



SECONDHAND DEALER  
LICENSE  
CHAPTER 777  
CODIFIED ORDINANCES  
CITY OF CUYAHOGA FALLS

License No: \_\_\_\_\_

License fee paid: \_\_\_\_\_

IDENTIFICATION AND REGISTRATION

LICENSE PERIOD:

NAME: \_\_\_\_\_

FROM: \_\_\_\_\_

COMPANY: \_\_\_\_\_

TO: December 31, \_\_\_\_\_

TO BE COMPLETED BY APPLICANT: EMAIL: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

PERSONAL ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

BIRTHDATE: \_\_\_\_\_ SOCIAL SECURITY NO: \_\_\_\_\_

DRIVER'S LICENSE NO: \_\_\_\_\_ STATE OF ISSUANCE: \_\_\_\_\_

Employees and Persons with interest in business (attach copy of photo ID for each; add additional names on back):

NAME	ADDRESS	PHONE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of inspection by Summit County Department of Weights & Measures of all weighing devices: \_\_\_\_\_ Please attach a copy of the inspection to this application.

I certify that the information included on this application and any accompanying documents is true to the best of my knowledge.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

=====

RECORDS CHECK:

\_\_\_\_\_  
POLICE CHIEF

\_\_\_\_\_  
DATE

APPROVED:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE



**SECONDHAND DEALER LICENSE  
CHAPTER 777  
CODIFIED ORDINANCES  
CITY OF CUYAHOGA FALLS**

[illegible]



# City of Cuyahoga Falls

## DIVISION OF TAXATION

2310 Second Street \* Cuyahoga Falls, Ohio 44221

Phone: (330) 971-8220 \* Fax: (330) 971-8219

Website: <http://www.cityofcf.com/tax>

## Municipal Income Tax Account Questionnaire

Firm

Name: \_\_\_\_\_ DBA \_\_\_\_\_

Local Street Address of Business: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Business Fax \_\_\_\_\_

Nature of

Business \_\_\_\_\_

Have you previously had a Municipal income tax account with the City of Cuyahoga Falls, Ohio?

☐ Yes ☐ No

If Yes, please indicate the account number (SSN or EIN) \_\_\_\_\_

Date you started business within our city \_\_\_\_/\_\_\_\_/\_\_\_\_

Date you first had employees within our city \_\_\_\_/\_\_\_\_/\_\_\_\_

Approximate monthly payroll amount \$ \_\_\_\_\_

If you are using a payroll service, indicate which one \_\_\_\_\_

Accountant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Accountant's

Address: \_\_\_\_\_

**Account Type:** (Check all types applicable to you or your business)

\_\_\_\_\_ C Corporation or

\_\_\_\_\_ S Corporation: Federal ID No. \_\_\_\_\_ Fiscal Year End \_\_\_\_\_

President's Name: \_\_\_\_\_ Vice President: \_\_\_\_\_

Address of Home Office: \_\_\_\_\_

Subsidiary Of: \_\_\_\_\_

\_\_\_\_\_ Partnership: Federal ID No.: \_\_\_\_\_ Fiscal Year End \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ SSN: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_ Sole Proprietorship: Federal ID No. If applicable: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Home Address: \_\_\_\_\_

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

\_\_\_\_\_ Withholding Account only: \_\_\_\_\_ Courtesy Withholding or \_\_\_\_\_ Non-Profit

Federal ID No.: \_\_\_\_\_



## City of Cuyahoga Falls

### DIVISION OF TAXATION

2310 Second Street \* Cuyahoga Falls, Ohio 44221

Phone: (330) 971-8220 \* Fax: (330) 971-8219

Website: <http://www.cityofcf.com/tax>

## Important Due Dates for Businesses

### Net Profit Income Tax Returns

- ✧ For calendar year taxpayers, must be filed by April 15.
- ✧ For fiscal year taxpayers, must be filed by the 15<sup>th</sup> day of the fourth month following the end of the fiscal year.

### Estimated Tax Payments

- ✧ For calendar year taxpayers, quarterly installments are due April 30, July 31, October 30, and January 31.
- ✧ For fiscal year taxpayers, quarterly installments are due on or before the last day of fourth, sixth, ninth, and twelfth month after the beginning of the taxpayer's taxable year.

### Employer Withholding Returns

- ✧ For employers who qualify to withhold tax quarterly, due dates are as follows:
  - 1<sup>st</sup> Quarter – January, February, March – due April 30
  - 2<sup>nd</sup> Quarter- April, May, June – due July 31
  - 3<sup>rd</sup> Quarter – July, August, September – due October 31
  - 4<sup>th</sup> Quarter – October, November, December – due January 31

\*Only employers whose annual withholding is less than \$1,200.00 qualify to remit withholding on a quarterly basis.

