

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 111: AMUSEMENTS

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GENERAL LICENSING OF MACHINES AND LOCATIONS

§ 111.01 DEFINITIONS.

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

AMUSEMENT LOCATION. Any public room or area containing amusement machines.

AMUSEMENT LOCATION PERMIT. A license or permit authorized by the Board of Public Works and Safety for any public room or area containing amusement machines, pool tables, billiard tables, shuffleboard tables or devices being displayed upon the premises for which it shall be issued.

AMUSEMENT MACHINE. Any machine or device designed or modified to be operated by a coin, coins or tokens or for which charge is made for the operation thereof, except as otherwise provided.

herein. A machine or device used exclusively for the vending of merchandise of a tangible nature shall not be deemed an *AMUSEMENT MACHINE*. Outdoor baseball batting machines shall not be deemed to be *AMUSEMENT MACHINES*.

AMUSEMENT MACHINE PERMIT. Any sort of tag, badge, plate emblem or decal which may be issued by the Clerk-Treasurer and required to be used or displayed by a licensee.

BOWLING ALLEY or *BOWLING MACHINE*. Bowling alleys, pins and ball alleys, pin and ball alley machines, box ball alleys and all alleys of similar character. A machine or device used exclusively for bowling shall not be deemed an amusement machine.

BUSINESS. All kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters together with all devices, vehicles and appurtenances used therein, which are conducted directly or indirectly, on any premises within this city or elsewhere within the jurisdiction of this city.

CIGARETTE VENDING MACHINE. Any automatic vending machine commercially used for the sale of cigarettes or cigars and matches and controlled by the insertion of a coin or coins. A machine or device used for the vending of cigarettes shall not be deemed an amusement machine.

JUKEBOX. A machine or device used for the emission of songs or music and shall not be deemed an amusement device.

LICENSE. The word *LICENSE* and the word "permit" shall give the privilege of carrying on a specified business within the city; however, both permits and *LICENSES* may be granted where specifically authorized under this subchapter.

LICENSEE. Includes the word "permittee". The person to whom a license has been granted and his agents and employees.

MASTER VENDOR. A person, corporation or entity, who sells, leases or rents any amusement machine whether on his own behalf or for another, whose principal place of business is within the city.

OUTSIDE MASTER VENDOR. A person, corporation or entity located outside the city who sells, leases or rents any amusement machines whether on his own behalf or for another and whose principal place of business is outside the city.

POOL or *BILLIARD TABLE*. A table used for any form of the games commonly referred to as pool or billiards and includes any table of any size, the top of which is surrounded by an elastic ledge and consists of impelling balls by means of sticks or cues and which is operated by any coin, coins or tokens or for which a charge is made for the operation or use thereof. A machine or device used exclusively for pool or billiards shall not be deemed an amusement machine.

PREMISES. All lands, structures, places, the equipment and appurtenances connected with or used in any business, and also any personal property which is either affixed to or otherwise used in connection with any business.

PRIMA FACIE EVIDENCE OF DOING BUSINESS. The placing or permitting of any business sign or notice on or within any premises or place; any publication of the opening or conduct of any business by advertisement in any newspaper or other publication, by any poster, circular, letter, card or by any method attracting public notice thereto; by soliciting business, by acquiring or using any premises in the city for business purposes and any premises where the business is subject to a license or permit therefor, shall be prime facie evidence of liability of the person to obtain and pay for the license or permit as provided by this chapter.

PUBLIC WELFARE. The prosperity, well-being and convenience of the inhabitants of the city, whether as a whole or in some limited group.

SHUFFLEBOARD. Any table or device where a metal or any other surface of the table or device where a metal or any other type puck is propelled on the surface of a table or device from one end to the other. A table or device used exclusively for **SHUFFLEBOARD** shall not be deemed an amusement machine.

TEMPORARY AMUSEMENT LOCATION PERMIT. Any public room or area containing four or more amusements which will operate for a period of not more than 14 days in any permit period and shall not be renewable in any permit period and shall not be renewable in the permit period.

TEMPORARY AMUSEMENT MACHINE PERMIT. Any sort of tag, badge, plate, emblem or decal which may be issued by the Clerk-Treasurer and required to be used or displayed by a licensee for an amusement machine which will operate for a period of not more than 14 days in any permit period and shall not be renewable in the permit period.

(Ord. 1559, passed 7-11-83)

§ 111.02 LICENSE AND PERMIT APPLICATION; FORMS.

(A) The application for an amusement location license, a master vendor's license and amusement machine permits shall be made in the form and contain the information as the Board of Public Works and Safety may prescribe. The requirements for all permits for machines and devices shall be determined by the Board of Public Works and Safety.

(B) The application for a license to own or operate an amusement location and application for vendor's license shall contain the following information:

- (1) Name of the applicant and, if a partnership or corporation, the state in which organized.
- (2) Residence address of applicant;

(3) Business address of applicant;

(4) The age and citizenship of the applicant if an individual, of all partners if a partnership or joint venture or of the manager and officers, if a corporation;

(5) The name and residence address of the owner of the premises proposed for licensing as to amusement location;

(6) The street address of the amusement location to be licensed;

(7) The location, time and duration of any other amusement location operated by the applicant presently or at any previous time, and whether the license was revoked;

(8) The number of pool or billiard tables and amusement machines or devices that are to be located on the premises to be licensed;

(9) The name of the manager or operator if the person is not the applicant;

(10) The name and address of the master vendor or vendors;

(11) A site location drawing or floor plan of the premises where the business is to be conducted with the same drawn to scale with exits clearly indicated for each amusement location. A license shall be obtained for each amusement location.

