

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL PROVISIONS**
- 111. SALESPERSONS, PEDDLERS, SOLICITORS AND MERCHANTS**
- 112. PARADES, CARNIVALS OR CIRCUSES**
- 113. SPECIAL SALES**
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CHAPTER 110: GENERAL PROVISIONS

Section

Licensing

- 110.01 Authority to license
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- 110.03 Approval of Town Council
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- 110.05 Issuance, revocation or suspension
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Cross-reference:

Dog licenses, see § 90.01

LICENSING

§ 110.01 AUTHORITY TO LICENSE.

The town has the authority to impose a license fee reasonably related to the administrative cost of exercising such regulating power.

(1983 Code, § 4-1)

Statutory reference:

Licensing power granted to towns, see I.C.

36-1-3-8(5)

§ 110.02 APPLICATION AND FEE.

(A) All applications for a permit or license under this chapter shall be referred by the Town Clerk-Treasurer to the Town Council.

(B) Complete applications shall be accompanied by a \$2 application fee.
(1983 Code, § 4-2)

§ 110.03 APPROVAL OF TOWN COUNCIL.

(A) All applications for a permit or license under this chapter shall be referred by the Town Clerk-Treasurer to the Town Council.

(B) After examination, the Town Council shall grant the permit or license at the next regular meeting, unless good cause be shown why the permit or license should not be granted.
(1983 Code, § 4-3)

§ 110.04 DURATION OF LICENSE; DISPLAY REQUIRED.

(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.
(1983 Code, § 4-4)

§ 110.05 ISSUANCE, REVOCATION OR SUSPENSION.

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

(B) Licenses issued by the town may be revoked or suspended if the person holding the license has violated the term 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.

(1983 Code, § 4-5)

Statutory reference:

*Authorization of Clerk to issue licenses, see I.C.
36-5-6-6(8)*

§ 110.06 FEES.

For the permit and license fees addressed in this title, see § 35.15 of this code of ordinances.

FRANCHISES**§ 110.20 FRANCHISE AGREEMENTS; CABLE TELEVISION.**

(A) The town may enter into a written agreement with a cable television company to serve the town.

(B) These agreements shall be binding on the parties as to the rental amounts, safety requirements, inspections, indemnification, bond requirements and other related areas.

(C) These agreements, upon approval of an appropriate ordinance by the Town Council, shall be kept on file in the Clerk-Treasurer's office.

(1983 Code, § 4-41) (Ord. 66-6, passed - -)

CHAPTER 111: SALESPERSONS, PEDDLERS, SOLICITORS AND MERCHANTS

Section

- 111.01 Registration and license required
- 111.02 Application
- 111.03 Council review
- 111.04 License fee
- 111.05 Time restriction

- 111.99 Penalty

(3) Name of firm represented, its address and telephone number;

(4) Solicitor’s immediate manager or supervisor and his or her address;

(5) Location where the business will be conducted and what length of time;

(6) The nature of the business, the character of any goods, wares or merchandise to be sold;

(7) Listing whether sales are to be from stock in possession or future deliveries;

(8) An affirmation that all conduct will be in an orderly and lawful manner; that written receipts will be given for all orders taken; and that the registration certificate will be presented on demand; and

(9) The application signature and verification of the application.

(B) The form of the application shall be as available through town offices.
(1983 Code, § 4-17(b))

§ 111.01 REGISTRATION AND LICENSE REQUIRED.

It shall be unlawful for any person, including but not limited to persons who are commonly referred to as door-to-door salespersons, peddlers, solicitors, hawkers, itinerant or transient merchants, to solicit for the sale of, offer for sale or sell from house to house or by telephone or upon the public streets within the corporate limits of the town, any goods, wares, merchandise whatsoever or subscriptions to any kind of publication, without first having registered with the Clerk-Treasurer or Town Marshal. Registration shall be by filing an application in duplicate with the Clerk-Treasurer or Town Marshal.

(1983 Code, § 4-17(a)) Penalty, see § 111.99

§ 111.02 APPLICATION.

(A) The application shall contain the following information and provisions:

- (1) Name, height, weight, color of hair, age and sex;
- (2) Permanent and local address;

§ 111.03 COUNCIL REVIEW.

The Town Council shall review each completed application for solicitor’s license. If the Council finds the application to be in compliance with the requirements of this code, it shall direct the Clerk-Treasurer to issue the same upon payment of the licensing fee.

(1983 Code, § 4-17(c))

§ 111.04 LICENSE FEE.

The Clerk-Treasurer or Town Marshal shall note upon the solicitor's application when it has been approved. Upon approval, a fee as listed in § 35.15 of this code shall be paid to the town. The original shall be retained by the town and the copy shall be returned to the solicitor.

(1983 Code, § 4-17(d))

§ 111.05 TIME RESTRICTION.

Under no circumstances shall there be solicitations done after 7:00 p.m.

(1983 Code, § 4-17(f)) (Ord. 72-3, passed 4-3-1972)

§ 111.99 PENALTY.

Any person violating any of the provisions of this chapter or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed \$25.

