

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. GENERAL LICENSING PROVISIONS
- 111. PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS
- 112. PRECIOUS METALS DEALERS
- 113. TAXICABS
- 114. ALCOHOLIC BEVERAGES
- 115. CABLE COMMUNICATIONS SYSTEMS

CHAPTER 110: GENERAL LICENSING PROVISIONS

Section

- 110.01 Licenses required to engage in certain trades, businesses, or professions
- 110.02 Application for license
- 110.03 Issuance of license
- 110.04 Date and duration of license
- 110.05 License not transferable
- 110.06 License certificate to be displayed
- 110.07 Revocation or suspension
- 110.08 Appeal and review

- 110.99 Penalty

§ 110.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES, OR PROFESSIONS.

No person shall engage in any of the trades, businesses, or professions for which licenses are required by Title XI or by any other ordinance or provision of this code without first applying for and obtaining a license from the Clerk-Treasurer or other duly authorized issuing authority.

Statutory reference:

Authority to regulate operation of businesses, professions, and occupations, see IC 36-8-2-10

§ 110.02 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk-Treasurer in writing upon forms to be furnished by him and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;

Long Beach, IN Code of Ordinances

(2) His present occupation and place of business;
(3) His place of residence for five years next preceding the date of application;
(4) The nature and location of the intended business or enterprise;
(5) The period of time for which the license is desired;
(6) A description of the merchandise to be sold, if for a vendor;
(7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.

Penalty, see § 110.99

§ 110.03 ISSUANCE OF LICENSE.

Upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Clerk-Treasurer, by and with the written approval of the executive or other chief administrative officer, shall forthwith deposit the fee in the treasury and issue to the applicant a proper license certificate signed by the Clerk-Treasurer and executive or other chief administrative officer. If for any reason the license is not issued, this fee less \$5 to cover expenses of considering such application, shall be returned to the applicant.

§ 110.04 DATE AND DURATION OF LICENSE.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of the license.

§ 110.05 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided no license shall be assigned or transferred.

Penalty, see § 110.99

§ 110.06 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises, the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the license. Penalty, see § 110.99

§ 110.07 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the executive or other chief administrative officer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state, or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the executive or other chief administrative officer may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

§ 110.08 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the legislative body from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the Clerk-Treasurer who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The Clerk-Treasurer shall notify the executive and all members of the legislative body of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

§ 110.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

111.01	Definitions
111.02	License requirement
111.03	Application procedure
111.04	Standards for issuance
111.05	Revocation procedure
111.06	Standards for revocation
111.07	Appeal procedure
111.08	Provision for service of process
111.09	Exhibition of licenses and badges
111.99	Penalty

§ 111.01 DEFINITIONS.

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

PEDDLER.

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

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

(2) 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.

§ 111.02 LICENSE REQUIREMENT.

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

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

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

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

Penalty, see § 111.99

Statutory reference:

Authority to regulate public solicitation of sales, see IC 36-8-2-11

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file a written, sworn 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. Applications should be made on forms available in the office of the Clerk-Treasurer. The application shall state:

(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 municipality;

(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) All applications for peddler or solicitor licenses shall state, in addition to statements required by division (A):

(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 chapter shall attach to their application the following:

Long Beach, IN Code of Ordinances

(1) Two letters of recommendation from any person residing or doing business in the municipality certifying the applicant's good moral character and business responsibility; or, in lieu of such letters, other evidence which may be used by the Clerk-Treasurer to satisfy his duties under § 111.04;

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

(3) 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 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.

(E) Upon receipt of the application, the Clerk-Treasurer shall cause a set of applicant's fingerprints to be taken and attached to the application; he shall also cause a picture of the applicant to be taken and to be attached to the application.

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, the Clerk-Treasurer shall cause an investigation of the applicant's business reputation and moral character to be made.

(B) The Clerk-Treasurer shall approve the application 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.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter 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.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.

§ 111.08 PROVISION FOR SERVICE OF PROCESS.

(A) *Requirements of successful applicant.*

(1) Upon receipt of notice of approval of his application, the applicant shall file with Clerk- Treasurer an instrument appointing the Clerk-Treasurer as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of applicant in respect to any matter arising under this chapter.

(2) Forms for the required statement are available at the Clerk-Treasurer's office. Such form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon this agent, and when so made shall be taken and held to be as valid as if personally served upon the applicant, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment.

