

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL BUSINESS PROVISIONS

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GENERAL PROVISIONS

§ 110.01 FACTORIES, MANUFACTURING PLANTS, AND THE LIKE.

(A) In compliance with the laws of the state, it shall be unlawful for any person, firm, or corporation to engage in any business of whatever nature, whether said business be manufacturing of any products or the sale of any products so manufactured, which shall be injurious to the public health of said city.

(B) Any person, firm, or corporation shall be deemed guilty of violation of division (A) above when, and, if after a thorough investigation by the City Health Officer, said City Health Officer shall have designated such business operation be injurious to the public health.

(Ord. 163, passed 10-26-1943) Penalty, see § 110.99

§ 110.02 REGULATING JUNK YARDS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK YARD. Any lot, parcel, or tract of ground wherein there may be stored either temporarily or permanently any articles commonly known and described as “junk”, and/or any articles and/or equipment of any nature whatsoever which is not new, such as second-hand wagons, bicycles, old iron, and machinery of description.

(B) Any person, firm, or corporation wishing to build, construct, or maintain such junk yard shall enclose the same with a board or metal fence, said fence to be at least seven feet high, and so constructed to withstand reasonable wear and tear, and not liable to become hazard to the neighborhood wherein it may be situated, and said fence after construction shall be kept in reasonable repair by its owner.

(Ord. 126, passed 7-26-1937)

§ 110.03 BILLIARD TABLES, MACHINES, AND THE LIKE.

(A) All licensed pool rooms, billiard rooms, and other places of amusement shall be closed on Sunday and no person or persons, other than the proprietor shall be permitted to enter therein.

(B) (1) It shall be unlawful for any person owning, controlling, or having charge of any room, building, or place within said city, wherein, any pool table, billiard table, bagatelle table, bowling alley, or box ball alley is kept for use by the public for hire, to place, construct, establish, or maintain any screen, curtain, blind, painted, or stained glass, or partition in, about, or adjacent to said room, building, or place, so as to obstruct the view of any portion of the interior of said room, building, or place from the outside thereof.

(2) It shall be unlawful for any person owning, controlling, or having charge of any room, building, or place within said city, wherein any pool table, billiard table, bagatelle table, bowling alley, or box ball alley is kept for use by the public for hire, to place, construct, or maintain any merchandise, signs or other matter, in any window of said room building or place, which said merchandise, signs, or other matter extends higher than five feet from the established line of the street or alley upon which said room, building, or other place abuts.

(Ord. passed 3-8-1912; Ord. passed 1-26-1923) Penalty, see § 110.99

TAXICABS

§ 110.15 DEFINITIONS.

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

LIQUOR. Includes “alcoholic beverages”.

TAXICAB. Ever motor driver vehicle used within the limits of the City of North Vernon, Indiana, for public hire and to carry passengers transportation for hire along or over public streets, avenues, or other highways in the City of North Vernon, Indiana, where a charge is made for such service, the destination or route of which is under the direction of a passenger transported therein.
(Ord. 258, passed 3-27-1956)

§ 110.16 PROHIBITIONS.

(A) No person, firm, or corporation shall drive, run, or operate any taxicab upon or along any street, avenue, or other highway in the city, except in accordance with the regulations, terms, and conditions established by this subchapter.

(B) No person, firm, or corporation shall stop, stand, or park any taxicab on, upon, or along any street, avenue, or other highway in the city, except in accordance with the regulations, terms, and conditions established by this subchapter.

(C) No person, firm, or corporation shall operate a taxicab, or while operating a taxicab, stop to solicit passengers, stop to allow passengers to alight, or stop to allow passengers to enter a taxicab on, upon, or along any street, avenue, or other highway in the city, without first having secured a license so to do as provided by this subchapter.

(D) No person, firm, or corporation shall drive, run, or operate any taxicab on, upon, or along any part of any street, avenue, or public highway in the city without first having received a license from said city so to do. It shall be unlawful for any person, firm, or corporation to drive, run, or operate any taxicab upon or along any street, avenue, or other highway within the city, without having first paid the license fees as by this subchapter provided, or without the license identification card being prominently displayed in said vehicle.

(E) It shall be unlawful for any person, firm, or corporation to stand or park a taxicab on, upon or along any street, avenue or highway in the city, with or without a driver therein, for a longer period than five minutes at any one time.

(F) It shall be unlawful for any person to operate a taxicab, as a driver thereof within the city, without first having secured a license to do so from the city, and it shall be unlawful for any person to operate a taxicab as a driver thereof without having on his or her person a taxicab driver's license issued by the city.

(Ord. 258, passed 3-27-1956) Penalty, see § 110.99

§ 110.17 APPLICATION.