(Ord. 1559, passed 7-11-83)

§ 111.03 INVESTIGATION OF APPLICANT.

Before a license is issued, an investigation of the character of the applicant or applicants and the officers or manager of the business shall be made. The license may be denied if it is found that any of the persons named in the application have previously been convicted of an infraction connected with any amusement location where the license has been revoked, or where any of the provisions of this subchapter applicable to them have been violated or if the amusement location sought to be licensed does not comply in every way with the chapter applicable thereto. All licensees shall be no less than 18 years of age. If an application is denied, the applicant for the license or permit shall be notified in writing of the reasons for rejection and shall have the right to appeal.

(Ord. 1559, passed 7-11-83)

§ 111.04 LICENSE AND PERMIT TERMS AND FEES.

(A) *Transfer of license prohibited.* The annual license or permit shall be for the period from January through December 31 of each year or for any fraction thereof from date of issue and shall expire upon December 31 of each year. The license for the amusement location shall not be transferrable.

(B) *License and/or permit fees.*

| Type of license | Fee |
|--|-------|
| Amusement location permit | \$25 |
| Master vendor's license | \$100 |
| Outside master vendor's license | \$100 |
| Amusement machine permit | |
| One machine | \$25 |
| Two machines | \$50 |
| Three machines | \$75 |
| Four or more machines | \$300 |
| Temporary amusement location permit | \$75 |
| Pool and billiards tables, shuffleboard (per table) | \$10 |
| Temporary amusement machine permit | \$5 |

(C) *Permit or license display.* Every public room or location used in connection with any business and where an amusement machine, pool table, billiard table or shuffleboard table or device is located shall have at all times prominently displayed upon the premises an amusement location permit or certification issued by the Clerk-Treasurer and a permit shall be securely attached to the certificate or permit for each amusement machine, pool table, billiard table, shuffleboard table or device upon the premises for which the certificate or permit was issued.

(Ord. 1559, passed 7-11-83) Penalty, see § 10.99

§ 111.05 INSPECTIONS; RIGHT OF ENTRY.

(A) All businesses applying for an amusement location permit shall be inspected by the Building Inspector for the city and the Inspection Department of the Elwood Fire Department before the permit is issued.

(B) All employees of the city who have been authorized by the Board of Public Works and Safety to make inspections may enter any place of business of a licensee under this subchapter to make inspections conducted in a reasonable manner. The Board of Public Works and Safety may call upon city employees having police power to enforce the provisions of this subchapter.

(C) All Boards and officials of the city shall issue the necessary orders to their respective employees to conduct the inspections necessary to meet the requirements pursuant to this subchapter.

(D) All violations of the subchapter as observed during any inspection of a licensed business or observed by a police officer, fire fighter or other city official during the course of their employment shall be immediately reported to the Clerk-Treasurer or any of the boards and officials for the city as they deem proper.

(Ord. 1559, passed 7-11-83)

§ 111.06 UNLAWFUL ACTS.

(A) It shall be unlawful to own or operate any location fitting the definition of an amusement location as stated in this subchapter without an amusement location license issued by the Clerk-Treasurer.

(B) It shall be unlawful for any owner to display, exhibit, expose or permit to be displayed, exposed or exhibited any amusement machine without having procured from the Clerk-Treasurer a permit for each amusement machine or device.

(C) It shall be unlawful to permit the operation in any public place of any amusement machine without an amusement machine permit being displayed upon the same as issued by the Clerk-Treasurer.

(D) It shall be unlawful for any person, corporation or entity to act as master vendor or outside master vendor, without the proper license issued by the Clerk-Treasurer for the city.

(E) It shall be unlawful for the master vendor or outside master vendor to possess an amusement machine, intended for sale or placement without a proper license.

(F) It shall be unlawful for a person subject to compulsory school attendance to operate or be allowed to operate an amusement device during the hours as would constitute a violation of the laws of the state requiring compulsory school attendance.

(G) It shall be unlawful for a person who has not reached the age of 18 years to be present in an amusement location after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent or legal guardian.

(H) It shall be unlawful to operate or allow to be operated any amusement machine, video device and/or mechanical devices located within range of any police and/or fire department radio receiver equipment, which creates an interference with the reception or operation of the equipment. All amusement machines, video devices and/or mechanical devices shall have proper grounding and/or filtering devices to prevent machines and devices from interfering with police or fire department equipment. Machines and/or devices that are discovered to be interfering with any police or fire department equipment shall be disconnected and not allowed to operate until the machine or device is properly grounded and/or had a filtering device installed which effectively terminates the interference.

