

**CHAPTER 4. FEES, LICENSES, PERMITS & FRANCHISES**

**ARTICLE 1. GENERAL PROVISIONS.**

- Sec. 4-1 Authority To License.
- Sec. 4-2 Licenses and Permits.
- Sec. 4-3 Transfer of Licenses and Permits.
- Sec. 4-4 Revocation of Licenses and Permits.
- Sec. 4-5 Appeals.
- Sec. 4-6 Penalty.
- Sec. 4-7 through Sec. 4-9 Reserved for Future Use.

**ARTICLE 2. TRANSIENT MERCHANTS.**

- Sec. 4-10 Definitions.
- Sec. 4-11 License Required.
- Sec. 4-12 Application.
- Sec. 4-13 Separate Licenses Required.
- Sec. 4-14 Zoning Required.
- Sec. 4-15 Transferability.
- Sec. 4-16 License Fees.
- Sec. 4-17 Compliance with Law.
- Sec. 4-18 Investigation of Applicant.
- Sec. 4-19 Right To Appeal.
- Sec. 4-20 Display of License.
- Sec. 4-21 Exceptions.
- Sec. 4-22 Prohibited Practices.
- Sec. 4-23 Violations and Penalties.
- Sec. 4-24 through Sec. 4-29 Reserved for Future Use.

**ARTICLE 3. PEDDLERS.**

- Sec. 4-30 Definition.
- Sec. 4-31 License Required; Application.
- Sec. 4-32 License Fees.
- Sec. 4-33 License.
- Sec. 4-34 Exhibition of License on Demand.
- Sec. 4-35 Gratis Licenses; Exceptions.
- Sec. 4-36 Penalty.
- Sec. 4-37 through Sec. 4-39 Reserved for Future Use.

**ARTICLE 4. TELEPHONE INSTALLER REGULATIONS.**

- Sec. 4-40 Purpose of Telephone Installer Regulations.
- Sec. 4-41 License Required.
- Sec. 4-42 Applications.
- Sec. 4-43 Insurance Required.
- Sec. 4-44 Duties of License Officer.
- Sec. 4-45 Revocation of License.
- Sec. 4-46 Investigation by Police.
- Sec. 4-47 Penalty.
- Sec. 4-48 and Sec. 4-49 Reserved for Future Use.

**ARTICLE 5. AMBULANCE REGULATIONS.**

- Sec. 4-50 Purpose of Ambulance Regulations.
- Sec. 4-51 Definitions.
- Sec. 4-52 License Required.
- Sec. 4-53 Application for Ambulance License – Fees.
- Sec. 4-54 Standards for Ambulance License – Fees.
- Sec. 4-55 Standards for Ambulance License – Liability Insurance.
- Sec. 4-56 Duties of License Officer.
- Sec. 4-57 Standards for Ambulance Equipment; Duties of License Officer & Licensees.
- Sec. 4-58 Standards of Ambulance Equipment; Duties of Health Office.
- Sec. 4-59 Applications for Drivers, Attendants and Attendant – Drivers License – Fees.
- Sec. 4-60 Standards for Drivers, Attendants and Attendant – Drivers License.
- Sec. 4-61 Renewal of License.
- Sec. 4-62 Revocation of License.
- Sec. 4-63 Reports.
- Sec. 4-64 Obedience to Traffic Laws, Ordinances and Regulations.
- Sec. 4-65 Penalties.
- Sec. 4-66 Emergency Ambulance Service for City.
- Sec. 4-67 through Sec. 4-69 Reserved for Future Use.

**ARTICLE 6. CITY ADMINISTRATION FEES.**

- Sec. 4-70 Fee Charge for Copy of Terre Haute Police Department Accident Report.
- Sec. 4-71 Fee Charge for Copy of *Terre Haute City Code*.
- Sec. 4-72 Charge for Presentment of a Returned Check or Draft.
- Sec. 4-73 Copying Fee.
- Sec. 4-74 Fee Schedule – Copy of Records.
- Sec. 4-75 Terre Haute Police Department Service Fees.
- Sec. 4-76 Electronic Map and GIS Data – Copying and Fees.
- Sec. 4-77 through Sec. 4-79 Reserved for Future Use.

## **ARTICLE 7. AMUSEMENT DEVICES.**

- Sec. 4-80 License Required for Pinball Machines, Electronic-Games, Arcade – Commercial.
- Sec. 4-81 Application; Issuance.
- Sec. 4-82 Fee.
- Sec. 4-83 Affixing License to Machine.
- Sec. 4-84 For Amusement Only.
- Sec. 4-85 through Sec. 4-89 Reserved for Future Use.

## **ARTICLE 8. CARNIVALS.**

- Sec. 4-90 Definitions.
- Sec. 4-91 Notice Required.
- Sec. 4-92 License and Fee.
- Sec. 4-93 Exceptions for Children’s Amusement Devices.
- Sec. 4-94 Revocation.
- Sec. 4-95 through Sec. 4-99 Reserved for Future Use.

## **ARTICLE 9. CIRCUSES AND OTHER COMMERCIAL AMUSEMENTS.**

- Sec. 4-100 License and Fees.
- Sec. 4-101 Issuance; Contents; Record To Be Kept.
- Sec. 4-102 Indecent or Obscene Exhibitions.

## **ARTICLE 10. CONTRACTORS AND SKILLED TRADES.**

### Division I. Contractors.

- Sec. 4-103 License or Registration Required.
- Sec. 4-104 License or Registration Fees.
- Sec. 4-105 Qualifications for Persons, Partnership or Corporation To Be Registered as a Contractor.
- Sec. 4-106 Bond.
- Sec. 4-107 Insurance.
- Sec. 4-108 Suspension or Revocation of Registration or License for a Person, Partnership, or Corporation.
- Sec. 4-109 Hearing and Appeal.
- Sec. 4-110 Improper Display.
- Sec. 4-111 Penalties.

### Division II. Licensing and Regulation of Electrical Contractors.

- Sec. 4-112 General Application; Exceptions and Definition.
- Sec. 4-113 License Required.

- Sec. 4-114 Classes of Licensure for Individuals.
- Sec. 4-115 Classes of Licensure for Businesses.

Division III. Licensing and Regulation of Heating and Cooling Contractors.

- Sec. 4-116 License Required.
- Sec. 4-117 Licensure of Heating and Cooling Contractors.

Division IV. Licensing and Regulation of Plumbing Contractors.

- Sec. 4-118 License Required.
- Sec. 4-119 Licensure of Plumbing Contractors.

**ARTICLE 11. PAWNBROKERS AND SECOND HAND DEALER REGULATIONS.**

- Sec- 4-120 Registration and Fee.
- Sec. 4-121 Definitions.
- Sec. 4-122 Unlawful Transactions.
- Sec. 4-123 Transient Dealers in Precious Metals or Coins – Definition.
- Sec. 4-124 Transient Dealer in Precious Metals and Coins – License Required.
- Sec. 4-125 Record of Transactions.
- Sec. 4-126 through Sec. 4-144 Reserved for Future Use.

**ARTICLE 12. VALUABLE METAL DEALER REGULATIONS.**

- Sec. 4-145 Definitions.
- Sec. 4-146 License Required.
- Sec. 4-147 License Application and Fee.
- Sec. 4-148 Change of Business Address.
- Sec. 4-149 Records of Transaction.
- Sec. 4-150 through Sec. 4-169 Reserved for Future Use.

**ARTICLE 13. TAXICAB REGULATIONS.**

- Sec. 4-170 Definition.
- Sec. 4-171 License Required; Certificate of Public Convenience.
- Sec. 4-172 Transfer of Ownership.
- Sec. 4-173 Inspections; License Fee.
- Sec. 4-174 Display and Expiration of License.
- Sec. 4-175 Identification.
- Sec. 4-176 Insurance.
- Sec. 4-177 Bond.
- Sec. 4-178 Cash Deposit.

- Sec. 4-179 License for Taxicab Drivers.
- Sec. 4-180 Examination of Drivers.
- Sec. 4-181 Personal Photographs.
- Sec. 4-182 Working Hours.
- Sec. 4-183 Issuance; Renewal of Driver's License; Fee.
- Sec. 4-184 Suspension or Revocation of Driver's License.
- Sec. 4-185 Suspension or Revocation of Taxi License.
- Sec. 4-186 Controller's Duties.
- Sec. 4-187 Reserved for Future Use.
- Sec. 4-188 Radio Contact with Main Office.
- Sec. 4-189 Hours for Service.
- Sec. 4-190 Taximeter Required; Regulations.
- Sec. 4-191 Payment of Fares; Regulations.
- Sec. 4-192 Condition of Motor Vehicle for Operation.
- Sec. 4-193 Right to Inspection.
- Sec. 4-194 Penalty.
- Sec. 4-195 through Sec. 4-199 Reserved for Future Use.

**ARTICLE 14. FRANCHISE AGREEMENTS.**

- Sec. 4-200 Common Council Approval Required.
- Sec. 4-201 through Sec. 4-224 Reserved for Future Use.

**ARTICLE 15. TAX ABATEMENT PROCEDURES.**

- Sec. 4-225 Requirements for Tax Abatements Filings.
- Sec. 4-226 Instructions for Filing Tax Abatement Resolutions.
- Sec. 4-227 through Sec. 4-234 Reserved for Future Use.