- ✧ For employers required to withhold monthly, the due date for withholding is the 20<sup>th</sup> of the following month.

Example: January monthly withholding is due February 20

- ✧ A year end withholding reconciliation is due by January 31.
- ✧ Copies of W2 forms must be attached to year-end reconciliation form.

For further information, please contact the Income Tax Office at 330/971-8220 or visit our website at <http://www.cityofcf.com/tax.htm>.

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. 27 - 2018

7  
8 AN ORDINANCE AMENDING SECTION 777 OF TITLE  
9 SEVEN, PART ONE OF THE CODIFIED ORDINANCES,  
10 RELATING TO SECONDHAND DEALERS, AND DECLARING  
11 AN EMERGENCY.  
12  
13

14 WHEREAS, after the commission of certain theft offenses, violators take the  
15 stolen merchandise to local secondhand dealers to sell for cash; and  
16

17 WHEREAS, it is important that during police investigations the secondhand  
18 dealers comply with the Ohio Revised Code Section 4737.01, as well as the local  
19 regulations, by maintaining records necessary to identify the seller of stolen items; and  
20

21 WHEREAS, Council finds that secondhand businesses provide a means of  
22 disposing of stolen goods. Investigation by police agencies reveals that new, used, and  
23 stolen property are acquired and sold by secondhand businesses. Because  
24 secondhand businesses can be ready vehicles for the disposal of stolen goods, such  
25 businesses should be subject to controls which will decrease the potential traffic in  
26 such items; and  
27

28 WHEREAS, local regulations must be amended to reflect the present-day needs  
29 for proper administration; and  
30

31 WHEREAS, the police department has recognized the need for additional  
32 changes to Chapter 777, Secondhand Dealers, to better assist with law enforcement  
33 and to assist businesses with more efficient compliance.  
34

35 NOW, THEREFORE, BE IT ORDAINED by the council of the City of Cuyahoga  
36 Falls, County of Summit, and State of Ohio, that:  
37

38 Section 1. Chapter 777 of the Cuyahoga Falls Code of Ordinances is hereby  
39 amended to provide as follows:  
40

41 CHAPTER 777

42  
43 Secondhand Businesses  
44

45 **777.01 DEFINITIONS; SCOPE OF PROVISIONS.**

46  
47 As used in this Chapter:  
48

- 49 (a) Acceptable Identification means either of the following:  
50

(1) A current state driver's license or identification card that includes the date of birth, photograph and physical description of the person offering the identification.

(2) Two other pieces of current identification, at least one of which is issued by a government or state agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

(b) Application Date- The date the City receives the required application from an applicant for a secondhand business license.

(c) Secondhand- Any item or thing which has been used or which has been previously traded or sold by another retailer.

(d) Secondhand Business- A shop, store, enterprise, profession, activity, establishment or undertaking of any nature conducted directly or indirectly for profit or benefit and as a substantial means of livelihood by the purchase or sale of regulated property.

The term "Secondhand Business" is not meant to include any of the following:

(1) The activity of any federal, state or local government or governmental subdivision or agency, or of any organization exempt from taxation by the Internal Revenue Service as a non-profit entity.

(2) Any person conducting a garage or yard sale.

(3) Any business whose inventory consists primarily of items which are at least thirty years old and which are considered "antiques" or "collectibles."

(4) Any business whose inventory consists primarily of items that are not regulated property.

(e) Regulated Property- The following used or secondhand property:

(1) Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, platinum or other metals, whether as a separate item or in combination with other items.

(2) Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies,

97 emeralds, sapphires or pearls, or other precious or semi-precious  
98 gems or stones, whether as a separate item or in combination with  
99 other items or as a piece of jewelry.

100  
101 (3) Watches and jewelry containing precious metals or precious gems,  
102 including but not limited to, rings, necklaces, pendants, earrings,  
103 brooches, chains, pocket watches, wrist watches, or stop watches.

104  
105 (4) Flatware, including but not limited to, knives, forks, spoons,  
106 candlesticks, coffee and tea sets, or ornamental objects which are  
107 primarily made with precious metals.

108  
109 (5) Audio equipment, including but not limited to, tape decks or  
110 players, compact/digital disc players, sound metering devices,  
111 tuners, amplifiers, speakers, transceivers, equalizers, receivers,  
112 phonographs, turntables, stereos, radios, clock radios, car stereos,  
113 car speakers, or citizen band radio/transceivers.

