TITLE XI: BUSINESS REGULATIONS

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PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

§ 110.01 DEFINITIONS.

For the purpose of this subchapter 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 city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

"PEDDLER."

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant.

"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.

§ 110.02 LICENSE REQUIREMENT.

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

(B) The fee for the license required by this subchapter shall be as set from time to time by the Common Council.

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

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

§ 110.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk-Treasurer. This application shall be signed by the applicant if an individual, or 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 city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such 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;

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

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

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) 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;

(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 subchapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), 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

§ 110.04 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 such 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:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts; or

(6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 110.05 REVOCATION PROCEDURE.

Any license or permit granted under this subchapter may be revoked by the Mayor, as set forth in IC 36-4-5-5.

§ 110.06 STANDARDS FOR REVOCATION.

A license granted under this subchapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application; or

(B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or

(C) Any violation of this chapter; or

(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 such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 110.07 EXHIBITION OF IDENTIFICATION.

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

(B) The Clerk-Treasurer 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 such time as he is engaged in the business licensed.
Penalty, see § 10.99

HANDBILLS AND POSTERS

§ 110.20 PURPOSE.

In order to protect the people against the nuisance of the promiscuous distribution of handbills and circulars, particularly commercial handbills, the public interests, convenience, and necessity requires the regulation thereof, and to that end the purposes of this section shall be as follows:

(A) To protect the people against the activities or operations of persons representing themselves as solicitors, canvassers, or handbill distributors, by requiring the registration of all such solicitors, canvassers, or handbill distributors, together with the names of their employers, and by regulating the business of handbill and advertising distribution through the imposition of reasonable license fees.

(B) To protect local residents against trespassing by solicitors, canvassers, or handbill distributors on the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(C) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(D) To preserve to the people their constitutional rights to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by the promiscuous distribution of advertising and commercial circulars and the right to deliver noncommercial handbills to all who are willing to receive such handbills.

§ 110.21 DEFINITIONS.

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

"BILLPOSTER." Any person engaging in the business for hire of posting, fastening, nailing, or affixing any written, painted, or printed matter of any kind, containing a message of information of any kind, to any outdoor billboard, or on any bridge, fence, pole, post, sidewalk, tree, or on the exterior of any other structure. This definition shall not apply to or include any sign mounted on, fastened to, or suspended from the outside of any building or other structure, in accordance with and authorized by any provision of this code or any statute, either for any public convenience or use or for regulating the construction or use of outdoor display signs whether the display signs are illuminated or not.

"COMMERCIAL HANDBILL." Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, produce, commodity, or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purposes of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given, or takes place in connection with the dissemination of information which is not restricted under ordinary rules of decency, good morals, public peace, safety, and good orders; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving, or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinances of this city; or,

(4) Which, while containing reading matter other than advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

"HANDBILL DISTRIBUTOR." Any person engaging or engaged in the business for hire or gain of distributing commercial

or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

"NEWSPAPERS." Any newspaper of general circulation as defined by general law, and newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording office as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with no less than four issues per year, and sold to the public.

"NONCOMMERCIAL HANDBILL." Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of commercial handbill or newspaper.

"PRIVATE PREMISES." Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenance to such dwelling, house, building, or other structure.

§ 110.22 DISTRIBUTION OF HANDBILLS.

(A) Throwing or distributing handbills in public places. No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street, or other public place within the city, or hand out or distribute or sell any commercial handbill in any public place; provided, that any person may hand out or distribute or sell to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(B) Placing commercial and noncommercial handbills on vehicle.

(1) No person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle.

(2) This division (B) shall not prohibit any person in any public place from handing out or distributing, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(C) Distributing handbills on streets, highways, and intersections.

(1) No person shall, in the course of distributing commercial or noncommercial handbills to occupants of vehicles temporarily stopped on city streets, highways, or intersections, distribute handbills if such actions:

(a) Obstruct any public street, highway, or intersection by hindering, impeding, or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians;

(b) Create or cause to be created a danger of breach of the peace; or,

(c) Create or cause to be created any danger to the life and safety of pedestrians or occupants of vehicles engaged in lawful passage on any street, highway, or intersection.

(2) Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any handbill distributor on a street, highway, or intersection is causing any of the conditions enumerated in division (C) (1) above, he may, if he deems it necessary for the preservation of the public peace and safety, order the person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this division.

(D) Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

(1) No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant:

(a) Where it is apparent that the property is unoccupied;

(b) Where it is apparent that a previous day's distribution of handbills has not been removed; or

(c) Where the owner has not given his permission to do so.

(E) Distribution of commercial and noncommercial handbills at inhabited private premises.

(1) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises.