(B) *Duty of Clerk-Treasurer.* Immediately upon service of any process upon the Clerk-Treasurer under this chapter, the Clerk-Treasurer shall send, by registered mail, a copy of the process to the licensee at his last known address.

Penalty, see § 111.99

§ 111.09 EXHIBITION OF LICENSES AND BADGES.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the

municipality shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk-Treasurer shall issue a badge to each peddler or solicitor licensed under this chapter. The badge shall contain the words “Licensed Peddler” or “Licensed Solicitor,” the expiration date of the license, and the number of the license. The badge shall be worn conspicuously by the licensee during such time as he is engaged in the business licensed.

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen.
Penalty, see § 111.99

§ 111.99 PENALTY.

Any person who violates Chapter 111 where no other penalty is specifically provided shall be fined \$100 for each offense if paid within 30 days following the issuance of a citation. Failure to pay the violation or fine within 30 days will be subject to § 10.99, General Penalty. A separate offense shall be deemed committed on each day that a violation occurs or continues. (Ord. 15-07, passed 7-13-15)

CHAPTER 112: PRECIOUS METALS DEALERS

Section

112.01	Definitions
112.02	License application
112.03	Record keeping
112.04	Retention period for items
112.05	Bond
112.06	Regulation of transactions
112.99	Penalty

§ 112.01 DEFINITIONS.

CANVASSER or **SOLICITOR**. Any person, firm, or corporation who, as the duly authorized representative or agent of a dealer, shall canvass or solicit for the second hand purchase or acquisition of any item containing any precious metal.

PRECIOUS METAL. Gold, silver, or platinum, alone or in combination, including coins.

PRECIOUS METALS DEALER. A person, firm, or corporation engaged in the business of purchasing or acquiring second hand any item containing any precious metal.

WORKING DAYS. Any Monday through Friday of any week, excluding holidays recognized by the municipality.

§ 112.02 LICENSE APPLICATION.

(A) In addition to any other occupational license required by the municipality, each precious metals dealer must obtain a license from the municipality for the privilege of conducting the business of second hand transactions in items containing precious metals.

(B) A precious metals dealers license shall be issued by the Clerk-Treasurer after receipt of a notice from the Police Department that the prospective licensee has complied with application requirements of this chapter.

(C) A precious metals dealers license must be applied for to the Police Department. Such application shall be on a standard form furnished by the Police Department and shall contain all information determined by that Department to be necessary for an evaluation of the applicant's eligibility for licensure.

(D) The Police Department shall, within 20 working days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check on any individual named therein. The following standards shall apply concerning issuance:

(1) No license shall be issued to or held by any person not of good moral character, nor shall a license be issued to any corporation or partnership whose chief officers or members are persons not of good moral character.

(2) No dealer, canvasser, or solicitor shall have been convicted of a felony involving moral turpitude.

(3) No dealer, canvasser, or solicitor shall have been convicted of a criminal misdemeanor involving moral turpitude within the past two years.

(4) As part of the application process, a prospective dealer must present proof that, if approved for licensure, he or she can secure an approved indemnity bond in the amount determined by the municipality, issued by a surety company authorized to transact business within the state or can post a cash bond in such amount.

(E) The Clerk-Treasurer shall issue the license upon notification by the Police Department and upon posting of the surety or cash bond.

(F) If the application is to be denied, the Police Department shall provide the applicant with such written notification, including a statement of the reasons of denial, and any aggrieved applicant shall, within 30 days of such action, have a right to request a hearing before the Chief of Police.

(G) The Police Department shall have the authority to suspend or revoke any license issued pursuant to this chapter for any violation of the terms of this chapter. However, any aggrieved licensee shall, within 30 days of such action, have a right to request a hearing before the legislative body.

(H) Licenses issued under this section shall not be transferable. An individual license is required for each place of business conducted by a dealer. The license, or a copy thereof, must be posted in a conspicuous place in each place of business.

(I) The cost of the precious metals dealers license shall be \$25 per year which is not pro-ratable, but which shall apply as a credit to any license fee due pursuant to any other provision of this code.

Penalty, see § 112.99

Statutory reference:

Authority to regulate businesses, professions, and occupations, see IC 36-8-2-10

§ 112.03 RECORD KEEPING.

