

CHAPTER 4

FEES, LICENSES, PERMITS, AND FRANCHISES

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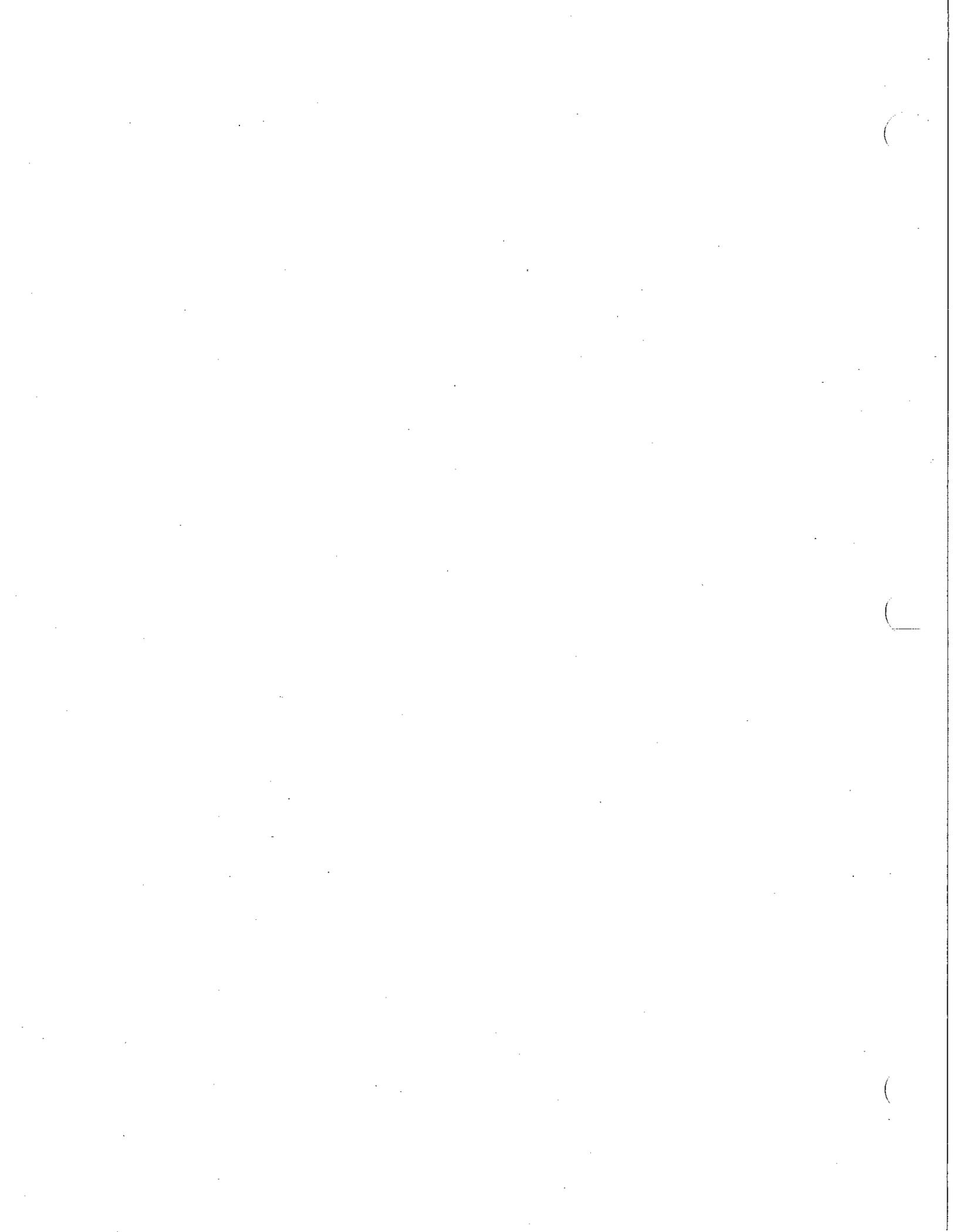
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CHAPTER 4

FEES, LICENSES, PERMITS, AND FRANCHISES

ARTICLE 1. GOVERNING REGULATIONS.

Division I. General Provisions.

Sec. 4-1 Authority to License. ¹

The City has the authority to impose a license fee reasonably related to the administrative cost of exercising such regulatory powers.

Sec. 4-2 Licenses or Permits.

No person shall engage in any trade, profession, business or privilege in the City of Greencastle for which a license or permit is required by any provision of this *Code* without first obtaining such license or permit from the City in the manner provided in this Chapter, unless otherwise specifically provided.

Sec. 4-3 Application.

a. Unless otherwise provided, application for a license or permit shall be made in writing to the City Clerk-Treasurer upon forms provided by the City.

b. The applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

Sec. 4-4 Inspections. ²

City officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

Sec. 4-5 Payment of Fee.

