

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL LICENSING AND REGULATIONS

**111. PEDDLERS, ITINERANT MERCHANTS AND
SOLICITORS**

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CHAPTER 110: GENERAL LICENSING AND REGULATIONS

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GENERAL PROVISIONS**§ 110.001 CHARGE FOR PRESENTMENT OF A RETURNED CHECK OR DRAFT.**

Any person or firm presenting a check or draft which is returned to the town marked “unpaid,” “NSF” or a similar deficit posting shall be assessed the additional sum which shall be added to the fee or bill for which the “unpaid” draft was presented. The charge shall be \$15 or 5% of the face amount of the check or draft whichever is greater, not to exceed \$250.
(‘97 Code, § 4-100) (Ord. 01-09-97, passed 1-09-97)

§ 110.002 COPYING FEE.

(A) Any person requesting a copy of a public record shall pay in advance to the Clerk-Treasurer, the actual cost of copying the record determined to be \$.50 per page for standard size copies (8½ x 11 or 8½ x 14) and \$1 per page for nonstandard size copies.

(B) If the town does not have mechanical means for copying a requested record, the person requesting the record shall be entitled to inspect and manually transcribe the record. The town shall not charge to inspect a public record or to search for, examine or review a record to determine whether the record may be disclosed.

('97 Code, § 4-101) (Ord. 01-09-97, passed 1-09-97)

Statutory reference:

Authority to set copying fee, see I.C. 5-14-3-8(d)

§ 110.003 OUTDOOR ADVERTISING DISPLAY AND SIGN FEES.

(A) Fees for permits to erect displays shall be as prescribed by the Town Council. A fee shall be as prescribed by the Town Council. A fee shall be paid to the Clerk-Treasurer for each display to be erected with the filing of any application for the permit. The changing of a display face will not require the payment of an additional fee, provided the size (square footage) of the sign face does not change. Until otherwise amended by action of the Town Council, the fee shall be \$1 per square foot of sign face.

(B) Consult Title XV for application information and regulations governing location, size and related items.

('97 Code, § 4-102) (Ord. 1-10-91, passed 11-14-91)

§ 110.004 TOWN COUNCIL APPROVAL REQUIRED FOR CABLE TELEVISION FRANCHISE.

(A) Because the operation of cable television systems or other utilities in enterprises requires the permission of the town to use the public ways, the Council has determined that it is proper and expedient to franchise the systems.

(B) All such business must seek the approval of the Town Council by the appropriate ordinance or resolution prior to initiating business in the town.

(C) All fees paid to the town shall be properly accounted for by the Clerk-Treasurer pursuant to applicable State Board of Accounts regulations.

('97 Code, § 4-110)

Bristol - Business Regulations**§ 110.005 TOWN FEES.**

The following chart sets forth fees charged by the town.

<i>Activity Regulated</i>	<i>Fee</i>	<i>Code Section</i>
Accident report	\$5	110.030
Amusement centers	\$100	110.047
Renewal of license	\$20	110.050
Transfer of license	\$50	110.050
Building fees		Chapter 150
Burial sites	\$250 to \$350	92.02
Business and trades	\$5	110.047
Copying public documents	\$.50 to \$1	110.002
Fingerprints	\$5	
Outdoor advertising displays	\$1 per sq. ft.	110.101
Outdoor theaters, carnivals or street fairs	\$25	110.080
Park bandstand rental	\$50	91.06
Park pavilion rental	\$125 to \$175 plus tax	91.06
Precious metal dealers	\$25	110.065
Returned check (NSF)	\$15	110.001
Taxicabs	\$25	112.01
Vehicle inspections	\$5	110.031
Zoning fees		Chapter 155

('97 Code, § 4-102)

