

## **TITLE XI: BUSINESS REGULATIONS**

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## CHAPTER 110: BUSINESS LICENSING

### Section

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#### ***Statutory reference:***

*Regulation of businesses and professions, see IC 36-8-2-10*

## ***ELECTRICIANS***

### **§ 110.01 APPLICATION FOR LICENSE.**

(A) Any person desiring to do business as an electrician in the city shall file an application to do so with the City Clerk/Treasurer. That application shall state the name of the applicant and the proposed place of business. The applicant shall also furnish the Mayor with two affidavits by disinterested freeholders of the state, certifying that the applicant has been a licensed electrician in the city for not less than three years immediately prior to the time the application is filed or that the applicant has been employed by or worked for a licensed electrician of the city for not less than three years immediately prior to the filing of the application, or has been licensed as an electrician or employed by or worked for a licensed electrician, in any city or town within the state which issues electrician licenses. ('86 Code, § 36-8-2-10(b)(1))

(B) The application shall state that the applicant shall respect all current or future city rules and regulations governing electricians and shall be signed by the applicant. ('86 Code, § 36-8-2-10(b)(2)) (Ord. 300, passed 12-23-71) Penalty, see § 110.99

#### **§ 110.02 BOND REQUIREMENT.**

The applicant shall file a bond with the City Clerk/Treasurer simultaneously with the application. That bond shall be by two or more resident sureties or a surety company to be approved by the City Clerk/Treasurer in the sum of \$500, payable to the city for the use and benefits of any interested persons. The bond shall be conditioned upon the fact that the applicant shall indemnify and hold harmless the city and all interested persons from all damages caused by the negligence in protecting the work or by any unfaithful imperfection or inadequate work done under that license, and that the applicant shall replace and restore sidewalks, pavement or street surfaces or any opening that the applicant has made, to as good a condition as found and keep and maintain the same in good order to the satisfaction of the city, or its authorized representative or the persons for which that work may be done for a period of two years thereafter and that the applicant shall pay all fines imposed upon the applicant for violation of this section. The license shall be recorded in the office of the City Clerk/Treasurer. ('86 Code, § 36-8-2-10(b)(3)) (Ord. 300, passed 12-23-71)

#### **§ 110.03 NOTIFICATION OF NAME CHANGE.**

The applicant shall notify the City Clerk/Treasurer immediately of any change of name under which the licensed business is transacted. ('86 Code, § 36-8-2-10(b)(4)) (Ord. 300, passed 12-23-71)

#### **§ 110.04 DURATION OF LICENSE.**

No license shall be granted with a duration of more than one year. All licenses issued under this subchapter shall expire on the following December 31. ('86 Code, § 36-8-2-10(b)(5)) (Ord. 300, passed 12-23-71)

#### **§ 110.05 LICENSE FEES.**

(A) The city shall charge the following fees for each license issued under this subchapter:

- (1) \$25 for the first year of operation; and
- (2) \$5 for each following year.

(B) If any applicant fails to submit an application to renew an existing license prior to its expiration on December 31, any application for a license filed after that date shall be deemed a new application for a license and shall be issued only upon payment of the fee for first-year licenses set forth above. ('86 Code, § 36-8-2-10(b)(6)) (Ord. 300, passed 12-23-71)

**§ 110.06 NOTICE OF VIOLATION.**

The city shall, by personal service or by sending a letter regular U.S. mail, postage prepaid, to the premises of the applicant, give written notice to any person who violates any provision of this subchapter. That person shall be given ten days following the service of that notice to comply with this subchapter.

('86 Code, § 36-8-2-10(c)) (Ord. 300, passed 12-23-71; Ord. 465, passed 9-12-83)

***DEMOLITION OF BUILDINGS***

**§ 110.20 PERMIT REQUIRED.**

(A) Any person engaging in the demolition of a building shall be required to obtain a permit from the Office of the Building Inspector. Each application for such permit shall set forth in detail a description of the proposed building to be demolished.