(A) Each precious metals dealer shall keep a record, on such standard form as the Police Department shall furnish, of each transaction involving the second hand purchase by such dealer of an item containing a precious metal. The form shall be prepared in ink, in duplicate, the original to be retained by the dealer, the duplicate to be filed by the dealer with the Police Department by the close of business on the first working day after the completion of the transaction.

(B) The following must be noted concerning the transaction:

- (1) Date.
- (2) Time.
- (3) Amount paid.
- (4) Disposition of the item, including name and address of purchaser.

(C) The following record must be kept relating to the articles sold:

- (1) Description of the item to include:
 - (a) Manufacturer's name.
 - (b) Serial number, if any.
 - (c) Any distinguishing marks.
 - (d) Weight of the item.
 - (e) Pattern.
 - (f) Number of items.
 - (g) Setting of any precious or semi-precious stones.
- (2) A photograph of the item.

(D) The following records must be kept relating to the seller:

- (1) Name.
- (2) Address.
- (3) Date of birth.
- (4) Age.
- (5) Hair.
- (6) Race.
- (7) Sex.
- (8) Height.
- (9) Weight.
- (10) Build.
- (11) General appearance
- (12) Distinguishing marks.
- (13) A legible right thumb print.
- (14) Social security account number.
- (15) Photograph.

(E) Method of identification to include two identification cards, one with a picture and one corroborating, to include numbers from such cards.

(F) The original record of each second hand transaction in any item containing any precious metal shall be subject to inspection and examination by any member of the Police Department and any member of the Police Department shall be permitted to examine and inspect any and all items purchased by a precious metals dealer which fall within the scope of this chapter.

(G) There is specifically excepted from the terms of this chapter any transaction by a person engaged in business within the municipality, possessing a current business license from the municipality, who is either accepting returns for cash, credit, or replacement of any item originally purchased from said person, or exchanging an item for another item of greater value. In addition, the terms of this chapter shall not include any purchase by a retailer from a bona fide manufacturer, nor any banking institution licensed to do business in the state.
Penalty, see § 112.99

§ 112.04 RETENTION PERIOD FOR ITEMS.

It shall be the duty of each precious metals dealer to retain each and every item containing a precious metal purchased second hand by him or her in the same state or condition in which it was received, at the place of business where purchased, for a period of not less than 15 complete working days, which time period shall begin to run on the first working day following transfer of the duplicate record of the transaction to the Police Department. During such 15 days of retention period the article may not be resold, exchanged, altered, or otherwise disposed of.
Penalty, see § 112.99

§ 112.05 BOND.

(A) Before engaging in the business of purchasing second hand items containing precious metals, a dealer shall post a bond with the Clerk-Treasurer in an amount determined by the municipality either with a surety company licensed to do business in the state, or in cash.

(B) The bond required in this chapter shall be for a term of one year following the cessation of doing business in precious metals. Such bond shall enure to the benefit of the municipality or to any person who shall be injured or sustain damages approximately caused by the failure to comply with the terms of this chapter by any precious metals dealer, canvasser, solicitor, or other agent or employee of such dealer.
Penalty, see § 112.99

§ 112.06 REGULATION OF TRANSACTIONS.

(A) No precious metals dealer shall transact any business involving a second hand purchase of an item containing a precious metal from a minor unless such minor is accompanied by a parent or guardian.

(B) No precious metals dealer shall transact business involving a second hand purchase of an item containing a precious metal which item the dealer knows or has reason to believe is stolen.
Penalty, see § 112.99

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 113: TAXICABS

Section

113.01	Definition
113.02	Taxicab; license fee
113.03	Application for license
113.04	Issuance of license
113.05	Taxicab stands
113.06	Displaying rates; excessive charges
113.07	All drivers to be licensed
113.08	Suspension or revocation of license
113.09	Renewal of license
113.10	Vehicle inspection; requirements
113.99	Penalty

§ 113.01 DEFINITION.

For purposes of this chapter, **TAXICAB** shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route.

Statutory reference:

Authority to regulate vehicles for hire, see IC 36-9-2-4

§ 113.02 TAXICAB; LICENSE FEE.

(A) No person, firm, or corporation shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of the vehicle has obtained a taxicab license covering such vehicle.

(B) Every such taxicab license shall expire on December 31 for the year in which issued. Licenses issued on or after July 1 of any year shall be issued at 1/2 the annual license fee herein provided.