**ARTICLE 16. FINGERPRINTING FEES.**

- Sec. 4-235 Purpose.
- Sec. 4-236 Definitions.
- Sec. 4-237 Fees.
- Sec. 4-238 Fee Distribution.
- Sec. 4-239 through Sec. 4-241 Reserved for Future Use.

**ARTICLE 17. ALARM SYSTEM REGULATIONS.**

Division I. Purpose and Definitions.

- Sec. 4-242 Purpose.

- Sec. 4-243 Definitions.
- Sec. 4-244 Reserved for Future Use.

Division II. Alarm System Permits.

- Sec. 4-245 Application for Alarm System Permit.
- Sec. 4-246 Issuance of Alarm System Permit; Notification to Police Department.
- Sec. 4-247 Permit Fee and Term.
- Sec. 4-248 Display of Alarm System Permit Number.
- Sec. 4-249 Violations.
- Sec. 4-250 Reserved for Future Use.

Division III. Alarm Business License.

- Sec. 4-251 Licensing of Alarm Business and Alarm Monitoring Business.
- Sec. 4-252 Application for License.
- Sec. 4-253 License Fee and Term.
- Sec. 4-254 Identification Cards Required.
- Sec. 4-255 Installation of Alarm Systems.
- Sec. 4-256 Violations.
- Sec. 4-257 Reserved for Future Use.

Division IV. False Alarms.

- Sec. 4-258 Prohibited Activity.
- Sec. 4-259 Enforcement.
- Sec. 4-260 Reserved for Future Use.

Division V. Automatic Telephone Dialing Devices.

- Sec. 4-261 Automatic Telephone Dialing Device Prohibited.
- Sec. 4-262 Violation Fee Schedule.
- Sec. 4-263 through Sec. 4-269 Reserved for Future Use.

**ARTICLE 18. OFF-PREMISE SALES OF MOTOR VEHICLES.**

- Sec. 4-270 Off-Premise Sales of Motor Vehicles.
- Sec. 4-271 Definitions.
- Sec. 4-272 Sales of Motor Vehicles in Residential or Agricultural Areas.
- Sec. 4-273 Inspections.
- Sec. 4-274 Penalty.
- Sec. 4-275 Enforcement; Injunction.
- Sec. 4-276 Cumulative Enforcement.
- Sec. 4-277 through Sec. 4-279 Reserved for Future Use.

## **ARTICLE 19. E.M.S. USER FEES.**

- Sec. 4-280 Authority.
- Sec. 4-281 Purpose.
- Sec. 4-282 Ambulance/Medical User Fees Established.

## **ARTICLE 20. MISCELLANEOUS PERMIT AND FEE REGULATIONS.**

- Sec. 4-290 Chart on Fees.
- Sec. 4-291 through Sec. 4-299 Reserved for Future Use.

## **ARTICLE 21. EMERGENCY RESPONDER TRAINING ACADEMY (ERTA).**

- Sec. 4-300 Authority.
- Sec. 4-301 Purpose.
- Sec. 4-302 ERTA Fees Established.
- Sec. 4-303 Deposit of Fees.

## **ARTICLE 22. DANCE PERMITS.**

- Sec. 4-310 Permit Required.
- Sec. 4-311 Activities Exempted from this Article.
- Sec. 4-312 Application for Permit.
- Sec. 4-313 Liability Insurance.
- Sec. 4-314 Denial; Grounds.
- Sec. 4-315 Transfer of Permit.
- Sec. 4-316 Zoning Required.
- Sec. 4-317 Scope of Permit; Hours of Operation.
- Sec. 4-318 Suspension or Revocation of Permit.
- Sec. 4-319 Permit Fee.
- Sec. 4-320 Enforcement; Violations.
- Sec. 4-321 through Sec. 4-339 Reserved for Future Use.

## **ARTICLE 23. NON-CONSENSUAL TOW BUSINESSES.**

- Sec. 4-340 Purpose.
- Sec. 4-341 Authority To Promulgate Regulations.
- Sec. 4-342 Application.
- Sec. 4-343 Definitions.
- Sec. 4-344 License Required; Exception; Transfer; Fee.
- Sec. 4-345 Emergency Waiver.
- Sec. 4-346 License Application.
- Sec. 4-347 Tow Truck Operator Identification.
- Sec. 4-348 Tow Business Fee & Schedule.

- Sec. 4-349 Display of Business Name and Proof of Licensure.
- Sec. 4-350 Tows from a Parking Lot.
- Sec. 4-351 Signs Required To Be Posted on Parking Lot; Exception.
- Sec. 4-352 Additional Requirements.
- Sec. 4-353 Vehicle Storage Facility Requirements; Method of Payment; Receipt.
- Sec. 4-354 Records Required To Be Kept.
- Sec. 4-355 Suspension or Revocation of License.
- Sec. 4-356 Appeal; Denial; Revocation or Suspension of License.
- Sec. 4-357 Enforcement and Penalties.
- Sec. 4-358 and Sec. 4-359 Reserved for Future Use.

**ARTICLE 24. DRUG AND TOBACCO  
PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS.**

- Sec. 4-360 Purpose and Intent.
- Sec. 4-361 Definitions.
- Sec. 4-362 Permit Required; Fee; Regulation.
- Sec. 4-364 Denial, Suspension or Revocation of Permit.
- Sec. 4-365 Sale of Tobacco and/or Drug and Tobacco Paraphernalia and/or Accessories.
- Sec. 4-366 Enforcement & Penalty.

**ARTICLE 25. MOBILE FOOD VENDORS**

- Sec. 4-367 Definitions.
- Sec. 4-368 Operations Generally.
- Sec. 4-369 Business License Required.
- Sec. 4-370 Business License Application.
- Sec. 4-371 Business License Prerequisites.
- Sec. 4-372 Business License Duration and Fee.
- Sec. 4-373 Application Fee Refund on Denial.
- Sec. 4-374 Effect of Cessation of Business.
- Sec. 4-375 Business License Insurance and Indemnity.
- Sec. 4-376 Business License Issuance.
- Sec. 4-377 Business License Transferability.
- Sec. 4-378 Business License Identification.
- Sec. 4-379 Business License Safety Inspection Required.
- Sec. 4-380 Location Restrictions.
- Sec. 4-381 Prohibited Hours.
- Sec. 4-382 Standards of Conduct.
- Sec. 4-383 Safety Requirements
- Sec. 4-384 Enforcement; Penalties; Revocation of License.
- Sec. 4-385 Restriction on Use and Licenses.



## CHAPTER 4

### FEES, LICENSES, PERMITS & FRANCHISES

#### ARTICLE 1. GENERAL PROVISIONS.

##### **Sec. 4-1 Authority to License.**

The City has the authority to impose a license fee reasonably related to the administrative cost of exercising such powers.<sup>63</sup>

##### **Sec. 4-2 Licenses and Permits.**<sup>64</sup>

Unless otherwise provided in the *Terre Haute City Code* all applications for permits and licenses shall be made to the City Controller, who shall issue such permits or licenses after payment of the required fee. Unless otherwise provided, all licenses shall be issued on an annual basis renewable during January of each year. (1989 *Terre Haute Municipal Code*, § 701.01)

##### **Sec. 4-3 Transfer of Licenses and Permits.**

Licenses and permits issued under provisions of the *Terre Haute City Code* shall not be transferable unless authorized by Council or by the Board of Public Works and Safety. (1989 *Terre Haute Municipal Code*, § 701.02)

##### **Sec. 4-4 Revocation of Licenses and Permits.**

Unless otherwise provided in the *Terre Haute City Code*, all permits and licenses may be suspended or revoked for cause by the Board of Public Works and Safety, after due notice and hearing. (1989 *Terre Haute Municipal Code*, § 701.03)

##### **Sec. 4-5 Appeals.**<sup>65</sup>

Any person aggrieved by the refusal of the City Controller or the Board of Public Works and Safety either to issue a permit or license or by the suspension of his permit or license, may appeal from the decision of the City Controller or the Board to Council. The decision of Council shall be final.

##### **Sec. 4-6 Penalty.**

---

<sup>63</sup> I.C. § 36-1-3-8(5), provides for such authority in Cities.

<sup>64</sup> I.C. § 36-4-10-5(1), provides for such authority for Fiscal Officer.

<sup>65</sup> I.C. § 36-4-5-5, sets forth the governing state law.

Unless otherwise provided, any person violating any of the provisions of this Chapter shall be fined not more than Three Hundred Dollars (\$300.00). Each day's continued violation shall constitute a separate offense. (1989 *Terre Haute Municipal Code*, § 701.99)

**Sec. 4-7 through Sec. 4-9 Reserved for Future Use.**

## **ARTICLE 2. TRANSIENT MERCHANTS.<sup>66</sup>**

**Sec. 4-10 Definitions.<sup>67</sup>**

**Transient Merchant.** When used in this Article, includes all persons, including individuals, firms, associations, partnerships, limited liability companies and companies, both as principals and agents or their agents, who engage in, do or transact any business within the City of selling goods, wares, merchandise, contracts for construction, alteration or repair or services, and who, for the purpose of carrying on, doing or transacting any such business, do not maintain offices within the City on a bona fide, continuous and regular business. (Special Ord. No. 87, 1994, §1, 12-8-94)

**Sec. 4-11 License Required.**

It shall be unlawful for any person to transact business as a transient merchant in this City without first obtaining a license as required by this Article thirty (30) days prior to the sale or offer of sale of said goods wares and merchandise. The following persons are exempt from this requirement:

- a. A person who grows the goods, wares, or merchandise that is sold or offered for sale;
- b. A person who makes crafts or items by hand and sells them or offers them for sale;
- c. An auctioneer who is licensed under *I.C.* § 25-6-1;
- d. A resident of the city in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;
- e. An organization that is exempt from the Indiana Gross Retail Tax under *I.C.* § 6-2.5-5-26;
- f. A person who:

---

<sup>66</sup> *I.C.* § 25-37-1-1, *et seq.*, address the regulation of transient merchants by local government.