(I) There shall be no amusement devices located on or in any city property nor sponsored by any city department or board, nor shall a license be issued therefor.
(Ord. 1559, passed 7-11-83) Penalty, see § 10.99

SPECIFIC PROVISIONS

§ 111.20 CIRCUS AND THEATER EXHIBITIONS.

(A) *License required.* It shall be unlawful for any person to run, exhibit, operate or conduct any circus, menagerie theater, panorama, musical or vaudeville entertainment, moving picture show or any show or exhibit of any character for hire in the city without having procured a license so to do as hereinafter provided. For concerts, lectures, musicals, entertainments and other like performances, if all the gross profits are devoted solely and exclusively to religious, charitable, literary or scientific purposes in the city or likewise solely and exclusively for the benefit of any fraternal order in the city, no license shall be required. ('66 Code, § 5-4-3-1)

(B) *Exemption.*

(1) Any person shall be exempt from the payment of license fees to the city for the running, exhibiting, operating or conducting of concerts, musical or vaudeville entertainments, merry-go-rounds, ferris wheels and other riding devices, and exhibiting of natural curiosities museums, panorama, feats of tumbling, slight of hand or other performances, if the same are run, exhibited, operated, conducted or shown under the auspices of and under contract with the Elwood Glass Festival.

(2) The exemption of payment of license fees shall apply only for and during the period of time that the annual Elwood Glass Festival is conducted in the city and under the direction of the Elwood Glass Festival.

(3) Before any person shall be exempt under this section from the payment of license fees to the city, it must first be shown by them that they are operating under the auspices of the Elwood Glass Festival, and have executed a written contract therein, all of which has met the approval of the legally constituted officials of the Elwood Glass Festival.

('66 Code, § 5-4-3-2)

(C) *Fees.*

(1) Licenses shall be granted by the Clerk-Treasurer upon the payment into the city treasury. License fees are as follows:

(a) For each circus, menagerie, hippodrome or wild west show, \$75 for each day. Where both a circus and menagerie are exhibited under the same management, for one admission, one fee only shall be charged.

(b) For each side show where separate admission is charged, \$5 per day.

(c) For each theater, moving picture show, musical or vaudeville entertainment regularly conducted in any building or permanent enclosure in the city, \$25 for each year.

(d) For each transient theater, skating rink, merry-go-round, ferris wheel or other riding device, musical, vaudeville show, exhibition of natural curiosities, museum, panorama, feats of tumbling, slight of hand or other performances under a tent or in a room temporarily rented or occupied for that purpose, \$5 for each day and \$20 dollars per week.

(e) For each lung tester, lifting machine, striking machine, ball rack, cane rack, knife rack or other similar device, \$2 for each day.

(2) All moneys received under this section, for use and occupancy of the city park, is hereby set apart for the use of the City Park Fund and is made a part thereof.

('66 Code, § 5-4-3-3)

(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

§ 111.21 CARNIVALS AND STREET FAIRS.

(A) It shall be unlawful for any person to run, exhibit, operate or conduct any carnival exhibition or street fair for hire in the city, unless at a place or places in the city approved by the Common Council and unless a license so to do is first procured as hereinafter provided.

(B) The terms "carnival exhibition" and "street fair" shall not extend to or cover any indoor fair or similar indoor exhibition given by any local charitable, religious, literary, educational or scientific organization or fraternal order in or on its own premises or buildings.

('66 Code, § 5-4-4-1)

(C) A license shall be granted by the Clerk-Treasurer upon the payment of a license fee of \$250 for any continuous period desired by the applicant for not longer than six days. ('66 Code, § 5-4-4-2)
(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

§ 111.22 POOL HALLS AND BILLIARDS.

(A) Any room where pool or billiards are played for gain shall be one single room. The room shall be constructed and arranged so as to its front and interior arrangement so that it may be viewed throughout its entire extent or space at all hours when games are played by any person looking through the front windows or glass doors of the room from the street or highway on which the room fronts and all screens and blinds or other obstructions which would obstruct the view shall be removed during the hours when games of billiards or pool are played. ('66 Code, § 5-4-5-1)

(B) Any person keeping, owning or operating a place within the city limits where billiards or pool are played for hire, shall close the same for the night at 11:00 p.m. of each day, except that he may keep the place open until 12:00 a.m. on the seventh day of each week, at which hour and time, the person shall raise all screens and remove obstructions, so as to give an unobstructed view of the interior, and shall require all other persons to vacate the premises, and shall not open the same, until 5:00 a.m., the following day. ('66 Code, § 5-4-5-2)

(C) At the hours of 11:00 p.m. and 12:00 a.m. and as provided in division (B) above, it shall be the duty of every person who is keeping or assisting in keeping any room where pool or billiards are played for gain, within the city, to eject therefrom, every person, not regularly employed therein, to close and lock the doors thereof secure, and permit no entrance thereto, between those hours and the hour of 5:00 a.m., of the following day. It shall be the duty of every person found in any place, between the forbidden hours, to depart therefrom when requested to do so. ('66 Code, § 5-4-5-3)

(D) A license fee of \$10 shall hereafter be charged and collected by the Clerk-Treasurer per annum for each and every pool table and for each and every billiard table kept and exhibited to be played upon for hire or gain within the corporate limits of the city. The Clerk-Treasurer shall charge a fee of \$.50 for the issuing of each license, and any number of tables belonging to the same person, firm or corporation may be licensed in the same license. ('66 Code, § 5-4-5-4)

(E) It is unlawful for any person to keep and exhibit to be played upon for hire or gain any pool or billiard table within the corporate limits of the city without having first obtained a license as herein provided. ('66 Code, § 5-4-5-5)
(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

§ 111.23 BOWLING ALLEYS.

