

CHAPTER 4: FEES, LICENSES, AND PERMITS

Article

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ARTICLE 1: GENERAL PROVISIONS

Section

- 4-1 Authority to license
- 4-2 Applications
- 4-3 Approval procedures
- 4-4 Duration of license; display required; inspections
- 4-5 Issuance, revocation, or suspension

§ 4-1 AUTHORITY TO LICENSE.

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

(1995 Code, § 4-1)

Statutory reference:

Town has licensing power, see I.C. 36-1-3-8(5)

§ 4-2 APPLICATIONS.

All applications for a permit or license under this chapter shall be made available by the Town Clerk-Treasurer, unless otherwise specified.

(1995 Code, § 4-2)

§ 4-3 APPROVAL PROCEDURES.

After examination, the Clerk-Treasurer may grant the permit or license, unless good cause can be shown why the permit or license should not be granted.

(1995 Code, § 4-3)

§ 4-4 DURATION OF LICENSE; DISPLAY REQUIRED; INSPECTIONS.

(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.

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(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.

(1995 Code, § 4-4)

Statutory reference:

Police Department to do inspections, see I.C. 36-8-3-10

§ 4-5 ISSUANCE, REVOCATION, OR SUSPENSION.

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

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

(1995 Code, § 4-5)

Statutory reference:

Clerk-Treasurer to issue licenses, see I.C. 36-5-6-6(6)

ARTICLE 2: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Section

- 4-10 Definitions
- 4-11 License required
- 4-12 Exemptions
- 4-13 Application for license
- 4-14 Investigation of applicant
- 4-15 Issuance of license; denial
- 4-16 License fee
- 4-17 Required disclosures
- 4-18 False, deceptive, or misleading statements
- 4-19 Hours
- 4-20 Obstruction of public places prohibited
- 4-21 “No Peddling” signs
- 4-22 Suspension or revocation

§ 4-10 DEFINITIONS.

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

PEDDLER. Any person who on foot or by vehicle sells or offers for sale any goods or services or by selling those goods and services or by selling those goods and services in any public place.

SOLICITOR. Any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions, merchandise, or services to be delivered or performed at a future date.

TRANSIENT MERCHANT. Any person, firm, or corporation, both as principals and agents, who engage in a temporary or itinerant merchandising business and in the course of the business hires, leases, or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, or trader, or conduct of a transient business in connection with, as a part of, or in the name of any local merchant, dealer, or trader shall not exempt any person, firm, or corporation from being considered a ***TRANSIENT MERCHANT***. This section shall not be construed to include persons who conduct home “garage sales”.

(1995 Code, § 4-10)

§ 4-11 LICENSE REQUIRED.

No person shall be engaged as a peddler, solicitor, or transient merchant within the town limits without first obtaining a license pursuant to this chapter.

(1995 Code, § 4-11)

§ 4-12 EXEMPTIONS.

(A) Any armed forces veteran as defined by I.C. 25-25-2-1, upon proof of possessing the license described in I.C. 25-25-2-1, shall be permitted to vend, hawk, and peddle goods, wares, fruits, and merchandise within the town and is exempt from the requirements of any town license, license fee, or tax for doing so; provided, however, that the armed forces veteran shall be subject to all other regulatory provisions of this chapter.

(B) Peddlers, solicitors, and transient merchants engaged in interstate commerce shall be exempt from any license fee or tax in obtaining a license. Any person claiming this exemption shall file a verified statement disclosing the interstate nature of the business; the name and location of the company or firm for which orders are to be solicited or secured; the name and address of the nearest local or state manager, if any; the kind of goods or merchandise to be delivered; the place of shipment and method of delivery; and any other facts necessary to establish the claim of exemption. A copy of the order blank, contract, or other papers used by the applicant in taking orders for interstate goods shall be attached to the statement. If it appears to the Clerk that the applicant is entitled to an exemption, the requirement of a license fee shall be waived.

(1995 Code, § 4-12)

§ 4-13 APPLICATION FOR LICENSE.

(A) Application for any license required by this chapter shall be made in writing on forms furnished by the Clerk.

(B) No person shall make a known misrepresentation or false statement on an application.

(C) The application shall be filed with the Clerk, and shall include:

(1) The applicant's full name and address, the address of his or her local business establishment, and the exact nature of his or her business;

(2) The name or title of the proposed business, profession, or occupation;

(3) If the applicant is not the owner of the place in which the business is to be conducted, the name and address of the owner;

(4) If the applicant is a partnership, corporation, or other association, the names and addresses of all partners or principal officers;

(5) If the applicant is acting as an agent or employee, the name and address of the principal or employer; and

(6) The attachment of a receipt from the Clerk showing the payment of the license fee.
(1995 Code, § 4-13)

§ 4-14 INVESTIGATION OF APPLICANT.