<sup>67</sup> Editor's Note: Gen. Ord. No. 2, 1969, passed on July 16, 1969 and Gen. Ord. No. 7, 1931 passed on \_\_\_\_, 1931, was repealed by Special Ord. No. 87, 1995.

- (1) Sells merchandise;
  - (2) Offers to sell merchandise; and
  - (3) Provides proof that the sale is being conducted as part of an activity sponsored by an organization that is exempt from the Indiana Gross Retail Tax under *I.C.* § 6-2.5-5-26;
- g. A person who:
- (1) Organizes; or
  - (2) Offers merchandise at; or
  - (3) Offers to sell merchandise at; or
  - (4) Exhibits at a trade show or convention. (Special Ord. No. 87, 1994, § 1 (727.02), 12-8-94)

**Sec. 4-12 Application.**

Any person desiring to transact business as a transient merchant shall file a verified application with the Controller. The application shall include the following information:

- a. The name, residence and mailing address of the person, firm or corporation making the application and if a firm or corporation, the names and addresses of any persons owning directly or indirectly five percent (5%) or more of the ownership in said business;
- b. The kind of business to be conducted, the length of time for which the application proposes to transact business and if any permanent or mobile building, structure or real estate is to be used for the exhibition or sale of merchandise, the location of such proposed place of business; and
- c. The type of merchandise to be sold, a detailed inventory and description including title numbers, goods, wares and merchandise to be offered for sale or to be sold and the proof of ownership of goods, wares and merchandise;
- d. Attached to the application, the receipt showing that personal property taxes on the goods, wares and merchandise to be offered for sale to be sold have been paid;
- e. The name under which the business is to be conducted;
- f. Proof that the applicant holds or has applied for a county transient license in accordance with *I.C.* § 25-37-1-1, *et seq.*, if applicable;

g. Proof that the applicant has a property interest in or has permission from the owner or occupant of any real estate sought to be used in the conduct of business.

It shall be unlawful for any applicant to omit required information from the application or to provide false information on any application submitted. Failure to provide required information or to provide false information shall be grounds for denial or revocation of a license under this Article. (Special Ord. No. 87, 1994, § 1, & 727.03), 12-8-94)

**Sec. 4-13 Separate Licenses Required.**

Separate licenses and the payment of fees therefore shall be required for each location at which an applicant seeks to transact business under this Article. (Special Ord. No. 87, 1994, § 1, (727.04), 12-8-94)

**Sec. 4-14 Zoning Required.**

It shall be unlawful for any person to transact business as a transient merchant at any place which will not be in compliance with Terre Haute zoning regulations regardless of any permission to use such premises. (Special Ord. No. 87, 1994, § 1, (727.05), 12-8-94)

**Sec. 4-15 Transferability.**

No license issued pursuant to this Article shall be transferable. (Special Ord. No. 87, 1994, § 1, (727.06), 12-8-94)

**Sec. 4-16 License Fees.**

Any applicant for a transient merchant license shall pay to the Controller a non-refundable license fee of Fifty Dollars (\$50.00) for each day or part of a day in which he proposes to transact business. (Special Ord. No. 87, 1994, § 1, (727.07), 12-8-94)

**Sec. 4-17 Compliance with Law.**

Each licensee under this Article shall comply at all times with all statutes, ordinances and regulations relating to the licensed business and the conduct thereof and to the use of the property where the business is conducted. (Special Ord. No. 87, 1994, § 1, (727.08), 12-8-94)

**Sec. 4-18 Investigation of Applicant.**

a. The Controller shall inform the Chief of Police of the receipt of any application for license under the provisions of this Article, and the Chief of Police shall within fourteen (14) days thereafter, cause an investigation of the person's business responsibility and moral character to be made as he deems necessary for protection of the public good and welfare.

b. If, as a result of the investigation, the applicant's character and business responsibility are found to be such as to endanger or be detrimental to the public and its good and welfare, the license shall be denied.

c. If, as a result of an investigation, the character and business reputation of the person applying appear to be such that the carrying on of the business will not be detrimental to the public good and welfare and the welfare and good of the public will not be endangered by the granting of the license, the Chief of Police shall so inform the Controller and, upon the applicant's complying with all other provisions of this Article in regard thereto, a license may be issued by the Controller to the applicant. (Special Ord. No. 87, 1994, § 1, (727.09), 12-8-94)

#### **Sec. 4-19 Right To Appeal.**

Any person aggrieved by the decision of the Controller in regard to the denial of a license as provided for in this Article shall have the right to appeal to the Board of Public Works and Safety. Appeal shall be taken by filing with the Board, within fourteen (14) days after notice of the decision by the Chief of Police has been mailed to the person's last known address, a written statement setting forth the grounds for the appeal. The Board shall set the time and place for a hearing on the appeal and notice of the hearing shall be given to the person by first class mail at least seven (7) days prior to the hearing. (Special Ord. No. 87, 1994, § 1, (727.01), 12-8-94)

#### **Sec. 4-20 Display of License.**

a. A transient merchant license shall be conspicuously posted at each specific location of his business.

b. It is the responsibility of the licensee to assure that the approval of the City for each specific location to be used in the business is clearly listed on any license issued under this Article. (Special Ord. No. 87, 1994, § 1, (727.11), 12-8-94)

#### **Sec. 4-21 Exceptions.**

The provisions of this Article shall not apply to sales made to dealers by commercial agents in the usual course of business, not to bona fide sale of goods, wares or merchandise by sample for future delivery or to sheriffs, constables or other public officers selling merchandise according to the law, to bona fide assignees or receivers appointed in the State of Indiana selling goods, wares and merchandise for the benefit of creditors. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

#### **Sec. 4-22 Prohibited Practices.**

a. It shall be unlawful for any transient merchant to make exclusive use of any location on any street, alley, sidewalk, or right of way for the purpose of buying, selling or displaying any goods, wares or merchandise.

b. It shall be unlawful for any transient merchant to operate in a congested area where such operation may impede or inconvenience the public use of any street, alley, sidewalk or right of way. For the purpose of this Article, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.

c. It shall be unlawful for any transient merchant to display signs except in accordance with Terre Haute zoning and signage regulations. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

**Sec. 4-23 Violations and Penalties.**

a. Any sworn police officer of the City shall require any person operating as a transient merchant and who is not known by such officer to be duly licensed to produce such license and shall enforce the provisions of this Article against any person found to be violating the provisions of this Article.

b. Any sworn police officer may prohibit the sale or offer of sale of any property by any person who is in violation of this Article.

c. Any sworn police officer may confiscate any property sold or offered for sale in violation of this Article.

d. Any person violating the provisions of this Article shall be guilty of any infraction and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each violation. (Special Ord. No. 87, 1994, § 1, (727.12), 12-8-94)

**Sec. 4-24 through Sec. 4-29 Reserved for Future Use.**

**ARTICLE 3. PEDDLERS.<sup>68</sup>**

**Sec. 4-30 Definition.**

a. **Peddler.** Any person who sells or offers for sale manufactured goods, wares or merchandise directly to a consumer, either by going from house to house for the purpose of selling and delivering such goods, or for the purpose of taking orders for the future delivery of such goods, or by selling and delivering such goods from a pack or a vehicle in any street or other public place.

b. Excepted from this definition of peddler are the following:

(1) Persons selling by sample only;

---

<sup>68</sup> Editor's Note: The peddler code provisions were omitted from the 1999 recodification. Gen. Ord. No. 2, 2004, passed on March 11, 2004, reinserted the original peddler provisions into the 2004 recodification.

- (2) Persons selling agricultural products raised or produced by such person;
- (3) Persons selling as authorized by State law;
- (4) Persons under eighteen (18) years of age;
- (5) Persons selling newspapers direct to the homeowner.

**Sec. 4-31 License Required; Application.**

All persons peddling goods or merchandise upon and along the streets, alleys, avenues or public grounds of the City, either in a vehicle or on foot, shall first make application to the City Controller for a Peddler’s License. However, one (1) person may take out any number of licenses in his name to be used by persons only in his employ; the use of the license by any person other than the employee shall render the license null and void.

**Sec. 4-32 License Fees.**

Licenses shall be issued upon payment of fees for the following periods of time:

- a. One (1) day \$5.00
- b. One (1) month \$10.00
- c. Six (6) months \$25.00
- d. One (1) year \$50.00

**Sec. 4-33 License.**

Where the applicant uses a vehicle, stand, or booth for the purpose of peddling, the City Controller shall provide and issue a license bearing the words: Peddler’s License; the assigned number; City of Terre Haute, Indiana; and the year of issue.