LICENSES

<p>§ 110.015 AUTHORITY TO LICENSE.</p> <p>The town has the authority to impose a license fee that is reasonably related to the administrative cost of exercising such regulating power. ('97 Code, § 4-1) <i>Statutory reference:</i> <i>Limitation on license fee, see I.C. 36-1-3-8(a)(5)</i></p> <p>§ 110.016 APPLICATIONS.</p> <p>All applications for a permit or license under this chapter shall be made available by the Town Clerk-Treasurer, unless otherwise specified. ('97 Code, § 4-2)</p> <p>§ 110.017 GRANTING OF LICENSES; DENIALS.</p> <p style="text-align: right;">(A)</p> <p>After examination, the Clerk-Treasurer shall grant the permit or license unless good cause be shown why the permit or license should not be granted.</p> <p style="text-align: right;">(B)</p> <p>Any denials may be petitioned to the Town Council at their next regularly scheduled meeting. ('97 Code, § 4-3) (Ord. 01-09-97, passed 1-09-97)</p> <p>§ 110.018 DURATION AND INSPECTIONS.</p>		
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(A) All licenses issued under this chapter, unless specified otherwise on the license, shall be issued for the duration of the calendar year for which they were issued and shall expire on December 31.

(B) Every person who is issued a license under the provisions of the licensed activity is being conducted, or if there are no premises shall carry the license while engaged in the activity for which he or she has been licensed and shall exhibit it to any town official or citizen upon request.

(C) The Town Marshal may inspect all places of business under license or required to have a license.

(I.C. 36-8-3-10(a)(13)) ('97 Code, § 4-4)

§ 110.019 FEES AND SUSPENSIONS.

(A) The Clerk-Treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this code.

Statutory reference:

Clerk-Treasurer's authority to issue license and collect fees, see I.C. 36-5-6-6(a)(8)

(B) Licenses issued by the town may be revoked or suspended if the person holding the license has violated the terms or conditions of the license or the law under which it was issued or has conducted the business in such a manner as to constitute a threat to public health, safety or general welfare of the town citizens.

('97 Code, § 4-5)

AUTOMOBILE**§ 110.030 POLICE ACCIDENT REPORT FEES.**

(A) The town authorizes the Town Police Department to provide, upon request, to any individual or organization a copy of all automobile or motor vehicle related accident reports prepared by Town Police Department members.

(B) For each copy provided, the Town Police Department shall charge the requesting entity or person a fee of \$5. In the event additional copies are requested, the request shall be considered a new and separate request and an additional fee charge of \$5 shall be made for each request.

('97 Code, § 4-10) (Ord. 01-09-97, passed 1-09-97)

§ 110.031 VEHICLE INSPECTION FEES.

(A) Pursuant to I.C. 9-29-4-2, the police officers who are members of the Town Police Department shall hereafter charge a fee of \$5 per inspection per vehicle for any vehicle inspection conducted as required by I.C. 9-1-2-1(c).

(B) All fees collected pursuant to division (A) of this section shall be deposited in the local law enforcement continuing education fund, as required by I.C. 9-29-4-2.

(C) The Town Marshal shall account on a quarterly basis to the Clerk-Treasurer the total sums collected and deposited in the fund.

(D) The police officer making the inspection shall be required to make a record of the inspection upon the application form prepared by the Department of Motor Vehicles and shall further be required to provide the town at the time the inspection is performed. The Town Marshal shall provide the Clerk-Treasurer with the quarterly accounting for the inspection fees collected during the previous quarter, a tabulation of the vehicles inspected, indicating the name and address of the owner of the vehicle, the VIN# for the vehicle, make and model of the vehicle and date of inspection. ('97 Code, § 4-11) (Ord. 10-12-89, passed 10-12-89)

TRADES, BUSINESSES AND PROFESSIONAL LICENSING

§ 110.045 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES OR PROFESSIONS.

No person shall engage in any of the trades, businesses or professions for which licenses are required by this chapter or by any ordinance or provision of this code without first applying for and obtaining a license from the Clerk-Treasurer or other duly authorized issuing authority. ('97 Code, § 4-24)

Statutory reference:

Authority to regulate business and professions, see I.C. 36-8-2-10

§ 110.046 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk-Treasurer in writing upon forms to be furnished by him or her and shall contain:

- (1) The name of the applicant and of each officer, partner or business associate;
- (2) His or her present occupation and place of business;
- (3) His or her place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;
- (6) A description of the merchandise to be sold, if for a vendor;
- (7) Such other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.

