

CHAPTER 4

FEEES, LICENSEES AND PERMITS

ARTICLE 1. GENERAL PROVISIONS.

- Sec. 4 – 1 Authority to License.
- Sec. 4 – 2 Application and Fee.
- Sec. 4 – 3 Approval of Town Board.
- Sec. 4 – 4 Duration of License, Display Required, Inspections.
- Sec. 4 – 5 Issuance, Revocation of Suspension.
- Sec. 4 – 6 through 4 – 10 Reserved for Future Use.

ARTICLE 2. SPECIFIC LICENSING PROCEDURES.

- Sec. 4 – 11 Carnivals, Circuses, Parades.
- Sec. 4 – 12 Yard and Garage Sales.
- Sec. 4 – 13 Licensing Hawkers and Peddlers.
- Sec. 4 – 14 Manufacturing and Storage.
- Sec. 4 – 15 Traffic Accident Reports.
- Sec. 4 – 16 through 4-20 Reserved for Future Use.

ARTICLE 3. NON-EXCLUSIVER FRANCHISE AGREEMENTS.

- Sec. 4 – 21 Franchise Agreements.
- Sec. 4 – 22 through 4 – 25 Reserved for Future Use.

ARTICLE 4. TAX ABATEMENT PROCEDURES.

- Sec. 4 – 26 Tax Abatement.
- Sec. 4 – 27 through Sec. 4-29 Reserved for Future Use.

ARTICLE 5. FEES FOR PUBLIC SAFETY SERVICES.

- Sec. 4 – 30 Chart on Charges for Fire Department.
- Sec. 4 – 31 Payment Due in thirty (30) Days.
- Sec. 4 – 32 Accident Report Fees.
- Sec. 4 – 33 through Sec. 4-39 Reserved for Future Use.

CHAPTER 4

FEEES, LICENSES AND PERMITS

ARTICLE 1. GENERAL PROVISIONS.

Sec. 4 – 1 Authority to License.

The Town has the authority to impose a license fee that is reasonably related to the administrative cost of exercising such regulating power.

Sec. 4 – 2 Application and Fee.

a. All applications for a permit or license under this Chapter shall be referred by the Town Clerk-Treasurer to the Town Board.

b. Complete applications shall be accompanied by a two dollar (\$2.00) application fee.

Sec. 4 – 3 Approval of Town Board.

After examination, the Town Board shall grant such permit or license at the next regular meeting, unless good cause be shown why said permit or license should not be granted.

Sec. 4 – 4 Duration of License, display Required, Inspections.

a. All licenses issued under this Chapter, unless specified otherwise on the license, shall be issued for the duration of the calendar year for which they were issued, and shall expire on December 31st.

b. Every person issued a license under the provisions of the licensed activity being conducted, and if there are no premises, shall carry the license while engaged in the activity for which he has been licensed, and shall exhibit it to any Town official or citizen upon request.

Sec. 4 – 5 Issuance, Revocation of Suspension.

a. The Clerk-Treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this *Code* and Town Board approval.

b. Licenses issued by the Town may be revoked or suspended if the person holding the license has violated the terms or conditions of the license or the law under which it was issued, or has conducted the business in such a manner as to constitute a threat to public health, safety, or general welfare of the Town citizens.

Sec. 4 – 6 through 4-10 Reserved for Future Use.

ARTICLE 2. SPECIFIC LICENSING PROCEDURES.

Sec. 4 – 11 Carnivals, Circuses, Parades.

a. **License Required** – Any person or group of persons desiring to conduct a parade, circus, carnival, or other similar event within the Town shall first file written request with the Clerk-Treasurer.

b. **Application** – The applicant shall list the name and address of the organization sponsoring the event, the proposed date(s) and location(s), the hours of operation, and procedures to be used for maintaining order, keeping the site clean and free of trash, papers or other debris, and parking and restroom facilities available.

c. **Board Review; Insurance** – The applications shall be referred to the Town Board for review and recommendation. The Town Board may require the applicant to file a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with a carnival or circus. Such insurance, if required, shall be in the minimum amount of one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand (\$300,000.00) for each incident, and shall contain a clause holding the Town of Hudson harmless from any liability.