(A) A license fee of \$5 per month, \$10 per every three months and \$25 per year shall hereafter be charged and collected by the Clerk-Treasurer for every bowling alley or box ball alley operated within the corporate limits of the city. For the issuing of the license, the Clerk-Treasurer shall charge a fee of \$.50. ('66 Code, § 5-4-6-1)

(B) It is unlawful for any person(s) to operate any bowling alley or box ball alley within the city without first having procured a license as herein provided. ('66 Code, § 5-4-6-2)
(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

§ 111.24 SHOOTING GALLERIES.

(A) It is hereby made unlawful for any person(s) to operate any shooting gallery within the city without first having obtained a license as herein provided. ('66 Code, § 5-4-7-2)

(B) A license fee of \$5 per month, \$10 per every three months and \$25 per year shall hereafter be charged and collected by the Clerk-Treasurer for every shooting gallery operated within the corporate limits of the city, and the Clerk-Treasurer shall charge a fee of \$.50 for the issuing of the license. ('66 Code, § 5-4-7-1)

(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

§ 111.25 PINBALL MACHINES.

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

PINBALL MACHINE. A table with a slanting surface, which is equipped with a plunger or similar device, which the player manipulates, striking therewith some ball or similar object, which are knocked toward the opposite end of the table, the ball rebounding and rolling back toward the opposite end of the table, with landings that are directed obstructions on the surface encountered by the balls on their return, those obstructions being bulbs or other sorts of buffers, which when touched by the ball light up or indicate a touching of the obstruction, which in turn has a bearing on whether the player shall attain a prescribed result or score. The player deposits a coin in the provided place for the purpose before commencing, and if the player succeeds in bringing about a prescribed result or score within a certain number of allotted shots or balls or sequence of electronic flashes or turns of a reel which the player is allowed for his deposited coin, the player is permitted a replay of the machine one or more times, or is entitled to some award. ('66 Code, § 5-4-2-1)

(B) *Prohibited operations.* It shall be unlawful for any person, firm or corporation their agents or employees, to operate, permit to be operated or permit to be offered or available for operation, any pinball machine within the city. ('66 Code, § 5-4-2-2)

(C) *Impoundment.* In addition to any fines or penalties provided for elsewhere in this section, any pinball machine found to be in operation or available for operation within the city shall be impounded by the Elwood Police Department until the time as a court of competent jurisdiction may order its destruction or other disposition. ('66 Code, § 5-4-2-3)

(Ord. 1172, passed 10-3-66) Penalty, see § 10.99

CHAPTER 112: CABLE TELEVISION

Section

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RATE REGULATIONS**§ 112.01 ADOPTION OF FCC REGULATIONS.**

The Common Council hereby 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 USC 543(b)) for the review of the basic service tier of cable television services and equipment necessary for the provision of the service tier. The rules and regulations promulgated by the Federal Communications Commission (FCC) are found at 47 USC 623(b) and which are incorporated herein and made a part of this subchapter.
(Ord. 1807, passed 11-10-93)

§ 112.02 DEFINITIONS.

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

BASIC SERVICE TIER OF CABLE TELEVISION SERVICES. 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 to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of the station, regardless of how the 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 THE BASIC TIER OF SERVICE. Those items of associated requirement 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.
(Ord. 1807, passed 11-10-93)

§ 112.03 PUBLIC HEARINGS.

The city shall provide the grantee of the cable television franchise, the public and interested parties with an opportunity to be heard at a public hearing before the city upon 14 days written notice to the grantee of the cable television franchise of the time and place of the public hearing provided further that the notice shall indicate that the purpose of the public hearing is to receive the views of the grantee and interested parties on issues pertaining to regulation of the basic service tier of cable television services and equipment necessary to provide the basic tier of service; and provided further that notice of the public hearing shall be published in a local newspaper of general circulation at least ten days before the

date of this hearing, and provided further, that an agenda for the public hearing shall be posted in a public place at least seven days prior to the public hearing.

(Ord. 1807, passed 11-10-93)

§ 112.04 NOTIFICATION OF REGULATIONS.

Upon the adoption of this subchapter and the certification of the city and 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 the notice by the city, the cable operator shall, within 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.

(Ord. 1807, passed 11-10-93)

§ 112.05 REVIEW PERIOD FOR RATES.

(A) The city shall establish that the period for review of rates of the basic service tier of cable television services and the equipment necessary to provide the basic tier of service shall be 30 days from the submission by the grantee of the cable television franchise of Federal Communications Commission Form 393. If the Common Council of the city takes no action within 30 days from the date the cable operator files its basic cable rates with the city, the proposed rates will continue in effect.