The fees required for any license or permit shall be paid at the office of the Clerk-Treasurer before the granting of the license or permit. No fee paid shall be refunded, unless the license or permit is denied.

Sec. 4-6 Bond and Insurance.

All required bonds shall be executed by two (2) sureties, or a surety company, and be subject to the approval of the Mayor. Where policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the City before the license or permit is issued.

¹ I.C., § 36-1-3-8(5), provides for such authority for cities.

² I.C., § 36-8-3-10 (13), authorizes such inspections, and I.C., § 36-8-2-10, permits cities to regulate businesses.

Sec. 4-7 Approval or Denial of License.

a. Where the approval of any City officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the City before any license or permit is issued.

b. No license or permit shall be approved by any City officer or issued by the City if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or Ordinance applicable to such activity.

Sec. 4-8 License or Permit Certificates. ³

a. Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the City by the Mayor and Clerk-Treasurer and be impressed with the City Seal.

b. The Clerk-Treasurer shall keep a record of all licenses and permits issued.

Sec. 4-9 License and Permit Term.

a. Unless otherwise provided, the term of the license year shall end on December 31 of each year.

b. Where the issuance of licenses for a period of less than one (1) year is permitted, the effective date of such license shall commence with the date of issuance.

c. Permits shall be issued for the term set forth in the permit.

Sec. 4-10 Exhibition of Certificate.

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted; except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

Sec. 4-11 Licenses Not Transferable.

Unless otherwise provided, no license or permit shall be transferable or assignable.

³ I.C., §§ 36-4-10-5 (10) and (11), provide for such authority for the Clerk-Treasurer.

Sec. 4-12 Renewal Procedures.

Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

Sec. 4-13 Revocation Procedures. ⁴

a. Any license or permit issued by the City may be suspended by the Mayor for not more than ten (10) days upon recommendation of a City official.

b. Any license or permit may be revoked by the Board of Public Works and Safety after a hearing for any of the following causes:

1. Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

2. Conviction of any crime or misdemeanor.

3. Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the City, upon recommendation of the appropriate City official.

4. Expiration or cancellation of any required bond or insurance.

5. Actions unauthorized or beyond the scope of the license or permit granted.

6. Violation of any regulation or provision of this *Code* applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.

7. Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

Sec. 4-14 Hearing.

Not less than three (3) days nor more than ten (10) days prior to a hearing on the revocation of a license or permit, the Board of Public Works and Safety shall have served upon the licensee or permittee either personally or upon the person in charge of the place of activity operated under the license or permit, a notice of the time and place of the hearing and directing the licensee or permittee to show cause why the license or permit should not be revoked.

Sec. 4-15 through Sec. 4-17 Reserved for Future Use.

⁴ I.C., § 36-4-5-5, sets forth the law addressing violation, revocation and suspension of licenses.

ARTICLE 2. SPECIFIC ACTIVITIES REGULATED. ⁵**Division I. Itinerant Merchants and Solicitors.** ⁶**Sec. 4-18 Definitions.**

As used in this Chapter:

a. **Itinerant merchant** means any transient person who engages temporarily in the making or selling of any kind of goods, wares, or merchandise, including the making and selling photographs, within the City of Greencastle, regardless of whether such goods, wares, or merchandise are peddled from house to house, sold upon the streets or other public places, or sold from any room, building, structure, or lot rented or leased for the purpose of carrying on such business.

b. **Solicitor** means any person who goes from house to house or from place to place in the City of Greencastle selling or taking orders for or offering to sell or take orders for goods, wares, or merchandise or any other article for further delivery; however, this chapter shall apply only to solicitors who demand, accept, or receive payment or a deposit of money in advance of final deliver. (1986 *City of Greencastle Code*, § 510-5)

Sec. 4-19 Compliance with Chapter by 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 within the City of Greencastle until the provisions of this Chapter have been complied with.

b. The provisions of this Chapter shall not apply to sales to dealers by commercial travelers. (1986 *City of Greencastle Code*, § 510-10)

Sec. 4-20 Requirement of License for Itinerant Merchant.

a. Any person, firm, or corporation desiring to engage in the business of itinerant merchant within the City shall make an application in writing to the Clerk-Treasurer of the City at least seven (7) days before the applicant shall be authorized to begin such business. Such application shall state the name and residence of the applicant, the place where such business is to be conducted, the kind of goods to be sold, and the length of time for which a license is desired.

⁵ *Editor's Note:* Ord. No. 1989-13, passed May 9, 1989, repealed from the 1986 *City of Greencastle Code*, Chapter 570, addressing "Bowling Alley Operators", Chapter 572, addressing "Pool and Billiard Tables, Electronic-Video Games, Pinball Machines and Other Mechanical and Electronic Gaming Devices", Chapter 580 addressing "Public Dance Hall Operators", and Chapter 582, addressing "Public Entertainment and Picture Shows". Ord. No. 1985-20, passed June 19, 1986, was also repealed by Ord. No. 1989-13.