Upon receipt of an application for a license, the Clerk shall forward it to the Town Marshal, who shall conduct an investigation concerning the truth of the facts stated in the application, the character of the applicant, and the condition of the premises upon which the proposed licensed activity is to take place.

(1995 Code, § 4-14)

§ 4-15 ISSUANCE OF LICENSE; DENIAL.

The Clerk shall approve the application for a license unless he or she finds that:

(A) The applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business, profession, or occupation for which the license is to be issued;

(B) The applicant has committed any act involving dishonesty, fraud, or deceit with intent to substantially benefit himself or herself or another, or substantially injure another;

(C) The applicant knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or

(D) Issuance of the license would be inconsistent with public health, safety, or general welfare.
(1995 Code, § 4-15)

§ 4-16 LICENSE FEE.

(A) Every person licensed herein shall pay a fee of \$5 per day up to \$25 per month.

(B) There shall also be allowed a group license fee of \$10 per year for charitable organizations.
(1995 Code, § 4-16)

§ 4-17 REQUIRED DISCLOSURES.

(A) Each person engaged in peddling or soliciting for the sale of goods or services at the residence of a prospective buyer, shall at the outset disclose to the prospective buyer his or her name and the company or product he or she represents, and if requested to do so, shall immediately leave the premises.

(B) It is unlawful for any peddler or solicitor to misrepresent the purpose of his or her call, or to use any plan, scheme, or ruse which misrepresents the purpose.

(1995 Code, § 4-17)

§ 4-18 FALSE, DECEPTIVE, OR MISLEADING STATEMENTS.

It is unlawful for any peddler, solicitor, or transient merchant to make or cause to be made, directly or indirectly, for the purpose of selling or procuring an order for the sale of any goods, wares, merchandise, or services, any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

(1995 Code, § 4-18)

§ 4-19 HOURS.

It is unlawful for any person to peddle or solicit before the hour of 9:00 a.m. of any day or after the hour of 8:00 p.m. of any day without the specific prior consent of the prospective buyer.

(1995 Code, § 4-19)

§ 4-20 OBSTRUCTION OF PUBLIC PLACES PROHIBITED.

It is unlawful for any person, either selling, or offering for sale, any article or service by peddling or soliciting in any place, to obstruct or cause to be obstructed, the passage of any sidewalk, street, avenue, alley, or any other public place, by causing people to congregate at or near the place where any article or service is being sold or offered for sale.

(1995 Code, § 4-20)

§ 4-21 “NO PEDDLING” SIGNS.

It is unlawful for any peddler or solicitor to ring the bell, or knock on the door or otherwise attempt to gain admittance for the purpose of pedaling or soliciting at any residence, dwelling or apartment, at which a sign bearing the words “No Peddlers or Solicitors” or words of similar import indicating that peddlers or solicitors are not wanted on the premises, is painted, affixed, or otherwise exposed to public view; provided that this section shall not apply to any peddler or solicitor who rings the bell, knocks on

the door or otherwise attempts to gain admittance to the residence, dwelling, or apartment at the invitation or with the consent of the occupant thereof.

(1995 Code, § 4-21)

§ 4-22 SUSPENSION OR REVOCATION.

(A) Licenses issued under this chapter may be suspended or revoked by the President of the Town Council pursuant to the notice and hearing procedure set forth in I.C. 36-4-5-5.

(B) A license shall be revoked or suspended if there is a finding that the person complained of has:

(1) Willfully violated a term or condition of his or her license;

(2) Willfully done or permitted to be done an act in violation of a statute or town ordinance relating to the business, profession, or occupation licensed; or

(3) Conducted the licensed business, profession, or occupation in a manner so as to constitute a threat to the public health, safety, or general welfare.

(1995 Code, § 4-22)

ARTICLE 3: VIDEO GAMES AND POOL TABLES

Section

4-28	Definitions
4-29	Maintaining
4-30	Exceptions
4-31	Penalty
4-32	License fee
4-33	Termination of license

§ 4-28 DEFINITIONS.

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

POOL TABLES. Any game, table, device, machine, or object on which billiards, pool, eight ball, or any other related game can be placed.