114  
115 (6) Video equipment, including but not limited to, televisions,  
116 videotape or videodisc recorders, videotape or videodisc players,  
117 video cameras, or video monitors.

118  
119 (7) Photographic and optical equipment, including but not limited to,  
120 cameras, camera lenses, camera filters, camera motor drives,  
121 camcorders, light meters, flash equipment, movie projectors, slide  
122 projectors, photography processing equipment, photography  
123 enlarging equipment, rifle scopes, spotting scopes, or electronic  
124 sighting equipment.

125  
126 (8) Computers, including but not limited to, telefacsimile machines,  
127 word processors, printers, copiers, duplicators, calculators, cash  
128 registers, transcribers, dictaphones, computers, home computers,  
129 laptop computers, modems, monitors, iPads, tablets, webcams,  
130 routers, hard drives or any computer equipment, accessories, or  
131 components.

132  
133 (9) Portable electronic devices, including but not limited to, cell  
134 phones, smart phones, portable home phones, MP3 players, GPS  
135 units or systems, radar detectors, Bluetooth devices, satellite  
136 phones, iPods, iPads, tablets or similar devices, any cell phone or  
137 portable electronic accessories, or components.

138  
139 (10) Power equipment and tools, including but not limited to, air  
140 hammers, air tools, nail guns, power staplers, power saws, power  
141 sanders, chain saws, power drills, lathes, joiners, shop vacuums,

- 142 paint sprayers and accessory equipment, generators, air  
143 compressors or pressure washers.  
144
- 145 (11) Automotive hand tools, including but not limited to, wrench sets,  
146 socket sets, screw driver sets, pliers, vise grips, tool boxes, auto  
147 body hammers, jacks or timing lights.  
148
- 149 (12) Power yard and garden tools, including but not limited to, garden  
150 tractors, lawn mowers, rototillers, lawn sweepers, weed or brush  
151 cutters, trimmers, or blowers.  
152
- 153 (13) Video game equipment and DVD or CD items, including but not  
154 limited to, any video game systems, game controllers, video games,  
155 DVD movies or sets, music CD's or sets, or any video game, DVD,  
156 or CD accessories or components.  
157
- 158 (14) Musical instruments, including but not limited to, pianos, organs,  
159 guitars, violins, cellos, trumpets, trombones, saxophones, flutes,  
160 drums, percussion instruments, or electronic synthesizers.  
161
- 162 (15) Sporting goods equipment, including but not limited to, bicycles,  
163 golf clubs, golf bags, golf accessories or components, tennis  
164 rackets, tennis accessories or components, baseball bats, baseball  
165 gloves, baseball accessories or components, football accessories or  
166 components, soccer accessories or components, lacrosse  
167 accessories or components, snow skis, snow poles, snow skiing  
168 accessories or components, treadmills, exercise equipment,  
169 accessories or components.  
170
- 171 (16) Gift cards, including but not limited to, any preloaded debit or gift  
172 card that allows the cardholder to use it for the purchase of goods  
173 or services for another business or retailer. This section does not  
174 include gift cards which are used at the business for which they  
175 were purchased.  
176
- 177 (17) Household appliances, including but not limited to, stoves, ovens,  
178 freezers, refrigerators, dish washers, trash compactors, clothes  
179 washers or dryers.  
180
- 181 (f) The term "Regulated Property" is not meant to include any of the  
182 following:  
183
- 184 (1) Vehicles required to be registered with the Ohio Bureau of  
185 Motor Vehicles.  
186
- 187 (2) Dishware or glassware.



(3) Household furniture

(4) Sports cards, fantasy trading cards or comic books

(5) Money or stamps authorized or adopted by a domestic or foreign government.

(6) Books, magazines, newspapers or similar items.

(7) Clothing.

(g) Secondhand Business License- The license issued to a secondhand business pursuant to this ordinance.

(h) Transaction- The purchase of regulated property. There are as many transactions in a single purchase as the number of items acquired by the buyer from the purchase.

(i) Purchase- The acquisition of or the act of acquiring title to property by a buyer in exchange for valuable consideration given to the seller.

(j) Tag Number- A unique number, letter, symbol or other identification mark.

(k) Chief of Police- In this Chapter, the Chief of Police means the City of Cuyahoga Falls Chief of Police or his designee.