(2) Any person may place or

deposit any noncommercial handbill in or on inhabited private premises which are not posted, as provided in division (F) hereafter, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(3) This division (E) shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

(F) Distributing handbills prohibited where premises properly posted. No person shall throw, deposit, or distribute any commercial or noncommercial handbill on private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

(G) No person shall engage in the business of a handbill distributor for hire, without first complying with the provisions of this subchapter and all other relevant laws and regulations.

(H) Nothing contained in this subchapter shall apply to any person advertising his business or activity on his own premises, if such business or activity is regularly established at a definite location in the city, and if a license has been obtained therefor, if a license is required under the terms of any applicable law or ordinance.

(I) Application for commercial distributor's license; contents.

(1) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the Clerk-Treasurer, a distributor's license. Such applicant shall make written application to the Clerk-Treasurer on forms provided for such purpose by the Clerk-Treasurer.

(2) The forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.

(J) License fees. License fees for a commercial distributor's license shall be set by the Common Council.

(K) Transferability of commercial distributor's license. No license issued under this subchapter shall be transferable to any other person.

(L) Refund of license fees. If any commercial distributor's license is surrendered by the licensee or is revoked for cause, neither the licensee named in such license nor any other person shall be entitled to any refund of part of the license fee.

(M) Revocation of commercial distributor license. The Mayor may revoke any license obtained under this subchapter, following the procedures set forth in IC 36-4-5-5.

(N) Exemptions from division. The provisions of this division shall not be deemed to apply to distribution of mail by the United States nor to newspapers.

(O) Commercial handbills; names of printer and distributor required. All commercial handbills which are distributed, deposited, scattered, handed out, or circulated in any place or under any circumstances shall have printed on the corner, front, or back thereof, the following information:

(1) The name and address of the person who printed, wrote, compiled, or manufactured such handbill; and

(2) The name and address of the person who caused such handbill to be distributed.

Penalty, see § 10.99

§ 110.23 BILLPOSTERS.

(A) License required; exception.

(1) No person shall engage in the business of a billposter for hire without first complying with the terms of this subchapter and all other relevant laws and regulations.

(2) Nothing contained in this subchapter shall apply to any person advertising his business or activity on his own premises, if such business or activity is regularly established at a

definite location in such city, and also if a license has been obtained therefor, if such license is required under the terms of any applicable law or ordinance.

(B) Application for billposter's license.

(1) Any person, desiring to engage, as principal, in the business of a billposter for hire, shall make application to and receive from the Clerk-Treasurer a license in the manner and for the period prescribed by the terms of this subchapter.
Such applicant shall make written application to the Clerk-Treasurer on forms provided for such purpose by the Clerk-Treasurer.

(2) The forms shall contain, among other things that may be required, the name, the business address, and a brief description of the nature of the business to be conducted by the applicant, the probable number of agents and employees so to be engaged, together with a request for a license for the period for which the applicant seeks to engage in such business.
Such application shall be accompanied by the fee provided by the Common Council.

(C) Transferability of billposter's license. No license issued under this section shall be transferable to any other person.

(D) Refund of license fee. If any billposter's license is surrendered by the licensee, or is revoked for cause, neither the licensee named in such license, nor any other person, shall be entitled to any refund of any part of the license fee.

(E) Revocation of billposter's license. The Mayor may revoke any license obtained under this subchapter, as set forth in IC 36-4-5-5.
Penalty, see § 10.99

§ 110.24 BILLS AND POSTERS.

(A) Posting notices prohibited; exception. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole, or on any public structure or building, except as may be authorized or required by law.

(B) Advertisements on sidewalks prohibited. No person shall print or paint any signs or advertisements for any purpose whatsoever on the sidewalks of the city.

(C) Bill posting without property owner's consent prohibited. No person shall post, paint, burn, sit up, or expose any bill, placard, or advertisement, or cause the same to be posted, painted, burnt, set up, or exposed on the property or premises of any other person without first obtaining the consent of the legal owner or custodian of such property or premises.

(D) Removing or defacing bills prohibited. No person shall willfully or recklessly remove, tear down, deface, injure, or destroy any written or printed handbill, poster, or other notice or advertisement of like character legally posted or otherwise legally displayed, in any public place in this city, so long as the same shall be of value for the purposes thereof to the person who posted or displayed the same, or caused it to be posted or displayed.

(E) Posting bills on utility poles. No person shall paint, post, paste, or otherwise in any manner attach any bills, posters, streamers, or display advertisements on any telephone, telegraph, or electric light poles located on the streets, thoroughfares, or alleys in the city.

(F) City employees to remove bills or advertisements.

(1) Authorized city personnel shall tear down or remove any bills, posters, or display advertisements in any manner attached to any telephone, telegraph, or electric light poles.

(2) This section shall not apply to traffic signs.

(G) Permits for signs and advertisements on and across streets. No person shall erect, hang, or display signs and advertisements for any purpose whatsoever on and across the streets and public thoroughfares of the city, without first obtaining a permit.
Penalty, see § 10.99

PUBLIC RIGHTS-OF-WAY

§ 110.35 SOLICITATION PROHIBITED.