('97 Code, § 4-25) Penalty, see § 10.99

§ 110.047 ISSUANCE OF LICENSE.

Upon receipt of the application for a license, accompanied by the proper fee, if approval by another officer or department is not required the Clerk-Treasurer, by and with the written approval of the executive or other chief administrative officer, shall forthwith deposit the fee in the treasury and issue to the applicant a proper license certificate signed by the Clerk-Treasurer and executive or other chief administrative officer. If for any reason the license is not issued, this fee less \$5 to cover expenses of considering the application shall be returned to the applicant.

('97 Code, § 4-26)

§ 110.048 DATE AND DURATION OF LICENSE.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issue of the license.

('97 Code, § 4-27)

§ 110.049 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.

('97 Code, § 4-28)

§ 110.050 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any offices or citizen shall exhibit the license.

('97 Code, § 4-29)

§ 110.051 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the executive or other chief administrative officer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this subchapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the executive or other chief administrative officer may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.
(‘97 Code, § 4-30)

§ 110.052 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his or her license has been revoked or suspended, the applicant or licensee as the case may be shall, within three business days, have the right to appeal to the legislative body from the denial, revocation or suspension. Notice of appeal shall be filed in writing with the Clerk-Treasurer who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The Clerk-Treasurer shall notify the executive and all members of the legislative body of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be, otherwise the order appealed from shall become final.
(‘97 Code, § 4-31)

PRECIOUS METAL DEALERS

§ 110.065 DEFINITIONS.

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

Bristol - Business Regulations

CANVASSER or **SOLICITOR**. Any person, firm or corporation who, as the duly authorized representative or agent of a dealer, shall canvass or solicit for the second-hand purchase or acquisition of any item containing any precious metal.

PRECIOUS METAL. Gold, silver or platinum, alone or in combination, including coins.

PRECIOUS METALS DEALER. A person, firm or corporation engaged in the business of purchasing or acquiring second-hand any item containing any precious metal.

WORKING DAYS. Any Monday through Friday of any week, excluding holidays recognized by the municipality.
(‘97 Code, § 4-52)

§ 110.066 LICENSE APPLICATION.

(A) In addition to any other occupational license required by the municipality, each precious metals dealer must obtain a license from the municipality for the privilege of conducting the business of second-hand transactions in items containing precious metals.

(B) A precious metals dealer’s license shall be issued by the Clerk-Treasurer after receipt of a notice from the Police Department that the prospective licensee has complied with application requirements of this subchapter.

(C) A precious metals dealer’s license must be applied for to the Police Department. The application shall be on a standard form furnished by the Police Department and shall contain all information determined by that Department to be necessary for an evaluation of the applicant’s eligibility for licensure.

(D) The Police Department shall, within 20 working days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check on any individual named therein. The following standards shall apply concerning issuance:

(1) No license shall be issued to or held by any person not of good moral character, nor shall a license be issued to any corporation or partnership whose chief officers or members are persons not of good moral character.

(2) No dealer, canvasser or solicitor shall have been convicted of a felony involving moral turpitude.

(3) No dealer, canvasser or solicitor shall have been convicted of a criminal misdemeanor involving moral turpitude within the past two years.

(4) As part of the application process, a prospective dealer must present proof that, if approved for licensure, he or she can secure an approved indemnity bond in the amount determined by the municipality, issued by a surety company authorized to transact business within the state or can post a cash bond in such amount.

(E) The Clerk-Treasurer shall issue the license upon notification by the Police Department and upon posting of the surety or cash bond.

(F) If the application is to be denied, the Police Department shall provide the applicant with the written notification, including a statement of the reasons of denial, and any aggrieved applicant shall, within 30 days of the action, have a right to request a hearing before the Chief of Police.

