

12.125 LICENSES AND PERMITS: INVESTIGATION OF

Reference:

Procedure 12.145, Critical Incident Response Plan

Procedure 12.170, Civil Disturbance Operation Procedure

Ohio Revised Code 4737.04, Scrap metal and merchandise container dealers; exertion of control over certain articles; record keeping

Ohio Revised Code 4737.10, (Junkyard) Inspections

Cincinnati Municipal Code 510, Assemblages and Parades

Cincinnati Municipal Code 765, Special Event Permits

Cincinnati Municipal Code 843, Junk Dealers and Second-hand Dealers

Cincinnati Municipal Code 910-19, Violation of Special Event Ordinance

Definitions:

Junkyard – a place of business, which is operated for the purpose of storing, keeping, buying or selling junk except manufacturing establishments.

Scrap Metal Processing Facility – an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principle product is scrap iron and steel or non-ferrous scrap for sale for re-melting purposes.

Scrap Metal – any scrap article or material composed of iron, steel or nonferrous metal, including but not limited to copper, air conditioner parts, and catalytic converters. Aluminum cans do not constitute “Scrap Metal.”

Scrap Metal Purchaser – any scrap processor, second-hand dealer, second-hand store, junkyard, facility, establishment, or place of business that buys, trades, accepts or receives any scrap metal.

Scrap Metal Vendor – any person that sells or barter any type of nonferrous scrap metal.

Nonferrous Metal – any metal or metal product containing any amount of the following: copper, brass, aluminum, bronze, lead, zinc, nickel, rare metals, any other metal not containing iron, or alloys thereof. This definition does not include precious metals as defined in Ohio Revised Code 4737.01.

Fence – a barrier at least six feet but not more than ten feet in height, which is either comprised of plantings or natural objects, or constructed of any non-transparent material.

License – permission or authority to do something which would be wrongful or illegal to do if permission or authority were not granted. Licenses are required in order to regulate public matter activities.

Permit – permission to do something, especially in written form. A document or certificate giving permission to do something that would be illegal to do if permission or authority were not granted prior to the act. Usually short in duration or life.

Notwithstanding – any ordinance or statute to the contrary; in spite of the fact that an alternative does/does not exist; and “although” when used as a conjunction.

Planned Event – a planned non-emergency activity (sporting event, concert, parade, etc.)

Regional Emergency Operations Center, (REOC) - a joint operations center that serves Hamilton County and the City of Cincinnati. The REOC shall serve as the principal location for the coordination, direction, and control of planned events and emergency incidents within the City of Cincinnati and/or Hamilton County.

Purpose:

Establish a guide and procedure for the inspection and processing of specific licenses and permits held by businesses or individuals within the City limits.

Policy:

Police Department personnel are responsible for the inspection and proper recording of licensure and permitting of businesses in the City as required by the Treasurer’s Office, City Manager, or Police Chief.

Information:

The Treasurer's Office of the Department of Finance will exercise all available means of contacting the licensee or permit holder, prior to referral to the Police Department for investigation.

The Treasurer's Office will mail the licensee or permit holder an application for renewal before the license or permit expires.

If the notice is not answered or renewal has not been made within a two-week period, the Treasurer's Office will forward a list of suspected violators to the Police Department.

The list will indicate the address of the licensee or permit holder and the district affected, and the section number of the specific violation.

In the case of regular annual and semi-annual inspections, the affected district is responsible for the scheduling of inspections and properly reporting the results.

Special Events Unit has the responsibility for processing all applications for parades, special events, and street blocking.

All Scrap Metal Vendors must have a license issued by the Police Department in order to sell any scrap metal within the City limits.

The Department will maintain a list of known offenders in which Scrap Metal Purchasing facilities are prohibited from purchasing items. That list is titled, Cincinnati Police Department’s Scrap Metal “No Buy” List, and is located on the “H” drive of Department computers. **The Prosecutor’s Office must be consulted prior to filing any criminal charges against Scrap Metal Purchasers stemming from the “No Buy” list.**

The City Treasurer's Office is the sole repository for receiving payment of all event related application fees (Special Event, Parade, Street Blocking). Upon receipt of the required application fee, the City Treasurer's Office will issue a payment confirmation number to the Special Event Unit.