(B) The permit and inspection fees for a demolition permit shall be as follows:

(1) For a single-family residence, the fee shall be \$150 plus one final inspection at a fee of \$15.

(2) For a multi-family residence, the fee shall be \$150 plus one inspection for each unit of the multi-family residence at \$ 15 per unit.

(3) For a commercial structure, the fee shall be \$5 for each 1,000 cubic feet of structure to be demolished.

(4) For an industrial structure, the fee shall be \$5 for each 1,000 cubic feet of structure to be demolished.

(C) (1) *Permit requirements; conditions.* A person must not demolish or remove a building or structure unless the Building Inspector has issued a permit to do so under this section. Each demolition or removal permit must require the applicant to:

(a) Before demolishing or removing a building or structure, exterminate any rodents or other pests in it;

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(b) After demolition or removal, clear all construction and demolition debris;

(c) Restore the established grade of the surrounding land, unless a sediment control permit is otherwise required; and

(d) At all times, keep the site free from any unsafe condition.

(2) *Notice to adjoining owners.* The Building Inspector must mail written notice, at least ten days before the Building Inspector issues a permit to remove or demolish a building or structure, to the owner of each adjacent and confronting lot. The applicant must give the Building Inspector the name and address of the owner of each adjacent and confronting lot. The notice must identify the building or structure to be demolished or removed, specify the process for issuing the permit and the time limit to appeal the issuance of a permit to the Board of Appeals, and include any other information the Building Inspector finds useful. The Building Inspector need not deliver this notice if unsafe conditions require immediate demolition or removal of the building or structure.

(3) *Notice to utilities.* Before the Building Inspector may issue a demolition or removal permit, the applicant must notify each connected public utility and obtain a written release confirming that all service connections and appurtenant equipment, such as meters and regulators, have been safely disconnected and sealed.

(4) *Notice to Indiana Department of Environmental Management.* Before the Building Inspector may issue a demolition or removal permit of any facility as that term is defined by 326 IAC 14-10-2(16), the premises shall be inspected by an asbestos inspector licensed by the Indiana Department of Environmental Management to determine whether or not there is asbestos containing material to be removed. If regulated asbestos containing material is to be removed, then a removal contractor licensed by the Indiana Department of Environmental Management must be retained to perform the removal. In these cases, IDEM State Form 44593 must be filed with the Building Inspector after the filing of said form with the Indiana Department of Environmental Management before a demolition or removal permit for any such facility can be issued.

(5) *Public liability insurance.* Each applicant for a demolition or removal permit must provide a certificate of insurance demonstrating that the applicant has in effect public liability insurance in coverage amounts deemed appropriate for the scope of the demolition project as determined by the City Building Inspector.

(Ord. 1016, passed 9-12-00; Am. Ord. 1333, passed 6-8-09)

**§ 110.21 PERFORMANCE BOND.**

(A) Each applicant for a demolition or removal permit must file a performance bond, cash, certificate of guarantee, or surety with the Department, in an amount equal to the cost of demolition or removal, to assure the safe and expedient demolition or removal of the building or structure and clearing

of the site. If the building or structure is not demolished or removed and the site is not cleared of all debris within the time specified in the permit, but not sooner than 60 days after the permit is issued, the Building Inspector may enter the property, demolish or remove the building or structure, clear the site of debris, and take action to forfeit the performance bond, enforce the guarantee, or otherwise reimburse the city for its cost.

(B) If the demolition is to be performed by the owner or occupant of the premises and not by an independent contractor, then a performance bond, cash, certificate of guaranty, or surety shall be in an amount equal to \$10 for each 100 cubic feet of structure to be demolished.

(Ord. 1333, passed 6-8-09)

**§ 110.99 PENALTY.**

(A) If any person fails to comply with the terms of §§ 110.01 through 110.06 of this chapter after receiving the written notice provided for in § 110.06, that person shall be deemed guilty of an ordinance violation and, upon conviction, shall be fined not more than \$500 plus court costs. Each day a violation occurs or continues following the expiration of the ten-day violation correction period constitutes a separate offense.