(G) The Police Department shall have the authority to suspend or revoke any license issued pursuant to this subchapter for any violation of the terms of this subchapter. However, any aggrieved licensee shall, within 30 days of the action, have a right to request a hearing before the legislative body.

(H) Licenses issued under this section shall not be transferable. An individual license is required for each place of business conducted by a dealer. The license, or a copy thereof, must be posted in a conspicuous place in each place of business.

(I) The cost of the precious metals dealer's license shall be \$25 per year which is not proratable, but which shall apply as a credit to any license fee due pursuant to any other provision of this code.
(‘97 Code, § 4-53)

§ 110.067 RECORD KEEPING.

(A) Each precious metals dealer shall keep a record, on such standard form as the Police Department shall furnish, of each transaction involving the second-hand purchase by such dealer of an item containing a precious metal. The form shall be prepared in ink, in duplicate, the original to be retained by the dealer, the duplicate to be filed by the dealer with the Police Department by the close of business on the first working day after the completion of the transaction.

(B) The following must be noted concerning the transaction:

- (1) Date;
- (2) Time;
- (3) Amount paid; and

(4) Disposition of the item, including name and address of purchaser.

(E) The Clerk-Treasurer shall issue the license upon notification by the Police Department and upon posting of the surety or cash bond.

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(I) The cost of the precious metals dealer's license shall be \$25 per year which is not proratable, but which shall apply as a credit to any license fee due pursuant to any other provision of this code.
(‘97 Code, § 4-53)

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(4) Disposition of the item, including name and address of purchaser.

(E) The Clerk-Treasurer shall issue the license upon notification by the Police Department and upon posting of the surety or cash bond.

(F) If the application is to be denied, the Police Department shall provide the applicant with the written notification, including a statement of the reasons of denial, and any aggrieved applicant shall, within 30 days of the action, have a right to request a hearing before the Chief of Police.

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(9) Build;

(10) General appearance;

(11) Distinguishing marks;

- (12) A legible right thumb print;
- (13) Social security account number; and
- (14) A photograph.

(E) Method of identification to include two identification cards, one with a picture and one corroborating, to include numbers from such cards.

(F) The original record of each second-hand transaction in any item containing any precious metal shall be subject to inspection and examination by any member of the Police Department and any member of the Police Department shall be permitted to examine and inspect any and all items purchased by a precious metals dealer which fall within the scope of this subchapter.

(G) There is specifically excepted from the terms of this subchapter any transaction by a person engaged in business within the municipality, possessing a current business license from the municipality, who is either accepting returns for cash, credit or replacement of any item originally purchased from the person or exchanging an item for another item of greater value. In addition, the terms of this subchapter shall not include any purchase by a retailer from a bonafide manufacturer, nor any banking institution licensed to do business in this state.
(‘97 Code, § 4-54)

§ 110.068 RETENTION PERIOD OF ITEMS.

It shall be the duty of each precious metals dealer to retain each and every item containing a precious metal purchased second-hand by him or her in the same state or condition in which it was received at the place of business where purchased for a period of not less than 15 complete working days, which time period shall begin to run on the first working day following transfer of the duplicate record of the transaction to the Police Department. During such 15 days of retention period the article may not be resold, exchanged, altered or otherwise disposed of.
(‘97 Code, § 4-55)

§ 110.069 BOND.

(A) Before engaging in the business of purchasing second-hand items containing precious metals, a dealer shall post a bond with the Clerk-Treasurer in an amount determined by the municipality either with a surety company licensed to do business in the state or in cash.

(B) The bond required in this subchapter shall be for a term of one year following the cessation of doing business in precious meals. The bond shall enure to the benefit of the municipality or to any

person who shall be injured or sustain damages approximately caused by the failure to comply with the terms of this subchapter by any precious metals dealer, canvasser, solicitor or other agent or employee of the dealer.

('97 Code, § 4-56)

§ 110.070 REGULATIONS OF TRANSACTIONS.

(A) No precious metals dealer shall transact any business involving a second-hand purchase of an item containing a precious metal from a minor unless the minor is accompanied by a parent or guardian.