Procedure:

A. Suspected License Violators

1. The list of suspected violators will be routed to the Patrol Bureau Commander, for recording and distribution to each district.
2. The affected district will receive a list of suspected violators within the district; including information that renewal has not been made. The list will also relate why the correspondence has not been answered (e.g. no such address, no forwarding address, no response to mailings, etc.)
3. The district personnel will investigate to determine if the licensee or permit holder is located at the address indicated and if the business is still operating, and take enforcement action if operating in violation.
4. If a violation is observed, the investigating officer will determine if the licensee or permit holder is an individual or a corporation.
 - a. If a corporation, the investigating officer will discuss the case with the Prosecutor's Office before any citation is issued.
 - b. The investigating officer will issue a payout citation or cite the violator to court indicating the specific violation observed and the proper section number for the violation.
 - c. The investigating officer will sign the affidavit and prepare a Form 527A, Case Summary. The representative of the Treasurer's Office, whose signature appears on the list of suspected violators, will be included on the Form 527A as a witness. A copy of the Form 527A will be attached to the affidavit.
 - d. If at the arraignment proceedings, a "Not Guilty" plea is entered, the investigating officer and a representative of the Treasurer's Office will be notified by the Prosecutor's Office to appear in court.
5. The Police Department will notify the Treasurer's Office of the disposition upon completion of the court proceeding or investigation.

B. Firearms-Dealer Inventory:

1. In order to maintain current information concerning firearms and ammunition, the Police Department will conduct semi-annual inspections of firearm dealers.
2. Each district will conduct an inspection of all firearms dealers within their respective areas on February 1st, and August 1st.

- a. Complete Form 599, Firearms and Ammunition Inventory Report, and make two copies:
 - 1) Forward the original to the Patrol Bureau Commander via the chain-of-command.
 - a) The Patrol Bureau Commander will forward Form 599 to Emergency Communications Center (ECC) for placement in the Emergency Operations Center CDOP book.
 - 2) Retain a copy for the district CDOP Book.
 - b. A Form 17 will be utilized as a cover for this report. Indicate which business should be given prime attention in the event of a civil disturbance.
 - c. When making these inspections, special attention will be given these factors:
 - 1) Security measures to be carefully examined and where deficiencies are noted, recommendations for improvement shall be made by the inspecting officer.
 - 2) The record shall include day/night telephone numbers of responsible members of the business.
 - 3) All dealers shall be advised to immediately notify their police district in the event of any sizable increase in their stock, or unusual sales activity.
3. Form 599 will be reproduced and distributed to the districts, and a limited quantity stored at Supply Unit to be ordered on a regular requisition.
- C. Junkyard and Scrap Metal Purchaser Inspection Report:
1. In order to comply with Ohio law, the affected districts will inspect all Junkyards and Scrap Metal Purchasers within their area on a semi-annual basis.
 - a. The district commander's designee (e.g. district investigator(s), officer charged with junk/abandoned autos, etc.) will conduct the inspection during the months of March and September.
 - b. Follow-up inspections will be done within the 60-day period following the original inspection and will be conducted as outlined in section C.3.
 2. The Junkyard and Scrap Metal Purchaser inspection report is designed to answer all the requirements of the ORC and CMC. The form has two major sections for information gathering.
 - a. The top one third of the form is designed to capture who, when, where and why an inspection is being done.
 - 1) The bottom two thirds of the form identifies the items to be inspected.

- b. All blocks listed under the Business Transactions Log must be checked off as being present, at the time of inspection, in order for the premise to be in compliance.
 - c. On a Quarterly basis, the Technology and Systems Section shall update the Cincinnati Police Department's Scrap Metal "No Buy" list located on the "H" drive of Department computers.
 - 1) Offenders with 2 or more convictions for Theft or RSP offenses shall be added to the "No Buy" list.
3. The inspection:
- a. The inspecting officer will contact the business owner to set a date and time for the inspection.
 - 1) Contact the Treasurer's Office prior to inspection to obtain any background information on the licensee.
 - b. This inspection shall include, but is not limited to, the completion of Form 268, Junkyard and Scrap Metal Purchaser Inspection Checklist, and Form 268A, Junk Dealers, Scrap Metal Purchaser, and Second-Hand Dealers. Each report shall be completed during each inspection.
 - 1) For Scrap Metal Purchasing businesses, the inspecting officer shall compare the records kept by the business against the Cincinnati Police Department's Scrap Metal "No Buy" list.
 - a) If violations are detected, consult the City Prosecutor's Office before taking enforcement action.
 - b) Upon completion of the inspection, the inspecting officer shall provide a copy of the current list of the Cincinnati Police Department's Scrap Metal "No Buy" list to the person acting as the agent on behalf of the business.
 - c. District Commanders or designee shall document the inspection reports for Junkyards and Scrap Metal Purchasers were completed on a Form 17 and forward a copy to the Patrol Bureau Commander.
 - d. The original Form 268 and Form 268A shall be retained by the district in which the junkyard or scrap metal purchasing facility is located, in accordance with state record retention laws.
- D. Applications for parades, special events, and street blocking.
- 1. Applications are available to the public at any police facility, and on the Internet, through the Police Department's web page.
 - a. Form 700, Special Event Permit Application.
 - b. Form 710, Parade Permit Application.
 - c. Form 720, Street Blocking Permit Application.