d. **License Fee, Issuance** – Upon the approval of the application by the Town Board, the Clerk-Treasurer shall issue a license upon payment of the proper license fee:

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|---|---------|
| Carnival or circus (per day of operation) | \$25.00 |
| (Fifteen [15] day prior notice required) | |
| Parade | \$15.00 |
| (Two [2] pay prior notice required) | |

Sec. 4 – 12 Yard and Garage Sales

a. It shall be unlawful in the Town of Hudson, Indiana, for any citizen and/or resident to conduct within the Town of Hudson, Indiana, a yard sale or garage sale with a length of any more than three (3) days. Any and all Garage Sale signs must include name, address and dates of sale and must be removed within 48 hours of final day of sale.

b. It shall be unlawful for any resident or citizen of the Town of Hudson to conduct more than three (3) yard sales or garage sales during the course of any given year.

c. Any person violating the provisions of this section commits a Class C infraction and shall, upon conviction thereof, be fined in an amount not to exceed fifty dollars (\$50.00) plus any and all attorney fees and costs of collection for each violation.

Sec. 4 – 13 Licensing of Hawkers and Peddlers.

a. **Definition** – “Hawking” and “Peddling” shall include any method of selling goods, wares, or merchandise of any kind or nature whatsoever, by outcry on the streets, alleys, avenues, highways, or public places in the Town of Hudson, or by attracting persons to purchase goods, wares, or merchandise of any kind or nature whatsoever, exposed for sale at such places, by placards, signals, or music; or by going from house to house within the limits of said Town of Hudson, selling or offering to sell, goods, wares, or merchandise of any kind or nature whatsoever, at retail to individuals or persons not dealers in these commodities or whether the sales be made for future delivery, or whether the goods are delivered upon payments in whole or in part of the purchase price thereof.

b. **License Required** – It shall be unlawful for any person, firm or corporation to carry on the business of hawking and/or peddling within the corporate limits of the Town of Hudson, at wholesale or retail, by carrying, exposing or crying for sale, either on foot, in vehicles or otherwise, within any street, alley, or highway or public place, or by going from house to house within the Town any article of commerce, goods, wares, or merchandise of any kind or character whatsoever.

c. **License Fees** – Any person, firm, or corporation desiring a licensing to hawk or peddle goods, wares, or merchandise of any kind or nature whatsoever, as above defined and set forth, shall pay for such license the amount as follows:

1. For carrying goods, wares, or merchandise by hand, or for hawkers or peddlers traveling by foot, the sum of five dollars (\$5.00) per day, twenty five dollars (\$25.00) per week, seventy five dollars (\$75.00) per month, three hundred dollars (\$300.00) per year.

2. For selling or offering to sell from a vehicle of any kind or character, for each vehicle the sum of five dollars (\$5.00) per day, twenty five dollars (\$25.00) per week, seventy five dollars (\$75.00) per month, three hundred dollars (\$300.00) per year.

d. Any person, firm or corporation may procure the licenses above defined and enumerated by paying to the Clerk-Treasurer of said fee it shall be his duty to issue to the person, firm or corporation applying thereof a license to hawk or peddle within the Town limits. The license shall bear the signature of the President of the Town Board and the corporate seal of the Town.

e. **Card Required** – Every person who sells or offers for sale any goods, wares, or merchandise whatsoever as a hawker or peddler shall wear a card plainly showing his name, the signature of the Clerk-Treasurer or Town Marshal, and the Town Seal.

f. **Exceptions** – Not-for-profit organizations, charities, and clubs shall not be subject to the payment of the license fees.

g. **Penalty** – Any person who violates any one of the provisions of this section or any provision contained in any section thereof commits a Class C Infraction and shall, upon conviction, be fined in any sum not exceeding Fifty (\$50.00) plus any and all attorney fees and

costs of collection. Each offense and each day such person, firm or corporation shall engage in any business, vocation or pursuit requiring a license under the provisions of this ordinance shall constitute a separate offense.