(B) In the event that additional time for review of the Federal Communications Commission Form 393 submitted by grantee is necessary, the Common Council of the city or their designee shall issue a brief written order prior to the end of the 30-day review period, with a copy of the order to be sent by certified United States Mail to the grantee, providing for an additional 90-day period for review of rates of the basic service tier and the equipment necessary to provide the basic tier of service. During the extended review period and before taking action on the proposed rate, the Common Council of the city shall hold at least one public hearing in which interested citizens may express their view and record objections.

(C) The city shall establish that the period for review of the basic service tier of cable television services and the equipment necessary to provide the basic tier of service shall be 90 days from the submission by the grantee of information and forms prescribed by the Federal Communications Commission for a showing of cost-of-service, as defined by the Federal Communications Commission.

(D) In the event that additional time for review of the cost of service showing submitted by the grantee is necessary, the Common Council of the city or their designee shall issue a brief written order prior to the end of the 90-day review period with a copy of the order to be sent by certified United States mail to the grantee, providing for an additional 150-day period for review of rates of the basic service tier and the equipment necessary to provide the basic tier of service. During the extended review period

and before taking action on the proposed rate, the Common Council of the city shall hold at least one public hearing in which interested citizens may express their views and record objections.
(Ord. 1807, passed 11-10-93)

§ 112.06 FORMAL RESOLUTION.

(A) Upon completion of its review of the proposed rates for the basic service tier of cable television services and the equipment necessary to provide the basic tier of service, the Common Council of the city shall adopt its decision by formal resolution. The resolution shall indicate the reasons for the decision. Upon passage of the resolution, the city shall make available copies of the resolution to the public.

(B) In the event that the cable operator's proposed rates exceed the reasonable rates standard as established by the Federal Communications Commission in its rules and regulations, the Common Council of the city shall order the rates reduced by rollbacks or refunds to subscribers, in the manner so prescribed by the Federal Communications Commission.
(Ord. 1807, passed 11-10-93)

§ 112.07 DISCLOSURE OF INFORMATION.

In considering information provided by the grantee as a part of review of his rates for the basic service tier of cable television services and the equipment necessary to provide the basic tier of service, the city shall not disclose to the public the content of any records, forms, reports, calculations or other documents as provided which the grantee has indicated as being of a proprietary interest or constituting a trade secret in nature. The municipal officer responsible for administration of the *Indiana Freedom of Information Act* shall retain the right to determine the validity of the grantee's claim of proprietary interest or trade secrecy in accordance with the provisions of the *Indiana Freedom of Information Act*.
(Ord. 1807, passed 11-10-93)

§ 112.08 REFUNDS.

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.
(Ord. 1807, passed 11-10-93)

§ 112.09 COMPLIANCE BY FRANCHISEE REQUIRED.

Failure by the cable operator to comply with the terms and conditions established by this subchapter, including the rules and regulations promulgated by the Federal Communications Commission, shall constitute a violation of the cable television franchise ordinances of the city.

(Ord. 1807, passed 11-10-93) Penalty, see § 10.99

FRANCHISE PROVISIONS**§ 112.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

BASIC CATV SERVICE. The distribution of broadcast television signals by the company.

CABLE TELEVISION SYSTEM. A system composed of, without limitation, antenna, cables, wires, lines, towers, wave guides or any other conductors, converters, equipment or facilities designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable audio and/or visual radio, television, electronic or electrical signals to and from persons, subscribers and locations in the franchise area.

CATV. A cable television system as hereinafter defined.

CITY. The City of Elwood, Indiana.

COMPANY. The grantee of rights under this subchapter.

COUNCIL. The governing body of the city.

FRANCHISE AREA. That area within the corporate limits of the city.

GROSS ANNUAL BASIC SUBSCRIBER REVENUES. Any and all compensation and other consideration received directly by the company from subscribers in payment for regularly furnished basic CATV service. ***GROSS ANNUAL BASIC SUBSCRIBER REVENUE*** shall not include any taxes on services furnished by the company imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the company for the governmental unit.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY OF COMPANY. All property owned, installed or used by the company in the conduct of a cable television business in the city.

STREET. The surface of and the space above and below any public street, right of way, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, communications or utility easement, now or hereafter existing as such within the franchise area.

SUBSCRIBER. Any person or entity receiving basic CATV service.
(Ord. 1605, passed 1-7-85)

§ 112.21 GRANT OF AUTHORITY.

There is hereby granted by the city to the company the right and privilege to engage in the business of operating and providing a CATV system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street, public way and public place, now laid out or dedicated and all extensions thereof and additions thereto in the franchise area such poles, wires, cable, conductors, ducts, conduit vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and, in addition, so to use, operate and provide similar facilities or properties rented or leased from other persons, firms or corporations including but not limited to any public utility or other grantee franchised or permitted to do business in the city.

(Ord. 1605, passed 1-7-85)

§ 112.22 NON-EXCLUSIVE GRANT.

The right to use and occupy the street and other public ways for the purpose herein set forth, shall not be exclusive, and the city reserves the right to grant a similar use in the streets and other public ways to any other person.

(Ord. 1605, passed 1-7-85)

§ 112.23 TERM OF FRANCHISE.