- 1) These forms are accessible to all Department personnel via the CPDFORMS folder, on the H: drive of Department computers.
2. Forward completed applications via the chain-of-command to the Special Events Unit. Facsimiles or out dated versions of applications **will not** be accepted. The application **must** have the applicant's original signature on it.
3. Special Events Unit personnel will ensure the correct event permit application fee has been paid to the City Treasurer's Office prior to the processing and issuance of an event permit and ensure the issued confirmation number is added to the permit application.
4. Special Events Unit will send a copy of the application to the appropriate district, via Patrol Administration Section, for the district's review and recommendation.
 - a. As part of their review and recommendation, the district will complete an Emergency Operations Center Activation Matrix for the event.
5. The district will make their recommendation for approval or disapproval of the planned event and return the application, along with the Emergency Operations Center Activation Matrix, via the chain-of-command to Special Events Unit.
6. Special Events Unit will ensure acceptable insurance is obtained when required and obtain the approval from the City's Risk Manager. After the insurance is approved by the Risk Manager and the recommendation is received from the affected district, Special Events Unit will:
 - a. Once the application for a planned event is approved;
 - 1) Notify the following:
 - a) Mayor and City Council; via a completed Form 17SEPAR, Special Event Permit Application Report, available in the CPDFORMS folder of Department computers.
 - b) Affected district
 - c) Event applicant
 - d) Fire Department
 - e) Southern Ohio Regional Transit Authority
 - f) Department of Public Works (Traffic and Road Operations)
 - g) Southbank Shuttle (if the event involves the southern portion of District One)
 - h) Transportation Authority of Northern Kentucky (if the event involves the southern portion of District One)
 - 2) Forward a completed Regional Emergency Operations Center Activation Matrix to Technology and Systems Section.

- a) When the Regional Emergency Operations Center Activation Matrix score is 30 or more, Technology and Systems Section will forward a recommendation for activation of the REOC to the Police Chief for consideration.
 - 1] When the Police Chief determines the REOC will be activated during a planned event, the REOC staffing policy and procedure will be followed and the appropriate team – Red (Fire Department Team Leader), Blue (Police Department Team Leader), or Green (Hamilton County EMA Team Leader) – will activate and staff the REOC.
 - a] Technology and Systems Section will detail at least one supervisor to staff the REOC during the planned event.
 - b] A Technology and Systems Section supervisor will be involved in the planning stages of a planned event which requires the activation of the REOC.
 - b. If the application for a planned event is not approved, send notice of disapproval to the affected district and the event applicant.
 - c. Maintain a calendar of events to provide specific event information and will direct this data to Technology and Systems Section so it will be available on the Police Department's website.
 - d. Submit requests for Notwithstanding Ordinances for all events taking place on city streets that charge admission, or have any other specific need or feature requiring a Notwithstanding Ordinance.
- 7. When it is necessary to request ECC to reserve radio channels for a planned event, the request will be made by the affected district/section/unit commander via Form 17 forwarded to the Emergency Communications Center Director, with a copy sent to the Support Bureau Commander.
- 8. All temporary liquor permit applications for special events on city property are coordinated through Special Events Unit.
- 9. Special Events Unit maintains staff supervision over the entire process.
- E. Scrap Metal Vendor Licenses and Renewal.
 - 1. The Impound Unit is responsible for issuing and conducting the background investigation for all Scrap Metal Vendor licenses.
 - a. Scrap Metal Vendor Licenses are issued Monday through Friday, 0800 hours to 1600 hours.

- b. Persons wishing obtain a Scrap Metal Vendor's Licenses shall complete the Form 268C, Scrap Metal Peddler's / Vendor's License Application.
 - c. The Impound Unit Supervisor or designee shall conduct the background investigation at the time the Form 268C is received.
 - 1) No Scrap Metal Vendor's License shall be issued to any person who has been convicted of a combination of two or more Theft or Receiving Stolen Property offenses in their lifetime.
 - d. If the Scrap Metal Vendor's License is denied, The Impound Unit Supervisor or designee shall note the reason for denial on the Form 268C.
 - 1) Explain to the person whose Scrap Metal Vendor's License was denied, they have 30 days to appeal the decision to deny the permit to the Office of Administrative Hearings.
 - e. If the Scrap Metal Vendor's License is approved, issue the person the Form 268D, Scrap Metal Peddler's / Vendor's License / Card and Form 268E, Scrap Metal Peddler's / Vendor's License Receipt.
 - 1) Scrap Metal Vendor's Licenses expire one year from the date of issuance.
2. The Impound Unit Supervisor or designee shall be responsible for renewal and re-issuance of all Scrap Metal Vendor Licenses.
- a. Individual's wanting renewal or re-issuance of a Scrap Metal Vendor's License shall be subject to a new background investigation portion only.
 - b. If the renewal or re-issuance of the Scrap Metal Vendor's License is denied based on new convictions for Theft or Receiving Stolen Property offenses, the individual shall have 30 days to appeal the decision to deny the renewal or re-issuance of the license to the Office of Administrative Hearings.