**Sec. 4-34 Exhibition of License on Demand.**

Any person licensed as a peddler shall, upon demand of any police officer, exhibit such license. Where the peddler is using a vehicle, stand, or booth for the purpose of peddling, the license referred to in Sec. 4-33 shall be firmly fixed to the right hand side near the front of the vehicle, stand, or booth as the case may be. The license shall be and remain at all times in full view.

**Sec. 4-35 Gratis Licenses; Exceptions.**

Gratis licenses shall be issued by the City Controller as provided in *I.C. § 25-25-2-1* and *I.C. § 10-5-13-1*.

**Sec. 4-36 Penalty.**

Any person violating the provisions of this Article shall be guilty of an infraction and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00).

**Sec. 4-37 through Sec. 4-39 Reserved for Future Use.**

**ARTICLE 4. TELEPHONE INSTALLER REGULATIONS.<sup>69</sup>**

**Sec. 4-40 Purpose of Telephone Installer Regulations.**

The installation repair or maintenance of telephones or telephone systems within private homes, private business and other agencies or establishments, private or public, is a matter closely affecting the public interest and welfare. The health, safety and welfare of the people of the City of Terre Haute require that persons installing, repairing or maintaining telephones or telephone systems who are not regularly employed by a regulated telephone company be persons of good moral character and be trained and qualified to install, repair and maintain telephones or telephone systems. (Special Ord. No. 68, 1984, § 705.01, 10-11-84; *Journal of Common Council*, p. 539)

**Sec. 4-41 License Required.**

No person, either as owner, agent or otherwise, shall operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business of the installation, repair or maintenance of telephones or telephone systems unless he holds a current valid license for a telephone installer issued pursuant to this Article. Installation, repair or maintenance of telephones or telephone systems by a regulated telephone company, an agency of the United States or the State of Indiana, or an employee of a licensed telephone installer, shall not be required to be licensed hereunder. Any license issued hereunder shall expire thirty (30) days after the close of the calendar year in which the license is issued. (Special Ord. No. 68, 1984, § 705.02, 10-11-84; *Journal of Common Council*, p. 539)

**Sec. 4-42 Applications.**

Application for a telephone installer license hereunder shall be made upon such forms as may be prepared or prescribed by the license office and shall contain;

- a. The name and address of the applicant;
- b. The trade or other fictitious name, if any, which the applicant does business and/or purposes to do business;

---

<sup>69</sup> Special Ord. No. 68, 1984, amended Gen. Ord. No. 6, 1983, as amended, which had been passed on January 12, 1984.



c. The training experience of the applicant in the installation repair and maintenance of telephones and telephone systems;

d. The location and description of the place or places from which it intends to do business;

e. Such other information as the license officers shall deem necessary to a fair determination of compliance with this Chapter; and

f. An accompanying license fee of Twenty Five Dollars (\$25.00) plus Five Dollars (\$5.00) for each installer. (Special Ord. No. 68, 1984, § 705.03, 10-11-84; *Journal of Common Council*, pp. 539 – 540)

**Sec. 4-43 Insurance Required.**

a. No telephone installer license shall be issued under this Article, nor shall such license be valid after issuance, unless there is at all times force and effect insurance coverage, at the expense of the licensee by an insurance company licensed to do business in the State of Indiana, providing:

(1) For injury to or death of individuals and accidents resulting from any cause for which such telephone installer would be liable on account of liability being imposed upon him by law in connection with the installation, repair, or maintenance of telephones or telephone systems in the amount of One Hundred Thousand Dollars (\$100,000.00) with respect to one (1) person and the amount of Three Hundred Thousand Dollars (\$300,000.00) with respect to one (1) occurrence or accident.

(2) Against damage to the property of another including personal property in the amount of Fifty Thousand Dollars (\$50,000.00) in respect to one (1) person and One Hundred Thousand Dollars (\$100,000.00) in respect to one (1) occurrence or accident.

b. Such insurance policy or certificate of insurance shall be submitted to license officer for approval prior to the issuance of each telephone installer license. Satisfactory evidence that such insurance at all times in full force and effect shall be furnished to the officer in such forms as he may specify.

c. Every insurance policy required hereunder shall extend for a period to be covered by license applied therefore and the insured shall be obligated to give not less than ten (10) days written notice to the license officer and to the assured before any cancellation or determination of the policy other than its expiration date and the cancellation or other termination of such policy shall automatically revoke and terminate the license issued, unless another insurance policy, complying with the provisions of this Section, shall be provided and be in effect at the time of such cancellation or termination. (Special Ord. No. 68, 1984, § 705.04, 10-11-84; *Journal of Common Council*, p. 540-541)

**Sec. 4-44 Duties of License Officer.**

a. The license officer shall, within ten (10) days after receipt of such application for telephone installers license, call such investigation as he deems necessary to be made of the applicant and his proposed operations.

b. The license officer shall issue a license to telephone installer, to be valid for a period of one (1) calendar year, when he finds that:

(1) The applicant is a responsible and proper person to conduct or work in the proposed business; and

(2) That applicant possesses the requisite training and skill and experience necessary to perform installation, repair maintenance of telephones and telephone systems.

(3) Any applicant who has filed with the license officer a bond in the penal sum of Twenty Five Thousand Dollars (\$25,000.00) executed by a surety company licensed to do business in the State of Indiana conditioned that the applicant will perform the terms of any contract or agreement entered into by said applicant to install, repair or maintain telephones or telephone systems. Any person aggrieved by applicant's avoidance of or failure to perform such contractual obligations may bring an action on the bond for the recovery of money or damages or both,

c. The Chief of the Terre Haute Police Department or his designee, that he has made a reasonable investigation into the identity of the proposed licensee and that said licensee has not, heretofore been convicted of a crime involving felonious or assaultive conduct.

d. All requirements of this Article and other applicable laws and ordinances have been met.

e. The license officer will mail to the licensee's insurance company, a form that should be returned to the license officer at such time that the insurance is terminated. (Special Ord. No. 68, 1984, § 705.05, 10-11-84; *Journal of Common Council*, pp. 541-542)

#### **Sec. 4-45 Revocation of License.**

Telephone installers licensed pursuant to this Chapter together with their employees must during the course of the installation, repair or maintenance of any telephones or telephone systems wear on their outer garment an identification tag bearing the name of the licensee, the employee's name together with said employee's portrait. The term of the license and the date of the certification with the Terre Haute Police Department with respect to said licensee or employee. (Special Ord. No. 68, 1984, § 705.06, 10-11-84; *Journal of Common Council*, p. 542)

#### **Sec. 4-46 Investigation by Police.**

No person shall be employed by said licensed telephone installer for the purpose of the installation, repair or maintenance of any telephones telephone systems, unless, there shall have

previously been completed an investigation by the Terre Haute Police Department relating to the identification of said employee and certification that said employee has not previously been convicted of a crime involving felonious or assaultive conduct. (Special Ord. No. 68, 1984, § 705.07, 10-11-84; *Journal of Common Council*, p. 542)

**Sec. 4-47 Penalty.**

Whoever violates or fails to comply with any provision of this Article shall be fined not more than Three Hundred Dollars (\$300.00). Each day's continued violation shall constitute a separate offense. (Special Ord. No. 68, 1984, § 705.08. 10-11-84; *Journal of Common Council*, p. 542)

**Sec. 4-48 and Sec. 4-49 Reserved for Future Use.**

**ARTICLE 5. AMBULANCE REGULATIONS.<sup>70</sup>**

**Sec. 4-50 Purpose of Ambulance Regulations.<sup>71</sup>**

The transportation of sick or otherwise injured persons by public or private ambulance is a matter closely affecting the public interest and welfare. The health, safety and welfare of the people of the City of Terre Haute, Indiana require that ambulances be in sound and safe condition and adequately equipped to provide emergency first-aid, and that ambulance personnel be trained and qualified to administer emergency first aid attention to sick or injured persons. (Special Ord. No. 53, 1968, As Amended, § 1, 12-18-68, *Journal of Common Council*, p. 234)

**Sec. 4-51 Definitions.**

a. Unless otherwise specified, the term **Ambulance** means any privately or publicly-owned motor vehicle that is specially designed or constructed and equipped, and is intended to be used for, and is maintained or operated for, the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this Article.

b. **Attendant.** A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients, whether or not the attendant also serves as driver.

c. **Attendant-Driver.** An individual who is qualified as an attendant and a driver.

d. **Driver.** An individual who drives an ambulance.

---

<sup>70</sup> I.C. § 16-31-1-1, *et seq.*, address emergency medical services.