(A) Any person, firm, or corporation desiring to operate a taxicab or taxicabs or taxicab service, upon or along any of the streets, avenues, or highways of the city, shall ,before undertaking so to do, file a signed application in writing for a license, duly sworn to by the applicant, with the City Clerk-Treasurer, which application shall show the following, to-wit:

(1) The name of the person, firm, or corporation desiring the license. If a firm, the full name of each of the partners thereof;

(2) The place of residence and principal place of business of the applicant;

(3) Said applicant is financially able to render taxicab service as petitioned for and is financially able to give such additional service in the city as shall from time to time be necessary and has the following resources and financial backing;

(4) Said petitioner intends to and will, if issued a license to do so, run and operate not less than one taxicab and as many other taxicabs as shall be necessary in such service and said petitioner is the registered owner or the lessee of the described taxicabs;

(5) The age and experience in automobile operation and the residence of each of the proposed drivers of such taxicab;

(6) The make, model, factory number, and state license number of the motor vehicle to be driven as a taxicab;

(7) The location and address of the garage where said taxicabs shall be kept; and

(8) The location and address of the office of said person, firm, or corporation.

(B) Such applicant, person, firm, or corporation shall also, at the time of filing such application provided for in division (A) above, the City Clerk-Treasurer for the benefit of said city, as an annual license for each taxicab covered by said application, a sum as follows:

(1) One hundred dollars for the first two of such vehicles to be operated; and

(2) Twenty-five dollars for each additional vehicle to be operated by such applicant. (Ord. 258, passed 3-27-1956; Ord. 608, passed 4-8-1985)

§ 110.18 LICENSES.

(A) No license shall be issued unless a sworn statement filed, as provided by § 110.17(A), clearly discloses that the applicant is financially solvent, and is the registered owner or lessee of each motor vehicle to be used in said taxicab service.

(B) No license shall be granted to any person, firm, or corporation to operate taxicabs unless said person, firm, or corporation has a permanent office from which to control and regulate the operation of such taxicabs.

(C) From and after the passage of this subchapter, no license shall be issued to any person, firm, or corporation, which does not, at the time of the passage of this subchapter, have such operator and taxicab license until public convenience and necessity for additional taxicab service has been established, and no additional taxicab licenses shall be issued to any person, firm, or corporation who now have a taxicab license until public convenience and necessity have first been established for additional taxicab service as hereinafter provided.

(1) A Board known as the Public Vehicle License Board of the city is hereby created which shall consist of the Chief of Police and the members of the Board of Public Works and Safety of said city, which said Board shall have general regulatory powers in the control of the operation of taxicabs in said city. It shall also be the duty of said Board to pass upon all applications for taxicab licenses and to determine whether public convenience and necessity require the additional taxicab service. It shall be compulsory for any applicant for taxicab license to publish in the local newspaper a notice of the filing of such application and the date of the public hearing held to determine the necessity of such additional taxicab service. The Board shall require the applicant to pay the expense of publication of said notice.

(2) Upon such publication and before the date set for hearing, any other person, firm, or corporation affected by the issuance of additional taxicab licenses may offer proof upon the question of public necessity and convenience for additional taxicab service. The findings of said Public Vehicle License Board, upon the question of public convenience and necessity, shall be final, and there shall be no appeal from said Board as to its determination of public convenience and necessity.

(D) The license cards shall be displayed in a prominent place in each taxicab, at all times and shall be exhibited to any officer upon request. Such cards shall be kept corrected to date as to motor number, state license number, and the name of the driver or drivers and upon any change being made, the old license card shall be delivered up and cancelled and a new card issued in its place and such old license card destroyed and necessary correction made in the original license. It shall be the duty of the holder of any license to see that this section is complied with under additional penalty of revocation of such license.

(E) 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 City Clerk-Treasurer, which application shall show the following, to-wit:

(1) The name and present address of applicant;

(2) The address of each place of resident of said applicant during the last past six years prior to the date of said application;

(3) The place of employment, the kind of employment, and the name of each of the employers of applicant for the two years immediately preceding the date of said application;

(4) The applicant's experience in automobile operation;

(5) Whether or not applicant uses intoxicating liquors;

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

(7) The applicant's state public passenger chauffeur license number;

(8) And upon the face of said application a certificate of Chief of Police of the city, that such applicant has been duly examined as to his or her ability to drive and operate a motor vehicle and has been examined concerning the traffic ordinance of the city, and the traffic laws of the state, and has been examined as to conviction of any crime or misdemeanor, and that, in the opinion of said Chief of Police and Board of Public Works and Safety of said city, said applicant is a fit and proper person to receive a taxicab driver's license; and

(9) Said applicant shall also, at the time of filing such application for a taxicab driver's license, pay to the Clerk-Treasurer the sum of \$5, as an annual taxicab driver's license fee, and such license, once issued, shall be valid for one year after issuance, unless the same be revoked pursuant to the provisions of this subchapter.

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

(G) The person, firm, or corporation to whom any license has been issued under this subchapter, shall not hire any person as driver or permit any person to drive, run, or operate any taxicab in his, her, or its service, who has been convicted of public intoxication or permit any person to drive, run, or operate any taxicab in such service who is engaged in the transportation or sale of intoxicating liquors or who has been convicted of the violation of the liquor laws of the state.