It shall be unlawful to solicit, sell, deliver, or otherwise contract for the sale of retail merchandise including any and all manufactured goods or farm products or services or any other merchandise frm public rights-of-way within the city. Public display or sale by retail merchants immediately adjacent to their premises is not prohibited.
(Ord. 1983-25, passed 12-19-83) Penalty, see § 10.99

§ 110.36 EXEMPTION OF CHARITABLE OR NONPROFIT ORGANIZATIONS.

Licenses for special events and charitable or nonprofit organizations may be granted by the city for the use of public right-of-way for retail sales upon approval by the Common Council.
(Ord. 1983-25, passed 12-19-83)

Section

Taxicab Regulations

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Taxicab Drivers

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TAXICAB REGULATIONS

§ 111.01 DEFINITION.

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

"TAXICAB." Every motor vehicle used within the limits of the city for public hire, carrying passengers for hire, or furnishing for use passenger transportation for hire along or over the public streets or other highways within the city, the destination or route of which is under the direction of a passenger being transported therein. However, this term shall not be taken to mean any ambulance, city passenger bus, or school bus.

§ 111.02 COMPLIANCE WITH REGULATIONS REQUIRED.

No person or persons, firm, or corporation shall drive, run, or operate any taxicab upon or along any street or other highway in the city, except in accordance with regulations, terms, and conditions established by this chapter.
Penalty, see § 10.99

§ 111.03 LICENSE REQUIRED; APPLICATION.

Any person or persons, firm, or corporation desiring to operate a taxicab or taxicab service upon or along the streets or other highways within the city, shall, before undertaking so to do, file a signed application form in writing for a license, duly sworn to be the applicant or applicants with the Common Council, which application shall show the following:

(A) The name and address of the person, persons, partnership, firm, or corporation desiring the license; if a partnership or firm, the full name and address of each of the members thereof; if a corporation, the name and address of each of the officers thereof.

(B) That the applicant is financially able to render taxicab services as applied for and has the financial backing, including liabilities, as required by the city.

(C) That the applicant owns and is the sole owner of the taxicabs described in division (D) below, in his service.

(D) The make, model, factory number, and state license number of each motor vehicle to be driven and operated as a taxicab.
Penalty, see § 10.99

§ 111.04 LICENSE FEE.

(A) Upon the filing of an application, the Common Council shall then pass upon the application, taking into consideration the applicant, his financial standing, and his equipment for rendering taxicab service in the city. If the Common Council finds that it is for the best interests of the city and the citizens thereof that the applicant be issued a license to operate a taxicab service, then the Common Council shall instruct the Clerk-Treasurer to issue a license upon the compliance of the applicant with all other provisions of this chapter.

(B) The Clerk-Treasurer shall issue to the applicant, upon the approval of the Common Council as above, a license upon the payment of the appropriate fee for each taxicab to be operated, for any calendar year or fraction thereof the cabs are operated. The license shall continue in effect from year to year until revoked by the Common Council so long as the applicant or licensee shall pay into the hands of the Clerk-Treasurer the annual license fee.

§ 111.05 ISSUANCE OF LICENSE.

Upon filing the application, approval thereof by the Common Council, and payment of the required fees as fixed in § 111.04, and provided the other stipulations and conditions hereof have been met, the Clerk-Treasurer shall issue to the applicant a license permitting the operation of the motor vehicle or motor vehicles described in the application for one year, subject to revocation as hereinafter provided.

§ 111.06 INSURANCE REQUIRED.

(A) No license shall be issued and

no taxicab shall be operated on any street or highway within the city until there is filed with the Clerk-Treasurer of the city a policy of insurance executed by a company authorized to execute such instruments under the laws of the state, running for the year of the license to be issued to the applicant as by this chapter provided.

(B) The insurance policy shall provide for the payment of any final judgment that may be rendered against the insured for damages to property, bodily injuries, or death of any passenger or passengers or any other person or persons resulting from collision or other accident for which the person, persons, firm, or corporation may be found liable while operating the taxicab described in the application, in a sum not less than the state statutory minimums for property damage and for injury or death of any person or persons.
Penalty, see § 10.99

§ 111.07 OFFICE REQUIRED.

No license shall be granted or issued to any person or persons, firm, or corporation, to operate any taxicab unless that person, persons, firm, or corporation, has a fixed and permanent office, residence, or place of business from which to operate, control, and regulate the operation of such taxicabs.

§ 111.08 TAXICABS TO HAVE IDENTIFYING SIGNS.

It shall be unlawful for any person, firm, or corporation to use any motor vehicle for taxicab services unless that vehicle is designated as a taxicab by two or more colored signs, which signs must be permanently painted of a fast color on the body of the vehicle. The signs must designate the person, persons, firm, or corporation to which the vehicle belongs, and must be readable at 150 feet or more with the naked eye of a person of normal vision.
Penalty, see § 10.99

§ 111.09 TAXICAB DRIVERS.