(B) No precious metals dealer shall transact business involving a second-hand purchase of an item containing a precious metal which item the dealer knows or has reason to believe is stolen.

('97 Code, § 4-57)

OUTDOOR THEATERS, CARNIVALS AND STREET FAIRS

§ 110.080 LOCATION RESTRICTIONS.

No theaters, specifically outdoor theaters, carnivals or street fairs, shall operate within the corporate limits of the town, at a point less than 500 feet from any residence or dwelling place therein.

('97 Code, § 4-76) (Ord. 1-1950, passed 9-13-50)

§ 110.081 LICENSE REQUIRED.

Any theaters, specifically outdoor theaters, carnivals or street fairs, shall not operate within the corporate limits of the town without procuring a license to do so.

('97 Code, § 4-77) (Ord. 1-1950, passed 9-13-50)

§ 110.082 LICENSE FEE.

The licenses may be obtained from the Town Clerk-Treasurer and that the theaters, specifically outdoor theaters, carnivals, or street fairs, shall be licensed in a sum of \$25 for any performance or series of performances, same not to exceed a period of seven days, and all performances in excess of seven days shall be taxed again accordingly.

('97 Code, § 4-78) (Ord. 1-1950, passed 9-13-50)

§ 110.083 TRANSFER OF LICENSE.

No license granted or issued under the provisions of this subchapter shall be transferable, nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalty prescribed by this subchapter, except the licensee named on each license.

(‘97 Code, § 4-79) (Ord. 1-1950, passed 9-13-50)

§ 110.084 REFUSAL TO ISSUE LICENSE.

The provisions in this subchapter shall not conflict with the powers of the Town Council to refuse the issuance of a license in the exercise of its police powers and for the protection and health of the citizens of the aforesaid community.

(‘97 Code, § 4-80) (Ord. 1-1950, passed 9-13-50)

PARADES

§ 110.100 DEFINITIONS.

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

CRUISING. The repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

PARADE. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or on any street, sidewalk, park or other public place in the municipality, or ***CRUISING*** as defined herein.

PARADE PERMIT. A permit required by this subchapter.

PARKING LOT. Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers.

(‘97 Code, § 4-85)

§ 110.101 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Town Marshal.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.
(‘97 Code, § 4-86)

§ 110.102 APPLICATION FOR PERMIT; APPLICATION FEE.

(A) A person seeking issuance of a parade permit shall file an application with the Town Marshal on forms provided by such officer.

(B) An application for a parade permit shall be filed with the Town Marshal not less than five days or not more than 60 days before the date on which it is proposed to conduct the parade.

(C) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(3) The name, address and telephone number of the person who will be the Parade Chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the street, sidewalk, park or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for the permit shall file with the Town Marshal a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf;

(13) Any additional information which the Town Marshal shall find reasonably necessary to a fair determination as to whether a permit should issue.

(D) There shall be paid at the time of filing an application for a parade permit a fee of \$3.50. ('97 Code, § 4-87)

§ 110.103 STANDARDS FOR ISSUANCE OF PERMIT.

The Clerk-Treasurer shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the municipality;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the municipality other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designated to be held purely for private profit;

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.
(‘97 Code, § 4-88)

§ 110.104 NOTICE OF REJECTION OF PERMIT.

The Clerk-Treasurer shall act on the application for a parade and upon receiving a written report and recommendation for the Town Marshal within three days, Saturdays, Sundays and holidays excepted, after filing thereof. If he or she disapproves the application, he or she shall mail to the applicant within the three days, Saturdays, Sundays and holidays excepted, after the date on which the application was filed, a notice of his or her action stating the reasons for his or her denial of the permit.
(‘97 Code, § 4-89)

§ 110.105 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the legislative body. The appeal shall be taken within 30 days after notice. The legislative body shall act on the appeal within 30 days after its receipt.
(‘97 Code, § 4-90)

§ 110.106 ALTERNATIVE PERMIT.