VIDEO GAMES. Any game, device, machine, or object commonly known as an arcade machine and used by persons to score points.
(1995 Code, § 4-28)

§ 4-29 MAINTAINING.

It shall be unlawful for any person or entity to maintain video games or pool tables in the town.
(1995 Code, § 4-29) Penalty, see § 4-31

§ 4-30 EXCEPTIONS.

An exception to § 4-29 occurs when the person or entity desiring to maintain the games and/or tables receives a license from the Town Council.
(1995 Code, § 4-30)

§ 4-31 PENALTY.

The penalty for violation of this article shall be a fine of \$25 per day. Each day the violation is allowed to exist constitutes a separate offense.

(1995 Code, § 4-31) (Ord. 99-03, passed 2-15-1999)

§ 4-32 LICENSE FEE.

The fee for licensing pursuant to this section shall be \$25 per establishment plus \$25 for each game, device, or table. The fee shall be paid annually on or before April 1 of each year.

(1995 Code, § 4-32) (Ord. 99-03, passed 2-15-1999)

§ 4-33 TERMINATION OF LICENSE.

The license shall be terminated upon finding, pursuant to Chapter 6, that the maintenance of the games or tables constitutes a nuisance. A nuisance per se shall exist if children enrolled in the public schools shall frequent or use the games or devices during the regular school hours on school days.

(1995 Code, § 4-33)

ARTICLE 4: OTHER FEES AND CHARGES

Section

Division I: Vehicle Inspections

- 4-38 Vehicle inspections
- 4-39 Fee
- 4-40 Receipt and form
- 4-41 Remittance to Clerk-Treasurer

Division II: Other Fees Paid to Clerk-Treasurer

- 4-44 Fees for copies of documents
- 4-45 Fees for returned or NSF checks

DIVISION I: VEHICLE INSPECTIONS

§ 4-38 VEHICLE INSPECTIONS.

The Town Marshal or a member of the Marshal's Department shall make inspections of vehicles upon application form prepared by the Bureau of Motor Vehicles and verify the facts set forth in the application.

(1995 Code, § 4-38) (Ord. 1988-7, passed 9-6-1988)

§ 4-39 FEE.

The Town Marshal Department shall collect a fee of \$5 for the vehicle inspections.

(1995 Code, § 4-39) (Ord. 1988-7, passed 9-6-1988)

§ 4-40 RECEIPT AND FORM.

In collecting the fee, the Town Marshal shall issue a receipt, on the form prescribed by the State Board of Accounts, for each fee collected.

(1995 Code, § 4-40) (Ord. 1988-7, passed 9-6-1988)

§ 4-41 REMITTANCE TO CLERK-TREASURER.

(A) The fees collected for each vehicle inspection shall be remitted by the Town Marshal to the Town Clerk-Treasurer at least once each week.

(B) The Town Clerk-Treasurer shall issue an official receipt for the remittance of the motor inspection fee, specifying on the receipt the number of general receipts included.

(C) All fees collected shall be deposited in the Special Vehicle Inspection Fund which is further addressed in § 2-70 of this code.

(1995 Code, § 4-41) (Ord. 1988-7, passed 9-6-1988)

DIVISION II: OTHER FEES PAID TO CLERK-TREASURER**§ 4-44 FEES FOR COPIES OF DOCUMENTS.**

(A) A fee of \$0.25 per page for standard size pages shall be charged by the Clerk-Treasurer for copies of public documents requested by members of the public.

(B) A fee of \$0.25 per page for non-standard size pages shall be charged by the Clerk-Treasurer for copies of public documents requested by members of the public.

(1995 Code, § 4-44) (Ord. 1995-09, passed 12-18-1995; Ord. 99-03, passed 2-15-1999)

§ 4-45 FEES FOR RETURNED OR NSF CHECKS.

A fee of \$25 shall be charged to all persons tendering a check or draft to the town which is returned for insufficient funds, marked "NSF", or similar deficiency.

(1995 Code, § 4-45) (Ord. 99-03, passed 2-15-1999)

ARTICLE 5: FRANCHISE AGREEMENTS

Section

4-47 Town Council approval required

Statutory reference:

Cable Communications Policy Act of 1984, see Pub. L. No. 98-549 and 47 U.S.C. §§ 521 et seq.

§ 4-47 TOWN COUNCIL APPROVAL REQUIRED.