It shall be the obligation of the owner or operator of any taxicab company which has secured a license to operate in the city to ascertain that each driver employed by that operator has obtained a public passenger chauffeur license to operate for hire passenger-transporting conveyances. Each driver shall present his license to the Police Chief prior to entering into any employment as a driver for inspection by the Police Chief and the driver shall be instructed by the Police Chief with respect to traffic ordinances of the city.
Penalty, see § 10.99

§ 111.10 TAXICAB STANDS.

The city shall establish taxicab stands. Such cab stands shall not be subject to parking meter charges but the operator shall pay an annual sum for each cab stand.

§ 111.11 REVOCATION OF LICENSE; HEARING.

(A) The city may suspend or revoke the license issued to and for any taxicab or taxicabs for the violation of this chapter, whether or not any criminal prosecution of the licensee is pending, upon proof and hearing thereof.

(B) Any license issued to any owner or owners, operator or operators under the terms and conditions of this chapter may be revoked or indefinitely suspended by the Common Council, upon failure of the owner, owners, operator, or operators to operate a taxicab or taxicabs in compliance with the terms of this chapter and the laws of the state. However, the owner or owners, operator or operators of each taxicab shall be given five day's written notice of the violation, and upon hearing and proof thereof the license for the taxicab or taxicabs may be suspended for a definite period or revoked.

TAXICAB DRIVERS

§ 111.25 LICENSE REQUIRED.

It shall be unlawful for any person to operate a taxicab as a driver hereof within the city, without first having secured a license so to do from the city. It shall be unlawful for any person to operate a taxicab as a driver thereof without having on his person a taxicab driver's license issued by the city.
Penalty, see § 10.99

§ 111.26 LICENSE APPLICATION.

Every person desiring to drive a taxicab in the city shall before undertaking so to do, file an application in writing for a taxicab driver's license, duly sworn by the applicant, with the Clerk-Treasurer, which application shall show the following:

(A) The name and present address of the applicant.

(B) The address of each place of residence of the applicant during the last two years prior to the date of the application.

(C) The place of employment, the kind of employment, and the name of each of the employers of the applicant for the last two years immediately preceding the date of the application.

(D) The applicant's experience in automobile operation.

(E) Whether or not the applicant uses intoxicating liquors.

(F) Whether or not the applicant has ever been convicted in any court for any crime or misdemeanor, and if so, the facts concerning each conviction.

(G) The applicant's state passenger chauffeur's license number.

(H) The applicant shall also at the time of filing an application for a taxicab driver's license, pay to the Clerk-Treasurer the sum established by the city as an annual taxicab driver's license.
The license shall expire for one year after issuance unless it is revoked pursuant to the provisions of this chapter.
Penalty, see § 10.99

§ 111.27 REFUSAL TO ISSUE; REVOCATION.

No taxicab driver's license shall be issued to any applicant whose application shows that he has been convicted three times for the violation of any traffic law of the city or the state within the two years prior to the date of the application.
Any taxicab driver's license shall be revoked upon a showing that the license was obtained by a false statement contained in the application for the license.

§ 111.28 CONDITIONAL LICENSE.

Notwithstanding any of the express provisions of this chapter, the Common Council may in their discretion issue a conditional license which shall, along with the regular license, be subject to immediate revocation for any period the Council may determine, upon the licensee being convicted of driving while under the influence of intoxicating liquor or any charge involving moral turpitude.

§ 111.29 EMPLOYMENT OF UNLICENSED DRIVERS PROHIBITED.

No person, firm, or corporation licensed to operate taxicabs under this chapter shall employ any person as a taxicab driver in the city unless that taxicab driver has been duly licensed in accordance with the provisions of this chapter.
Penalty, see § 10.99

Section

112.01 Purpose
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112.04 Sale hours
112.05 Advertising signs
112.06 Sidewalk areas to be unobstructed
112.07 Complaints
112.08 Injunctive relief

112.99 Penalty

§ 112.01 PURPOSE.

It is deemed desirable and necessary that garage sales within the city be controlled so as to prevent the unnecessary proliferation of nuisances and the congestion of streets and public ways.
(Ord. 1987-10, passed 12-7-87)

§ 112.02 DEFINITION.

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

"GARAGE SALE." A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property, including, but not limited to, any sale commonly termed "PORCH SALE", "YARD SALE", "LAWN SALE", "GROUP FAMILY-SALE", "RUMMAGE SALE", "WHITE ELEPHANT SALE", "FLEA MARKET SALE", or "ATTIC SALE".
(Ord. 1987-10, passed 12-7-87)

§ 112.03 PERMIT REQUIRED; FEE; NUMBER LIMITED.