The Town Clerk-Treasurer, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the Town Clerk-Treasurer, file a written notice of his or her acceptance with the Town Clerk-Treasurer and Town Marshal. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this subchapter.
(‘97 Code, § 4-91)

§ 110.107 NOTICE TO TOWN AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, the Town Clerk-Treasurer shall send a copy thereof to the following persons:

(A) The executive;

(B) The attorney for the municipality;

(C) The Fire Chief;

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade; and

(E) The Town Marshal.

('97 Code, § 4-92)

§ 110.108 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as the Town Marshal shall find necessary to the enforcement of this subchapter.

('97 Code, § 4-93)

§ 110.109 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The Parade Chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.

('97 Code, § 4-94)

§ 110.110 PUBLIC CONDUCT DURING PARADES.

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) *Parking on parade route.* The Town Marshal shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. The Town Marshal shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unposted in violation of this subchapter.
(‘97 Code, § 4-95)

§ 110.111 REVOCATION OF PERMIT.

The town shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.
(‘97 Code, § 4-96)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirements; fees
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Service of process
- 111.09 Exhibition of licenses and badges
- 111.10 Transfer of license

§ 111.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever and includes, but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the municipality and who, in the furtherance of such business, uses any building, structure, vehicle or any place within the municipality.

PEDDLER. This term includes the following:

(1) Any person who travels from place to place by any means carrying goods for sale, making sales or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the municipality.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.
(‘97 Code, § 4-38)

§ 111.02 LICENSE REQUIREMENTS; FEES.

(A) It shall be unlawful for any person to carry on the business of hawking or peddling within the town limits, at wholesale or retail, by carrying, exposing or crying for sale within any street, avenue, alley or public place of the town or otherwise any article of commerce or merchandise without first obtaining a license from the town for that purpose; providing, however, that this section shall not apply to the sale of produce, provisions or fruits of the peddler’s own raising.

(B) (1) Licenses to hawkers and peddlers shall be issued by the President of the Town Council and countersigned, registered and delivered to the applicant by the Clerk-Treasurer on payment of the following fees:

- (a) For carrying goods by hand: \$5 per day;
- (b) For carrying goods by hand: \$10 per week;
- (c) For carrying goods by hand: \$15 per month;
- (d) For carrying goods by hand: \$20 per year;
- (e) For selling from any kind of vehicle: \$7.50 per day;
- (f) For selling from any kind of vehicle: \$12.50 per week;
- (g) For selling from any kind of vehicle: \$17.50 per month; and
- (h) For selling from any kind of vehicle: \$22.50 per year.

(2) The Clerk-Treasurer, for such services, shall receive \$.50 for each license issued, to be paid by the applicant.

(‘97 Code, § 4-39) (Ord. 2-1957, passed 7-10-57) Penalty, see § 10.99

Statutory reference:

Regulation of transient merchants by local governments, see I.C. 25-37-1-1 et seq.

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this subchapter shall file a written, sworn application with the Clerk-Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the Clerk-Treasurer. The application shall state:

- (1) The name and address of the applicant;
- (2) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the municipality, plus:
 - (a) The local address of the individual;
 - (b) The permanent address of the individual;
 - (c) The capacity in which such individual will act;
- (3) The name and address of the person, if any, for whose purpose the business will be carried on, and if a corporation, the state of incorporation;
- (4) The time period or periods during which it is proposed to carry on applicant's business;
- (5) The nature, character and quality of the goods or services to be offered for sale or delivered, plus:
 - (a) If goods, their invoice value and whether they are to be sold by sample as well as from stock;
 - (b) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application.
- (6) The nature of the advertising proposed to be done for the business;
- (7) Whether or not the applicant or the individual identified in subsection (2) or the person identified in subsection (3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) All applications for peddler or solicitor licenses shall state, in addition to statements required by division (A) of this section:

- (1) A description of the applicant;

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(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this subchapter shall attach to their application the following:

(1) Two letters of recommendation from any person residing or doing business in the municipality certifying the applicant's good moral character and business responsibility or, in lieu of such letters, other evidence which may be used by the Clerk-Treasurer to satisfy his or her duties under § 111.04;

(2) If required by the Clerk-Treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business;

(3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to attachments required under division (C) of this section, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of any contagious or communicable disease that would, because of the applicant's handling or selling of food, pose a substantial risk to the health or safety of the public.