⁶ *I.C.*, § 25-37-1-2, defines "Transient Merchants".

b. The application shall be accompanied by a bond in the penal sum of five hundred dollars (\$500.00) executed by a surety company or by two (2) responsible freeholders residing within the City of Greencastle (or in lieu thereof a cash bond of equal amount) conditioned that all goods, wares, merchandise, or articles sold by such applicant will be as represented by him and that he will refund the purchase price of any goods, wares, merchandise, or articles sold by him that are not as represented. Any person aggrieved by the action of any itinerant merchant shall have a right of action on the bond for the recovery of money, damages, or both. In the event a cash bond is deposited, it shall be retained by the City for ninety (90) days after the expiration of any such license.

c. Upon the filing of such application and bond and the approval of such bond by the Clerk-Treasurer of the City, a license shall be issued by the Clerk-Treasurer [of] the City to such applicant to begin business not less than seven (7) days after the date of filing such application and bond upon the payment of the following fee:

- 1. For one (1) day.....\$5.00
- 2. For one (1) week.....\$30.00
- 3. For one (1) month \$100.00

d. All license fees must be paid in advance.

e. If any licensee desires to continue in business after the expiration of the license, a new license must be secured in the same manner and upon the same terms as the original license. (1986 *City of Greencastle Code*, § 510-15)

Sec. 4-21 Certificate for Persons Exempted from Itinerant Merchant Fees.

Any person exempted by the laws of this State from the payment of the itinerant merchant license fee shall, before beginning such business, present to the Clerk-Treasurer [of] the City his credentials, showing that he is entitled to such exemption, and shall execute and file a bond as provided [in] Sec. 4-20. Upon the approval of the bond by the Clerk-Treasurer, he shall then receive a certificate from the City Clerk-Treasurer authorizing him to engage in the business of itinerant merchant within the City of Greencastle for any period not longer than one (1) month. If at the end of a month such person desires to continue in such business, another certificate must be procured from the City Clerk-Treasurer. (1986 *City of Greencastle Code*, § 510-20)

Sec. 4-22 Requirement of License for Solicitor.

a. Any person desiring to engage in the business of solicitor within the City of Greencastle shall, before engaging in such business, file with the Clerk-Treasurer [of] the City an application containing his name and address, the firm or corporation that he represents, the kind of goods to be offered for sale, and the length of time during which he desires to engage in such business.

b. The application shall be accompanied by a bond in the penal sum of five hundred dollars (\$500.00) executed by a surety company or by two (2) responsible freeholders residing in the City of Greencastle (or in lieu thereof a cash bond of equal amount) conditioned upon the making of final delivery of the goods ordered in accordance with the terms of such order or, failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of money, damages, or both. In the event a cash bond is deposited, such deposit shall be retained by the City of Greencastle for a period of ninety (90) days after the expiration of the time such solicitor is authorized to engage in such business.

c. Upon the filing of such statement and bond and the approval of the bond by the City Clerk-Treasurer, the City Clerk-Treasurer shall issue to such applicant a certificate authorizing him to engage in the business of solicitor within the City during the time requested in the application. (1986 *City of Greencastle Code*, § 510-25)

Sec. 4-23 Requirements for Solicitor Orders.

All orders taken by solicitors within the City of Greencastle shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy of such order shall be given to the purchaser. (1986 *City of Greencastle Code*, § 510-30)

Sec. 4-24 Entry into Private Residences Without Request or Invitation Prohibited.

The practice of being in and upon private residences in the City of Greencastle by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise not having been requested or invited to do so by the owner or owners or occupant or occupants of such private residences for the purpose of soliciting orders for the sale of goods, wares, and merchandise or for the purpose of disposing of or peddling or hawking the same is declared to be a nuisance and is punishable as an ordinance violation. (1986 *City of Greencastle Code*, § 510-40)

Sec. 4-26 through Sec. 4-29 Reserved for Future Use.

Division II. Junk Dealers and Peddlers.

Sec. 4-30 Definitions.

As used in this Chapter:

a. **Itinerant junk dealer** or **itinerant junk peddler** mean a person or firm that is without an established store, warehouse, or other place of business within the City and who buys or offers to buy or barter any of the materials classified as junk or anyone who offers to sell to anyone any junk, either on foot or from any vehicle, in the City, or who operates temporarily on an open lot in the City.

b. **Junk** means any articles, in any form, composed or consisting of any of the following

enumerated second-hand, used, decomposed, discarded, or cast-off metals or materials, namely:

1. Iron, steel, brass, bronze, copper, tin, zinc, lead, or any other metals or compounds thereof.
2. Glass, rags, clothing, rubber, plastics, and synthetic substances and fabrics.
3. Bottles, paper, feathers, or any waste material.
4. Any compound or by-product of any of the foregoing enumerated materials, including used automobiles, trucks, or vehicles that may be dismantled either for junk or to sell used parts therefrom.