The term of the franchise is hereby renewed, amended, and thereby extended by ten years to expire on January 1, 2015 ("expiration date"). Thereafter, the grantee may exercise its option to automatically renew the franchise for an additional five years upon written notice to the city at least 30 months prior to the expiration of the foregoing term provided that the grantee is then in material compliance with the terms and conditions contained in the franchise agreement.

(Ord. 1605, passed 1-7-85; Am. Ord. 2020, passed 3-7-05)

§ 112.24 CONDITIONS OF STREET OCCUPANCY; SAFETY.

(A) All transmission and distribution structures, lines and equipment erected by the company within the franchise area shall be so located as to cause no interference with the proper use of streets, and other public ways and places, and to cause no interference with the rights and reasonable convenience of property owners who join any of the streets or other public ways and places. The CATV system shall be constructed and operated in compliance with all city, state and national construction and electrical codes and shall be kept current with new codes. The company shall install and maintain its wires, cables, fixtures and other equipment in the manner that they will not interfere with any installations of the city or of a public utility serving the city.

(B) In case of disturbance of any street, public way or paved area, the company shall, at its own cost and expense and in a manner approved by the city, replace and restore the street, public way or paved area in as good a condition as before the work involving the disturbance was done. The company shall disturb the area only after reasonable notice to the city and under the supervision of representatives of the city.

(C) If at any time during the period of franchise the city shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, the company, upon reasonable notice by the city, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(D) Any poles or other fixtures placed in any public way by the company shall be placed in the manner as not to interfere with the usual travel on the public way.

(E) The company shall, on the request of any person holding a building moving permit issued by the city, temporarily raise or lower its wires to permit the moving of building. The expense of the temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the company shall have the authority to require the payment, in advance. The company shall be given not less than a 48-hour advance notice to arrange for the temporary wire changes.

(F) The company shall have the authority to trim trees upon and overhanging streets and public ways and places of the franchise area so as to prevent the branches of the trees from coming in contact with the wires and cables of the company, except that at the option of the city, the trimming may be done by it or under its supervision and direction at the expense of the company.

(G) The company shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the company when required by the city by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines and tracks or any other type of structures or improvements by public agencies; provided, however, that the company shall in all cases have the rights and obligations of abandonment of property of the company, subject to city ordinances.

(H) In the event that any other construction shall be contemplated on any public way, the company, upon reasonable notice by the city, shall locate its cable and underground conduits. The company shall also provide the city with copies of any maps showing the locations of its facilities located within the public ways and places.

(I) The city shall have the right to make additional use, for any public or municipal purpose, of any poles or conduit controlled or maintained exclusively by or for company in any street, provided the use by the city does not interfere with the use by company. The city shall indemnify and hold harmless the company against and from any and all claims, demands, causes of action, suits, actions, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of the use of company's poles or conduits.

(J) The company shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages injuries, or nuisances to the public.

(K) All structures and all lines equipment and connection in, over, under and upon the streets, sidewalks, alleys and public ways or places of the franchise area wherever situated or located shall at all times be kept and maintained in a safe, suitable condition and in good order and repair.

(Ord. 1605, passed 1-7-85)

§ 112.25 SYSTEM CONSTRUCTION AND EXTENSION.

(A) It is acknowledged that the company has constructed energized trunk cable throughout a substantial portion of the serviceable franchise area. The company is hereby authorized to extend the system within the franchise.

(B) (1) The company, whenever it shall receive requests for service from at least 15 subscribers within 1320 cable feet of its serial trunk cable or from at least 25 subscribers within 1320 cable feet of its underground trunk cable, shall extend its system to the subscribers at no cost to the subscribers for systems extension other than the usual connection and service fees for all subscribers, provided that the extension is technically feasible.

(2) The 1320 feet shall be measured in extension length of company's cable required for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises.

(C) No person, firm or corporation in the company's service area shall be arbitrarily refused service. However, in recognition of the capital costs involved, for unusual circumstances, such as requirement for underground cable, or more than 150 feet of distance from distribution cable to connection of service to subscribers, or a subscriber density less than the density specified herein, in order to prevent inequitable burdens on potential cable subscribers in more densely populated areas, service may be made available on the basis of cost of materials, labor and easements.

(D) In the event additional adjacent territory is incorporated within the city's limits, by annexation or otherwise, the company's rights and duties under this subchapter shall be deemed to include additional territory.

(E) The company agrees to properly install cable to each subscriber's property and shall do so by proper aerial suspension or burial and shall not allow the cable to lay upon the ground beyond a reasonable time for construction of the proper aerial or underground facilities.

(Ord. 1605, passed 1-7-85)

§ 112.26 OPERATION STANDARDS.

The company shall operate and maintain its cable television system in full compliance with the standards set forth by the Federal Communications Commission.

(Ord. 1605, passed 1-7-85)

§ 112.27 TELEPHONE LINES.

The grantee will maintain a local, toll-free or collect call telephone access line, which will be available to its subscribers 24 hours per day, seven days per week. Trained company representatives will be available to respond to customer telephone inquiries during normal business hours. After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine.

(Ord. 1605, passed 1-7-85; Am. Ord. 2020, passed 3-7-05)

§ 112.28 RATE SCHEDULE.