(A) A permit issued by the Clerk-Treasurer shall be obtained by any person, firm, group, corporation, or organization holding or allowing a garage sale.

(B) A permit fee in the amount of $3 shall be paid to the city at the time an initial application is made during any calendar year for such permit. A permit fee in the amount of $3 shall be paid to the city at the time a second application is made during any such calendar year for such permit by any firm, person, group, corporation, or organization or a member of the initial applicant's family or household. No more than two permits described and permitted by this chapter may be issued to any one residence or business address within this city within a calendar year. The City Council may upon request designate one or more weeks each year as being exempt from the provisions hereof.

(C) Sales shall not exceed two consecutive days in duration.
(Ord. 1987-10, passed 12-7-87; Am. Ord. 2014-19, passed 8-4-14) Penalty, see § 112.99

§ 112.04 SALE HOURS.

No person shall conduct a garage sale before 8:00 a.m. of any day or after 7:00 p.m. of any day.
(Ord. 1987-10, passed 12-7-87) Penalty, see § 112.99

§ 112.05 ADVERTISING SIGNS.

All advertising signs concerning the garage sale shall be restricted to the yard, garage, and household at which the sale is being conducted.
(Ord. 1987-10, passed 12-7-87) Penalty, see § 112.99

§ 112.06 SIDEWALK AREAS TO BE UNOBSTRUCTED.

All sidewalks, walk areas, or driveways, abutting on and in front of the property at which any garage sale is being conducted, shall remain free and uncongested so as to allow normal passage of traffic, both pedestrian and motor vehicles.
(Ord. 1987-10, passed 12-7-87) Penalty, see § 112.99

§ 112.07 COMPLAINTS.

Complaints shall be filed in the name of the City Zoning Administrator or his designee on behalf of the city. The complaint shall be filed and prosecuted by the City Attorney or his assistant.
(Ord. 1987-10, passed 12-7-87)

§ 112.08 INJUNCTIVE RELIEF.

Upon certification by the Zoning Administrator to the City Attorney that a person is engaged in a pattern of practice of violations of any provision of this chapter, the City Attorney, or his assistant, shall be authorized to seek on behalf of the city, both temporary and permanent injunctive relief in a court of competent jurisdiction.
(Ord. 1987-10, passed 12-7-87)

§ 112.99 PENALTY.

Any person, firm, group, corporation, or organization violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than $25 nor more than $500.
(Ord. 1987-10, passed 12-7-87)

Section

113.01 License required
113.02 Issuance of license
113.03 Term of license; fee
113.04 Vehicles to be numbered
113.05 Operation of vehicles
113.06 Insurance required; revocation of license

113.99 Penalty

§ 113.01 LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to hold out for public hire the use of vehicles within the corporate limits of the city without first having procured a license to do so as hereinafter provided.
(Ord. 1996-1, passed 2-5-96) Penalty, see § 113.99

§ 113.02 ISSUANCE OF LICENSE.

The Common Council shall have exclusive authority to approve the issuance of licenses pursuant to this chapter and after such approval and upon verification of compliance with this chapter and upon payment of the necessary fees, the Clerk-Treasurer shall issue a license to the applicant for the operation of vehicles for public hire.
(Ord. 1996-1, passed 2-5-96)

§ 113.03 TERM OF LICENSE; FEE.

A separate license shall be required for each vehicle used for public hire. Licenses shall be granted for a period of one year from the date of issuance after receipt of the licensing fee of $25 for each license.
(Ord. 1996-1, passed 2-5-96) Penalty, see § 113.99

§ 113.04 VEHICLES TO BE NUMBERED.

All vehicles licensed for public hire shall be consecutively numbered according to the number of the license granted for such vehicle and such number shall be prominently displayed on such vehicle in a legible and discernible manner.
(Ord. 1996-1, passed 2-5-96) Penalty, see § 113.99

§ 113.05 OPERATION OF VEHICLES.

All operators of vehicles licensed under the provisions of this chapter shall operate such vehicles in a careful, prudent and lawful manner. Failure to operate a licensed vehicle in a careful, prudent and lawful manner shall be cause for the suspension of such operator's license granted pursuant to this chapter.
(Ord. 1996-1, passed 2-5-96) Penalty, see § 113.99

§ 113.06 INSURANCE REQUIRED; REVOCATION OF LICENSE.

No licenses shall issue pursuant to the terms of this chapter unless and until proof of liability insurance has been provided to the Common Council. Said insurance must be in the minimum amount of $250,000 per person and $500,000 per occurrence, and property damage coverage of $50,000. In the event such insurance is canceled or terminated, any license granted hereunder shall automatically terminate and be revoked as of the date of the termination of the insurance.
(Ord. 1996-1, passed 2-5-96) Penalty, see § 113.99

§ 113.99 PENALTY.