(H) If any person, member of a firm, or corporation, holding a license under this subchapter, shall be convicted of violating any of the provisions of the liquor laws of the state, it shall be shown that any such person, member of a firm, or corporation is engaged in the handling of intoxicating liquors, the license so held shall be revoked and said person, firm, or corporation shall not be granted a new license within three years of the date of such revocation of such license.

(I) No license shall be issued and no taxicab shall be operated upon any street, avenue, or public highway in the city until there shall have been filed with the Clerk-Treasurer a bond, indemnity undertaking, or paid up policy of insurance executed by a company legally authorized to execute such instruments in the state running for the year of the license to be issued to the applicant as by this subchapter, provided, providing for the payment of any final judgment that may be rendered against the insured for damages to the property or for bodily injury or death of passengers or other persons resulting from collision or other accident for which said person, firm, or corporation may be liable while operating the taxicab described in said application, in a sum of not less than \$100,000, to or for any one person or \$300,000 for more than one person, as a result of one accident, such a policy shall have a condition providing for 15 days' notice to the Clerk-Treasurer before cancellation of the same.

(J) (1) No license as herein provided shall be issued permitting the operation of any motor vehicle to be used as a taxicab, until said taxicab shall have been inspected and found to be in good repair and in clean and sanitary condition, so as to be capable of safely and comfortably transporting passengers therein. The cost, if any, of such inspection shall be paid by the owner of the motor vehicle inspected. The Board of Public Works and Safety may cause such taxicabs to be inspected at 90-day intervals, or as often as deemed necessary by the Board during the term of said license issued therefor and for the purpose of such inspection the Police Department or some person or firm delegated by said Police Department is authorized to make such inspections and report same to the Board of Public Works and Safety. If, upon inspection, said taxicab or taxicabs are found in an unsanitary or unsafe condition, such taxicabs may be ordered withdrawn from service until placed in a sanitary and serviceable condition and upon failure to comply with such order the license of such taxicab may be revoked and no portion of the license fee shall be refunded.

(2) Said taxicab shall be identified by having painted thereon in letters of not less than three inches in height, the name of the owner or the trade name under which he, she, or it does business, painted on each side and on the rear of the taxicab; and whenever the name under which he, she, or it does business, does not include any of the words, "taxicab", "taxi", or "cab", then the word "taxicab" shall be painted on each side and on the rear of the taxicab immediately beneath said name or trade name; and the license number issued for said taxicab shall likewise be painted upon each side and the rear thereof.

(3) It is further provided that no license shall be issued for the operation of a motor vehicle to be used as a taxicab, if the model number of said vehicle so registered indicates that same is of any age older in years than the last five consecutive models made by said manufacturer.

(K) Any license issued under the terms of this subchapter shall be revoked by the Mayor of this city if the holder of said license or the driver of the vehicle covered by such license shall have been three times convicted for the violation of any of the terms of this subchapter or of any other ordinance of the state regulating or controlling traffic upon the streets of the city, or if upon the report of the Chief of Police, it is made to appear that the vehicle so licensed is not properly constructed or is not in good repair or is not a safe conveyance for the transportation of passengers, or upon it being shown that any representation made by said license is false. Any license issued under the terms of this subchapter shall be issued subject to the right reserved in the Council to amend, supplement, or repeal this subchapter or any ordinance who shall have had such license revoked shall not receive any license for a term of one year from such revocation.

(L) All unexpired licenses issued by the city for the operation of taxicabs are hereby revoked. The pro-rata part of unexpired license fees for those license holders, who qualify for new licenses under this subchapter, shall be credited on his or her license fees under this subchapter. In case a holder of a license fails to qualify under this subchapter, the unearned pro-rata share of his or her license fees heretofore paid shall be refunded to such former licensee.

(Ord. 258, passed 3-27-1956; Ord. 608, passed 4-8-1985; Ord. 766, passed 5-5-1997)

§ 110.19 FEES.

Upon the filing of said application and the payment of the proper fees as hereinbefore fixed, the Clerk-Treasurer shall issue to the applicant a license permitting the operation of the motor vehicles described in the application, as taxicabs, for one year. At the same time, the Clerk-Treasurer shall issue to said applicant separate license cards for each vehicle covered by such application, which identification card shall be prominently displayed in the vehicle for which it was issued.

(Ord. 258, passed 3-27-1956)

§ 110.20 MISPLACED ITEMS.

It shall be the duty of every person operating a taxicab to promptly notify the Police Department of said city of all articles found in any such motor vehicles operated by him or her, and a description thereof, where they are kept and may be found, so as to be returned to the owner.

(Ord. 258, passed 3-27-1956)

§ 110.21 DRIVER TO GIVE IDENTIFIABLE INFORMATION.

Every driver of such taxicab upon being requested so to do by any person who is, or has been, or is about to become a passenger in such vehicle, shall give to such person his or her name, his or her taxicab driver's license number, his or her state chauffeur's number, and the license number of such vehicle.