(B) Any person, business entity or corporation violating any provision of § 110.20 shall be subject to a civil penalty of not less than \$500 and more than \$2,500 for each offense.

('86 Code, § 36-8-2-10(c)) (Ord. 300, passed 12-23-71; Am. Ord. 465, passed 9-12-83; Am. Ord. 1016, passed 9-12-00)





## **CHAPTER 111: ALCOHOLIC BEVERAGES**

[Reserved for future legislation.]



## CHAPTER 112: AMUSEMENTS

### Section

#### *Coin-Operated Amusement Devices*

- 112.01 Definitions
- 112.02 License required
- 112.03 Operator's license fee
- 112.04 License application; nontransferability
- 112.05 Deposit of license fees
- 112.06 Increasing number of devices
- 112.07 Filing evidence of ownership
- 112.08 Compliance with other laws
- 112.09 Revocation of license
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#### *Street Fairs and Carnivals*

- 112.20 Definition
- 112.21 Temporary obstruction of city property
- 112.22 License required
- 112.23 Traffic regulation during events
- 112.24 Fees
- 112.25 Insurance requirements

- 112.99 Penalty

#### ***Statutory reference:***

*Regulation of businesses and professions, see IC 36-8-2-10*

*Regulation of public gatherings, see IC 36-8-2-9*

### ***COIN-OPERATED AMUSEMENT DEVICES***

#### **§ 112.01 DEFINITIONS.**

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

**COIN-OPERATED AMUSEMENT DEVICE.** Any amusement machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor any coin-operated mechanical musical devices.

**PROPRIETOR.** Any person who, as the owner, lessee, or proprietor has under his, her or its control any establishment, place or premises in or at which a coin-operated amusement device is placed or kept for use or play, or on exhibition for the purpose of use or play.  
( '86 Code, § 36-8-2-10(a)(1)) (Ord. 465, passed 9-12-83)

### **§ 112.02 LICENSE REQUIRED.**

No proprietor shall engage in the business of coin-operated amusement devices, billiard tables, card tables, pool tables and pinball machines, without first having obtained the proper license under this subchapter.

( '86 Code, § 36-8-2-10(a)(2)) (Ord. 465, passed 9-12-83) Penalty, see § 112.99

### **§ 112.03 OPERATOR'S LICENSE FEE.**

The license fee for each proprietor shall be \$40 per coin-operated amusement device, billiard table, card table, pool table and pinball machine, up to \$150 per location in which the proprietor maintains coin-operated amusement devices. All proprietors' license fees shall be payable annually in advance. However, if the application is made after the expiration of any portion of any license year, the city may issue a license for the remainder of that year upon payment of a proportionate part of the annual fee. In no case shall any portion of the license fee be refunded to the licensee.

( '86 Code, § 36-8-2-10(a)(3)) (Ord. 465, passed 9-12-83)

### **§ 112.04 LICENSE APPLICATION; NONTRANSFERABILITY.**

(A) Applications for licenses shall be filed with the City Clerk/Treasurer on a form provided by the city, and shall specify:

(1) The name, address and telephone number of the applicant, and if a firm, corporation, partnership or association, its principal officers and their addresses.

(2) The address of the premises where the licensed device or devices are to be operated, together with the character of the business carried on at that place.

(3) The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number and, if the applicant is a proprietor, the number of devices to be licensed.

(4) The name, address and telephone number of the owner or owners of the device or

devices, if other than the proprietor.

(B) The proper license fee shall accompany all applications. The City Clerk/Treasurer shall refer all applications for licenses under this subchapter to the Mayor. The Mayor shall make any investigation of the application which that officer deems necessary. If the Mayor approves the application, the license shall be issued by the Clerk/Treasurer. If the Mayor denies the application, the fee shall be returned to the applicant. All licenses issued under this subchapter shall expire on April 30 following their issuance. The license shall be posted in a conspicuous place in the establishment of the licensee. The license shall be nonassignable and nontransferable, and, in the case of a proprietor, shall apply only to the premises for which that license was issued.