**777.02      SECONDHAND BUSINESS LICENSE REQUIRED**

(a) No person, shop, store, enterprise, profession, activity, establishment or other entity shall operate as a secondhand business without first obtaining a license from the Mayor of the City of Cuyahoga Falls or his designee.

(b) Every applicant for a license shall make an application in writing to the Police Department, which application shall set forth the name under which the business is to be conducted, the name of each person owning or having an interest in the business, the name of any person to be employed in the business, the location where the business is to be conducted, and the type of articles to be purchased, sold or exchanged. The application must be made by the person who is conducting the business.

(c) No license shall be issued to any applicant if the applicant, any of the persons owning or having an interest in the business, or any employee of

the business has been convicted of any felony or any crime involving fraud, theft, receiving or possessing stolen property in the five years immediately preceding the date of the license application.

(d) Licenses issued under this Chapter shall not be transferable to any person, partnership, corporation, or other entity and the business may be conducted only at the location for which the license is issued. The license must be so placed as to be made conspicuously visible.

(e) Every licensee shall inform the Police Department in writing, within five days of any change in persons owning or having an interest in the business or persons employed in the business.

### **777.03      INSPECTIONS AND TESTS OF WEIGHTS AND MEASURES.**

Every license applicant must obtain an inspection and test from the appropriate county fiscal officer or auditor of any scales, balances, or other instruments and devices for weighing and measuring, and any appliances and accessories associated with any such instruments and devices used at the location indicated on the application. The applicant shall provide proof of the inspection and test satisfactory to the Chief of Police, if applicable.

### **777.04      RECORDS, TAGGING, AND RECORDS INSPECTIONS.**

(a) Every secondhand business under the provisions of this Chapter shall keep an electronic, printed or written record, in English, which shall record the receipt of any secondhand article described in Section 777.01 (e), an accurate description thereof, the price paid the seller, address, name, date and hour of purchase, the driver's license number or state identification card number, or other personal identification of the seller. The record shall at all times be open to the inspection of any member of the Police Department or the Mayor or his designee. Entries shall be consecutively numbered and shall not be erased, altered or removed. Copies of these records shall be made available upon request of any member of the Police Department or the Mayor or his designee.

(b) Every secondhand business under the provisions of this Chapter, at the time of acquiring through purchase or exchange any secondhand article, shall attach a tag with a designating number thereon, legibly printed, in ink, in the English language, to each article, and shall make an entry of such number in the record provided in Section 777.04(a).

### **777.05      REPORTING TO LEADSONLINE OR SIMILAR ENTITY**

(a) The City of Cuyahoga Falls Police Department shall enter into a contract for services and maintain its contract for services with LeadsOnline or a similar entity in order to enhance its investigative services to protect both secondhand businesses and members of the general public. In the event

of a change to its electronic reporting system, the city shall notify all licensed secondhand businesses in the city of the change within a reasonable time prior to such change.

(b) Every secondhand business shall own, operate or maintain reliable access to a functioning computer system with internet access for the purposes described herein. Every secondhand business shall subscribe to LeadsOnline or the city's current electronic reporting system and maintain said subscription throughout the term of the secondhand business' license.

(c) Every secondhand business shall furnish a report of every secondhand article, as described in Section 777.01, taken in pawn, purchased, or otherwise accepted by such secondhand business as soon as reasonably possible after the transaction is consummated, but no later than the following calendar day, by uploading such report to the LeadsOnline program or the electronic system then in use by the city via a secure internet connection. For every report, the secondhand business shall input information to every data field supported by the LeadsOnline system or the system then currently in use by the Cuyahoga Falls Police Department. No entry into the system shall be erased or tampered with by the secondhand business or any person.

(d) No item shall be received or accepted unless the person from whom the article is acquired exhibits a driver's license or state-issued identification card and the identifying numbers are recorded on the electronic report submitted to LeadsOnline or the electronic system then in use by the city.

(e) If any article that is left on deposit, pledged or purchased has engraved thereon a number, word or initials or contains settings of any kind, the description of the article in the electronic report shall contain the number, word or initials engraved and shall describe the setting of the item and the number of each kind.

(f) Every secondhand business shall furnish a photograph of every article of jewelry, precious metal or stone, regardless of value taken in pawn, purchased or accepted by such secondhand business, as soon as reasonably possible after the transaction is consummated, but no later than the following calendar day, by uploading the photograph to the LeadsOnline or other program via a secure internet connection.

(g) In the event the electronic reporting system malfunctions or is otherwise not operational, the secondhand business shall, at all times during such malfunction or non-operation, keep written records of any transactions that would have otherwise been entered in the electronic reporting

system and shall submit such records to the Cuyahoga Falls Police Department within twenty-four (24) hours of such transaction during the nonoperational period. The written records shall contain all information required on the electronic reporting system.