(Ord. 258, passed 3-27-1956)

§ 110.22 TRAVELING BAGGAGE.

Every person, a passenger in any taxicab shall be allowed to have conveyed with him or her in such vehicle without charge therefor, his or her ordinary light traveling baggage in amount not to exceed in weight 50 pounds.

(Ord. 258, passed 3-27-1956)

§ 110.23 EJECTION FROM TAXICABS.

Any person who, while being a passenger in any taxicab, shall violate any state law, city ordinance, or rule of the Board of Public Safety of the City Board of Health, may be ejected from such vehicle by the driver thereof.

(Ord. 258, passed 3-27-1956)

§ 110.24 RATES.

Each person, firm, or corporation running, driving, or operating a taxicab within the city shall have printed on a card the maximum fare and rate of transportation of passengers, together with the prevailing schedule of rates for such taxicab, which card shall be prominently displayed in each taxicab so that the same can readily be seen and read by all passengers.

(Ord. 258, passed 3-27-1956)

§ 110.25 COMPLIANCE WITH TRAFFIC REGULATIONS.

Every taxicab shall be brought to a full stop and the driver shall see that the way is clear and safe before crossing the tracks of any steam, street, or interurban railroad in the city.

(Ord. 258, passed 3-27-1956)

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Upon violation and conviction of § 110.01, any person, firm, or corporation so convicted shall be subject to a fine of \$25 per day for each and every day that said person firm or corporation shall continue to operate said business in violation of § 110.01(A).

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(C) Any person, firm, or corporation violating the provisions of § 110.02(A) or (B), or either of them, shall, on conviction thereof, be fined not less than one or more than \$10 and each day said violations shall be deemed a separate offense thereof.

(D) (1) Any person or persons violating § 110.03(A), shall be fined in any sum not less than \$20 more than \$50.

(2) Any person violating either § 110.03(B), shall, upon conviction thereof, be fined in any sum not less than \$1, nor more than \$100 for each offense so committed.

(E) (1) Any person, firm, or corporation violating any provision of § 110.18 shall, upon conviction, be fined in any sum not less than \$25 and not exceeding \$200.

(2) And any person, firm, or corporation violating the provisions of § 110.18(H) shall be fined in a sum not to exceed \$25 and his, her, or its license shall be revoked.

(Ord. passed 3-8-1912; Ord. passed 1-26-1923; Ord. 126, passed 7-26-1937; Ord. 163, passed 10-26-1943; Ord. 258, passed 3-27-1956)

CHAPTER 111: LICENSES AND PERMITS

Section

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- 111.02 Liquor retailers' permits
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SPECIFIC BUSINESSES

§ 111.01 SEANCES, PALM READING, FORTUNE-TELLING, AND THE LIKE.

(A) It shall be unlawful for any person, firm, or corporation to own or operate any establishment within the city limits, wherein any seance may be conducted, or the foretelling of the future may be foretold, either by the reading of the palm, the reading of a crystal, the reading of cards, or in any way whatsoever, commonly described as the telling of fortunes, without first obtaining a license therefor as hereinafter provided.

(B) The license fee required for the operation of such an establishment as above described shall be \$25 per day, and no license shall be issued for a period less than three months at a time, said license fee to be payable in advance, and after such a license has been issued, no rebate shall be granted the holder thereof in any case.

(C) Any person, firm, or corporation desiring to obtain a licence under the provisions this section shall pay to the Clerk-Treasurer the proper license fee, for which said Clerk-Treasurer shall issue to such applicant a receipt containing the name and rights of such applicant and the kind of license to which such applicant is entitled, and at the same time issue to such applicant the proper license subject to the restrictions of this subchapter.

(Ord. 109, passed 2-14-1936) Penalty, see § 111.99

§ 111.02 LIQUOR RETAILERS' PERMITS.

Liquor retailers permits may be issued to any applicant therefor duly qualified otherwise under § 18 of the Act Concerning Alcohol and Alcoholic Beverages, Liquids, and Substances, in respect to premises located within the corporate limits of said city.

(Ord. 91, passed 4-12-1935)

§ 111.03 LICENSE AUCTIONEERS.

(A) It shall be unlawful for any person or persons who have not been residents of this city for 90 days to sell at auction any goods, wares, merchandise, or other kind of property, in the streets stores shops or elsewhere in the city, without first possessing a license therefor, provided, that nothing contained in this section shall apply to the bona fide use of household goods of residents of said city. Livestock sales shall not be included under this section.

(B) Any person or persons conducting any auction sale as provided in division (A) above shall first obtain a license for such privilege, as provided herein.

(C) The license fee required to be paid under the provisions of this section shall be as follows: for selling goods, wares, merchandise, or other kind of property at auction, \$25 per day.

(D) Any person desiring to obtain a license under the provisions of this section shall apply to the City-Treasurer to whom shall be paid the proper license fee. Thereupon, such City-Treasurer shall issue to such applicant a receipt for the sum so paid, specifying in such receipt the kind of business licensed, whether that of sales at auction or that of conducting an auction sale, and the time when such license shall expire. Upon this presentation of such receipt to the City Clerk-Treasurer, he or she shall issue to such person a license.