c. **Junk dealer** means any person who represents himself to be engaged within the City in the business of dealing in any junk materials.

d. **Junk peddler** means any person who goes from house to house, place to place, or from one (1) part of a public street or alley to another, in either a vehicle, on foot, or with a cart, and who buys, collects, or gathers junk for the purpose of sale or barter.

e. **Store or repository** means any place within the City where junk is kept, stored, or permitted to collect for the purchase, sale, collection, exchange, or barter thereof. (1986 *City of Greencastle Code*, § 515-5)

Sec. 4-31 Requirement of License for Junk Dealer and Junk Peddler.

a. It shall be unlawful for any person, firm, corporation, association, or partnership to operate, maintain, open, or establish any junk yard in the City of Greencastle without first having obtained a license to do so from the Clerk-Treasurer of Greencastle as provided in this Chapter.

b. It shall be unlawful for any person to engage in the business of a junk peddler, junk dealer, or itinerant junk dealer or peddler within the City of Greencastle without first having obtained a license as provided in this Chapter.

Sec. 4-32 License Fees.

a. Every person, firm, corporation, association, or co-partnership opening, establishing, operating, or maintaining a junk yard, store, or repository or any person, firm, corporation, association, or co-partnership operating as a junk peddler, itinerant junk dealer, or itinerant junk peddler within the City of Greencastle shall pay the license fees prescribed in Subsection 'b' for the privilege of opening, establishing, operating, or maintaining such junk yard, store, or repository or for the privilege of operating as a junk peddler, itinerant junk dealer, or itinerant junk peddler.

b. The license fee shall be as follows:

1. Twenty-five dollars (\$25.00) per year for an established junk yard, store, or repository within the City of Greencastle.
2. Ten dollars (\$10.00) per year for a junk peddler living in the City of Greencastle.
3. Thirty-five dollars (\$35.00) per year for an itinerant junk dealer or itinerant junk peddler. (1986 *City of Greencastle Code*, § 515-15)

Sec. 4-33 Bond for an Itinerant Junk Dealer or Peddler.

a. Every licensee as an itinerant junk dealer or itinerant junk peddler shall execute and file a bond in the sum of five hundred dollars (\$500.00), payable to the City of Greencastle, to be approved by the Clerk-Treasurer as to sureties and form. The bond shall be conditioned upon the faithful observance by such licensee and his agents of all the provisions of the ordinances of the City and the laws of the State of Indiana, and such bond shall be conditioned to indemnify any person because of any loss or damage sustained on account of the violation by the licensee of any ordinance or law of the State of Indiana or misrepresentation or deception that may have been committed by the licensee in the conduct of his business.

b. Upon the execution of the bond and the approval by the Clerk-Treasurer, a license may be issued to the applicant. (1986 *City of Greencastle Code*, § 515-20)

Sec. 4-34 License Duration, Expiration Date, and Transferability.

a. Licenses for the business of junk dealer or itinerant junk dealer shall be issued annually, shall expire on December 31 of each year and shall not be transferable. No deductions shall be allowed from the fee for such license for any part of the year during which the licensee does not exercise the right of such license.

b. The license fee for junk peddlers or itinerant junk peddlers shall be issued for one (1) year, expiring on December 31 of each year, with no deductions for time elapsed at the date of application. (1986 *City of Greencastle Code*, § 515-25)

Sec. 4-35 Record of Purchases by Junk Dealer or Itinerant Junk Dealer.

a. Every junk dealer or itinerant junk dealer shall keep and maintain a record of all purchases for the inspection of the Police Department of the City of Greencastle or other law-enforcing agencies as the State law requires.

b. Any junk dealer or itinerant junk dealer who does not keep such a record and have it available to the Police Department of the City shall have his license revoked. (1986 *City of Greencastle Code*, § 515-30)

Sec. 4-36 Compliance with Previous Ordinances and with Zoning Codes.

Nothing in this Chapter shall enable a person to establish a junk yard, store, or repository

without complying with a former ordinance of the City or any of the zoning codes. (1986 *City of Greencastle Code*, § 515-35)

Sec. 4-37 Exemption of Charitable, Educational, and Religious Organizations.

Nothing in this Chapter shall forbid any recognized charitable, educational, or religious organization from collecting papers that are given to the collector for charitable, educational, or religious purposes or from collecting other furniture or materials for such purposes that are given by the owners for such purposes. (1986 *City of Greencastle Code*, § 511-40)

Sec. 4-38 Violations and Penalties.

Any person, firm, corporation, co-partnership, or association that violates any of the provisions of this Chapter commits a Class C ordinance violation and shall be fined in any sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and each and every day that such violation continues constitutes a separate and distinct offense. (1986 *City of Greencastle Code*, § 511-45)

Sec. 4-39 through Sec. 4-41 Reserved for Future Use.

Division III. Farmers' Market.

Sec. 4-42 Farmers' Market Established.