(C) The annual license fee for each taxicab shall be \$25.
Penalty, see § 113.99

§ 113.03 APPLICATION FOR LICENSE.

In addition to the information required by § 110.02, each applicant for a taxicab license shall present and file with the Clerk-Treasurer his signed application setting forth the trade name

under which he intends to do business; the number of vehicles and a general description of each vehicle for which a license is desired, the marking or lettering to be used thereon; and any other information required by the Clerk-Treasurer pertinent to the issuance of such license.

§ 113.04 ISSUANCE OF LICENSE.

(A) The executive or other chief administrative officer shall investigate and hold a hearing upon each application for a license. If the executive or other chief administrative officer finds upon such investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, he shall forthwith notify the applicant of his findings. If he finds from such investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which license is desired, he shall forthwith notify the applicant. Within 60 days thereafter, applicant shall furnish and file with the Clerk-Treasurer the following:

- (1) A full transcript of the information appearing on the certificate of title of each vehicle for which license is desired, and the state license number of each such vehicle.
- (2) A certification that each vehicle for which a license is desired has been inspected and tested and that each such vehicle is roadworthy and safe for operation as a taxicab.
- (3) The name of each person who will operate such taxicab, with the driver's license number of each such person.
- (4) Insurance or bond.

(a) A policy or policies of liability insurance issued for the life of the license applied for or longer, by a responsible insurance company, approved as to sufficiency and as to legality by the municipality providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab on account of injury or death of one person in any one accident, on account of injury or death of more than one person in any one accident, and for property damage caused in any one accident.

(b) In lieu of the policies of insurance above described, applicant may furnish a bond binding the principal and sureties to liability for the payment of a judgment or judgments as above set forth, with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency and as to legality by the municipality.

(B) Thereupon, the executive or other chief administrative officer shall examine the supporting information and documents and being satisfied that applicant is the owner of any such vehicle, that the same is a safe and fit conveyance, and that satisfactory insurance or bond has been issued and is in force thereon, he shall, upon payment of the prescribed license fee, issue a license to the applicant.

(C) A certified copy of the license shall be exhibited in a prominent place in each taxicab at all times.

§ 113.05 TAXICAB STANDS.

At the time of issuing the license, the executive or other chief administrative officer shall designate a regular parking space for the taxicab or taxicabs, and he may prescribe rules for

usage of this stand suitable to applicant's business and agreeable with the public convenience and welfare.

§ 113.06 DISPLAYING RATES; EXCESSIVE CHARGES.

Every taxicab shall display at all times a printed list of the fares and rates to be charged passengers for transportation; and it shall be unlawful for any owner or driver to charge any amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.

Penalty, see § 113.99

§ 113.07 ALL DRIVERS TO BE LICENSED.

No person under 21 years of age and no person other than a driver duly licensed under the laws of the state shall operate a taxicab on any street or alley of the municipality.

Penalty, see § 113.99

§ 113.08 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee shall for a period of 60 days fail to make a reasonable or consistent effort to operate any such taxicab or taxicabs the executive or other chief administrative officer may either suspend or revoke such license pursuant to the provisions of § 110.07. This power to suspend or revoke shall not limit the powers granted to the executive or other chief administrative officer elsewhere in this code.

§ 113.09 RENEWAL OF LICENSE.

All owners of taxicabs hereby licensed, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year without a finding of convenience or necessity providing all other requirements of this code have been complied with.

§ 113.10 VEHICLE INSPECTION; REQUIREMENTS.

(A) It shall be unlawful for the owner or other person having possession or control of any taxicab, to operate it upon the streets unless the vehicle has been duly inspected and found safe and road-worthy within the preceding six months.

(B) If any such taxicab is damaged by reason of a collision, or from any other cause, it shall be unlawful for the owner or other person having possession or control thereof to operate it upon the streets unless the vehicle has been tested and approved within 24 hours after such vehicle has been returned to service.

(C) A violation of this section shall constitute grounds for revocation of a taxicab license.
Penalty, see § 113.99

§ 113.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$100. A separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

- 114.01 Issuance of liquor retailers' permits
- 114.02 Transportation of open alcoholic beverage containers in motor vehicles prohibited
- 114.99 Penalty

§ 114.01 ISSUANCE OF LIQUOR RETAILERS' PERMITS.