(A) Because the operation of cable television systems or other utilities in enterprises require 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 the 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.
(1995 Code, § 4-47)

ARTICLE 6: PARK, BUILDING, AND ZONING FEES

Section

- 4-50 Park and recreation fees
- 4-51 Building fees
- 4-52 Zoning and planning fees
- 4-53 Motor vehicle fees

§ 4-50 PARK AND RECREATION FEES.

All park and recreation fees are set forth in Chapter 5 of this code.
(1995 Code, § 4-50)

§ 4-51 BUILDING FEES.

All building fees are set forth in Chapter 7 of this code.
(1995 Code, § 4-51)

§ 4-52 ZONING AND PLANNING FEES.

All zoning and planning fees are set forth in Chapter 10 of this code.
(1995 Code, § 4-52)

§ 4-53 MOTOR VEHICLE FEES.

Any and all fees related to motor vehicles are set forth in Chapter 8 of this code.
(1995 Code, § 4-53)

CHAPTER 7: MISCELLANEOUS PERMIT FEES AND REGULATIONS

Section

- 4-60 Liquor retailer’s permits
- 4-61 Economic revitalization areas; tax abatement
- 4-62 Chart on fees
- 4-63 Garage and yard sales

§ 4-60 LIQUOR RETAILER’S PERMITS.

Consent may be granted to the issuance by the State Alcoholic Beverage Commission of liquor retailer’s permits to applicants otherwise duly qualified under the provisions of Chapter 226 of the Acts of Indiana, State Legislature, Session of 1935, in respect to premises located within the town.
(1995 Code, § 4-60)

§ 4-61 ECONOMIC REVITALIZATION AREAS; TAX ABATEMENT.

This section is reserved for future legislation.
(1995 Code, § 4-61)

§ 4-62 CHART ON FEES.

<i>Activity Regulation</i>	<i>Amount</i>	<i>Section of Code</i>
Assessment registration	-	-
Billiards	\$25 per establishment \$25 each	§ 4-32
Canvasser	\$5/daily \$25/month	§ 4-16
Carnivals	-	-
Circuses	-	-
Copying fees	\$0.25 per standard size page	§4-44
Crafts	-	-

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<i>Activity Regulation</i>	<i>Amount</i>	<i>Section of Code</i>
Demonstrations	-	-
Electronic games	\$25/per establishment \$25/each	§ 4-32
Fairs	-	-
Peddlers	\$5 daily \$25 monthly	§ 4-16
Police reports	\$5	-
Pool tables	\$25/per establishment \$25/each	§ 4-32
Returned checks	\$25	§ 4-45
Shelter house	\$5/\$5/\$10	§ 5-17
Vehicle inspection	\$5	§ 4-39

(1995 Code, § 4-62) (Ord. 99-03, passed 2-15-1999; Ord. 2006-04, passed 8-21-2006)

§ 4-63 GARAGE AND YARD SALES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALE. A sale of miscellaneous property on premises located in a residential area.

(B) *License required.* It shall be unlawful for any person to hold, have, or engage in the business of a garage sale in a residential area without first having secured a license.

(C) *Application; fees.*

(1) Any person desiring to hold, have, or engage in the business of a garage sale shall make an application in writing to the Clerk-Treasurer, or if not available, the Town Marshal or other designated person for a license so to do, which application shall be filed at least seven days before the applicant shall be authorized to begin business. The application shall state the name and residence of the applicant, and the place where the business is to be conducted.

(2) Upon the filing of an application, a license shall be issued to the applicant to conduct business at the location stated in the application, and the applicant may begin business not less than seven days after the date of filing the application, upon the payment of a \$5 license fee. All license fees must be paid in advance and if any licenses desire to continue in business after the expiration of the license, a new license must be secured in the same manner and upon the same terms as the original license.

(D) *Issuance of license; rights and limitations.*

(1) Each license shall entitle the holder thereof to conduct a three-day sale.

(2) No license shall be issued to any one licensee or any one address more than two times within any calendar year.

(E) *Posting of license.* Any license issued under this chapter shall be posted or made available for inspection.

(F) *Exempted person and organizations.*

(1) This chapter shall not apply to churches or other organizations, which are exempt from the state property tax.

(2) Any person exempted by the law of this state from the payment of the license fees set forth in this chapter shall, before beginning the business present to the Clerk-Treasurer, or if not available the Town Marshal his or her credentials showing that he or she is entitled to an exemption. He or she shall receive a certificate from the Clerk-Treasurer or the Town Marshal authorizing him or her to hold, have, and engage in the business of garage sales in accordance with this chapter.

(Ord. 98-05, passed 7-20-1998)