(1983 Code, § 4-17(e))

CHAPTER 112: PARADES, CARNIVALS OR CIRCUSES

Section

112.01	License required	\$300,000 for each incident, and shall contain a clause
112.02	Application	holding the town harmless from any liability.
112.03	Council review; insurance	(1983 Code, § 4-26(c))
112.04	License fee, issuance	

§ 112.04 LICENSE FEE, ISSUANCE.

§ 112.01 LICENSE REQUIRED.

Any person or group of persons desiring to conduct a parade, circus, carnival or other similar event within the town shall first file an application with the Clerk-Treasurer.
(1983 Code, § 4-26(a))

Upon the approval of the application by the Town Council, the Clerk-Treasurer shall issue a license upon payment of the proper license fee as indicated in § 35.15 of this code of ordinances.
(1983 Code, § 4-26(d))

§ 112.02 APPLICATION.

The applicant shall list the name and address of the organization sponsoring the event, the proposed date(s) and location(s), the hours of operation, and procedures to be used for maintaining order, keeping the site clean and free of trash, papers or other debris, and parking and restroom facilities available.
(1983 Code, § 4-26(b))

§ 112.03 COUNCIL REVIEW; INSURANCE.

(A) The application shall be referred to the Town Council for review and recommendation. The Town Council may require the applicant to file a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with a carnival or circus.

(B) The insurance, if required, shall be in the minimum amount of \$100,000 for each person, and

CHAPTER 113: SPECIAL SALES

Section

- 113.01 License required
- 113.02 Application
- 113.03 Council review
- 113.04 License fee

§ 113.04 LICENSE FEE.

The license fee shall be as indicated in § 35.15 of this code of ordinances, per day for each day the goods are offered for sale.

(1983 Code, § 4-36(d)) (Ord. 85, passed - -)

§ 113.01 LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation to offer for sale any kind of goods, wares or merchandise of whatever nature denominated as Bankrupt Sales, Fire Sales, Assigners' Sales, or by any other term for the purpose of attracting trade while temporarily located within the town, without first obtaining a license to do so.

(1983 Code, § 4-36(a)) Penalty, see § 10.99

§ 113.02 APPLICATION.

The applicant shall file a completed application with the Clerk-Treasurer and shall include the name and address of the applicant, location of proposed sale, date(s) of proposed sale and other related information deemed necessary.

(1983 Code, § 4-36(b))

§ 113.03 COUNCIL REVIEW.

The Town Council shall review completed applications. Upon the Council's approval, the Clerk-Treasurer shall issue a license upon payment of the license fee.

(1983 Code, § 4-36(c))

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

- 114.01 Liquor retailers permits
- 114.02 Use at Community Center and Depot

§ 114.01 LIQUOR RETAILERS PERMITS.

Liquor retailers permits may be issued to applicants otherwise duly qualified and as defined by the applicable laws of the state, and consent to bureaus and departments of the state is granted in respect to premises located within the boundaries of the town. (1983 Code, § 4-21) (Ord. passed 3-27-1935)

§ 114.02 USE AT COMMUNITY CENTER AND DEPOT.

(A) Each applicant shall apply in writing for permission to serve alcoholic beverages at either the Community Center or the Depot at least 30 days in advance of the scheduled event.

(B) Each applicant shall indemnify and hold harmless the town, the Town Park Board, and all officers, employees and agents of each entity from all claims, demands, lawsuits or judgments against either or both entities as the result of the service of alcoholic beverages by any applicant.

(C) Each applicant shall provide proof of insurance to the Town Council or its designated agent.

(D) Applicants applying for permission to serve alcoholic beverages at the Depot shall post a security deposit with the Town Clerk-Treasurer in the amount of \$150. The deposit will be refundable, provided that no damage occurs to the facility.

(E) Applicants applying for permission to serve alcoholic beverages at the Community Center and who represent that they shall have 50 or fewer guests, shall post a security deposit with the Town Clerk-Treasurer in the amount of \$150. The deposit will be refundable provided that no damage occurs to the facility.

(F) (1) Applicants applying for permission to serve alcoholic beverages at the Community Center, and who expect to have guests in excess of 50 people, shall post an initial refundable security deposit with the Town Clerk-Treasurer in the amount of \$500. The deposit will be refundable, provided that no damage occurs to the facility.

(2) Additionally, each applicant applying for permission to serve alcoholic beverages to groups in excess of 50 people at the Community Center shall post an additional, nonrefundable security deposit of \$100 per hour for each hour that the Community Center is intended to be used.

(3) The Park Board reserves the right to provide security for the Community Center for groups in excess of 50 people, and the payment for this security shall be made by the town.

(G) Applicants applying for permission to serve alcoholic beverages at either the Community Center or the Depot shall be solely responsible for obtaining any necessary or required permits from the Indiana Alcoholic Beverage Commission and shall provide evidence of compliance to the Town Council prior to the granting of any permits.

(H) No alcoholic beverages shall be served or consumed by any applicant or his or her guest outside of the Community Center or the Depot, it being the

specific intent of this section that any alcoholic beverages shall be consumed or served inside each structure.

(Res. 98-11-18, passed 11-18-1998)