(E) Upon receipt of the application, the Clerk-Treasurer shall cause a set of applicant's fingerprints to be taken and attached to the application; he or she shall also cause a picture of the applicant to be taken and to be attached to the application.
(‘97 Code, § 4-40)

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, the Clerk-Treasurer shall cause an investigation of the applicant's business reputation and moral character to be made.

(B) The Clerk-Treasurer shall approve the application unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has committed any of the following will constitute valid reasons for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude;
- (2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;

(4) Has committed prior fraudulent acts; or

(5) Has an unsatisfactory, moral character.
(‘97 Code, § 4-41)

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this subchapter may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. The notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

(‘97 Code, § 4-42)

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this subchapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(C) Any violation of this subchapter;

(D) Conviction of the licensee of any felony or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

(‘97 Code, § 4-43)

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision made pursuant to §§ 111.04 and 110.06 shall have the right to appeal to the legislature body. The appeal shall be taken by filing with the legislative body, within

14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.
(‘97 Code, § 4-44)

§ 111.08 SERVICE OF PROCESS.

(A) *Requirements of successful applicant.*

(1) Upon receipt of notice of approval of his or her application, the applicant shall file with the Clerk-Treasurer an instrument appointing the Clerk-Treasurer as his or her true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant in respect to any matter arising under this subchapter.

(2) Forms for the required statement are available at the Clerk-Treasurer's office. The form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon this agent, and when so made, shall be taken and held to be as valid as if personally signed upon the applicant, according to the law of this or any other state and waiving all claim or right of error by reason of the acknowledgment.

(B) *Duty of Clerk-Treasurer.* Immediately upon service of any process upon the Clerk-Treasurer under this subchapter, the Clerk-Treasurer shall send, by registered mail, a copy of the process to the licensee at his or her last known address.
(‘97 Code, § 4-45)

§ 111.09 EXHIBITION OF LICENSES AND BADGES.

(A) Any license issued to an itinerant merchant under this subchapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the municipality shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk-Treasurer shall issue a badge to each peddler or solicitor licensed under this subchapter. The badge shall contain the words “Licensed Peddler” or “Licensed Solicitor,” the expiration date of the license and the number of the license. The badge shall be worn conspicuously by the licensee during such time as he or she is engaged in the business licensed.

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen.
(‘97 Code, § 4-46)

§ 111.10 TRANSFER OF LICENSE.

No license issued under this subchapter shall be transferable, nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalties prescribed by this subchapter except the licensee named in the license.
(‘97 Code, § 4-47) (Ord. 2-1957, passed 7-10-57)

CHAPTER 112: TAXICABS

Section

- 112.01 Definition
- 112.02 Taxicab; license fee
- 112.03 Application for license
- 112.04 Issuance of license
- 112.05 Taxicab stands
- 112.06 Displaying rates; excessive charges
- 112.07 All drivers to be licensed
- 112.08 Suspension or revocation of license
- 112.09 Renewal of license
- 112.10 Vehicle inspection; requirements

§ 112.01 DEFINITION.

For purposes of this chapter, **TAXICAB** shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route.

('97 Code, § 4-62)

§ 112.02 TAXICAB; LICENSE FEE.

(A) No person, firm or corporation shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of the vehicle has obtained a taxicab license covering the vehicle.

(B) Every such taxicab license shall expire on December 31 for the year in which issued. Licenses issued on or after July 1 of any year shall be issued at one-half the annual license fee herein provided.

(C) The annual license fee for each taxicab shall be \$25.

('97 Code, § 4-63)

Statutory reference:

Authority to regulate vehicles for hire, see I.C. 36-9-2-4

§ 112.03 APPLICATION FOR LICENSE.