<sup>71</sup> I.C. § 16-31-1-2, states that emergency medical service is an essential purpose of political subdivisions in the State.

e. **Dual Purpose Police Patrol Car.** A vehicle, operated by a police department which is equipped as an ambulance, even though it is also used for patrol or other police purposes.

f. **Health Officer.** The Vigo County Health Director.

g. **License Officer.** The Board of Public Works and Safety of the City of Terre Haute, Indiana,

h. **Patient.** An individual who is sick, injured, wounded or otherwise incapacitated or helpless.

i. **Person.** Any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States. (Special Ord. No. 53, 1968, As Amended, § 2, 12-18-68, *Journal of Common Council*, p. 235)

#### **Sec. 4-52 License Required.**<sup>72</sup>

a. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys, or any public way or place of the City of Terre Haute, Indiana, unless he holds a current valid license for an ambulance, issued pursuant to this Article. An ambulance operated by an agency of the United States or the State of Indiana shall not be required to be licensed hereunder.

b. No ambulance shall be operated, and no individual shall drive, attend or permit it to be operated as such on the streets, alleys or any public way or place of the City of Terre Haute, Indiana, unless it shall be under the immediate supervision and direction of a person who is holding a currently valid license as an attendant-driver or attendant.

c. Provided however, that no such licenses shall be required for an ambulance, or for the driver, attendant or attendant-driver of an ambulance which:

(1) Is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of the City of Terre Haute, Indiana are insufficient or unable to cope;

(2) Is operated from a location or headquarters outside of the City of Terre Haute in order to transport patients who are picked up beyond the limits of the City of Terre Haute to locations within the City of Terre Haute or to transport patients who are picked up within the City of Terre Haute to locations beyond the limits of the City of Terre Haute, but no outside ambulance shall be used to pick up patients within the City of Terre Haute for transportation to

---

<sup>72</sup> I.C. § 16-31-5-2, sets forth conditions where a City may not adopt an ordinance which restricts a person from providing emergency ambulance service in the City.

locations within the City of Terre Haute, unless the driver, attendant and attendant-driver and the person subject to the provisions of Sec. 4-52 a. of this Article in respect of such ambulance, hold currently valid licenses issued pursuant to this Article. (Special Ord, No. 53, 1968, As Amended, § 3, 12-18-68, *Journal of Common Council*, p. 235)

**Sec. 4-53 Application for Ambulance License – Fees.**

Application for ambulance licenses hereunder shall be made upon such forms as may be prepared or prescribed by the License Officer and shall contain:

- a. The name and address of the applicant and the owner of the ambulance.
- b. The trade or other fictitious name, if any, under which the applicant does business and/or proposes to do business.
- c. The training and experience of the applicant in the transportation and care of patients.
- d. A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.
- e. The location and description of the place or places from which it is intended to operate.
- f. Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Article.
- g. An accompanying license fee of Twenty Five Dollars (\$25.00) for each ambulance. (Special Ord. No. 53, 1968, As Amended, § 4, 12-18-68, *Journal of Common Council*, p. 236)

**Sec. 4-54 Standards for Ambulance License – Fees.**

- a. Each ambulance shall, at all times when used as such:
  - (1) Conform with the standards, requirements and regulations provided for in this Article for the transportation of patients, from the standpoint of health, sanitation, and safety, and the nature of the premises in which it is maintained;
  - (2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;
  - (3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety; and

(4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the License Officer.

b. Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of this Article as upon original licensing.

c. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this Article as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the License Officer and a finding of conformance with all the requirements of this Article as upon original licensing. A fee of Five Dollars (\$5.00) shall accompany each application for a transfer of an ambulance license.

d. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the License Officer or his designated representative during usual hours of operation.

e. No official entry made upon a license may be defaced, removed or obliterated. (Special Ord. No. 53, 1968, As Amended, § 5, 12-18-68, *Journal of Common Council*, pp. 236-237)

**Sec. 4-55 Standards for Ambulance License – Liability Insurance.**

a. No ambulance license shall be issued under this Article, nor shall such license be valid after issuance, nor shall any ambulance be operated in the City of Terre Haute, unless there is at all times in force and effect insurance coverage, at the expense of the licensee and with the City of Terre Haute as a named insured, issued by an insurance company licensed to do business in the State of Indiana, for each and every ambulance owned by and/or operated by or for the applicant or licensee, providing:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said ambulance would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, in the amount of One Hundred Thousand Dollars (\$100,000.00) with respect to one (1) person, and Three Hundred Thousand Dollars (\$300,000.00) with respect to one (1) occurrence or accident, and

(2) Against damage to the property of another, including personal property in the amount of Fifty Thousand Dollars (\$50,000.00) in respect to one (1) person, and One Hundred Thousand Dollars (\$100,000.00) in respect to one (1) occurrence or accident.

b. Said insurance policies shall be submitted to the License Officer for approval by the City Attorney prior to the issuance of each ambulance license. Satisfactory evidence that

such insurance is at all times in force and effect shall be furnished to the License Officer in such form as he may specify.

c. Every insurance policy required hereunder shall extend for the period to be covered by the license applied for, and the insurer shall be obliged to give not less than ten (10) days written notice to the License Officer and to the assured before any cancellation or termination of the policy earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the license issued for the ambulance covered by such policy, unless another insurance policy, complying with the provisions of this Section, shall be provided and be in effect at the time of such cancellation or termination. (Special Ord. No. 53, 1968, As Amended, § 6, 12-18-68, *Journal of Common Council*, pp. 237-238)

#### **Sec. 4-56 Duties of License Officer.**

a. The License Officer shall, within ten (10) days after receipt of an application for an ambulance license, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

b. The License Officer shall issue a license for a specified ambulance, to be valid for a period of one (1) year, when he finds that:

(1) The ambulance, its required equipment and the premises designated in the application, comply with the standards prescribed in Sections 4-54 a., 4-57 and 4-58 of this Article;

(2) The applicant is a responsible and proper person to conduct or work in the proposed business;

(3) Only duly licensed drivers, attendants and attendant-drivers are employed in such capacities; and

(4) All of the requirements of this Article and all other applicable laws and ordinances have been met.

c. Prior to the issuance of any ambulance license, the License Officer shall cause to be inspected the vehicles, equipment and premises estimated in each application hereunder, to determine compliance with the standards prescribed in Sec. 4-54 a. and in Sections 4-57 and 4-58 of this Article.

d. Subsequent to issuance of any ambulance license hereunder, the License Officer shall cause to be inspected each licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary, but, in any event, no less frequently than twice a year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made under general law or ordinances, and shall not excuse

compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval, nor excuse compliance with the requirements of any other applicable general law or ordinance.

e. A copy of each initial, semi-annual or other ambulance, equipment and premises inspection report by the License Officer under the provisions of this Section be promptly transmitted to the applicant or licensee to whom it refers. (Special Ord. No. 53, 1968, As Amended. § 7, 12-18-68, *Journal of Common Council*, p. 238)

**Sec. 4-57 Standards for Ambulance Equipment; Duties of License Officer and Licensees.**

a. The License Officer shall promulgate and apply the standards for ambulance equipment as certified by the Health Officer pursuant to the provisions of Sec. 4-58 of this Article.

b. Each licensee of an ambulance shall at all times comply with the standards established by the License Officer under the provisions of Sec. 4-57 a. of this Article. (Special Ord. No. 53, 1968, As Amended, § 8, 12-18-68, *Journal of Common Council*, p. 239)

**Sec. 4-58 Standards of Ambulance Equipment; Duties of Health Officer.<sup>73</sup>**

a. Required equipment in each ambulance shall include equipment adequate in the judgment of the Health Officer for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.

b. The Health Officer is authorized and directed, after public notice and opportunity for public hearing, to certify to the License Officer standards for ambulance equipment to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the Health Officer shall take into consideration the current list of minimal equipment for ambulances adopted by the American College of Surgeons, or its duly authorized committee on trauma, or applicable federal legislation. (Special Ord. No. 53, 1968, As Amended, § 9, 12-18-68, *Journal of Common Council*, p. 239)

**Sec. 4-59 Applications for Drivers, Attendants and Attendant-Drivers License – Fees.**

Applications for drivers, attendants and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or purchased by the License Officer and shall contain:

a. The applicant's full name, current address, places of residence for three (3) years previous to moving to present residence, and length of time he has resided in the City of Terre Haute, Indiana.

b. The applicant's age, marital status, height, color of eyes and hair.

---

<sup>73</sup> I.C. § 9-19-14.5-1, *et seq.*, address special equipment for private emergency vehicles.



c. Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.

d. The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.

e. Affidavits of good character from two reputable citizens of the United States and residents of the City of Terre Haute who have personally known such applicant and have observed his conduct during one (1) year next preceding the date of this application.

f. Two (2) photographs of the applicant to be furnished by the applicant, one of which shall be attached to the license, and applicant shall be fingerprinted by the Terre Haute Police Department.

g. Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Article.

h. An accompanying license fee of Five Dollars (\$5.00). (Special Ord. No. 53, 1968, As Amended, § 10, 12-18-68, *Journal of Common Council*, pp. 239-240)

#### **Sec. 4-60 Standards for Drivers, Attendants and Attendant-Drivers License.**

a. The License Officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a driver's, attendant's or attendant-driver's license.

b. The License Officer shall issue a license to a driver, attendant or attendant-driver hereunder, valid for a period of one (1) year, when he finds that:

(1) The applicant is not addicted to the use of intoxicating liquors or narcotics, has a satisfactory driving record, and is morally fit for the position;

(2) The applicant is able to speak, read and write the English language;

(3) The applicant has been found by a duly licensed physician, upon examination attested to on a form provided by the Health Officer, to be of sound physique, possessing eyesight corrected to at least 20-40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and

(4) For each applicant for attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first-aid given by the American Red Cross or the United States Bureau of Mines.

Provided however, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid permit to drive an ambulance.

c. A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.

d. No official entry made upon a license may be defaced, removed or obliterated. (Special Ord. No. 53, 1968, As Amended, § 11, 12-18-68, *Journal of Common Council*, p. 240)

#### **Sec. 4-61 Renewal of License.**

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Article as upon original licensing. (Special Ord. No. 53, 1968, As Amended, § 12, 12-18-68, *Journal of Common Council*, pp. 240-241)

#### **Sec. 4-62 Revocation of License.**

a. The License Officer may, and is authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of any applicable provisions, standards or requirements of this Article, or of regulations promulgated hereunder, but only after warning and such reasonable time for compliance as may be set by the License Officer.

