place additional seating or signage on the sidewalk.

(D) **Mobile Food Vendor Special Event Permit.** This permit, to be obtained in the Office of the Municipal Administrator, shall provide for permitting of events centering on mobile food vendors. It is not required that each individual vendor, operating as part of an approved Mobile Food Vendor Special Event Permit, carry a Mobile Food Vendor Permit as described in Section 113.04(B). The applicant for the Mobile Food Vendor Special Event Permit is responsible to confirm that all participating vendors have proper licensing with the State of Ohio.

- (1) Mobile Food Vendor Special Event Permit on Private Property. Applicant must complete permit application provided for in Section 113.04(D) and pay the fee as provided for in Section 35.70.
- (2) Mobile Food Vendor Special Event Permit on Public Property. In addition to the permit application provided for in Section 113.04(D) and the fee provided for in Section 35.70, a proposed gathering on public property shall also meet the following minimum requirements:
 - (a) The applicant shall also deposit, before the license is issued, the sum of \$100 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 48 hours after the termination of the business, the Public Works Director shall immediately cause such work to be done and report the cost thereof to

- the Finance Director, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.
- (b) Plan for electrical and water service must be submitted to the Municipal Administrator.
 - (c) If external signage or seating is requested, the plan must be submitted as part of the application.
 - (d) Proof of liability insurance of at least \$1,000,000.
 - (e) Organizers may not charge an admission or cover charge for events to be held on public property.

§ 113.05 PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS

- (A) Licenses for peddlers, solicitors, and itinerant merchants shall be obtained from the Municipal Administrator. The applicant shall furnish a recent photograph, not more than one year old and approximately three inches by three inches square, provide fingerprints in duplicate and shall fill out an application.
- (B) The application shall be made at least ten days before the license is required. The ten day waiting period shall not be waived by the Municipal Administrator.
- (C) See § 35.70 for permit fee information.
- (D) The applicant is required to provide proof that he or she has filled out all necessary forms with the City's Income Tax Division.
- (E) Licenses shall expire on December 31 of the year in which the license is issued.
- (F) The license shall be exhibited in the place of business by itinerant merchants, shall be carried by any peddler or solicitor at all times when peddling or soliciting, and shall be exhibited to any person solicited or any police officer on request. In the case of peddlers or solicitors, an identification badge shall be issued which shall be worn while engaging in business.
- (G) Any applicant who has applied for a license in accordance with this chapter, and to whom the Municipal Administrator has, after investigation, denied a license, shall be entitled to appeal to Council. Notice of the appeal shall be filed with the Clerk of Council within five days after the denial of the license by the Municipal Administrator. Council, on appeal, may grant or reject the application for a license.
- (H) All business done under a license issued under this chapter shall be conducted between the hours of 10:00 a.m. and 5:00 p.m. on weekdays. No business shall be conducted on Sunday or on any federal holiday.
- (I) No peddler, canvasser, or solicitor shall knock at the door of or ring the bell of any private home, apartment, or apartment building in the city where there is displayed at the entrance a notice reading "No Solicitors, Peddlers, or Canvassers Allowed," or which otherwise clearly purports to prohibit persons from doing so, unless the person is or has been invited upon the premises by the owner, lessee, or occupant thereof.
- (J) No peddler, solicitor, or canvasser shall vex, annoy, or harass any person by importuning the person to purchase or to look at his or her goods or wares; nor shall any peddler, solicitor, or canvasser enter any private house or residence without being invited to come in.
- (K) The applicant shall also deposit, before the license is issued, the sum of \$100 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 48 hours after the termination of the business, the Public Works Director shall immediately cause such work to be done and report the cost thereof to the Finance Director, who shall deduct the cost and return any balance of the deposit. The licensee shall be liable for any deficiency.

§ 113.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Each day's continued violation shall be a separate offense.

1st Reading: 6-4-18
2nd Reading: 6-4-18
3rd Reading: 6-4-18

RECORD OF ORDINANCES

EMERGENCY CLAUSE ADOPTED 6/4/18

BEAR GRAPHICS 800-325-8094 FORM NO. 90043

Ordinance No. 8693 Passed June 4, 2018

ORDINANCE AMENDING AND ADOPTING SECTION 35.70 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING CITY FEES AND FEES CHARGED FOR SERVICES, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the fees listed below in Section 35.70 of the Codified Ordinances of the City of Bowling Green, Ohio, are hereby amended and adopted as follows:

SECTION 35.70 CITY FEES AND FEES CHARGED FOR SERVICES

Item	Code Section	Current Rate
Mobile Food Vendor Permit	113.04	\$100.00
Mobile Food Vendor Special Event Permit	113.04	\$40.00

All other fees listed in this Section remain unchanged.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is to have current fees in place in order to begin the process of issuing permits in accordance with provisions of Chapter 113, thereby protecting the public health, safety, and well-being of our citizens.

Passed: June 4, 2018 [Signature]
Date President of Council
MICHAEL A. ASPACHER

Attest: [Signature]
Clerk of Council
KAY D. SCHERREIK

Approved: June 5, 2018 [Signature]
Date Mayor
RICHARD A. EDWARDS

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8693 passed by the Council of the City of Bowling Green, Ohio, June 4, 2018
[Signature]
Clerk of Council