A Farmers' Market [is] established for the City of Greencastle, Indiana in a designated area where, on designated days and times, growers and producers may sell directly to the public in accordance with City regulations. The City of Greencastle shall have the right to relocate or discontinue the Market, to specify the days and times of its use and to stipulate what goods may be sold. (Ord. No. 1978-2, § 1, 4-10-78)

Sec. 4-43 Definitions.

A grower or producer, as referred to herein, shall be any person offering for sale articles for human consumption such as fruits, vegetables, edible grains, nuts and berries, apiary products, maple sugars, syrups and eggs or non-edible articles, such as cut or potted flowers, which articles have been raised or prepared by the grower or producer, his family or by persons in his employ. Sale of any type of meat, fish or poultry, refrigerated dairy products and baked goods or any article proscribed by the Indiana Department of Public Health shall be prohibited. (Ord. No. 1978-2, § 2, 4-10-78)

Sec. 4-44 Supervision and Control of the Market.

A Market Master, duly appointed by the Mayor of the City of Greencastle, shall review the application of any grower or producer offering articles for sale, issue permits and collect fees therefore, assign spaces to growers and producers, establish a system of bookkeeping acceptable to the Clerk-Treasurer of the City of Greencastle for the Market, maintain the Market's cleanliness and enforce the Market regulations. (Ord. No. 1978-2, § 3, 4-10-78)

Sec. 4-45 Season Permit.

No grower or producer shall sell or offer for sale any product without first having obtained a license or permit therefore. Each license shall be valid for one (1) season. The seasonal fee for such license shall be twenty-five dollars (\$25.00). No grower or producer shall be eligible for more than one (1) license. A license granted hereunder is non-transferable. (Ord. No. 1978-2, § 4, 4-10-78)

Sec. 4-46 Daily Permits.

A grower or producer may obtain a daily permit, entitling them to occupy one (1) space in the Market for one (1) day. The fee for such a daily permit shall be three dollars (\$3.00), and no grower or producer shall be eligible for more than one (1) daily permit per day.

Sec. 4-47 Application Required.

An applicant for a license or permit to sell goods within the Market shall submit to the Market Master, together with the required fee, an application in writing containing the following information:

- a. Name and address of applicant;
- b. Products for which a sale license or permit is sought;
- c. Source of the products;
- d. A warranty that such products are fit for human consumption or use; and
- e. State sales tax permit number for non-edible products. (Ord. No. 1978-2, § 6, 4-10-78)

Sec. 4-48 Assignment of Spaces.

Certificate of Production Spaces shall be assigned in accordance with the order in which applications are filed with the Market Master. Permit fees shall be paid in advance of occupancy. Sellers shall submit in advance of occupancy an affidavit certifying that articles offered for sale are of the grower's or producer's own raising or production. (Ord. No. 1978-2, § 7, 4-10-78)

Sec. 4-49 General Regulations.

- a. No licensee or permittee shall:
 1. Sell or offer any article according to weight except in accordance with the established standards for weight for the State of Indiana.
 2. Sell apiary products, maple sugars and syrups or any processed food unless properly labeled in accordance with standards for labeling of the State of Indiana.

3. Sell or offer any [un]wholesome or spoiled articles.
4. Attract attention to his goods by hawking or crying out.
5. Sell or offer any article requiring a sales tax permit without first obtaining an Indiana sales tax permit for the current year and prominently displaying the number of such permit; provided, however, that when a daily permit for a space is assigned, suitable evidence of application for such sales tax permit may be presented at the time of obtaining such a daily permit.
6. Transport or display food without adequate protection from flies, other insects and contamination. Delivery trucks and other equipment used for transportation and display shall be kept clean at all times.
7. Allow any waste, garbage, trash, rubbish or other refuse to remain near his space after the closing hours of any market day.
 - b. No animals or pets of any kind shall be allowed in the Market.
 - c. No motorized vehicles, other than those of sellers and the Market Master, shall be allowed in the Market. (Ord. No. 1978-2, § 8, 4-10-78)

Sec. 4-50 Penalties for Violation.

Any person, firms, corporations, partnership or association violating any of the provisions of this Ordinance shall be subject to a fine not to exceed one hundred dollars (\$100.00). Each day of violation shall be deemed a separate offense. The Market Master may, in his discretion, revoke the license of permit of any individual upon proof of conviction of a violation hereof. (Ord. No. 1978-2, § 9, 4-10-78)

Sec. 4-51 Creation of Farmers' Market Commission.