(Ord. passed 7-9-1920) Penalty, see § 111.99

§ 111.04 CIRCUSES.

(A) It shall be unlawful for any person or persons within the city, and that it shall be unlawful for any person or persons without the corporate limits of said city, to exhibit any circus, menagerie, or other

show or performance to hawk or peddle goods, wares, or merchandise or to operate or maintain any street stand, wagon, or machine, without first obtaining a license to do as herein provided.

(B) (1) The license fees required to be paid under the provisions of this section shall be as follows, to wit:

(a) For each circus and menagerie combined, where no street parade is given, \$35 per day; when a street parade is given, \$15 per day;

(b) For each show or performance, other than a circus or menagerie, outdoors, or in a tent or tents where the admission fee \$0.15 or less, \$5 per day. Where the admission fee is more than \$0.15 and not to exceed \$0.25, \$7.50 per day; where the admission fee is more than \$0.25 and not to exceed \$0.50, \$10 per day;

(c) For each hawker or peddler, \$5 per day; \$15 per week; \$25 per month; and \$40 per year; and

(d) For each street stand, wagon, or machine used or maintained \$2 per day; \$5 per week; \$10 per month; and \$40 per year.

(2) All licenses issued to hawkers and peddlers shall limit sales made thereunder to the person specifically named in said licenses, and no more than one person shall be authorized to carry on business thereunder.

(D) Any person desiring to obtain a license under the provisions of this section shall apply to the City Clerk-Treasurer therefor, and before receiving the same shall pay to him or her or her the property licence fee therefor; whereupon, said Clerk-Treasurer shall issue to such person a receipt for the amount so paid, specifying therein the business to be licensed and the period for which such license is to issue, and upon presentation of such receipt to the City Clerk-Treasurer, he or she shall take up and file the same and issue to the person named in said receipt a license to carry on the business named in said receipt for the period mentioned therein.

(Ord. passed 12-14-1917) Penalty, see § 111.99

§ 111.05 VEHICLES AND PASSENGERS FOR HIRE.

(A) It shall be unlawful to use and operate any automobile or other motor vehicle within the corporate limits of said city for the purpose of carrying passengers for hire, without obtaining a license so to do as hereinafter provided.

(B) The license fee required to be paid under this section shall be as follows, for each automobile or motor vehicle used and operated for the purpose of carrying passengers for hire, \$5 per period of three months.

(C) Any person or persons desiring to obtain a license under the provisions of this section shall pay to the Clerk-Treasurer of said city the license fee above designated and said officer shall issue to said persons so paying the same, a receipt therefor specifying therein the kind of business licensed and the time for which said license is to run. On presentation of such receipt by the holder to the City Clerk-Treasurer, he or she shall take up and file the same and issue to such person or persons a license for the purpose and for the period mentioned in said receipt.

(Ord. passed 7-24-1914) Penalty, see § 111.99

§ 111.06 THEATERS AND NICKELODEONS.

(A) It shall be unlawful for any person, firm, or corporation to carry on or operate any theatre or nickelodeon, commonly known as a moving picture show, within the corporate limits of said city, without first obtaining a license as hereinafter provided.

(B) The license fees required to be paid under this section shall be as follows, viz:

(1) For operating or carrying on any nickelodeon commonly known as a moving picture show, \$12.50 per period of six months;

(2) For operating or carrying on any nickelodeon commonly known as a moving picture show, in any building or other structure containing a stage where other performances may be given, \$17.50 per period of six months; and

(3) For operating or carrying on any theatre where stage performances are given, only \$12.50 per period of six months.

(C) No license shall be issued under the provisions of this section for less than six months, and after a license has been issued, no rebates shall be granted the holder in any case unless such holder shall the without the transfer of such license.

(D) Any person, firm, or corporation desiring to obtain a license under the provisions of this section shall pay to the Clerk-Treasurer the proper license fee for which such Clerk-Treasurer shall issue to such applicant a receipt containing the name and rights of such applicant and the kind of license to which such applicant is entitled and on presentation of said receipt by such applicant to the City Clerk-Treasurer, such Clerk-Treasurer shall issue to such applicant the proper license so required and file such receipt as charge against said Clerk-Treasurer.

(Ord. passed 6-12-1914) Penalty, see § 111.99

§ 111.07 VAULT CLEANERS.

(A) It shall be unlawful for any person, firm, or corporation to engage in the cleaning of vaults within the corporate limits of said city without first obtaining a permit so to do in manner and form as hereinafter provided.

(B) Any person, firm, or corporation desiring to engage in the cleaning of vaults shall first file an application so to do with the City Clerk-Treasurer. Said Clerk-Treasurer shall present said application to the City Council at its next regular meeting thereafter and if said Council shall grant such application, it shall then be the duty of said City Clerk-Treasurer to grant a permit to such person, firm, or corporation to engage in such business.