The rates or charges which the grantee assesses its subscribers for cable television service shall be at all times fair and reasonable, as determined by the grantee and in compliance with applicable laws and regulations. Subscribers will be notified of any changes in rates, programming services or channel positions in writing. Notice must be given to subscribers no less than 30 days in advance of such changes if the change is within the control of the grantee. The grantee shall not be required to provide prior notice of any rate change that is a result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any federal agency, state, or franchising authority on the transaction between the grantee and the subscriber.

(Ord. 1605, passed 1-7-85; Am. Ord. 2020, passed 3-7-05)

§ 112.29 PREFERENTIAL OR DISCRIMINATORY PRACTICES PROHIBITED.

The company shall not as to rates, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage, provided that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within the classification would be entitled, and provided further that service charges and connection may be waived or modified during, promotional campaigns of company.

(Ord. 1605, passed 1-7-85)

§ 112.30 SERVICES PROVIDED.

(A) The company agrees to carry no less than 18 channels on the basic service.

(B) In the event that the company shall desire to discontinue providing any of the specific services set forth in division (A), it shall first notify the city. The company shall not be required to continue to provide services which shall not be available to the company by satellite or which otherwise becomes unavailable, but in the event shall provide another selection of a similar nature.

(C) Any program additions will be preceded with 30 days written notice by the company to the city.
(Ord. 1605, passed 1-7-85; Am. Ord. 1611, passed 2-4-85; Am. Ord. 2020, passed 3-7-05)

§ 112.31 FRANCHISE PAYMENTS TO THE CITY.

The company shall pay to the city, on or before January 15 and on or before July 15 of each year, a 5% franchise fee based on gross basic subscriber revenues, including all taxes received for cable television operations in the city. No other fee, charge or consideration shall be imposed. Sales tax or other taxes levied directly on a per subscription basis and collected by the company for gross annual basic subscriber fees shall be deducted from the gross annual basic subscriber revenues before computation of sum due the city is made.

(Ord. 1605, passed 1-7-85)

§ 112.32 INDEMNIFICATION OF CITY.

(A) The company shall at all times protect and hold harmless the city from all claim, action, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs and attorney fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the company in the ownership, construction, repair, replacement, maintenance and operation of the cable television system and by reason of any license, copyright, property right or

patent of any article or system used in the construction or use of the system. The city shall give the company prompt notice of any claims, actions and suits, without limitation, in writing.

(B) The company shall maintain in full force and effect during the life of any franchise, public liability insurance in a solvent insurance company authorized to do business in the state, at no less than in the following amounts:

(1) \$50,000 property damage in any one accident;

(2) \$100,000 for personal injury to any one person;

(3) \$300,000 for personal injury in any one accident; provided that all insurance may contain reasonable deductible provisions not to exceed \$1,000 for any type of coverage, and provided further, the city may require that any and all investigation of claims made by any person, firm or corporation against the city arising out of any use or misuse of privileges granted to the company hereunder shall be made by or at the expense of the company or its insurer.

(Ord. 1605, passed 1-7-85)

§ 112.33 INQUIRES, PROCEEDINGS AND INVESTIGATIONS.

(A) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the city in regard to the operations of company's cable television system, including action in regard to a change in subscription rates, shall be taken only after 30 days public notice of the action or proposed action is published in a local daily or weekly newspaper having general circulation in the city. A copy of the action or proposed action shall be served directly on company. The company shall be given opportunity to respond in writing and/or at hearing as may be specified by the city, and members of the general public have been given an opportunity to respond or comment in writing on the action or proposed action.

(B) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom responses should be addressed, and the other procedures as may be specified by the city. If a hearing is to be held, the public notice shall give the date and time of the hearing, whether public participation will be allowed and the procedures by which the participation may be obtained. The company shall be a necessary party to any hearing conducted in regard to its operations.

(Ord. 1605, passed 1-7-85)

§ 112.34 TERMINATION OF FRANCHISE.

(A) Upon expiration of the franchise, if the company shall not have acquired an extension or renewal thereof and accepted the same, or upon termination as otherwise provided herein, it may have and it is hereby granted, the right to enter upon the streets and public ways of the city, for the purposes of removing therefrom any or all of its property and otherwise. In so removing the property the

company shall refill, at its own expense, any excavation that shall be made by it, and shall leave the streets and public ways and places in as good condition as that prevailing prior to the company's removal of its property.

(B) If the company shall fail to make payments as provided herein when due, or if the company fails to comply with other material terms and conditions hereof or any ordinance related hereto and shall not discontinue the act or correct the omissions which constitute non-compliance within 30 days after the city shall notify the company in writing of the failure. The city shall have the right to terminate the rights of the company under the franchise.

(Ord. 1605, passed 1-7-85)

§ 112.35 TRANSFER APPROVAL.

The company shall not sell or transfer its plant or system to another, nor transfer more than 50% of its capital stock, nor transfer any rights under this franchise to another without Council approval. No sale or transfer shall be effective until the vendee, assignment or lessee accepts the terms of the franchise and agrees to perform all the conditions thereof. Council approval will not be unreasonably withheld and neither this section nor other sections of this subchapter shall preclude the mortgaging, hypothecating or the assignment of certain rights in the system or the pledge of stock by the company for the purpose of financing.