- a. There is created a Farmers' Market Commission composed of five (5) members, including a chairman, each of whom shall serve without compensation.
- b. Appointment and Term of Office - The chairman and members of the Commission shall be appointed by the Mayor of the City of Greencastle, with the advice and consent of the Common Council. Such appointments shall be for a term of one (1) year and commissioners shall be eligible for reappointment. Any vacancy shall be filled in a like manner to an original appointment and shall be for the balance of the term of the vacated office. Any member may be removed by the Mayor for failure to regularly attend meetings or for inattention to duties. All commissioners shall be residents of the City of Greencastle. Each Commissioner shall have one (1) vote.
- c. *Ex Officio* Members of the Commission - In addition to the members of the Commission appointed pursuant to Section 'b' hereof, the following persons shall be deemed *ex officio* members of the Commission to serve, without compensation, as permanent non-voting members; the Mayor of the City of Greencastle, Indiana and the Putnam County Public Health Officer.

d. Organization - As soon as possible after their appointment, the members of the Farmers' Market Commission shall organize the election of a chairman and other officers as may, in their judgement, be necessary.

e. Powers and Duties - It shall be the duty of the Farmers' Market Commission to review the activities of the Market and to make recommendations to the Common Council of the City of Greencastle and to the Market Master for any changes in operating policies or rules and regulations necessary to improve the operations of the Market. The Market at its discretion may recruit growers and producers and may publicize the Market. (Ord. No. 1978-2, § 10, 4-10-78)

Sec. 4-52 through Sec. 4-54 Reserved for Future Use.

Division IV. Taxicab Operators. ⁷

Sec. 4-55 Insurance Requirement for Taxicabs and Other Passenger Transportation Vehicles.

Any and all persons, partnerships, or corporations owning or operating any taxi, taxicab, automobile, or vehicle for the transportation of persons or passengers for pay or hire over the streets in the City of Greencastle shall, before operating any such taxi, taxicab, automobile, or vehicle for the transportation of persons or passengers for pay or hire on and over the streets in the City of Greencastle, procure and carry in force at all times while so owning and operating any such taxi, taxicab, automobile, or vehicle proper insurance for the protection and benefit of:

a. any and all persons who may be injured or the legal representatives of those who may be killed while being transported by any such person, partnership, or corporation owning and operating any such taxi, taxicab, automobile, or vehicle for pay or hire; and

b. any and all persons, firms, or corporations that may receive property damage caused and committed by any such person, partnership, or corporation so owning and operating any such taxi, taxicab, automobile, or vehicle for pay or hire while in the operation thereof in the City. (1986 *City of Greencastle Code*, § 565-5)

Sec. 4-56 Amount of Insurance Required.

The insurance required in Sec. 4-55 shall be evidenced by a policy or policies issued by good standard insurance companies authorized to do business in Indiana, to be approved by the Clerk-Treasurer of the City of Greencastle, with the City of Greencastle as a co-insurer therein and with indemnities provided in the following amounts:

a. For injuries to or death of any one (1) person, a liability of five thousand dollars (\$5,000.00) with a limit of ten thousand dollars (\$10,000.00) for two (2) or more persons in

⁷ I.C., § 36-9-2-4, authorizes cities to regulate the services offered by persons who hold for public hire the use of vehicles. This includes the power to fix the price to be charged for their service.

any one (1) accident and with liability for injuries or death to insured's employees included.

b. For property damage to any one (1) person, firm, or corporation in any one (1) accident, a liability of one thousand dollars (\$1,000.00) with no liability for damage to property owned by, rented by, leased to, or in the care of the insured. (1986 *City of Greencastle Code*, § 565-10)

Sec. 4-57 Violations and Penalties.

a. Any person, partnership, or corporation that owns and operates any taxi, taxicab, automobile, or vehicle for the transportation of persons or passengers for hire or pay over the streets of Greencastle without first having complied with the provisions in Sec. 4-55 and Sec. 4-56 commits a Class D ordinance violation and shall forfeit and pay to the City of Greencastle a sum not exceeding fifty dollars (\$50.00).

b. Each day's operation in violation of this Chapter shall be a separate offense. (1986 *City of Greencastle Code*, § 565-15)

Sec. 4-58 and Sec. 4-59 Reserved for Future Use.

Division V. Police and Fire Alarms.

Sec. 4-60 Monthly Fees for Alarm Service Users.

A charge of ten dollars (\$10.00) per month shall be made to alarm service users utilizing such services furnished by the Greencastle Fire or Police Departments for places of business having one hundred (100) employees, or less, or fifty (50) beds, if engaged in the hospital business, and in either instance, having a property value of less than one hundred thousand dollars (\$100,000.00) net value. (Ord. No. 1928-4, § 1, 7-17-78)

Sec. 4-61 Monthly Fees for Larger Businesses having Alarm Services.

A charge of twenty-five dollars (\$25.00) per month shall be made to alarm service users utilizing such services of the Greencastle Fire or Police Departments for places of business having one hundred (100) employees, or more, and if a hospital, having more than fifty (50) beds, and in either instance, having a property value of more than one hundred thousand dollars (\$100,000.00) net appraised valuation. (Ord. No. 1928-4, § 2, 7-17-78)

Sec. 4-62 through Sec. 4-64 Reserved for Future Use.

Division VI. Building and Zoning Fees.

Sec. 4-65 Building Fees.