In addition to the information required by § 110.046, each applicant for a taxicab license shall present and file with the Clerk-Treasurer his or her signed application setting forth the trade name under which he or she intends to do business; the number of vehicles and a general description of each vehicle for which a license is desired; the marking or lettering to be used thereon; and any other information required by the Clerk-Treasurer pertinent to the issuance of the license. ('97 Code, § 4-64)

§ 112.04 ISSUANCE OF LICENSE.

(A) The executive or other chief administrative officer shall investigate and hold a hearing upon each application for a license. If the executive or other chief administrative officer finds upon the investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, he or she shall forthwith notify the applicant of his or her findings. If he or she finds from the investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which the license is desired, he or she shall forthwith notify the applicant. Within 60 days thereafter, the applicant shall furnish and file with the Clerk-Treasurer the following:

- (1) A full transcript of the information appearing on the certificate of title of each vehicle for which license is desired and the state license number of each such vehicle;
- (2) A certification that each vehicle for which a license is desired has been inspected and tested and that each such vehicle is roadworthy and safe for operation as a taxicab;
- (3) The name of each person who will operate the taxicab with the driver's license number of each such person; and
- (4) Insurance or bond:
 - (a) A policy or policies of liability insurance issued for the life of the license applied for or longer, by a responsible insurance company, approved as to sufficiency and as to legality by the municipality providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab on account of injury or death of more than one person in any one accident and for property damage caused in any one accident;
 - (b) In lieu of the policies of insurance above described, the applicant may furnish a bond binding the principal and sureties to liability for the payment of a judgment or judgments as above set forth, with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency and as to legality by the municipality.

(B) Thereupon, the executive or other chief administrative officer shall examine the supporting information and documents and being satisfied that the applicant is the owner of any such vehicle, that the same is a safe and fit conveyance and that satisfactory insurance or bond has been issued and is in force thereupon, he or she shall, upon payment of the prescribed license fee, issue a license to the applicant.

(C) A certified copy of the license shall be exhibited in a prominent place in each taxicab at all times.
(‘97 Code, § 4-65)

§ 112.05 TAXICAB STANDS.

At the time of issuing the license, the executive or other chief administrative officer shall designate a regular parking space for the taxicab or taxicabs, and he or she may prescribe rules for usage of this stand suitable to applicant’s business and agreeable with the public convenience and welfare.
(‘97 Code, § 4-66)

§ 112.06 DISPLAYING RATES; EXCESSIVE CHARGES.

Every taxicab shall display at all times a printed list of the fares and rates to be charged passengers for transportation, and it shall be unlawful for any owner or driver to charge any amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.
(‘97 Code, § 4-67)

§ 112.07 ALL DRIVERS TO BE LICENSED.

No person under 21 years of age and no person other than a driver duly licensed under the laws of the state shall operate a taxicab on any street or alley of the municipality.
(‘97 Code, § 4-68)

§ 112.08 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee shall for a period of 60 days fail to make a reasonable or consistent effort to operate any such taxicab or taxicabs the executive or other chief administrative officer may either suspend or revoke the license pursuant to the provisions of § 110.051. This power to suspend or revoke shall not limit the powers granted to the executive or other chief administrative officer elsewhere in this code.
(‘97 Code, § 4-69)

§ 112.09 RENEWAL OF LICENSE.

All owners of taxicabs licensed, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year without a finding of convenience or necessity providing all other requirements of this code have been complied with.
(‘97 Code, § 4-70)

§ 112.10 VEHICLE INSPECTION; REQUIREMENTS.

(A) It shall be unlawful for the owner or other person having possession or control of any taxicab to operate it upon the streets unless the vehicle has been duly inspected and found safe and roadworthy within the preceding six months.

(B) If any such taxicab is damaged by reason of a collision, or from any other cause, it shall be unlawful for the owner or other person having possession or control thereof to operate it upon the streets unless the vehicle has been tested and approved within 24 hours after the vehicle has been returned to service.

(C) A violation of this section shall constitute grounds for revocation of a taxicab license.
(‘97 Code, § 4-71) Penalty, see § 10.99