The town hereby consents to the issuance of liquor retailers' permits to applicants otherwise duly qualified under Chapter 226 of the Acts of the Indiana General Assembly of 1935 (IC 7.1-3-9-3) in respect to premises located within the town.
(Ord. 75, passed 5-11-64)

§ 114.02 TRANSPORTATION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES PROHIBITED.

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

ALCOHOLIC BEVERAGE. This term shall have the same meaning set forth in IC 7.1-1-3-5.

CONTAINER. This term shall have the same meaning set forth in IC 7.1-1-3-13.

MOTOR VEHICLE. This term shall have the same meaning set forth in IC 9-13-2-105, except that **MOTOR VEHICLE** as used in this section shall not include recreational vehicles which are designed to transport more than ten passengers, including the operator, or any chartered passenger vehicle licensed to operate within the state.

(B) *Consumption of alcoholic beverage in operated motor vehicle prohibited.* A person who knowingly consumes an alcoholic beverage while in a motor vehicle that is being operated upon the public streets and alleyways within the town, commits a violation of this section.

(C) *Possession of opened alcoholic beverage container in operated motor vehicle prohibited.* A person who knowingly possesses a container that has been opened; that has a broken seal; or from which some of the contents have been removed while in a motor vehicle that is being operated upon the public streets and alleyways within the town commits a violation of this section.

(D) *Consumption of alcoholic beverage while operating a motor vehicle is prohibited.* A person who knowingly consumes an alcoholic beverage while operating a recreational vehicle defined herein, or while operating a recreational vehicle designed to transport more than ten passengers, including the operator, or any chartered passenger vehicle licensed to operate within the state, commits a violation of this section.

(E) *Notice.* Signs giving notice of this prohibition of open alcoholic beverage containers shall be posted giving notice of such regulation at all locations deemed appropriate by the town, and by and through its Town Council.

(Ord. 9201, passed 7-13-92) Penalty, see § 114.99

§ 114.99 PENALTY.

An officer of the Town Police Department may issue a town ordinance violation citation to a person who violates § 114.02. The first such citation issued to an individual shall impose a fine of \$50. Each subsequent citation issued to an individual shall impose a penalty of not less than \$100 and not more than \$2,500.

(Ord. 9201, passed 7-13-92)

CHAPTER 115: CABLE COMMUNICATIONS SYSTEMS

Section

115.01	Grant of authority
115.02	Extension of service; certain provisions not required
115.03	Instruments incorporated by reference
115.04	Initial rate structure; failure to provide reasonable service request; termination of systems service
115.05	Territorial limits
115.06	Payment of franchise fee
115.07	Lockout device
115.08	Performance bond
115.09	Term of franchise

§ 115.01 GRANT OF AUTHORITY.

The Town Council hereby grants a nonexclusive franchise to Cox Cable of Michigan City, Inc. to provide cable television service, utilizing its Michigan City facilities and system, to the residents of the town.

(Ord. 8203, passed 3-8-82)

§ 115.02 EXTENSION OF SERVICE: CERTAIN PROVISIONS NOT REQUIRED.

Pursuant to this grant, the franchise shall provide an extension of its Michigan City service and shall not be required to provide to the town any of the following: Separate office facilities, separate studio, separate master telecommunications center, or separate access channels.

(Ord. 8203, passed 3-8-82)

§ 115.03 INSTRUMENTS INCORPORATED BY REFERENCE.

(A) Other than as modified by § 115.02 above, the provisions of the following instruments are incorporated by reference herein:

(1) The bid proposal filed by Cox Cable of Michigan City, Inc. with the city of Michigan City on July 19, 1979.

(2) General ordinance 2435 adopted by the Michigan City Common Council March 20, 1979;

(3) General ordinance 2525 adopted by the Michigan City Common Council July 15, 1980.

(B) Incorporation by reference of the above-enumerated instruments shall require that, to the extent practicable, all of the terms, conditions, duties, requirements, rights, and responsibilities contained within the instruments as applicable to the city of Michigan City, Indiana (including its various departments) shall be applicable to the town herein. Further, incorporation by reference of the above- enumerated instruments shall require that, to the extent practicable, all of the terms, conditions, duties, requirements, rights, and responsibilities contained within those instruments as applicable to Cox Cable, Cox Cable of Michigan City, Inc., franchisee, or any other appropriate designation shall be applicable to Cox Cable of Michigan City, Inc. as franchisee herein.