('86 Code, § 36-8-2-10(a)(4)) (Ord. 465, passed 9-12-83) Penalty, see § 112.99

#### **§ 112.05 DEPOSIT OF LICENSE FEES.**

The Clerk/Treasurer shall deposit and credit all fees received under this subchapter to the Non-reverting Capital Fund of the Department of Parks and Recreation.

('86 Code, § 36-8-2-10(a)(5)) (Ord. 465, passed 9-12-83)

#### **§ 112.06 INCREASING NUMBER OF DEVICES.**

If a licensed proprietor desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played or exhibited for use or play in the licensed establishment, the proprietor shall surrender that license to the City Clerk/Treasurer, who shall issue a new license upon payment of the fee required under this subchapter. This license shall indicate the number of devices licensed under it.

('86 Code, § 36-8-2-10(a)(6)) (Ord. 465, passed 9-12-83) Penalty, see § 112.99

#### **§ 112.07 FILING EVIDENCE OF OWNERSHIP.**

Any proprietor who owns or leases any coin-operated amusement device on January 1 shall file evidence of ownership with the City Clerk/Treasurer before the city shall issue a license under this subchapter. Any proprietor purchasing or leasing any coin-operated amusement device after January 1 shall file evidence of ownership with the City Clerk/Treasurer before exhibiting or placing that device for use or play.

('86 Code, § 36-8-2-10(a)(7)) (Ord. 465, passed 9-12-83) Penalty, see § 112.99

#### **§ 112.08 COMPLIANCE WITH OTHER LAWS.**

No proprietor shall maintain any premises licensed under this subchapter in violation of any other section of this code of ordinances or of state or federal law, or of any administrative regulation of any state or federal agency. No proprietor shall knowingly permit any person to violate any city code

section, city ordinance, or state or federal law while on the premises licensed under this subchapter. ('86 Code, § 36-8-2-10(a)(8)) (Ord. 465, passed 9-12-83) Penalty, see § 112.99

#### **§ 112.09 REVOCATION OF LICENSE.**

The Mayor may revoke any license issued under this subchapter if the proprietor violates any provision of this subchapter. The Mayor shall revoke the license only after complying with IC 36-4-5-5. ('86 Code, § 36-8-2-10(a)(9)) (Ord. 465, passed 9-12-83)

#### **§ 112.10 NOTICE OF VIOLATION.**

The city shall, by personal service or by sending a letter regular U.S. mail, postage prepaid, to the premises of the applicant, give written notice to any person who violates any provision of this subchapter. That person shall be given ten days following the service of that notice to comply with this subchapter.

('86 Code, § 36-8-2-10(c)) (Ord. 300, passed 12-23-71; Ord. 465, passed 9-12-83)

### ***STREET FAIRS AND CARNIVALS***

#### **§ 112.20 DEFINITION.**

For the purpose of this subchapter, *CARNIVAL* means and includes amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill food dispensing facilities and side shows. A carnival shall not include gambling devices, games of chance, lotteries or other activities in violation of city or state law.

('86 Code, § 36-8-2-9(a)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)

#### **§ 112.21 TEMPORARY OBSTRUCTION OF CITY PROPERTY.**

The City Board of Public Works and Safety may permit the temporary obstruction of any city property other than a public street for no more than 54 hours to locate and operate carnivals during the commercial promotion known as "Maxwell Street Days" and "Fodder Festival". The 54-hour period shall run from 12:00 a.m. Thursday until 6:00 a.m. Sunday.

('86 Code, § 36-8-2-9(b)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)

#### **§ 112.22 LICENSE REQUIRED.**

The sponsoring organization or individual of the "Maxwell Street Days" or of the "Fodder

Festival” shall apply for a license permitting the obstruction of any city property for the location of a carnival no later than 60 days before the first day of the proposed operation of that carnival. The applicant shall furnish suitable evidence of its intention and ability to comply with the following conditions and upon the issuance of a license shall so comply.