(C) All persons, firms, or corporations holding a permit as herein provided, shall promptly report all vaults so cleaned to the Secretary of the Board of Health of said city within three days after completion of said work.

(Ord. passed 7-27-1912) Penalty, see § 111.99

§ 111.08 MERRY-GO-ROUNDS.

(A) It shall be unlawful for any person or persons within the corporate limits of said city, to set up or operate any merry-go-round with out first obtaining a license so to do in the manner provided by an ordinance of said city passed July 9, 1897 relating to the issue of licenses.

(B) The license fee for setting up and operating such, merry go-round, shall be \$1 per day.
(Ord. passed 7-22-1900) Penalty, see § 111.99

§ 111.09 FOOD STANDS.

(A) It shall be unlawful for any person or persons to keep, operate, or maintain any street stand, wagon, or machine for the purpose of the sale of fruit, popcorn, peanuts, sandwiches, or other goods, wares, or merchandise on the public streets of said city without first obtaining a permit so to do as hereinafter provided.

(B) The fees required to be paid under the provisions of this section for permits issued thereunder shall be as follows:

(1) For each stand, wagon, or machine desired to be occupied, used, and maintained, \$2 per day; \$5 per week; \$10 per month; and \$40 per year.

(2) The location of said stand, wagon, or machine to be fixed by the City Council.

(C) Any person desiring to obtain a permit under the provisions of this section shall pay to the Clerk-Treasurer the proper fee for the permit desired and obtain his or her receipt therefor. Said receipt shall state the purpose for which said permit is desired and state the time for which the same is to be issued. Said receipt shall be presented by said person to the Clerk-Treasurer who shall take up the same and issue to said person a permit for the purpose and time desired.

(D) In case any person holding a permit issued under this section shall employ assistants to operate the business covered by said permit, he or she shall pay \$1 per day additional for each assistant so employed who shall be authorized to render such assistance without an additional permit.

(E) This section shall not authorize any person to carry on any business of a hawker or peddler. (Ord. passed 9-25-1904) Penalty, see § 111.99

§ 111.10 CARRIAGES LICENSES.

(A) It shall be deemed unlawful for any person or persons within the corporate limits of said city to exhibit any show or other performance; to use or operate any hacks, omnibus, or carriage for the purpose of carrying passengers for hire; to establish, operate, or carry on any branch or department store or establishment for the sale of goods, wares, or merchandise, denominated bankrupt stocks, fire sales or assignee's sales, or any other concern for temporary business only, without first obtaining a license so to do as hereinafter provided.

(B) The license fees required to be paid under the provisions of this section shall be as follows to wit:

(1) For each theatrical performance or other show or exhibition given within doors, \$2 per day for the first day, and \$1.50 for each additional day;

(2) For each carriage, hack, or omnibus or other conveyance used and operated for the conveyance of passengers for hire, \$5 for each of said vehicles drawn by two horses, and \$7 for each of said vehicles drawn by more than two horses, for a period of three months or less so operated and used; and

(3) For establishing, operating, or carrying on any branch or department store or establishment for the sale of goods, wares, or merchandise known as bankrupt sales, fire sales, or assignee's sales, or for operating or carrying on any temporary business establishment, store, or concern for temporary business establishment, only \$7.50 per day.

(C) (1) Any person or persons desiring to obtain a license under the provisions of this section shall pay the proper license fee as above designated to the Clerk-Treasurer, who shall issue to such person or persons a receipt therefor, specifying therein the kind of business licensed and the time for which such license is to issue.

(2) Said persons shall thereupon deliver said receipt to the Clerk-Treasurer, who shall file the same and issue to such person or persons a license to carry on the business specified in said receipt for the length of time stated therein.

(Ord. passed 7-9-1898) Penalty, see § 111.99

§ 111.11 SHOOTING GALLERIES, BOWLING ALLEYS, AND THE LIKE.

(A) It shall be unlawful for any person to keep, maintain, or operate for hire or pay, in a public place, within the corporate limits of the city, any shooting gallery, bowling alley, roller skating rink, pool bagatelle, billiard, or pigeon hole table, without first procuring from said city a license so to do, as hereinafter provided.

(B) The following license fees are hereby established for the galleries, rinks, and tables, respectively above mentioned: the annual license fee for each shooting gallery, bowling alley, or skating rink, shall be the sum of \$10; and the annual license fee for each pool, billiard, bagatelle, or pigeon hole table shall be the sum of \$10 for either of the above mentioned tables where only one is kept and the further sum of \$5 for each additional table where more than one is kept.

(C) Any person desiring to keep, maintain, or operate one or more of the above mentioned galleries, alleys, rinks, or tables shall first pay to the Clerk-Treasurer the license fee above provided. Said Clerk-Treasurer shall thereupon issue to such person a receipt for such license fee, specifying therein the purpose for which such fee is paid. Such person shall thereupon present said receipt to the Clerk-Treasurer, who shall take up the same and issue to said person a license to keep, maintain, or operate the gallery, rink, alley, or table or tables desired by such person for the period of one year from the date of said receipt.