A licensee shall be entitled to a hearing before the City Commission, or a body designated by the City Commission, on a license, revocation or suspension by filing petition for a hearing with the City Commission within thirty (30) days after said revocation or suspension.

The hearing body shall, within ten (10) days after the hearing, issue a written decision as to the suspension or revocation of the license.

b. The initial, semi-annual or other ambulance, equipment and premises inspection reports of the License Officer herein provided for shall be *prima facie* evidence of compliance or non-compliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

#### **Sec. 4-63 Reports.**

a. Each licensee of an ambulance hereunder shall maintain accurate records, upon such forms as may be provided or prescribed by, and containing such information as may be required by the License Officer of the City of Terre Haute concerning the transportation of each patient within the City of Terre Haute, or from one place herein to another place within or beyond its limits. Such records shall be available for inspection by the License Officer at any reasonable time, and copies thereof shall be filed by the licensee within twenty-four (24) hours upon request by the License Officer.

b. The provisions of Subsection a. of this Section shall apply with equal force in case the patient shall die before being so transported in such ambulance, or dies while being transported therein or at any time prior to the acceptance of the patient into the responsibility of the hospital or medical or other authority if the patient is still under the care or responsibility of the ambulance licensee. (Special Ord. No. 53, 1968, As Amended, § 14, 12-18-68, *Journal of Common Council*, p. 241)

**Sec. 4-64 Obedience to Traffic Laws, Ordinances and Regulations.**

The driver of an ambulance shall at all times obey the traffic laws of the City of Terre Haute and of the State of Indiana, except as hereinafter provided.

a. The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this Section, but subject to the conditions herein stated, and only when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

b. Subject to the provisions of Subsection a. herein, the driver of an ambulance may:

(1) Park or stand, irrespective of the otherwise applicable provisions of law, ordinance or regulation;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits permitted by law ordinance or regulation, so long as he does not endanger life or property; and

(4) Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.

c. The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance or regulation.

d. The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

e. Every driver and company licensed hereunder shall comply with all regulations promulgated by the Chief of Police regarding responding to accidents or emergencies, actions taken as a result of monitoring police radio, rotating agreements or other regulations of city officials. (Special Ord. No. 53, 1968, As Amended, § 15, 12-18-68, *Journal of Common Council*, p. 242)

**Sec. 4-65 Penalties.**

a. Any person violating or failing to comply with any of the provisions of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not exceeding One Hundred Dollars (\$100.00) for each offense.

b. Each day that any violation of, or failure to comply with, this Article is committed or permitted to continue shall constitute a separate and distinct offense under this Section and shall be punishable as such hereunder. (Special Ord. No. 53, 1968, As Amended, § 16, 12-18-68, *Journal of Common Council*, p. 242)

**Sec. 4-66 Emergency Ambulance Service for City.**

An emergency service is established for the citizens of the City of Terre Haute and the County of Vigo, Indiana, said service shall be operated, maintained, and regulated through the facilities of the Fire Department of the City of Terre Haute, and administered by the Board of Public Works and Safety of the City of Terre Haute. (Special Ord. No. 93, 1972, 1-11-73)

**Sec. 4-67 through Sec. 4-69 Reserved for Future Use.**

**ARTICLE 6. CITY ADMINISTRATION FEES.**

**Sec. 4-70 Fee Charge for Copy of Terre Haute Police Department Accident Report.<sup>74</sup>**

A fee of Five Dollars (\$5.00) will be charged for each copy of a Terre Haute Police Department Accident Report pursuant to applicable State law. (Gen. Ord. No. 1, 1982, § 303.14, 4-8-82; *Journal of Common Council*, pp. 144-145; Gen. Ord. No. 2, 1996, § 1, 8-8-96)

**Sec. 4-71 Fee Charge for Copy of *Terre Haute City Code*.<sup>75</sup>**

The Clerk of the City of Terre Haute, Indiana, shall promptly cause the foregoing *Terre Haute City Code* to be published in sufficient copies for sale to the public for the cost of publication. Within sixty (60) days after the close of subsequent calendar years, the Clerk shall cause a compilation of amendments to the *Code* to be published in sufficient copies for sale to the public for the cost of publication. Funds received for such sale shall be deposited in compliance with Sec. 2-135. (Gen. Ord. No. 6, 1995, 8-10-95; Gen. Ord. No. 8, 2003, 3-14-03)

**Sec. 4-72 Charge for Presentment of a Returned Check or Draft.**

The City Controller's Office is authorized to accept fees for service charges in the amount of Twenty Five Dollars (\$25.00) for insufficient fund checks received by the City of Terre Haute, Indiana. (Spec. Ord. No. 45, 1993, § 1, 7-8-93; Gen. Ord. No. 14, 2010, 8-12-10)

---

<sup>74</sup> *I.C.* § 9-26-2-1, *et seq.*, address accident reports. The fee of \$5.00 was established during the recodification process.

<sup>75</sup> Editor's Note: Gen. Ord. No. 5, 1995 amended Gen. Ord. No. 1, 1989, as amended.

**Sec. 4-73 Document Fee.**<sup>76</sup>

a. Any person requesting a copy of a public record shall pay in advance to the City Clerk One Dollar (\$1.00) per page. (Gen. Ord. No. 5, 2006, 4-11-06)

b. If the City does not have mechanical means for copying a requested record, the person requesting such record shall be entitled to inspect and manually transcribe the record. The City shall not charge to inspect a public record or to search for, examine, or review a record to determine whether the record may be disclosed.

c. Court Fees. The Clerk should be contacted for fees related to operation of the Terre Haute City Court. (Gen. Ord. No. 10, 12-9-99)

**Sec. 4-74 Fee Schedule – Copy of Records.**

Unless otherwise provided by local ordinance or Indiana statute, the following fees shall be charged for the copying of records:

a. For a machine copy of a standard sized or oversized document, a fee of Ten Cents (10¢) per page. (Gen. Ord. No. 5, 2006, 4-11-06)

b. For a local facsimile machine transmission of a document a fee of Twenty Cents (20¢) per page.

c. For a long distance facsimile machine transmission of a document a fee of Twenty Five Cents (25¢) per page.

**Sec. 4-75 Terre Haute Police Department Service Fees.**

a. Pursuant to *I.C.* §§ 5-2-5-7, 9-26-2-3, and 5-14-3-8(h), the City Council and the State of Indiana may establish and collect fees for vehicle checks, accident reports, theft reports and gun permits.

b. The fees listed below are established and are to be collected by the Terre Haute Police Department upon providing a requested report:

(1)	VIN Check	\$5.00
(2)	Crime/Incident Report	\$5.00 *
(3)	Criminal History	\$7.00 *

---

<sup>76</sup> *I.C.* § 5-14-3-8, authorizes public agencies to establish a copy fee schedule. The editor's note that Res. No. 13, 1976, as amended, adopted 4-8-76 addresses reasonable expenses.

(4) Gun Permit \$10.00

\* If these reports have multiple pages, the rate will be Five Dollars (\$5.00) for the first three (3) pages and an additional Five Dollars (\$5.00) for every one (1) to three (3) additional pages.

c. All fees collected from the reports referenced in Subsection b. shall be deposited in the Continuing Education Fund of the Terre Haute Police Department.

d. In addition to vehicles towed pursuant to Sec. 6-184, all owners or lien holders of vehicles involved in a criminal investigation which are towed by the THPD pursuant to the towing contract awarded through the Board of Public Works & Safety, shall be responsible for payment of the Thirty Dollar (\$30.00) release of vehicle fee. The Terre Haute Police Department will provide a "Tow Release" receipt to be provided to the authorized towing service. Ninety percent (90%) of such fees shall be deposited in the Police Continuing Education Fund (See Sec. 2-118). Ten percent (10%) of such fees shall be deposited in the Fire Training Academy Non-Reverting Fund (See Sec. 2-138-6). (Gen. Ord. No. 1, 2012, 2-10-12)

**Sec. 4-76 Electronic Maps and GIS Data – Copying and Fees.**

a. Definitions. The following terms shall be defined as follows:

(1) **Copy.** Either transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means; and,

(2) **Electronic Map.** Any copyrighted data provided by a public agency from an electronic geographic information system.

b. Fee Schedule.