(A) The operators and the sponsors of the carnival shall each be wholly responsible for maintaining order for keeping the site clean, free of trash, paper, and other debris.

(B) No rides shall be placed in operation for public use until adequate safe guards shall be placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches and other possible or potential hazards.

('86 Code, § 36-8-2-9(c)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84) Penalty, see § 112.99

**§ 112.23 TRAFFIC REGULATION DURING EVENTS.**

The east-bound lane of East Market Street between the Public Square and South High Street may be occupied by various rides, food stands and other exhibits as part of any street fair or carnival associated with the promotions known as Maxwell Street Days and the Salem Fodder Festival. During the periods when the east-bound lane of East Market Street is closed, the west-bound lane of East Market Street shall remain open to one-way west-bound traffic.

('86 Code, § 36-8-2-9(c)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)

**§ 112.24 FEES.**

(A) The schedule of fees for street fairs and carnivals shall be:

For each mechanically operated ride	\$3 per day
For each ride with live animals	\$6 per day
For each food dispensing concession stand	\$3 per day
For all other public amusements	\$3 per day

(B) No fee shall be charged for any amusement activity booth for the conduct of games of skill or food dispensing facility operated by the City Volunteer Fire Department.

('86 Code, § 36-8-2-9(d)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)

**§ 112.25 INSURANCE REQUIREMENTS.**

No license shall be issued for conducting a carnival until the applicant therefore has placed on file with the City Clerk/Treasurer 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 such carnival. Such insurance shall be in the minimum amount of \$100,000 for each person and \$300,000 for each accident.

('86 Code, § 36-8-2-9(e)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)

#### **§ 112.99 PENALTY.**

(A) If any person fails to comply with the terms of §§ 112.01 through 112.10 after receiving the written notice provided for in § 112.10, that person shall be deemed guilty of an ordinance violation and, upon conviction, shall be fined not more than \$500 plus court costs. Each day a violation occurs or continues following the expiration of the ten-day violation correction period constitutes a separate offense. ('86 Code, § 36-8-2-10(c)) (Ord. 300, passed 12-23-71; Am. Ord. 465, passed 9-12-83)

(B) Any person violating any provisions of §§ 112.20 through 112.25 shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined a sum not less than \$5 for each offense. Each day a violation occurs shall constitute a separate offense. ('86 Code, § 36-8-2-9(f)) (Ord. 350, passed 9-6-77; Am. Ord. 481, passed 4-9-84)



## CHAPTER 113: CABLE TELEVISION

### Section

113.01 Cable television franchises

113.02 FCC rate regulations

### § 113.01 CABLE TELEVISION FRANCHISES.

(A) The city hereby ratifies all cable television franchises and all amendments to those franchises approved by the city prior to the adoption of this code of ordinances.

(B) No additional cables, wires, towers or receivers shall be installed by any community and closed circuit television system in the city for providing service to new areas without submitting its plans to do so to the Common Council for prior approval, which shall not be unreasonably withheld. This division shall not apply to the connection of an individual subscriber to the existing distribution system of the permittee.

(C) No service area or part of the community and closed circuit television system permittee's distribution system shall be deleted within the territory comprising the city's zoning jurisdiction without the prior approval of the Council.

(D) No grantee of a permit to operate a community and closed circuit television system in the city shall assign rights, privileges and permits under it without the prior written consent of the Council, and without first posting a reasonable corporate surety bond. This shall not apply if the grantee of a permit assigns its rights, privileges and permits to a subsidiary corporation with prior written notice to the Council.

('86 Code, § 25-36-1-3) (Ord. 253, passed 8-1-66; Am. Res. passed 11-16-78; Am. Ord. 392, passed 5-5-80; Am. Ord. 420, passed 12-7-81)

***Cross-reference:***

*Cable, community and closed circuit television franchises, see T.S.O. V*

### § 113.02 FCC RATE REGULATIONS.

(A) The city will follow the FCC Rate Regulations in its regulation of the basic service rates and charges of the company holding the franchise and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the franchise.