(Ord. passed 2-8-1895) Penalty, see § 111.99

§ 111.12 LICENSING BILL POSTERS.

(A) It shall be unlawful for any person to post bills other than legal notices or notices relating to religious or educational meetings or entertainments within the corporate limits of said city, for hire without first taking out a license so to do as hereinafter provided.

(B) Any person desiring to post bills for hire, as mentioned in division (A) above, shall first pay to the Clerk-Treasurer of said city a license fee of \$10. The Clerk-Treasurer shall thereupon issue to such person a receipt for said license money so paid and thereupon, such person shall deliver said receipt to the Clerk-Treasurer, who shall forthwith issue to such person a license to post bills within the corporate limits for the period of one year from the date of issuing such license.

(Ord. passed 1-13-1893) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person, firm, or corporation violating the provisions of § 111.01 shall, on conviction thereof, be fined not less than \$5, nor more than \$25.

(C) Any person violating the provisions of § 111.03, upon conviction, shall be fined in any sum not less than \$5, nor more than \$25.

(D) Any person violating any of the provisions of § 111.04 shall, on conviction thereof, be fined in any sum not less than \$5, nor more than \$25.

(E) Any person or persons violating the provisions of § 111.05 shall, on conviction thereof, be fined not less than \$1, nor more than \$20 for each day § 111.05 is so violated.

(F) Any person, firm, or corporation violating the provisions of this § 111.06 shall, on conviction thereof, be fined not less than \$5, nor more than \$20.

(G) Pursuant to § 111.07, any person, firm, or corporation who shall engage in the business of cleaning vaults or clean any vault without first receiving a permit so to do, as hereinbefore required, shall be fined in any sum not less than \$10, nor more than \$20 for each vault so cleaned.

(H) Any person or persons who shall violate the provisions of § 111.08 shall be fined not less than \$1, nor more than \$10 for each day said section is so violated.

(I) Any person violating the provisions of § 111.09 shall, on conviction, be fined not less than \$1, nor more than \$10 for each day the same is so violated.

(J) Any person or persons who shall violate the provisions of § 111.10 by carrying on or attempting to carry on any business, show, or performance herein required to be licensed, without first obtaining a license to do so provided by § 111.10, shall, on conviction, be fined not less than \$1, nor more than \$20 for each day said section is so violated by such person or persons.

(K) Any person who shall keep, maintain, or operate for hire or pay on a public place within the corporate limits of said city, either a shooting gallery, bowling, alley, roller skating rink, or a pool, billiard, bagatelle, or pigeon hole table, in violation of the provisions of § 111.11 shall be fined, on conviction thereof, not less than \$5, nor more than \$10 for each day said section is so violated by such person.

(L) Any person violating the provisions of § 111.12 by posting bills without first obtaining a license as above specified, shall be fined, on conviction thereof, not less than \$2, nor more than \$5 for each offense so committed.

(Ord. passed 1-13-1893; Ord. passed 2-8-1895; Ord. passed 7-9-1898; Ord. passed 7-22-1900; Ord. passed 9-25-1904; Ord. passed 7-27-1912; Ord. passed 6-12-1914; Ord. passed 7-24-1914; Ord. passed 12-14-1917; Ord. passed 7-9-1920; Ord. 109, passed 2-14-1936)

CHAPTER 112: ITINERANT MERCHANTS AND SOLICITORS

Section

- 112.01 Solicitations by motorists on city street
- 112.02 Regulating the business of itinerant merchants and solicitors
- 112.03 Solicitors of runners of hotels or boarding houses

- 112.99 Penalty

§ 112.01 SOLICITATIONS BY MOTORISTS ON CITY STREET.

(A) No person shall stand in or upon the road surface of any street within the city limits, for the purpose of soliciting contributions or donations of money or any other kind of property for any person, firm, or corporation from any person operating or riding as a passenger in a motor vehicle being operated upon any street within the city limits.

(B) No person shall stand in or upon the road surface of any street within the city limits, for the purpose of selling or offering to sell any goods or services of any description to any person operating or riding as a passenger in a motor vehicle being operated upon any street within the city limits.
(Ord. 463, passed 12-9-1975) Penalty, see § 112.99

§ 112.02 REGULATING THE BUSINESS OF ITINERANT MERCHANTS AND SOLICITORS.

(A) It shall be unlawful for any person, firm, or corporation to engage in the business of itinerant merchant or in the business of solicitor, as defined by this section within the city until the provisions of this section have been complied with.

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

ITINERANT MERCHANT. Any transient person who shall engage temporarily in the making or selling of any kind of goods, wares, or merchandise, including the making or selling of photographs within said City of North Vernon, Indiana, regardless of whether such goods, wares, or merchandise are peddled from house to house, or sold from any room, building, structure, or lot rented or leased for the purpose of carrying on such business.

