

TITLE XI: BUSINESS REGULATIONS

Chapter

110. GENERAL LICENSING PROVISIONS

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CHAPTER 110: GENERAL LICENSING PROVISIONS

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§ 110.01 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 any provision of this code or any other ordinance of the town without first applying for and obtaining a license from the Clerk-Treasurer or other duly authorized issuing authority.

Penalty, see § 10.99

§ 110.02 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;

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(6) A description of the merchandise to be sold, if for a vendor; and

(7) 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 to knowingly make any false statement or representation in the license application.

Penalty, see § 10.99

§ 110.03 STANDARDS; ISSUANCE OF LICENSE.

(A) Upon receipt of an application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Clerk-Treasurer shall forthwith deposit the fee in the General Fund of the town and issue to the applicant a proper license certificate signed by the Clerk-Treasurer and any other appropriate town official. If for any reason the license is not issued, the license fee shall be returned to the applicant.

(B) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(C) The application shall be approved 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. Tangible evidence of any of the following will constitute valid reasons for disapproval of an application:

(1) The applicant has been convicted of a crime of moral turpitude;

(2) The applicant has made willful misstatements in the application;

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

(4) The applicant has committed prior fraudulent acts;

(5) The applicant has a record of continual breaches of solicited contracts; or

- (6) The applicant has an unsatisfactory moral character.

§ 110.04 DATE AND DURATION OF LICENSE.

(A) 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.

(B) In no event shall a license be granted to any business or any person for a longer time than one year.

§ 110.05 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.

Penalty, see § 10.99

§ 110.06 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 officer or citizen, shall exhibit the license.

Penalty, see § 10.99

§ 110.07 REVOCATION OR SUSPENSION.

A license granted under this chapter may be suspended or 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 chapter;
- (D) Conviction of the licensee of any felony or conviction of the licensee of any misdemeanor involving moral turpitude; or

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

§ 110.08 APPEAL AND REVIEW.

(A) Any person aggrieved by a decision under §§ 110.03 or 110.07 shall have the right to appeal to the Town Board of Trustees. The appeal shall be taken by filing with the Town Board of Trustees, 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 Town Board of Trustees shall set the time and place for a hearing, and notice for the hearing shall be given to the person by mail at his or her last known address, at least ten days prior to the date set for the hearing.

(B) The order of the Town Board of Trustees after the hearing shall be final.

§ 110.09 EXEMPTIONS.

The provisions of this chapter shall not apply to any business, occupation or profession which is exempt from municipal licensing or license taxes pursuant to state or federal law.

CHAPTER 111: PEDDLERS AND SOLICITORS

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- 111.10 Notice regulating soliciting
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Statutory reference:

Local regulation authorized, see I.C. 25-37-1-11

§ 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 town and who, in the furtherance of the business, uses any building, structure, vehicle or any place within the town.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, making sales or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the town.

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.

§ 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler or solicitor shall obtain a license before engaging in that activity within the town.

(B) The fee for the license required by this chapter shall be as set from time to time by the Town Board of Trustees.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 10.99

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. This application shall be signed by the applicant if an individual, by all partners if a partnership or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) 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 town;

(b) The local address of the individual;

(c) The permanent address of the individual; and

(d) The capacity in which the 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) (a) The nature, character and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

(c) If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business; and

(7) Whether or not the applicant, the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) above has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(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 chapter shall attach to their application, if required by the town, credentials from the person, if any, for whom the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C) above, 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 contagious or communicable disease.

Penalty, see § 10.99

§ 111.04 STANDARDS FOR ISSUANCE.

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

(B) The application shall be approved 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 done 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 a record of continual breaches of solicited contracts.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk 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 the 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.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter 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 chapter;
- (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 a way as to constitute a menace to the health, safety, morals or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the Town Board of Trustees. The appeal shall be taken by filing with the Town Board of Trustees, 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 Town Board of Trustees 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 Town Board of Trustees after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

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

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor", the expiration date of the license, and the number of the license. The license shall be kept with the licensee during the time he or she is engaged in the business licensed.

Penalty, see § 10.99

§ 111.09 TOWN POLICY ON SOLICITING.

It is hereby declared to be the policy of the town that the occupants of the residences in the town shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 111.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors to any residence shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant and containing the applicable words, as follows:

"NO SOLICITORS INVITED"

(B) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 111.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every solicitor upon going onto any premises in the town upon which a residence is located to first examine the notice provided for in § 111.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 111.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 111.10 above.

Penalty, see § 10.99