Any person violating any provision of this chapter shall be fined upon conviction not less than $50, nor more than $250, plus costs. Each day any such violation occurs or continues shall constitute a separate and distinct violation.
(Ord. 1996-1, passed 2-5-96)

Section

Triad CATV Franchise

114.01 Definition
114.02 Franchise grant
114.03 Length of term; additional term
114.04 Provision of reasonable regulations
114.05 Protection from liability; insurance
114.06 Period for acceptance
114.07 Bond to be filed
114.08 Rights nonassignable
114.09 Forfeit of rights and privileges
114.10 Subsequent legislation
114.11 Service standards
114.12 School and city service
114.13 Standards and requirements for construction and maintenance
114.14 Poles and appurtenances
114.15 Rates
114.16 Sales or repairs of television receivers prohibited
114.17 Use of equipment for transmission of program material confined

Cable Communications Ordinance

114.30 Cable Communications Ordinance adopted by reference

TRIAD CATV FRANCHISE

§ 114.01 DEFINITION.

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

"TELEVISION." A system for transmission of audio signals and visual images by means of electrical impulses.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.02 FRANCHISE GRANT.

In consideration of the faithful performance and observance of the conditions and reservations herein, the right is hereby granted to Triad CATV of Indiana, Inc., (the company) a corporation organized under the laws of the state, its successors, assigns, or designees, to erect, maintain, and operate television transmission and distribution facilities and extensions thereto, in, under, over, along, across, and upon streets, lanes, avenues, sidewalks, alleys, and other public places in the city, and subsequent additions thereto, solely for the purpose of transmission and distribution of audio and visual impulses and television energy as hereinafter defined and restricted, in accordance with the laws and regulations of the United States of America, the state, and the ordinances and regulations of the city for the period provided for in this subchapter.
(Ord. 1977-1, passed 2-24-77, Res. 1998-6, passed 12-21-98; Am. Ord. 2006-19, passed 8-7-06)

§ 114.03 LENGTH OF TERM; ADDITIONAL TERM.

(A) The rights granted hereunder shall take effect and be in full force from and after the date of acceptance by Triad-CATV and shall continue in full force and effect for a term of 15 years from the date of acceptance by the company.

(B) Upon the cancellation by the city, or upon the expiration of the franchise, the Common Council may by resolution direct the company to operate the cable television system for a period for six months and Triad-CATV agrees to comply with these directions.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.04 PROVISION OF REASONABLE REGULATIONS.

The company shall at all times during the term hereof, be subject to all lawful exercise of the police power by the city and to reasonable regulations as the city shall hereafter by resolution or ordinance provide.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.05 PROTECTION FROM LIABILITY; INSURANCE.

The company shall indemnify, protect and save harmless, the city from and against losses and physical damages to property, and bodily injury or death to persons, including payments made under any Worker's Compensation Law, which may arise out or be caused by the erection, maintenance, presence, use, or removal of the attachments on poles within the city, or by any act of the company, its agents, or employees.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.06 PERIOD FOR ACCEPTANCE.

The company shall be deemed to have forfeited and abandoned all rights and privileges conferred by this subchapter, and this subchapter shall be null and void and of no force and effect, unless the company shall, within 30 days after adoption hereof, file with the City Clerk-Treasurer its written acceptance of the rights and privileges hereby conferred and with the terms, conditions, and restrictions hereby imposed.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.07 BOND TO BE FILED.

The company shall file a bond with the city in the amount of $10,000 in a form and with sureties as shall be acceptable to the city, guaranteeing the payment of all sums which may, at any time, become due from Triad-CATV to the city under the terms of this franchise and also the repayment to the customers of Triad-CATV of the unearned

value of any deposits of connection charges exacted by Triad-CATV. The Common Council may, at its discretion, waive the requirements of filing of the bond or reduce the amount thereof after one year during which this franchise has been in effect.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.08 RIGHTS NONASSIGNABLE.

The company shall not transfer, sell, nor assign the rights granted to it by this subchapter without the express consent of the Common Council. The Common Council shall not, however, unreasonably withhold its consent to the assignment to a concern competent and responsible in the field of community antenna television. It shall not be unreasonable for the city to withhold its consent to a transfer, sale, or assignment, if the company has not made substantial progress in the construction of facilities and the installation of equipment with which to provide the service called for herein. The transfer, sale, or assignment of this franchise to another company, which is a parent, subsidiary, or division of the company shall not be considered a transfer, sale, or assignment requiring the consent of the Common Council.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-96)

§ 114.09 FORFEIT OF RIGHTS AND PRIVILEGES.

If Triad-CATV should violate any of the terms, conditions, or provisions of this subchapter, of if the company should fail to comply with the reasonable provisions of any ordinance of the city, and should the company continue to violate the same for a period for 30 days after the company shall have been notified in writing by the city to desist from the violations, the company may by the city be deemed to have forfeited and annulled all the rights and privileges of this subchapter.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.10 SUBSEQUENT LEGISLATION.