(Ord. 8203, passed 3-8-82)

§ 115.04 INITIAL RATE STRUCTURE; FAILURE TO PROVIDE REASONABLE SERVICE REQUEST; TERMINATION OF SYSTEMS SERVICE.

(A) The initial rate structure to be charged by Cox Cable of Michigan City, Inc. to its customers in the franchise area shall be the same as those set forth in its bid proposal filed with the city of Michigan City.

(B) If Cox Cable of Michigan City, Inc. fails to provide any reasonable service request by a subscriber or user, Cox Cable of Michigan City, Inc. shall, after being afforded a reasonable opportunity to provide the service, not to exceed six months, within 60 days refund all deposits or advanced charges paid for the service in question by the subscriber or user. This provision does not alter the responsibility of Cox Cable of Michigan City, Inc. to subscribers and user under any separate contractual agreements Cox Cable of Michigan City, Inc. might have

with subscribers and users or relieve Cox Cable of Michigan City, Inc. of liability for fines under this chapter that may be assessed by the town or damage that might result to the town or any subscriber because of the failure of Cox Cable of Michigan City, Inc. to provide a service promised.

(C) Upon written request for termination of systems service by any subscriber, Cox Cable of Michigan City, Inc. shall, without charge, terminate such service within 30 days of receipt of such request and charges to a subscriber for the month in which termination of systems service was requested shall be abated pro rata for each day remaining in such month following the third day after receipt of such request. Such refund shall be paid to the subscriber within 60 days of the request. However, in the event that a subscriber shall request any second or subsequent disconnect, Cox Cable of Michigan City, Inc. shall be entitled to charge a reasonable fee for any such second or subsequent disconnect which shall be requested within 30 days of the prior disconnect request.

(Ord. 8203, passed 3-8-82)

§ 115.05 TERRITORIAL LIMITS.

The franchise area shall be for the present territorial limits of the town together with any areas acquired through future annexations.

(Ord. 8203, passed 3-8-82)

§ 115.06 PAYMENT OF FRANCHISE FEE.

In consideration of the granting of this franchise, the franchisee shall pay to the town a franchise fee of 3% of annual gross revenues from all sources from its customers within the franchise area described herein. In addition, Cox Cable of Michigan City, Inc. shall be responsible for 50% of all costs of publication and any additional costs incurred by the town in its study, preparation of proposal, documents, and other efforts up through and including the adoption of this chapter including reasonable attorney's fees which the expenses shall not, in any event, exceed the sum of \$400 to be paid by Cox Cable of Michigan City, Inc. The town will provide Cox Cable of Michigan City, Inc. with an accounting of these expenses and shall supply Cox Cable of Michigan City, Inc. with invoices for those expenses. Cox Cable of Michigan City, Inc. shall deliver the payment to the town within 30 days of receipt of the invoices. Failure to make timely payment of the expenses shall constitute a substantial violation of this agreement.

(Ord. 8203, passed 3-8-82)

§ 115.07 LOCKOUT DEVICE.

Cox Cable of Michigan City, Inc. shall provide and make available to each subscriber of the cable communications system a lockout device for use by each such subscriber. Such a device shall be made available by the company to any subscriber upon request at no charge to the subscriber. Such device shall permit the subscriber to lockout all nonbasic tiers containing adult

program material. Cox Cable of Michigan City, Inc. reserves the right to require a reasonable deposit for the use of the device as set forth in the rate schedule.
(Ord. 8203, passed 3-8-82)

§ 115.08 PERFORMANCE BOND.

The franchisee shall file and maintain throughout the term of this franchise a faithful performance bond running to the town with a good and sufficient surety to be approved by this Board in the penal sum of \$10,000, conditioned that the franchisee shall well and truly perform each term and condition of this franchise; the bond shall not be terminated or allowed to expire except upon 30 days' written notice to this Board.
(Ord. 8203, passed 3-8-82)

§ 115.09 TERM OF FRANCHISE.

The term of this franchise shall be for a period commencing upon the effective date of this chapter and ending on July 17, 1995. Renewal or extension of this franchise shall be granted upon approval of this Board in the manner set forth in Section III(C) of Michigan City ordinance 2435.
(Ord. 8203, passed 3-8-82)