All building fees including but limited to plumbing, building of sewer, water permits, etc., are set forth in Chapter 7 of this *Code*.

Sec. 4-66 Zoning and Planning Fees.

All zoning and planning fees are set forth in Chapter 10 of the *Code*.

Sec. 4-67 through Sec. 4-69 Reserved for Future Use.**Division VII. Miscellaneous Fees.****Sec. 4-70 Fee for Document Copies.⁸**

- a. The City of Greencastle shall charge to fee of fifteen cents (\$.15) per page for any document requested by a member of the public.
- b. A receipt for said charge shall be given by the City.

Sec. 4-71 Charge for Presentment of a Returned Check or Draft.

Any person or firm presenting a check or draft which is returned to the City of Greencastle marked "unpaid", "NSF", "insufficient funds" or similar words, shall be assessed the additional sum which shall be added to the fee or bill for which the returned draft or check is presented. Said charge shall be fifteen dollars (\$15.00) or five percent (5%) of the face amount of the check or draft whichever is greater, not to exceed two hundred and fifty dollars (\$250.00).

Sec. 4-72 Greencastle Fire Department Service Charge Account.¹²

a. Fund Established - There is hereby created and established, pursuant to I.C. 38-8-12.2, a service charge account to be designated as "The Greencastle Fire Department Hazardous Materials Response Fund." The City hereby incorporates I.C. 38-8-12.2 herein.

b. Fees - There are hereby established fees which shall be imposed upon a person that is a responsible party with respect to a hazardous materials emergency that:

1. the Greencastle Fire Department responded to;
2. members of the Fire Department assisted in containing, controlling or cleaning up;
3. with respect to the release or imminent release of hazardous materials at a facility, involving a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-5; and
4. with respect to the release or imminent release of hazardous materials from a mode of transportation, involving a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-6.

Fees shall be established by the Indiana State Fire Marshal and shall be computed as follows:

⁸ I.C., § 38-8-12.2, authorizes a service charge which is reasonably related to the cost of the service provided.

¹² Ordinance No. 1998-11 passed July 14, 1998 established a Fire Department Service Charge Account. Ord. No. 2005-14 passed October 11, 2005.

1. For initial response with a fire engine, a fire truck or 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. On-the-Scene Assistance for each hour or fraction thereof, 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.

c. Collection of Fees - Fees shall be collected pursuant to I.C. 36-8-12.2. Fees collected pursuant to this ordinance shall be deposited in a separate account to be known as the Greencastle Fire Department Hazardous Materials Response Fund and shall be expended for:

1. Purchase of supplies and equipment used in providing hazardous materials emergency assistance;
2. Training for members of the fire department in skills necessary for providing hazardous materials emergency assistance; or
3. Payment to persons with which the fire department contracts to provide services related to the hazardous materials emergency assistance provided by the fire department.

Sec. 4-73 through Sec. 4-79 Reserved for Future Use.

ARTICLE 3. CABLE TELEVISION REGULATIONS.⁹

Sec. 4-80 Adoption of Rules and Regulations.¹⁰

a. The Common Council of the City of Greencastle adopts the rules and regulations set forth by the Federal Communications Commission pursuant to Section 623 (b) of the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. § 543 [b]) and as thereafter amended for the review of the basic service tier of cable television services and equipment necessary for the provision of such service tier, which rules and regulations are incorporated herein by reference.

b. For the purpose of this Article, the basic service tier of cable television services shall mean a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all signals of domestic television broadcast stations provided

⁹ *Editor's Note:* Ord. No. 1989-3, passed on March 14, 1989, established a Cable Television Public Access Programming Gift Fund pursuant to I.C., § 5-11-1-3. Article 3 was recommended during the codification process.

¹⁰ *Editor's Note:* Res. No. 1996-9 adopted June 3, 1996, authorized a one-year extension of a cable television franchise agreement. It is on file in the office of the City Clerk-Treasurer and available for public inspection during regular business hours.

to any subscriber, (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system) any public, educational, and governmental programming required by the franchise to be carried on the basic tier, and any additional video programming signals or service added to the basic tier by the cable operator. Equipment necessary to provide said basic tier of service shall be defined as those items of associated equipment necessary for the reception of basic cable service by a subscriber, including, but not limited to converter boxes, remote control units additional outlets, and installations.

Sec. 4-81 Regulation of Subscriber Rates by the City.

Upon the adoption of this ordinance and the certification of the City of Greencastle by the Federal Communications Commission, the City shall immediately notify the cable operator by certified mail, return receipt requested, that the City intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Television Consumer Protection and Competition Act of 1992. Upon receipt of said notice by the City, the cable operator shall, within thirty (30) days, file with the City its current rates for the basic service tier and associated equipment along with any additional documentation justifying the reasonableness of its rates.