In the event the Federal Communications Commission (F.C.C), the Public Service Commission, or any other public regulatory agency shall make, promulgate, or adopt any rules or regulations, either pursuant to existing law or under new laws enacted by the Congress of the United States or the legislature of the state which could be applicable to the company, this franchise and the right and privileges granted pursuant thereto are made specifically subject to any law, rules, or regulation.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.11 SERVICE STANDARDS.

(A) The company will construct a system having a minimum channel capacity of 12 channels.

(B) The company shall maintain and operate its system and render efficient service in accordance with the rules and regulations which are, or may be set forth by the city and the F.C.C.

(C) Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, installations, or adjustments, the company shall do so at the times as will cause the least amount of inconvenience to its customers and unless the interruption is unforeseen and immediately necessary it shall give reasonable notice thereof to its customers.

(D) The company agrees and binds itself to extend its lines and to serve, any and all applicants for television service, whose dwellings or places of business are located in the city, and who in good faith have entered into, or signified their willingness to enter into a contract for the television service, provided that additional charges for out-of-the-way locations may be added to the installation charges when necessary to cover extra installation costs.

(E) The company shall have the right to prescribe the reasonable service, rules, and regulations for the conduct of its business, not inconsistent with the provisions of this chapter, the ordinances, or Charter of the city and the regulations of the Federal Communications Commission.

(F) The company shall maintain its service in accordance with the F.C.C. regulations on technical standards. For the purpose of implementing the terms of this section, the company shall provide, without charge, adequate test equipment to perform periodic tests to determine whether the standards are being complied with. This adequate test equipment shall be made available during the period of this franchise for use by city inspection personnel. The company shall cooperate with the city or its official representatives, in conducting these tests.

(G) In addition to technical standards on uniformity of transmission, input noise levels, channel signal levels, and intermodulation distortion, the company's distribution system shall be operated with complete freedom from spurious radiation. That equipment, adequate to detect spurious radiation, shall be furnished by the company at its expense and shall be made available for use by city inspection personnel at any time.

(H) Installation and maintenance of equipment shall be that standard NTSE color signals shall be transmitted to any subscriber's receiver without objectionable picture degradation.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.12 SCHOOL AND CITY SERVICE.

The company shall furnish free of charge one service distribution connection to each public and private school on its pole route and located within the city, and one outlet each to City Fire and Police Departments. The company's local origination equipment will be made available for school programs.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.13 STANDARDS AND REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE.

(A) Construction and maintenance of the transmission distribution system, including house connections shall be specified, in consideration of the payment of the amounts provided herein, and in accordance with the provisions of the Federal Communications Commission, National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and any applicable ordinances and regulations of the city, affecting electrical installations, which may be, from time to time, in effect.

(B) A cable office will be maintained with normal business hours to handle all local complaints, installations, trouble calls, and service normally related to cable television operations. A local technical department including personnel, test equipment and materials will be established to serve the needs of cable within the city. The company shall investigate complaints received during normal business hours expediently and normally within 24 hours.

(C) Installation and housedrop hardware shall be uniform throughout the city, except that the company shall be free to change its hardware and installation procedure as the art progresses.

(D) In the maintenance and operation of the television transmission and distribution system, and in the course of any new construction or addition to its facilities, the company shall proceed so as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences, or boardings, the bounds of which during the period of dusk and darkness, shall be clearly designated by warning lights.

(E) In case of any disturbance of pavement, sidewalks, driveways, or other surface, the company shall, at its own expense and in a manner approved by the city, remove, replace, and restore all pavement, sidewalk, driveway, lawns, or surface so disturbed in as good condition as before the work was commenced.

(F) In the event the city shall elect to alter or change any street, alley, easement, or other public way requiring the relocation of the facilities of the company, the company, upon reasonable notice by the city shall remove and relocate the same at its own expense.

(G) The company shall, when necessary, on the request of any person holding any appropriate permit issued by the city temporarily raise or lower its lines to permit the moving of any building or other structure. The actual expense of the temporary removal shall be paid by the person requesting the same and the company shall have the right to require payment in advance of the temporary removal.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.14 POLES AND APPURTENANCES.

(A) To the extent possible, the company shall make attachment to poles already in existence within the city. To the extent poles are insufficient for its purposes, the company shall have the right to erect and maintain its own poles, as necessary for the construction and maintenance of its television distribution system with the approval of locating the poles by the Mayor.

(B) The company transmission and distribution system poles, wires, and appurtenances shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements the city may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property.

(C) It is the stated intention of the city that all holders of public licenses and franchises within the corporate limits of the city shall cooperate with Triad-CATV to allow its usage of their poles and pole line facilities wherever possible and wherever usage does not interfere with the normal operation of the poles and pole lines, so that the number of new or additional poles constructed by the company within the city may be minimized.