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(B) In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties.

(C) The Mayor, or his or her designee, is authorized to execute on behalf of the city and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the city to regulate basic service rates and charges.  
(Ord. 792, passed 11-8-93)

## CHAPTER 114: TAXICABS

### Section

- 114.01 Definition
- 114.02 License required
- 114.03 Character of applicant
- 114.04 Annual fee; display of tag or sticker
- 114.05 Vehicle regulations
- 114.06 Regulation of drivers
- 114.07 Insurance requirements
- 114.08 Taxicabs not to be used in crimes
- 114.09 Passengers; cab stands
- 114.10 Rates of fare
- 114.11 Lost articles
- 114.12 Revocation of licenses
  
- 114.99 Penalty

### § 114.01 DEFINITION.

For the purpose of this chapter, **TAXICAB** means any vehicle used to carry passengers for hire but not operating on a fixed route.

('86 Code, § 36-9-2-4(a)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82)

### § 114.02 LICENSE REQUIRED.

No person shall operate any taxicab in the city without first obtaining a license under this chapter to do so. Any person wishing to operate a taxicab in the city shall submit a written application to the City Clerk/Treasurer. The application shall state the name of the applicant, the intended place of business, and the number of taxicabs to be operated. If the applicant is a corporation, the names and addresses of its president and secretary shall be given.

('86 Code, § 36-9-2-4(b)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

**§ 114.03 CHARACTER OF APPLICANT.**

No license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony which bears some relation to the ability of that person to serve the public as a taxicab operator. The city shall not issue a license under this chapter to any corporation, firm or other legal entity if any of its officers would be ineligible for a license under this section.

('86 Code, § 36-9-2-4(c)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82)

**§ 114.04 ANNUAL FEE; DISPLAY OF TAG OR STICKER.**

(A) The applicant shall pay an annual fee for each license issued under this chapter. That fee shall be \$180 and shall be payable on January 1 and July 1 of each year in installments of \$90.

(B) The fee shall be lieu of any other vehicle fee required by any city ordinance. The Clerk/Treasurer shall issue suitable tags or stickers for the number of cabs covered by each license. A city tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service.

(C) The licensee shall notify the Clerk/Treasurer of the motor number and state license number of each taxicab which the licensee operates and of the city tag or sticker number affixed on each vehicle. ('86 Code, § 36-9-2-4(d)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

**§ 114.05 VEHICLE REGULATIONS.**

(A) No person shall operate any taxicab unless it bears a duly issued state license. No person shall operate any taxicab unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirrors, and windshield wipers in good condition. The City Police Chief shall inspect every taxicab licensed under this chapter at least once every three months to enforce the requirements of this chapter.

(B) Each taxicab, while operated, shall have letters on its side which are legible from a distance of 20 feet, stating the name of the taxicab licensee. If more than one cab is operated by a licensee, each cab shall be designated by a different number, and that number also shall be similarly legible on each side of each cab.

('86 Code, § 36-9-2-4(e)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

**§ 114.06 REGULATION OF DRIVERS.**

(A) No person shall drive a taxicab, or be hired or permitted to do so, unless that person has been

issued a public passenger chauffeur license by the State Bureau of Motor Vehicles.

(B) No person operating a taxicab shall drink any intoxicating liquor while operating that vehicle, or use any profane or obscene language, or shout or call to prospective passengers, or disturb the peace in any way.

('86 Code, § 36-9-2-4(f))

(C) Every driver of a taxicab shall obey all traffic rules established by the state or this code of ordinances. ('86 Code, § 36-9-2-4(h))

(D) No person shall drive a taxicab without first paying a fee of \$5 per year to the city. All taxicab driver's licenses shall expire on January 1. ('86 Code, § 36-9-2-4(m))

(E) The Mayor may revoke any taxicab driver's license for repeated violations of city or state law, upon following the procedure set forth in IC 36-4-5-5. ('86 Code, § 36-9-2-4(n))

(Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

#### **§ 114.07 INSURANCE REQUIREMENTS.**

No person shall operate any taxicab unless it is covered by a bond or public liability policy providing \$100,000 coverage for each personal injury claim, \$300,000 coverage for aggregate occurrence of personal injury, and \$50,000 of coverage for each occurrence of property damage.