Unless otherwise provided by local ordinance or Indiana Statue and as permitted by I.C. § 5-14-3-8(j), the following fees shall be charged for the copying of electronic maps and GIS data:

**Regular Bond Paper**

8.5 X 11	\$ .50
8.5 X 14	\$ .50
11 X 17	\$ .75

**Photo Quality Paper**

8.5 X 11	\$1.00
8.5 X 14	\$1.00
11 X 17	\$1.75

**\*Larger Scale Prints are available upon request (materials based)**

**\*Larger Scale Prints will be limited by what paper sizes in stock**

**Media Costs**

144MB 3.5" Floppy Disk	\$ .50
720MB Compact Disc (CD)	\$1.00
4.7 GB Digital Video Disc (DVD)	\$1.50

c. Monies collected shall be deposited in the Electronic Map Generation Non-Reverting Fund as established in the Engineering Department at Sec. 2-138-5.

d. Said fees may be waived by the City if the electronic map for which the fee is to be charged will be used for a noncommercial purpose, including the following:

- (1) Public Agency;
- (2) Nonprofit Activities;
- (3) Journalism;
- (4) Academic Research. (Gen. Ord. No. 20, 2005, 12-15-05)

**Sec. 4-77 through Sec. 4-79 Reserved for Future Use.**

**ARTICLE 7. AMUSEMENT DEVICES.**

**Sec. 4-80 License Required for Pinball Machines, Electronic-Games, Arcade – Commercial.**

No person shall keep or maintain any table, machine, device including pinball machines, electronic games, and arcade games or place for the playing of any sport or game, whether or not such sport or game is played for any wager, without first obtaining a license from the City Controller. The provision of this Article shall not apply in any case where a table, machine, device, including pinball machines, electronic games, and arcade games or place for playing of any sport or game is kept or maintained for use in a private family, or for philanthropic, religious, benevolent or educational purposes. (Special Ord. No. 84, 198 1, § 703.01, 10-8-81; *Journal of Common Council*, p. 402)

**Sec. 4-81 Application; Issuance.**

a. Any person desiring a license under the provisions of this Article shall submit application to the Board of Public Works and Safety containing such information as the Board may desire.

b. Licenses may be issued to any person over twenty-one (21) years age who is of good moral character. No license shall be issued or renewed for any person who has been convicted of any offense against State Law or City Ordinance within two (2) years of such application.

c. If the Board shall find the applicant is entitled to a license, it shall so certify to the City Controller who shall issue the license upon payment of the required fee.

d. The City Controller shall issue a license for the operation of any table, machine, device, including pinball machines, electronic games, and arcade games upon application therefor, for a period of one (1) year, beginning January 1, 1982, and the permit shall be in full force and effect for said period, provided, however, that said license shall be at all times comply with the provisions of this Article. (Special Ord. No. 84, 1981, § 703.02, 10-8-81; *Journal of Common Council*, p. 402)

**Sec. 4-82 Fee.**

The applicant shall pay the City Controller Twenty Five Dollars (\$25.00) for each billiard table or pool table, card table, machine, or device, including pinball machine, electronic games, and arcade games. (Special Ord. No. 84, 1981, § 703.03, 10-8-81; *Journal of Common Council*, p. 402)

**Sec. 4-83 Affixing License to Machine.**

All licenses issued under the provisions of this Article shall bear an expiration date, and each license certificate shall be numbered, and shall be placed in a conspicuous place on each machine operated in the City. No machine shall be operated without current license affixed in a prominent position thereon. The City Controller shall keep a register of each person or firm or corporation owning or operating a machine licensed under this Article, together with the license number of this machine. Such records shall be open to inspection at reasonable hours, and shall be a public record. (Special Ord. No. 84, 1981, § 703.05, 10-8-81; *Journal of Common Council*, pp. 402 – 403)

**Sec. 4-84 For Amusement Only.<sup>77</sup>**

No mechanical device excepting a machine for amusement only, shall be registered under the provisions of this Article and the operation of any other type of mechanical play device within the City shall constitute a violation of this Article. (Special Ord. No. 84, 1981, § 703.05, 10-8-81; *Journal of Common Council*, p. 403)

**Sec. 4-85 through Sec. 4-89 Reserved for Future Use.**

**ARTICLE 8. CARNIVALS.**

**Sec. 4-90 Definitions.**

---

<sup>77</sup> Editor's Note: Special Ord. No. 84, 1981 replaced Gen. Ord. No. 1, 1920 which had been passed on April 7, 1920 and Gen. Ord. No. 1, 1943, passed March 2, 1943, addressing the same topic.



**Carnival.** Any amusement enterprise consisting mainly of sideshows, vaudeville games of chance, amusement rides or other like mechanical amusements for which a charge or admission fee is made. (Ord. No. 3, 1928)

**Sec. 4-91 Notice Required.**

Any person desiring to obtain a license as herein provided shall give notice to the City Controller of his intention to apply for such a license at least thirty (30) days before the planned opening date of the carnival. (Ord. No. 3, 1928)

**Sec. 4-92 License and Fee.**

Any person desiring to operate a carnival in the City shall submit application for a license to the City Controller containing such information as the Controller may desire. The applicant shall agree to hold the City free and harmless from any liability to any person on account of injury or damages incurring from the operation of the carnival and shall further agree to reimburse the City for any expenses incurred by the City in connection with the carnival.

The license shall be issued by the City Controller upon payment of a fee of One Thousand Dollars (\$1,000.00) per week or Two Hundred Dollars (\$200.00) per day for each day or part thereof, of operation of the carnival. (Ord. No. 3, 1928)

**Sec. 4-93 Exceptions for Children's Amusement Devices.**

Any person desiring to operate mechanical rides or similar devices used particularly for the amusement of children may apply for a license as provided in Sec. 4-92. Such license may be issued by the City Controller upon payment of a fee of Five Dollars (\$5.00) per day of operation or Fifty Dollars (\$50.00) per year. (Ord. No. 3, 1928)

**Sec. 4-84 Revocation.**

The Board of Public Works and Safety may revoke any license issued under provisions of this Article upon complaint being made that the carnival or any exhibit thereof, is being operated in an indecent or improper manner, or in violation of State or Federal law, or of the provisions of this Article. (Ord. No. 3, 1928)

**Sec. 4-95 through Sec. 4-99 Reserved for Future Use.**

**ARTICLE 9. CIRCUSES AND OTHER COMMERCIAL AMUSEMENTS.**

**Sec. 4-100 License and Fees.**

a. **License Required.** No person shall allow a circus or exhibition of animals for which money or other reward is in any manner demanded or received, without a license issued by the City Controller. (Gen. Ord. No. 19, 2005, 12-15-05)

b. **Fees.** The following license fees shall be paid to the City Controller:

(1) Any circus, show, menagerie or combination thereof, employing twenty-five (25) cars or trucks or less for transit: One Hundred Dollars (\$100.00) per day.

(2) Any circus, show, menagerie or combination thereof, employing fifty (50) cars or trucks or less for transit: Two Hundred Dollars (\$200.00) per day.

(3) Any circus, show, menagerie or combination thereof, employing more than fifty (50) cars or trucks for transit: Three Hundred Dollars (\$300.00) per day. (Gen. Ord. No. 19, 2005, 12-15-05)

c. **Annual Fee for Certain Public Halls and Amusements.** The owner or operator of any public hall or building used for any circus, show, menagerie or combination thereof shall be issued an annual license by the City Controller. Such license shall exempt the licensee from all other fees or charges in this Section. The license fee shall be Two Hundred Dollars (\$200.00). (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2005, 12-15-05)

#### **Sec. 4-101 Issuance; Contents; Record To Be Kept.**

a. It shall be the duty of the City Controller, upon payment of the required license fee to issue a license for any of the purposes named in this Article. Each license shall express upon its face the time and purpose for which it was issued and the name of the person to whom issued. If it is issued for the use of a hall or building, the person to whom it is issued shall be designated as owner, lessee or manager, as the case may be.

b. Each license shall be signed by the City Controller, who shall keep a record of all licenses issued by him, which record shall state the name of the person to whom such license is granted, the purpose, date and length of time for which it is issued and the amount of money received therefor. (Gen. Ord. No. 10, 1999, 12-9-99)

#### **Sec. 4-102 Indecent or Obscene Exhibitions.<sup>78</sup>**

No person shall act, exhibit, show or perform or cause to be acted, exhibited, shown or performed, or be in any manner concerned in the acting, exhibiting, showing or performing of any indecent, immoral, vulgar or obscene play, farce, opera, public exhibition, show, entertainment or performance of any kind whatever. The City Controller shall cancel and revoke any license issued to any person who may in any manner obtain a license and use it for exhibitions or performances of the character prohibited by this Section. (Gen. Ord. No. 10, 1999, 12-9-99)

### **ARTICLE 10. CONTRACTORS AND SKILLED TRADES.**

---

<sup>78</sup> I.C. § 34-1-52.5-1, *et seq.*, address actions for indecent nuisances.

Division I. Contractors.