**777.06 HOLDING PERIODS FOR REGULATED PROPERTY.**

(a) No business shall sell, or offer to sell, or remove, disassemble, clean, repair, paint, take apart, or change the appearance or form of any regulated property for a period not less than fourteen (14) days from the day of acquisition.

(b) Any regulated property that is being held by the business during the fourteen (14) day waiting period shall be available, during regular business hours, for inspection by any sworn police officer acting in an official capacity. If the business is holding the regulated property at an off-site location then the business will make reasonable arrangements for the regulated property to be inspected at the next business day unless otherwise approved by the Chief of Police.

**777.07 POLICE HOLD FOR REGULATED PROPERTY.**

The Chief of Police and any Cuyahoga Falls police officer, working in official capacity, may require a business to place a "Police Hold" on any regulated property when they have reasonable grounds to believe the item is associated with criminal conduct. The Police Hold will be for a period not less than 30 days.

**777.08 PURCHASES FROM MINORS; HOURS OF OPERATION.**

No person shall receive, by sale, barter, exchange, or otherwise, any article mentioned in this Chapter from a minor under the age of eighteen (18) years. There shall not be any purchase from any person or persons between the hours of 10:00 p.m. and 8:00 a.m. on every day of the week.

**777.09 ADVERTISEMENT.**

No business licensed under the provisions of this Chapter shall be advertised through the use of any medium, without including within the advertisement the license number from the license received from the Mayor or his designee.

**777.10 RESPONSIBILITY OF THE LICENSEE.**

Every act or omission of an agent or employee which constitutes a violation of any provision of this Chapter shall be deemed the act or omission of the licensee if such act or omission occurs with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the agent's or

employee's conduct. The licensee shall also be punished for such act or omission in the same manner as if the licensee committed the act or caused the omission.

**777.11      LICENSE REVOCATION; APPEALS.**

- (a) The Chief of Police or his designee may at any time revoke or suspend any license granted under the authority of this Chapter for failure to comply with the terms of this Chapter or any law or ordinance applicable to the business so licensed.
- (b) The Chief of Police or his designee shall revoke any license granted under the authority of this Chapter if the licensee has been convicted of receiving stolen property.
- (c) In case of the refusal to issue or renew a license by the Chief of Police or his designee or the revocation or suspension of a license by the Chief of Police or his designee, the applicant or licensee may appeal to a Review Board consisting of the Chairperson of the Public Affairs Committee of Council, the Director of Finance, and the Director of Law or the designees of such persons. Notice of appeal shall be in writing, with the reasons for the appeal specified therein, and shall be filed with the Chief of Police or his designee within ten (10) days from the date of the Chief of Police's or his designee's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, reverse, or modify the action of the Chief of Police or his designee.
- (d) In the absence of conditions posing an imminent threat to health, safety, or property, as determined by the Director of Law, or unless a license has been revoked by the Chief of Police or his designee because the licensee has been convicted of receiving stolen property as provided in paragraph (b) herein, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or which the Chief of Police or his designee has refused to renew, may continue operating during the pendency of an appeal under this section.

**777.99      PENALTIES.**

Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the fourth degree and in addition to any other penalty provided by law shall be fined not less than Two Hundred Fifty Dollars (\$250). Each day during which noncompliance or a violation continues shall constitute a separate offense.

Section 2.      Existing Chapter 777 is hereby repealed.

Section 3.      Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

424        Section 4.    It is found and determined that all formal actions of this Council  
425 concerning and relating to the passage of this ordinance were taken in an open  
426 meeting of this Council and that all deliberations of this Council and of any  
427 committees that resulted in those formal actions were in meetings open to the public,  
428 in compliance with all requirements including Chapter 107 of the Codified Ordinances.  
429

430        Section 5.    This ordinance is hereby declared to be an emergency measure  
431 necessary for the preservation of the public peace, health, safety, convenience and  
432 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
433 receives the affirmative vote of two-thirds of the members elected or appointed to  
434 Council, it shall take effect and be in force immediately upon its passage and approval  
435 by the Mayor; otherwise it shall take effect and be in force at the earliest period  
436 allowed by law.  
437

438  
439 Passed: 04-09-18

Mary Nichols Rhodes  
President of Council

Don Conrad  
Clerk of Council

444  
445  
446 4-10-2018  
447 Approved

[Signature]  
Mayor

449  
450 3/26/18

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