Sec. 4 – 14 Manufacture and Storage

a. The following manufacture or storage activity in other than a building within the corporate limits of Hudson, Indiana, is hereby declared a nuisance in any court of record and any such activity is now prohibited within the corporate limits: Atomic plants, arsenals, cement, lime, gypsum, or plaster of paris, manufacture and storage, distillation of bones, fertilizer and plant food manufacture and storage, lime slag, stone, cinder or coal crushing or pulverizing, storage or operation, and agricultural lime storage or other type of lime storage, or the storage of other such objects and items which promote dust and odor outside the land on which they are stored.

b. In order not to be considered a nuisance, said storage buildings may be inspected by all governing bodies including but not limited to the State of Indiana Fire Marshal, the Steuben County Board of Health and the Hudson Plan Commission.

c. It is hereby made the duty of any person, firm, or corporation to comply with the terms of this ordinance and any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall suffer the penalties of this ordinance as hereinafter set out, to-wit: That any violation of any provisions of this ordinance shall constitute a Class B infraction and a fine to be levied against such persons, firm or corporation in the amount of not less than seventy five dollars (\$75.00) plus any and all attorney fees and costs of collection for each day of violation.

d. None of the provisions of this ordinance shall affect any pending cause of action or right of action, either civil or penal.

Sec. 4 – 15 Traffic Accident Reports.

a. The Town Board has established a fee of twelve dollars (\$12.00) to be collected by the Town of Hudson for furnishing traffic accident reports and photo copies for one dollar (\$1.00) per copy.

b. Fees shall be deposited in a separate account entitled "L.E.C.E. Account", as addressed in Section 2-48 of this *Code*.

Sec. 4 – 16 through 4 – 20 Reserved for Future Use.

ARTICLE 3, NON-EXCLUSIVE FRANCHISE AGREEMENTS.

Sec. 4 – 21 Franchise Agreements.

- a. The Town Board may enter into written franchise agreements for companies to serve the Town.
- b. Such agreements shall be binding on the parties as to rental amounts, safety requirements, inspections, indemnification, bond requirements, and other related areas.
- c. Such agreements, in order to be approved, must be passed by an appropriate ordinance of the town Board and shall be kept on file and open for public inspection during regular business hours in the Clerk-Treasurer's office.

Sec. 4 - 22 through 4 – 25 Reserved for Future Use.

ARTICLE 4. TAX ABATEMENT PROCEDURES.

Sec. 4 – 26 Tax Abatement.

Indiana Code, §§ 6-1.1-12.1-1 through 6-1.1-12.1-5, as it may be amended from time to time, shall govern all petitions seeking a ten (10) year real property reassessment, and for a five (5) year amortization for manufacturing equipment.

Sec. 4 – 27 through Sec. 4 – 29 Reserved for Future Use.

ARTICLE 5. FEES FOR PUBLIC SAFETY.

Sec. 4 – 30 Charges for Volunteer Fire Department Services.

a. There is established the following rate charges pursuant to I.C. §36-8-12-13 and the Indiana State Fire Marshal's recommended schedule of service charges for services provided by the Volunteer Fire Department of the Town of Hudson:

1. For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, two hundred fifty dollars (\$250.00) per response vehicle except command/control vehicle, which is one hundred dollars (\$100.00) per vehicle.
2. For each hour or fraction thereof as on-scene assistance, one hundred fifty dollars (\$150.00) per response unit and fifty dollars (\$50.00) per command/control vehicle.
3. For expendable materials such as absorption materials, emulsifiers, or other agents used in cleanup operations, the actual replacement cost of those materials.

4. For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

Sec. 4 – 31 Payment Due in thirty (30) Days.

The above charges shall be billed to the property owner by either the Volunteer Fire Department of the Town of Hudson or by the Clerk-Treasurer of the Town of Hudson with payment to be made within thirty (30) days of the date of billing. Any charges may be appealed to the Town Board upon formal request.

Sec. 4 – 32 Accident Report Fees.

The Town Marshal shall collect the sum of twelve dollars (\$12.00) for the Town of Hudson for each vehicle accident report requested by a party entitled thereto.

Sec. 4 – 33 through Sec. 4 – 39 Reserved for Future Use.