('86 Code, § 36-9-2-4(g)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

#### **§ 114.08 TAXICABS NOT TO BE USED IN CRIMES.**

No person shall knowingly permit any taxicab to be used in the perpetration of a felony or misdemeanor.

('86 Code, § 36-9-2-4(i)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

#### **§ 114.09 PASSENGERS; CAB STANDS.**

(A) No person operating any taxicab shall refuse to accept any person as a passenger unless that person is intoxicated or behaves in a disorderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of that passenger. ('86 Code, § 36-9-2-4(j))

(B) The locations of cab stands on the city streets shall be regulated by Title VII of this code of ordinances. ('86 Code, § 36-9-2-4(l))  
(Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

***Cross-reference:***

*Bus and taxi zones, see Chapter 73, Sched. II*

**§ 114.10 RATES OF FARE.**

Any person operating a taxicab business in the city holding a license under the provisions of this chapter is hereby authorized to charge fares on the basis of a flat fee per passenger, a flat fee per trip, a metered basis for the distance traveled in the transport of the passenger, a metered basis for the time expended in the transport of a passenger or any combination of these bases for charging fares, provided that any fares to be charged shall first be approved by a resolution adopted by the Common Council. ('86 Code, § 36-9-2-4(k))(Ord. 88, passed 1-6-47; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82; Am. Ord. 553, passed 9-8-86)

**§ 114.11 LOST ARTICLES.**

Every person operating a taxicab shall promptly notify the City Police Department of all articles found in any taxicab and supply a description of those articles, where they are kept, and where they may be found, so that they may be returned to the owner. ('86 Code, § 36-9-2-4(o)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82) Penalty, see § 114.99

**§ 114.12 REVOCATION OF LICENSES.**

Any taxicab operator license issued under the terms of this chapter may be revoked by the Mayor under IC 36-4-5-5. If the Mayor revokes any taxicab operator license, the unearned prorated share of the license fee paid for any year shall be refunded to the licensee. Any license issued under the terms of this chapter shall be issued subject to the right reserved in the city to amend, supplement, or repeal this chapter or any part of it. ('86 Code, § 36-9-2-4(p)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82)

**§ 114.99 PENALTY.**

Any person who violates any provision of this chapter shall be deemed guilty of an ordinance violation and, upon conviction, shall be fined not less than \$10 nor more than \$500. Each day any

violation occurs or continues constitutes a separate offense.

('86 Code, § 36-9-2-4(q)) (Ord. 88, passed 1-6-47; Am. Ord. 181, passed 9-4-56; Am. Ord. 217, passed 12-28-60; Am. Ord. 426, passed 1-4-82)





## CHAPTER 115: TRANSIENT MERCHANTS

### Section

- 115.01 Definition
- 115.02 City regulation of transient merchants
- 115.03 Identification to be displayed
- 115.04 Property with signs prohibiting soliciting

#### ***Statutory reference:***

*Additional city or town tax, license and regulation authorized, see § 25-37-1-11*

### **§ 115.01 DEFINITION.**

For the purpose of this chapter, ***TRANSIENT MERCHANT*** shall be defined as set forth in IC 25-37-1-1, et seq. and specifically excludes any person selling agricultural products raised on his or her own land.

