

CHAPTER 4

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CHAPTER 4

FEES, 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. ¹

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 Council.

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

Sec. 4-3 Approval of Town Council.

After examination, the Town Council 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 Council approval. ²

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. ³

¹ *I.C.*, § 36-1-3-8(5), provides Towns with such licensing power.

² *I.C.*, § 36-5-6-6(6), authorizes the Clerk-Treasurer to issue licenses.

³ *I.C.*, § 36-5-4-11, addresses license revocations or suspensions.

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 an application 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 Council for review and recommendation. The Town Council 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 Council, the Clerk-Treasurer shall issue a license upon payment of the proper license fee:

Carnival or circus (per day of operation)	\$2.00
(Fifteen [15] day prior notice required)	
Parade	\$1.00
(Two [2] day prior notice required)	

Sec. 4-12 Reserved for Future Use.

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 placecards, 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 payment in whole or in part of the purchase price thereof. (Ord. No. 9, § 1, 1-23-33)

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. (Ord. No. 9, § 2, 1-23-33)

c. **License Fees** - Any person, firm, or corporation desiring a license 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 one dollar (\$1.00) per day, five dollars (\$5.00) per week, ten dollars (\$10.00) per month, twenty dollars (\$20.00) per year.

2. For selling or offering to sell from a vehicle of any kind or character, for each vehicle the sum of one dollar (\$1.00) per day, four dollars (\$4.00) per week, eight dollars (\$8.00) per month, twenty dollars (\$20.00) per year. (Ord. No. 9, § 3, 1-23-33)

Any person, firm or corporation may procure the licenses above defined and enumerated by paying to the Clerk-Treasurer of the Town of Hudson the fees set forth, and upon payment to the Clerk-Treasurer of said fee it shall be his duty to issue to the person, firm or corporation applying therefore a license to hawk or peddle within the Town limits. The license shall bear the signature of the President of the Town Council and the corporate seal of the Town. (Ord. No. 9, § 4, 1-23-33)

d. **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.

e. **Exceptions** - Hawkers and peddlers having in their possession in a valid license or permit issued to them by the Auditor of Steuben County, Indiana, shall not be subject to the payment of the license fee. Persons selling produce, provisions and fruits of their own raising, and wholesale traveling merchants or agents or salesmen, who sell only to retail dealers in like commodities, as well as not-for-profit organizations and clubs, shall not be subject to the payment of the license fees. (Ord. No. 9, § 1, 1-23-33)

f. **Penalty** - Whoever sells or offers for sale, within the corporate limits of the Town of

Hudson, any goods, wares, or merchandise of any kind or nature whatsoever, in violation of the foregoing provisions, shall for every offense be fined in any sum not exceeding twenty-five dollars (\$25.00). (Ord. No. 9, § 5, 1-23-33)

Sec. 4-14 Reserved for Future Use.

Sec. 4-15 Traffic Accident Reports.⁴

a. The Town Council has established a fee of three dollars (\$3.00) to be collected by the Town of Hudson for furnishing traffic accident reports.

b. Fees shall be deposited in a separate account entitled "Accident Report 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 Agreements⁵.

a. The Town Council 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 Council 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.

⁴ *I.C.*, § 9-3-1-3, authorizes the charging for accident reports and the establishment of a special fund.

⁵ **Editor's Note:** The Hudson Town Council Adopted Res. No. 89-3, adopted August 28, 1989 requesting Congress to pass Cable Television regulations.

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 Chart on Charges for Fire Department Services.

There is established the following rate charges for services provided by the Volunteer Fire Department of the Town of Hudson:

DESCRIPTION	FEES
CAR FIRE	\$100.00
CHIMNEY FIRE	\$ 200.00
GRASS FIRE	\$100.00
HAZARDOUS MATERIAL CALL	\$100.00 per unit \$ 10.00 per man 100% Materials Cost
STRUCTURE FIRE	\$ 500.00
TREE FIRE	\$150.00

(Ord. No. 90-5, § 1, 8-27-90)

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. (Ord. No. 90-5, § 2, 8-27-90)

Sec. 4-32 Vehicle Number Check Fees.

The Town Marshal shall collect on behalf of the Town of Hudson the sum of five dollars (\$5.00) for each vehicle identification number check performed by the Town Marshal. (Ord. No. 95-8, 12-19-95)

Sec. 4-33 Accident Report Fees.⁶

The Town marshal shall collect the sum of three dollars (\$3.00) for the Town of Hudson for each vehicle accident report requested by a party entitled thereto. (Ord. No. 958, 12-19-92)

Sec. 4-34 through Sec. 4-39 Reserved for Future Use.**ARTICLE 6. MISCELLANEOUS LICENSING PROVISIONS.****Sec. 4-40 Ordinance Required for Specific Types of Licenses – Liqueur and Restaurants.⁷**

a. Indiana Statute requires the Town of Hudson to authorize by ordinance the use by an applicant of a liqueur license within the Town limits of the Town of Hudson.

b. The Town Council, after making due inquiry of the populous of Hudson as to authorization of the use of a liquor license, may act on a proper ordinance authorizing such a license.

c. The Town Council of the Town of Hudson must determine that it would be in the best interest of the Town of Hudson to authorize the issuance of a liquor license in the Town of Hudson by the Indiana Alcoholic Beverage Commission by proper ordinance. (Ord. No. 98-1, 5-18-98)

Sec. 4-41 through Sec. 4-44 Reserved for Future Use.

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⁶ **Editor's Note:** § 4-15 of the *Hudson Town Code* was already in existence when Ord. No. 95-8 was passed, addressing Vehicle Accident Reports.

⁷ **Editor's Note:** Ord. No. 98-1, passed on May 18, 1998, authorized Type 210 Restaurant License and is an example of the form of ordinance required. This ordinance is on file in the office of the Clerk-Treasurer.