SOLICITOR. Any person who goes from house to house or from place to place in the city, selling or taking orders for, or offering to sell or take orders for goods, wares, or merchandise or any article for future delivery, provided, however, that this section shall apply only to solicitors who demand, accept, or receive payment or a deposit of money in advance of final delivery.

(B) The provisions of this section shall not apply to sales to dealers by commercial travelers nor to sales by producers of farm or dairy products.

(C) (1) Any person, firm, or corporation desiring to engaged in the business of itinerant merchant as herein defined within said city, shall make an application in writing to the Clerk-Treasurer for a license so to do, which application shall be filed with said Clerk-Treasurer at least seven days before such applicant shall state the name and residence of the applicant the place where such business is to be conducted, the kind of goods, wares, or merchandise to be sold and length of time for which license is desired.

(2) Such application shall be accompanied by a by a bond in the penal sum of \$500 by a surety company or two responsible freeholders residing with in the city or in lieu therefor a cash bond of equal amount) condition that all goods, wares, merchandise, or articles sold by such applicant will be as represented by him or her or her that he or she will refund the purchase price of any goods, wares, merchandise, or articles sold by him or her which are not as represented. Any person aggrieved by the addition of any such itinerant merchant shall have a right of action on the bond for the recovery of money or damages or both.

(3) In the event a cash bond is deposited, the name shall be retained by said city for 90 days after the expiration of any such license. Upon the filing of such application and bond and the approval of such bond by the City Clerk-Treasurer, a license shall be issued by the Clerk-Treasurer after the date of filing such application and bond upon the payment of the following fees:

- (a) For one day: \$20;
- (b) For one week: \$50; and
- (c) For one month: \$200.

(4) All such license fees must be paid in advance and if any such licenses desires to continue in business after the expiration of such license, a new license must be secured in the manner and upon the same terms as the original license. Any person exempted by the laws of this state from the payment of said license fees shall, before beginning such business, present to the Clerk-Treasurer his or her credentials, showing that he or she is entitled to such exemption, and shall execute and file a bond as above provided, and upon the approval of said bond by said Clerk-Treasurer. He or she shall then receive a certificate from said City Clerk-Treasurer authorizing him or her to engage in the business of itinerant merchant within the city, for any period not longer than one month. If, at the end of one month, said person desires to continue in such business, another certificate must be procured from said City Clerk-Treasurer.

(D) (1) Any person desiring to engage in the business of solicitor as defined division (A) above shall, before engaging in said business, file with the City Clerk-Treasurer an application containing his or her name and address, and the firm or corporation which he or she represents and the kind of goods, wares, or merchandise offered for sale and the length of time during which he or she desires to engage in such business. Such application shall be accompanied by a bond in the penal sum of \$500 executed by a surety company or by two responsible freeholders residing in the city, or in lieu therefor, a cash bond of equal amount) conditioned upon the making of final delivery of the goods, wares, or merchandise ordered in accordance with the terms of such orders, or failing therein that the advance payment on such order be refunded.

(2) Any person aggrieved by the action of any such solicitor shall have a right or action of the bond for the recovery of money or damages or both.

(3) In the event a cash bond is deposited, such deposit shall be retained by the city for a period of 90 days after the expiration of the time; such solicitor is authorized to engage in such business. Upon the filing of such statement and bond, and the approval of said bond by the City Clerk-Treasurer, said City Clerk-Treasurer shall issue to such applicant a certificate authorizing him or her to engage in the business of solicitor within said city during the time requested in said application.

(E) All orders taken by solicitors within the city, shall be in writing in duplicate, stating the terms thereof and the amount paid in advance and one copy of such order shall be given to the purchaser. (Ord. 223, passed 3-11-1952) Penalty, see § 112.99

§ 112.03 SOLICITORS OF RUNNERS OF HOTELS OR BOARDING HOUSES.

(A) It shall be unlawful for runners or solicitors for hotels or boarding houses to enter railroad passenger cars or coaches in said city for the purpose of their avocation or to approach within a distance of ten feet of such cars or coaches for such purpose or to occupy the station house or passenger platforms in said city for such purposes or indulge in loud calls or solicitations for their hotels or boarding houses.

(B) All persons acting as runners for hotels or boarding houses shall be required to wear on their persons, in such position as to be easily seen a metal badge on which shall be inscribed the name of the hotel or boarding house represented by such runners. (Ord. passed 8-28-1896) Penalty, see § 112.99

§ 112.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person convicted of a violation of the provisions of § 112.01 shall be fined in an amount not to exceed \$25 for each violation.

(C) Any person, firm, or corporation who violates any of the provisions of § 112.02 shall, upon conviction, be fined in any amount of not less than \$10, nor more than \$100 each day during which any person, firm, or corporation engages in the business of itinerant merchant or collector in violation of the provisions of § 112.02 shall constitute a separate offense.

(D) Any person violating the provisions of § 112.03 shall, upon conviction, be fined in a sum of not less than \$1, nor more than \$5.

(Ord. passed 8-28-1896; Ord. 223, passed 3-11-1952; Ord. 463, passed 12-9-1975)