(D) The company shall extend to the city, free of expense, joint use of any poles owned by it for any proper municipal purpose insofar as may be accomplished without interfere with the use and enjoyment

of the company's own wire and fixtures. The city shall hold the company harmless from any and all actions, causes of action or damage caused by the placement of the city's wire and appurtenances upon the poles of the company.

(E) The company shall have the authority, subject to jurisdiction and approval of the Department of Public Works and Safety, to trim trees upon and overhanging all streets, alleys, easements, sidewalks, and other public places within the city so as the prevent the branches of the trees from coming into contract with the facilities of the company.

(F) The city reserved the right to require the company to place the conductors underground and to designate the districts in which the work shall be performed, and also to order the removal or relocation of poles, wires, and other appurtenances erected by the company, whenever, in the judgment of the Common Council, the action is in the public interest, and the company shall forthwith comply with any and all instructions and directives in these matters, at its own expense.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.15 RATES.

(A) The company shall have the right to charge and collect compensation from all subscribers to whom it shall furnish service. The company shall not, as to rate, charges, service, facilities, rules, regulations, or in any other respects, make or grant any preference or advantage to any person, or subject any person to any prejudice or disadvantage; however, this provision shall not be deemed to prohibit the establishment of graduated scale of charges and classified rate schedules to which any customer coming within the classification or customers as are served by the company from identical facilities.

(B) The company shall keep its monthly service charge for one set at least 3% under the state average or below, the average to be as compiled by the Illinois/Indiana Cable Television Association or the National Cable Television Association. The average shall be the cities of comparable size when the information is available.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 1981, passed 7-6-81; Am. Ord. 2006-19, passed 8-7-06)

§ 114.16 SALES OR REPAIRS OF TELEVISION RECEIVERS PROHIBITED.

As a condition of this subchapter, the company agrees that neither it nor its employees, agents, or subsidiaries will engage in the business of sale, rental, or repair of television receivers. Any service furnished by the company to the subscriber shall terminate at the point of connections of the company's facilities to the subscriber's receiver.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

§ 114.17 USE OF EQUIPMENT FOR TRANSMISSION OF PROGRAM MATERIAL CONFINED.

The company shall confine the use of its equipment to the transmitting of program material received of the company's antenna from standard television broadcasting stations and access channels to television receiving equipment located in the premises of its customers, except that its equipment may, in addition, be used to provide sustaining or commercial local origination programs of all types, including but not limited to:

(A) AM-FM radio program material;

(B) Closed-circuit telecasts of a public service nature;

(C) Special emergency warning service; and

(D) Weather-music-news telecasts.
(Ord. 1977-1, passed 2-24-77; Am. Ord. 2006-19, passed 8-7-06)

CABLE COMMUNICATIONS ORDINANCE

§ 114.30 CABLE COMMUNICATIONS ORDINANCE ADOPTED BY REFERENCE.

Ordinance 2004-7, passed 5-3-04, known as the "City of Portland Cable Communications Ordinance," is hereby adopted by reference and made a part of this code as if set out in full herein.
(Ord. 2004-7, passed 5-3-04; Am. Ord. 2006-19, passed 8-7-06)

Section

115.01 Sale of alcoholic beverages in parks prohibited
115.02 Exceptions

115.99 Penalty

§ 115.01 SALE OF ALCOHOLIC BEVERAGES IN PARKS PROHIBITED.

The sale of alcoholic beverages shall be prohibited at any of the parks within the city unless a valid permit has been issued. Under certain limited circumstances, the city may issue a permit for the sale, on or in public property for special events to be held at city parks. Any person or persons so desiring a permit will need to contact City Hall. The petition shall contain the following information:

(A) The nature of the event including the number of anticipated guests, whether the event will be open to persons under the age of 21, the date and time of the event, and the proposed location of the event;

(B) Whether the vendor(s) will have a valid alcoholic beverage permit issued by the State of Indiana; and

(C) Any other information requested by the Park Board.
(Ord. 2024-11, passed 7-15-24)

§ 115.02 EXCEPTIONS.

Upon reviewing the petition, the city, by and through its Park Board, in its sole discretion, may grant a special permit to allow the sale of alcoholic beverages on city property under the following conditions:

(A) The vendor of any alcoholic beverages must be licensed to sell alcohol under the laws of the State of Indiana;

(B) The vendor shall have licensed bartenders to dispense said alcoholic beverages;

(C) The organizer of the event shall have adequate security to oversee the event. "ADEQUATE SECURITY" shall mean off-duty or reserve police officers hired by the event organizer or such private security as approved by the Chief of Police; and

(D) Any other term or condition that the city requests as a condition of granting a permit.
(Ord. 2024-11, passed 7-15-24)

§ 115.99 PENALTY.

Any person found in violation of this chapter shall be subject to a fine of $250 per occurrence.
(Ord. 2024-11, passed 7-15-24)