Sec. 4-82 Procedure Regarding Rate Increases.

a. After a cable operator has submitted for review its existing rates for the basic service tier and associated equipment costs, or a proposed increase in these rates (including increases in the baseline channel change that results from reductions in the number of channels in a tier), the existing rates will remain in effect or the proposed rates will become effective after thirty (30) days from the date of submission unless the Common Council tolls this thirty (30) day deadline for an additional time as hereinafter provided.

b. After receiving a rate filing, the Common Council shall promptly publish a notice that a filing has been received and that, except for those parts which may be held as proprietary, it is available for public review. The notice shall state that interested parties may submit written comments on the filing to the Common Council.

c. In the event that additional time for review of the rate request submitted by the cable operator is necessary, the Common Council or its designee shall issue a brief written order prior to the end of the thirty (30) day period, with a copy of said order to be sent by certified mail to the cable operator, providing for an additional ninety (90) days in cases not involving cost-of-service showings or for an additional one hundred fifty (150) days in cases involving cost-of-service showings. During the extended review period and before taking action on the proposed rates, the Common Council shall hold at least one (1) public hearing in which interested persons and the cable operator may express their views and record objections.

Sec. 4-83 Formal Resolution Required of Common Council.

a. Upon completion of its review of the proposed rates, the Common Council shall adopt its decision by formal resolution. Said resolution shall indicate the reasons for the decision. Upon passage of the resolution, the Common Council shall publish the resolution and provide a copy to the cable operator.

b. In the event that the cable operator's proposed rates exceed the reasonable rate standard as established by the Federal Communications Commission in its rules and regulations, the Common Council may order the rates reduced by rollbacks or refunds to subscribers, in the manner so prescribed by the Federal Communications Commission.

Sec. 4-84 Production of Documents.

If these provisions or a request for information requires the production of proprietary information, the cable operator must produce the information. However, at the time the allegedly proprietary information is submitted, the cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the Common Council determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 522.

Sec. 4-85 When Refunds May Be Made.

The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

- a. A portion of the previously paid rates have been determined to be in excess of the permitted basic cable service tier charge or above the actual cost of equipment; or
- b. The cable operator has failed to comply with a valid rate order issued by the City.

Sec. 4-86 Violations.

Failure by the cable operator to comply with the terms and conditions established by this ordinance shall constitute a violation of the *Greencastle City Code* as adopted by the City. Penalties for such violation are subject to Sec. 1-18, *et seq.*, of the *Greencastle City Code* and in addition thereto, the City shall be entitled to pursue any additional remedies available at law or in equity.

Sec. 4-87 through Sec. 4-99 Reserved for Future Use.**ARTICLE 4. MISCELLANEOUS REGULATIONS.****Sec. 4-100 Interlocal Agreements.¹¹**

A resolution or ordinance of the Common Council is required before an interlocal agreement becomes effective.

Sec. 4-101 Economic Development Target Areas.

Real and personal property tax abatement declarations may be granted pursuant to *Indiana Code* § 6-1.1-12.1 and upon proper resolutions being adopted by the Common Council.

¹¹ *Editor's Note:* Examples of such ordinances and resolutions include: Ord. No. 1995-18 passed December 27, 1995 between Greencastle and Fillmore regarding waste water treatment entered pursuant to *I.C.*, § 36-9-23-16; Res. No. 1995-24 adopted November 21, 1995 between Greencastle and the Putnam County Airport; Ord. No. 1996-3 passed March 21, 1996 between Greencastle and the Putnam County Board of Aviation Commission, *et seq.*, entered into pursuant to *I.C.*, § 36-1-7 and *I.C.*, § 8-22-2-15; and Res. No. 1996-4 adopted April 9, 1996 addressing maintenance of bridges pursuant to *I.C.* § 8-16-3. All of the resolutions and ordinances are in the Office of the City Clerk-Treasurer and available for public inspection during regular business hours.

Sec. 4-102 Chart on Fees.

ACTIVITY REGULATED	AMOUNT	SECTION
ALARM SERVICES	\$10.00 PER MONTH	§ 4-60
ALARM SERVICES - BUSINESSES	\$25.00 PER MONTH	§ 4-61
BAD CHECKS	\$15.00 OR 5%	§ 4-71
COPIES OF PUBLIC DOCUMENTS	\$0.15 PER PAGE	§ 4-70
FARMER'S MARKET	\$25.00 PER SEASON	§ 4-45
ITINERANT MERCHANT	\$5.00 PER DAY \$30.00 PER WEEK \$100.00 PER MONTH	§ 4-20
JUNK DEALER/PEDDLERS	\$10.00 PER YR/PEDDLER \$25.00 PER YR/PEDDLER \$35.00 PER YR/PEDDLER	§ 4-32
MARKET PERMIT	\$3.00 DAILY	§ 4-46
NSF CHECKS	\$15.00 OR 5%	§ 4-71

Sec. 4-103 through Sec. 4-109 Reserved for Future Use.

****Page 175 through Page 202 Reserved for Future Use.****