

**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. LICENSES**

**111. PEDDLERS**



## CHAPTER 110: LICENSES

### Section

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- 110.04 Duration and inspections
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**Statutory reference:**

*Regulation of businesses, professions, and occupations, see I.C. 36-8-2-10*

**Cross-reference:**

*Town Council approval required for franchises, see § 31.25*

### § 110.01 AUTHORITY TO LICENSE.

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

(<sup>99</sup> Code, § 4-1)

**Statutory reference:**

*Authority to license, see I.C. 36-1-8*

### § 110.02 APPLICATION.

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

(<sup>99</sup> Code, § 4-2)

### § 110.03 GRANT OR DENIAL OF LICENSE; FEES.

(A) After examination, the Clerk-Treasurer shall grant such permit or license, unless good cause is shown why the permit or license should not be granted.

(B) Any denials may be petitioned to the Town Council at their next regularly scheduled meeting.  
(<sup>99</sup> Code, § 4-3)

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

(^99 Code, § 4-5(a))

#### **§ 110.04 DURATION AND 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.

(B) Every person who is issued a license under the provisions of this chapter shall display the license on the premises where 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.

(^99 Code, § 4-4) Penalty, see § 10.99

#### **§ 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.

(^99 Code, § 4-6)

#### **§ 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 as further addressed in § 110.04.

(^99 Code, § 4-7) Penalty, see § 10.99

#### **§ 110.07 SUSPENSION OF LICENSE FOR VIOLATION.**

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.

(^99 Code, § 4-5(b)) Penalty, see § 10.99

## CHAPTER 111: PEDDLERS

### Section

- 111.01 License required
- 111.02 License duration
- 111.03 License fees
- 111.04 Conditions for issuance of license
- 111.05 Display of license required
- 111.06 Exceptions
- 111.07 Notice Regulating Soliciting

111.99 Penalty

**Statutory reference:**

*Regulation of transient merchants, see I.C. 25-37-1-1 through 25-37-1-15*

### **§ 111.01 LICENSE REQUIRED.**

(A) It shall be unlawful for any hawker or peddler or other itinerant dealer (by wholesale or retail) in goods, wares and services or merchandise to offer the same for sale or to distribute, or cause to be distributed, in any vehicle or otherwise in the town, or go from house to house in the town or to distribute, or cause to be distributed, and offer for sale any such goods, wares, services or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first obtained a license for that purpose as in this chapter provided.

(B) It shall be unlawful for any hawker or other person to offer for sale on any street or public place within the town, of to distribute or cause to be distributed, any goods, wares, services or merchandise, or by attracting persons to purchase any goods, wares, services or merchandise by placards or signs or otherwise, without having first obtained a license for that purpose as in this chapter provided.  
(`99 Code, § 4-30) (Ord. 362, passed 12-2-63) Penalty, see § 111.99

### **§ 111.02 LICENSE DURATION.**

No license shall be issued under this chapter for less than one day, nor for a longer period than one year, and all licenses shall be signed by the President of the Town Council and countersigned by the Clerk-Treasurer.  
(`99 Code, § 4-31) Penalty, see § 111.99

**§ 111.03 LICENSE FEES.**

The amount to be paid for a license under this chapter shall be \$40 for one day; \$60 for one month; \$90 for six months; and \$150 for one year.

(`99 Code, § 4-32) (Ord. 611, passed 12-8-94)

**§ 111.04 CONDITIONS FOR ISSUANCE OF LICENSE.**

(A) It shall be the duty of the Clerk-Treasurer to make out all licenses granted to peddlers, hawkers, and itinerant dealers under this chapter, and the President of the Town Council shall properly sign the same, upon the Clerk-Treasurer receiving from the applicant the proper fee for such license.

(B) Not less than ten days prior to the issuance of any license by the Clerk-Treasurer, as provided above, an applicant for a license, as a condition to the issuance of such license, shall furnish to the Clerk-Treasurer, a facial photograph of the applicant and any other identification material requested by the Clerk-Treasurer. The applicant shall at the time of making application, further indicate in writing to the Clerk-Treasurer the type of goods, wares, services and merchandise he or she desires to sell or distribute in the town, where the goods, wares or merchandise are to be shipped from, and the method of payment requested of the persons purchasing same.

(`99 Code, § 4-33) (Ord. 362, passed 12-2-63)

**§ 111.05 DISPLAY OF LICENSE REQUIRED.**

It shall be unlawful for any peddler, hawker, or other person to refuse to show his or her license when requested to do so by any person to whom he or she shall offer to sell any goods, wares, services or merchandise, or to the Marshal, or any police officer of the town, when so requested by them.

(`99 Code, § 4-34) (Ord. 362, passed 12-2-63) Penalty, see § 111.99

**§ 111.06 EXCEPTIONS.**

Nothing in this chapter shall be so construed as to apply to residents of the town who sell, offer for sale, distribute or cause to be distributed any article or thing raised, grown, or made by such resident, nor shall this chapter be so construed as to apply to the sale or distribution of newspapers, nor to bona fide residents of the town when soliciting for local non-profit organizations and all charitable and religious organizations.

(`99 Code, § 4-36) (Ord. 362, passed 12-2-63)

**§ 111.07 NOTICE REGULATING SOLICITING.**

(A) Notice of the refusal of invitation to solicitors to any residence shall be exhibited upon or near the main entrance to the residence, indicating the determination by the occupant, containing the applicable words as follows: "NO SOLICITORS INVITED".

(B) The letters shall be at least  $\frac{1}{3}$  inch in height.

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

**§ 111.99 PENALTY.**

Any person convicted of violating any of the provisions of this chapter shall be subject to a minimum fine of \$25 if paid to the Clerk-Treasurer within five days of the violation, and thereafter shall be subject to a fine of \$100 for the violation.

(`99 Code, § 4-35) (Ord. 655, passed 12-6-99)