(Ord. 1605, passed 1-7-85)

§ 112.36 TRANSMISSION DEVELOPMENTS.

It shall be the policy of the city liberally to amend the franchise upon application of the company, when necessary to, enable the company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers.

(Ord. 1605, passed 1-7-85)

§ 112.37 MISCELLANEOUS PROVISIONS.

(A) When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the Clerk-Treasurer.

(B) The company shall assume the cost of publication of the franchise as the publication is required by law. A bill for publication costs shall be presented to the company by the Clerk-Treasurer upon the company's filing of acceptance and shall be paid at that time.

(C) The company shall provide without charge one outlet to each city governmental building, fire station, police station, public building including public schools and libraries that is passed by its cable.

The distribution of the cable facility inside the buildings and the extent thereof shall be the option, duty and expense of the building owner.

(D) In the case of any emergency or disaster, the company shall, upon request of the city make available its facilities to the city for emergency use during the emergency or disaster period.
(Ord. 1605, passed 1-7-85)

§ 112.38 COMPLIANCE.

The company shall at all times during the life of the franchise be subject to all lawful exercise of the police power by the city. The city reserves the right to adopt from time to time in addition to the provisions herein contained ordinances as may be deemed necessary to the exercise of police power. Regulation shall be reasonable and not destructive to the rights herein granted and not in conflict with the laws of the state or other laws or regulations.
(Ord. 1605, passed 1-7-85)

§ 112.39 FEDERAL REGULATION.

(A) Any modification resulting from amendment of Section 76.31, Franchise Standards, of the rules and regulations of the Federal Communications Commission shall be incorporated into the franchise as of the date the modification become obligatory under FCC regulation or in the event no obligatory date is established, within one year of adoption or at the time of franchise renewal, whichever occurs first.

(B) Any changes in the FCC or U.S. Supreme Court concerning local regulation of non-basic channels or changes in the basic service would be cause for renegotiation limited to only channel changes or basic service of the franchise.
(Ord. 1605, passed 1-7-85)

§ 112.40 VIOLATIONS.

(A) From and after the effective date of this subchapter, it shall be unlawful for any person to construct, install or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing the use of the street or property or area has first been obtained, and unless the franchise is in full force and effect.

(B) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the franchised CATV system within this city for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of the system.

(C) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(Ord. 1605, passed 1-7-85) Penalty, see § 10.99

CHAPTER 113: RESIDENTIAL SALES

Section

113.01 Definitions

113.02 Conditions

§ 113.01 DEFINITIONS.

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

RESIDENTIAL SALE. Includes sales of goods in a district zoned for residential purposes, from a private residence, under whatever name including but not limited to garage sale, patio sale, rummage sale, porch sale, yard sale and which sale is advertised and open to the general public.

MERCHANDISE. Items normally found in a household.
(Ord. 1511, passed - -81; Am. Ord. 1511, passed 7-10-95)

§ 113.02 CONDITIONS.

Residential sales shall be permitted in residential districts of the city provided the following conditions are met:

(A) No merchandise other than normally found in a household may be sold.

(B) The sale shall not exceed three days or parts thereof.

(C) Not more than two sales per year shall be allowed at any one location.

(D) The sale is restricted to the owner or occupant of the premises on which the sale is being conducted.

(E) All signs are removed within 24 hours after the sale period has ended.
(Ord. 1511, passed - -81; Am. Ord. 1511, passed 7-10-95) Penalty, see § 10.99

CHAPTER 114: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 114.01 Definitions
- 114.02 License requirement
- 114.03 Application procedure
- 114.04 Standards for issuance
- 114.05 Revocation procedure
- 114.06 Standards for revocation
- 114.07 Appeal procedure
- 114.08 Exhibition of identification
- 114.09 City policy on soliciting
- 114.10 Notice regulating soliciting
- 114.11 Duty of solicitors to ascertain notice
- 114.12 Prohibited solicitation

§ 114.01 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 city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

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.

§ 114.02 LICENSE REQUIREMENT.

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

(B) The license fee for a peddler or solicitor shall be \$25 per day, per person. The license fee for an itinerant merchant shall be \$50 per day, per person.

(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 § 10.99

§ 114.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. 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. The applicant may be requested to provide information concerning the following items:

(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 city;

(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) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(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, if required by the city, 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 any 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.

Penalty, see § 10.99

§ 114.04 STANDARDS FOR ISSUANCE.

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

(B) The application shall be approved 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.

will constitute valid reasons for disapproval of an application.

§ 114.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk after notice and hearing, pursuant to the standards in § 114.06. 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.

§ 114.06 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.

§ 114.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 114.04 or 114.06 shall have the right to appeal to the City Council. The appeal shall be taken by filing with the City Council, 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 City Council 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 § 114.05.

(B) The order of the City Council after the hearing shall be final.

§ 114.08 EXHIBITION OF IDENTIFICATION.

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

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.

Penalty, see § 10.99

§ 114.09 CITY POLICY ON SOLICITING.

It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 114.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

(B) The letters shall be at least 1/3-inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 114.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in § 114.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 114.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 114.10 above.

Penalty, see § 10.99