

TITLE XI: BUSINESS REGULATIONS

Chapter

110. LICENSING AND REGULATIONS

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GENERAL PROVISIONS

§ 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 powers.

(`87 Code, § 4-1)

Statutory reference:

Authorizing the regulation of business crafts, professions and occupations, see I.C. 36-8-2-10
Providing towns with licensing power, see I.C. 36-1-3-8(5)

§ 110.02 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 not 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.

(`87 Code, § 4-2)

§ 110.03 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 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's citizens.

(`87 Code, § 4-3)

Statutory reference:

Addressing license revocations or suspensions by the town executive, see I.C. 36-5-4-11

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

REGULATIONS**§ 110.20 ITINERANT MERCHANTS.**

(A) No person shall sell or take orders for any goods or services without first applying for and being issued a registration certificate.

(B) An applicant for a registration certificate shall execute an application form at the office of the Clerk-Treasurer prior to engaging in any soliciting in the town. The form shall require:

- (1) The applicant's name, home address and local address, if any;
- (2) The make, model year and license plat number of the applicant's automobile;
- (3) A photograph or a physical description of the applicant;
- (4) The name and address or principal office of the person, firm, organization or corporation for whom the applicant is authorized to conduct such activity solely on his or her own behalf;
- (5) A brief description of the type of goods or services to be sold and a statement whether delivery of such goods or services is to be immediate or in the future;
- (6) That applicant appear at the Police Department and allow himself or herself to be fingerprinted;
- (7) A sample of the order and receipt form used by applicant if the applicant canvasses or solicits orders.

(C) At the time of executing such application form, the applicant shall also submit in person for the inspection of the Chief of Police written proof of his or her identity and a specimen of the applicant's signature.

(D) If, after the issuance of the registration certificate, the information in the application shall become inaccurate for any reason and the holder of the registration certificate intends to continue his or her activity, notice of such change and the correct information shall be furnished to the office of the Clerk-Treasurer within 24 hours.

(E) The certificate issued shall be for a period of two months from the date of issuance and shall expire on the date specified in the certificate.

(F) Upon compliance of the applicant with the above provisions, the Clerk-Treasurer shall issue a registration certificate which shall be dated and signed by the Clerk-Treasurer, providing that the Clerk-Treasurer has not found applicant's previous registration certificate revoked. Each applicant shall pay the Clerk-Treasurer the sum of \$10 to defray the costs of the administration of this section.

(G) All certificates are nontransferable and entitle the holder to sell, distribute, solicit or canvass, within the town, subject to the following conditions:

(1) The holder shall have the certificate in his or her possession at all times and shall exhibit the same at any time upon request by any police officer or by any individual;

(2) The holder shall not enter into or upon any house, building or other structure without the prior consent of the owner or occupant thereof;

(3) The holder of a certificate shall make no false statements or misrepresentations of fact in the course of carrying on the activity for which the certificate is granted and shall conduct himself or herself at all times in an orderly and lawful manner;

(4) The holder of a certificate who takes orders for the future delivery of any type of goods or services shall give written receipt to the purchaser, which shall be signed by the holder and set forth a brief description of the goods or services ordered, the total purchase price and the amount of payment, if any, received by the holder from the purchaser.

(H) Any certificate issued may be revoked by the Clerk-Treasurer after notice of hearing for any fraud, misrepresentation or false statement contained in the application or for failure to correct any statement in the application or for failure to observe the conditions of the certificate.

(I) Notice after hearing for revocation of a certificate shall be in writing, stating the reason for the hearing and the time and place thereof. Notice shall be given to the holder at least three days, if by personal service, and at least five days if by mail, addressed to the holder's last know local address or, if none, his or her home address, prior to the date for the hearing.

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(J) The following are exempt from the provisions of this section:

- (1) Persons engaged in the sale of newspapers;
- (2) Persons who have established permanent places of business within the town limits and salespersons selling at wholesale to such resident merchants;
- (3) Persons representing non-profit service or civic organizations who have an office or chapter located in Hancock County.

(K) Any person found to be in violation of this section shall be fined in an amount as determined by § 10.99.
(Ord. 1995-10A, passed 11-14-95) Penalty, see § 10.99

§ 110.21 LIQUOR RETAILER'S PERMITS.

The consent of the town is given and granted unto the proper legal authorities of the state to issue liquor retailer's permits for the sale of alcoholic, spirituous beverages to applicants otherwise duly qualified to premises within the town, all pursuant to applicable state law.

(`87 Code, § 4-7)

Statutory reference:

Address liquor retailer's permits for small municipalities, see I.C. 7.1-3-9-3