('86 Code, § 25-37-1-11(b)) (Ord. 108, passed 1-4-49; Am. Ord. 119, passed 2-15-50)

### **§ 115.02 CITY REGULATION OF TRANSIENT MERCHANTS.**

(A) The city hereby taxes, licenses, and regulates transient merchants and charges a fee for the transaction of business by transient merchants, and provides for the punishment of persons violating this chapter. ('86 Code, § 25-37-1-11(a))

(B) All transient merchants shall obtain a permit from the Clerk/Treasurer before engaging in business. ('86 Code, § 25-37-1-11(c))

(C) The city imposes a licensing fee of \$3 per day or \$75 per year to defray the administrative cost of exercising its regulatory power. This fee shall be paid in full prior to the issuance of the license. ('86 Code, § 25-37-1-11(d))

(E) No person shall accompany a transient merchant during the transaction of business unless the transient merchant has obtained a permit under this chapter. ('86 Code, § 25-37-1-11(e)) (Ord. 108, passed 1-4-49; Am. Ord. 119, passed 2-15-50) Penalty, see § 10.99

### **§ 115.03 IDENTIFICATION TO BE DISPLAYED.**

All transient merchants and solicitors shall display on their person identification which clearly

states their name and the organization, if any, with which they are affiliated within the transaction of business under this chapter.

('86 Code, § 25-37-1-11(f)) (Ord. 108, passed 1-4-49; Am. Ord. 119, passed 2-15-50) Penalty, see § 10.99

#### **§ 115.04 PROPERTY WITH SIGNS PROHIBITING SOLICITING.**

No transient merchant shall enter any property in the city upon which a sign or notice stating “no solicitors” or words to that affect is posted and plainly visible.

('86 Code, § 25-37-1-11(g)) (Ord. 108, passed 1-4-49; Am. Ord. 119, passed 2-15-50) Penalty, see § 10.99

## CHAPTER 116: MOBILE RESTAURANTS, FOOD TRUCKS, AND TRAILERS

### Section

- 116.01 Defined
- 116.02 Permit
- 116.03 Criteria, rules and policies
  
- 116.99 Penalty

#### § 116.01 DEFINED.

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

**MOBILE FOOD TRUCK.** A mobile vehicle, including a truck and/or trailer, for the cooking and selling of food.

(Ord. 2016-1555, passed 9-12-16)

#### § 116.02 PERMIT.

There shall be a special, annual permit for mobile food trucks that meets the criteria set forth in § 116.03. Permit fee schedules will be maintained in the City Clerk's office, and may be amended by the Board of Public Works and Safety from time to time.

(Ord. 2016-1555, passed 9-12-16)

#### § 116.03 CRITERIA, RULES AND POLICIES.

A mobile food truck operator may be entitled to apply for an annual permit under the following conditions:

(A) Anyone operating a mobile food truck must comply with all applicable city and state Health Department laws and regulations, and must maintain compliance while operating under a city mobile food truck permit.

(B) Mobile food truck operators must comply with and apply for their permit pursuant to Chapter 114, as amended or replaced.

(C) Mobile food trucks may not engage in selling food or beverages between the hours of 10:00 p.m. and 6:00 a.m. in a public right-of-way.

(D) All equipment used or provided shall be in good repair, and shall meet the standards required in 410 I.A.C. 7-24, as amended, and I.C. Ch. 16.

(E) All mobile food trucks shall meet the requirements as set forth by the city, as amended from time to time. Such requirements shall be available to any mobile food truck operator requesting a permit, and may be obtained from the City Clerk's office.

(F) Food must be vended from the curb and not the street side of the mobile food truck.

(G) In the event that a food truck operator changes the product sold, as was approved on the operator's city permit, an amended permit shall be applied for at the City Clerk's office and obtained at no additional cost to the operator. The new product to be sold must still meet all city requirements and the regulations of this chapter.

(H) All mobile food trucks shall be equipped at all times with an operating and up to code 5 pound ABC fire extinguisher.

(I) The food truck operator shall comply with all city parking regulations.

(J) All other relevant provisions of this chapter shall apply to the operation of a mobile food truck. (Ord. 2016-1555, passed 9-12-16)

#### **§ 116.99 PENALTY.**

Violations of any provisions set forth herein or requirements established by the city, as amended from time to time, may result in revocation of the food truck operator's permit and a penalty in the amount of \$100 per day that the food truck operator continues its operation without a permit. (Ord. 2016-1555, passed 9-12-16)