**Sec. 4-103 License or Registration Required.**

a. Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction activity with another person, partnership, or corporation which holds a property interest in the real estate on which the construction activity is occurring must be a registered or licensed contractor under this Chapter.

b. All contractors meeting the requirements of Sec. 4-105, but not meeting the additional requirements of Divisions II, III and IV, shall be deemed “registered.” Those contractors meeting the additional requirements of Divisions II, III, and IV shall be deemed “licensed” for those skilled trades for which the additional requirements are met.

c. Contractors performing work within the public right-of-way shall meet the additional requirements of Chapter 8, Article 5 of this *Code*.

d. Registration as a contractor shall not be required to perform work if all of the following conditions are met:

- (1) Work does not require licensure under Divisions II, III, or IV of this Article; and
- (2) The structure is owned by the person or persons performing the work; and
- (3) No major structural changes are being made to the structure, or the structure is an outbuilding that is not currently and will not be inhabited, does not contain active utilities, and is a single story structure without a basement. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04; Gen. Ord. No. 15, 2006, 12-14-06)

**Sec. 4-104 License or Registration Fees.**

a. Upon the making of an application for the license or registration described herein, the contractor shall pay to the City Controller a fee in the sum of Three Hundred and Fifty Dollars (\$350.00) for the first year of the license and One Hundred Seventy-five Dollars (\$175.00) for each annual renew.

b. Licenses shall be valid from January 1 through December 31 of the year in which they are purchased, except that a contractor may renew an existing license for the upcoming year beginning December 1 of the current year.

c. A contractor shall only be eligible to pay the reduced renewal fee if their current license or registration has not been suspended in the preceding three hundred and sixty-five (365) calendar days. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

d. For license or registration purchased after June 30, the Contractor, at his option, may purchase such license or registration for a period extending through the following calendar year. If the contractor chooses this option, the fee for licensure shall be prorated according to the

month in which the license or registration is purchased, and shall be according to the following schedule: (Gen. Ord. No. 15, 2006, 12-14-06)

	<u>New License</u>	<u>Renewal License</u>
July	\$438.00	\$263.00
August	\$423.00	\$248.00
September	\$408.00	\$233.00
October	\$394.00	\$219.00
November	\$379.00	\$204.00
December	\$365.00	\$190.00

**Sec. 4-105 Qualifications for Person, Partnership or Corporation To Be Registered as a Contractor.**

a. A person, partnership or corporation shall be entitled to receive a registration as a contractor if the following requirements are met:

(1) An application form indicating the name, address and legal business status of the contractor has been submitted to the Department of Engineering; and

(2) The registration fee specified in Sec. 4-104 of this *Code* has been paid; and

(3) A surety bond meeting the requirements of Sec. 4-106 (Sec. 4-119c for plumbers) has been posted and certificates of insurance meeting the requirements of Sec. 4-107 have been submitted; and

(4) The person, partnership or corporation does not presently have a registration or license issued under this article currently suspended, nor has it had such a registration or license revoked within a period of the preceding three hundred sixty-five (365) days; and

(5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a license under this article currently suspended or who has had such a license revoked within the preceding three hundred sixty-five (365) days; and

(6) The partnership does not presently have a partner or the corporation does not have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration of the partnership or corporation was revoked.

b. Unless these requirements are met, a person, partnership or corporation shall not be entitled to receive a registration as a contractor. No prerequisites other than the six (6) listed in this Section shall be imposed in determining which persons, partnerships and corporations may be registered contractors.

c. Additional requirements must be met in accordance with Divisions II, III, and IV

of this Article to be licensed to perform work described in those Divisions. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-106 Bond.**

a. Beginning December 1, 2005, before a registration is issued by the Department of Engineering to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of Ten Thousand Dollars (\$10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license or registration. The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be: (Gen. Ord. No. 2, 2006, 3-9-06)

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the City of Terre Haute or an unknown third party as *emix* ;
- (3) Conditioned upon:
  - (a) Compliance with requirements set forth in this Article which must be met to retain registration and licensure; and
  - (b) Prompt payment of all fees owed the City of Terre Haute as set forth in this Article and Chapter 7 of this *Code*; and
  - (c) Prompt payment to the City of Terre Haute for any loss or expense for damages to property of the City of Terre Haute caused by any action of the contractors, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity while engaged in any construction activity; and
  - (d) Prompt payment to a person, partnership or corporation which is an unknown third party *emix* for any:
    1. Losses arising out of violations;
    2. Expenses necessary to correct violations; and
    3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this *Code*, which requirements must be met to properly carry out construction activity, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity. However, the surety is

not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this *Code*, which requirement must be met to properly carry out construction activity.

b. The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of Ten Thousand Dollars (\$10,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit affording the same protections to the City of Terre Haute and an unknown third party as the protections afforded by the surety bond.

c. The obligation of the surety and financial institution relative to this bond or letter of credit is limited to Ten Thousand Dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

#### **Sec. 4-107 Insurance.**

a. Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the registered contractor or under permits obtained by the registered contractor and thereafter maintains such insurance in full force and effect throughout the license period:

(1) A public liability and property damage insurance policy assuring the registered contractor and naming the City of Terre Haute as an “additional insured,” providing for the payment of any liability imposed by law on such registered contractor or the City of Terre Haute arising out of operations being performed by or on behalf of the registered contractor in the minimum amounts of Five Hundred Thousand Dollars (\$500,000.00) for combined bodily injury and property damage, coverage of Five Hundred Thousand Dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and One Hundred Thousand Dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the Department of Engineering upon application for licensure or registration.

(2) Workmen’s compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the registered contractor. A certificate of such insurance shall be delivered to the Department of Engineering upon application for licensure or registration. This provision shall not apply if the registered contractor has no employees and gives appropriate notice to the Department of Engineering.

b. The insurance carrier shall give notice both to the registered contractor and the Department of Engineering at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-108 Suspension or Revocation of Registration or License for a Person, Partnership, or Corporation.**

The City may suspend the registration or license of a contractor for a period of up to three hundred sixty five (365) days or revoke the license of a person if one (1) of the following is shown:

a. The registered or licensed contractor made any materially false statement of fact on his application for registration or licensure;

b. The registered or licensed contractor failed to post and maintain the surety bond and insurance required by Sec. 4-106 and Sec. 4-107;

c. The registered or licensed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity;

d. Construction activity for which the registered or licensed contractor was responsible as obtainer of the permit was performed either incompetently or in such a manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code*;

e. The registered or licensed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity for which the registered or licensed contractor was responsible as permit obtainer after an authorized official or employee of the City of Terre Haute issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the registered or licensed contractor received notice of the code violation, revocation of permit or stop-work, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

f. The registered or licensed contractor has consistently failed to apply for or obtain required permits for construction activity accomplished by the registered or licensed contractor;

g. The registered or licensed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity as required by this *Code*;

h. The registered or licensed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the City, or provisions of this *Code* relative to construction activity;

i. The registered or licensed contractor has not properly paid the fee specified by Sec. 4-104 of this *Code* for a registration or license which has been issued or is delinquent in other fees owed pursuant to this Article, or Chapter 7 of this *Code*;

j. The partnership presently has a partner or the corporation presently has an officer who has a registration or license under this Article currently suspended or who has had such a registration or license revoked within the preceding three hundred sixty-five (365) days; or

k. The partnership has a partner or the corporation has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation registered or licensed under this Article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the registration or license of the partnership or corporation was revoked. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

#### **Sec. 4-109 Hearing and Appeal.**

a. The date and place for a revocation or suspension hearing shall be fixed by the Board of Public Works and Safety. At least ten (10) days before such date, a written copy of the charges, prepared by the City of Terre Haute, and notice of the time and place of the hearing thereon shall be served upon the registered or licensed contractor, either by hand delivery to the charged registered person or licensed contractor, or by certified mail with return receipt addressed to the registered or licensed contractor at its main place of business as shown by the registered or licensed contractor's application for registration or licensure. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

b. The registered or licensed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The City of Terre Haute shall have the same right. The Board of Public Works and Safety may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the Board of Public Works and Safety shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the registered or licensed contractor, in the same manner required for notice of the hearing.

c. On or before ten (10) days after service of such order, the registered or licensed contractor may appeal therefrom to the City Engineer by serving a notice of appeal upon the City Engineer either in person or by filing it at his office, with a copy thereof delivered to the Board of Public Works and Safety. Unless such appeal is so taken, the order of the Board of Public Works and Safety shall be final.

d. If so appealed, the order of the Board of Public Works and Safety shall be stayed until the appeal is heard and determined by the City Engineer under the procedure prescribed by statute for hearings on the suspension or revocation of licenses. The City Engineer shall thereupon render such decision as he or she finds justified and sustained by the evidence, either



affirming, reversing or modifying the terms of the order of the Board of Public Works and Safety. The City Engineer's order shall be final and conclusive and be binding upon both the registered contractor and the Board of Public Works and Safety. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-110 Improper Display.**

It shall be unlawful for any person, partnership or corporation accomplishing construction activity, land alteration, sewer work or driveway work to use the word "registered" or "licensed" in connection with its business if such person, partnership or corporation is not a registered or licensed contractor. Such a person, partnership or corporation shall not, for example, use the word "licensed" on any display used for advertising or identification or on any of its business forms. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-111 Penalties.**

Any person violating the provisions of this Article shall be guilty of an ordinance violation and, upon conviction thereof, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00). (Special Ord. No. 31, 1972, as amended, § 4, 5-31-72; 10-8-81, *Journal of Common Council*, p. 112; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division II. Licensing and Regulation of Electrical Contractors.

**Sec. 4-112 General Application; Exceptions and Definition.**

The provisions of this Division shall apply to all installations of electrical conductors fittings, devices, appliances and fixtures, herein after referred to as "electrical equipment" within or on private or public buildings and premises, with exceptions as provided in Sec. 4-113 and with the following general exceptions: (Gen. Ord. No. 3, 1988, § I, 6-9-88)

a. Any public utility engaged in the business of supplying electrical energy to the City and its inhabitants and any employee of such public utility while engaged in any of the work or business of such public utility shall be exempt from the provisions of this Article.

b. Factories and manufacturing concerns shall be exempt from licensure for maintenance or alteration on existing systems and repair of existing systems. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-113 License Required.**

Licensure as an electrical contractor is required to accomplish the connection of electrical power for on-site construction activity, to install, alter, replace, service or repair a system distributing electrical power.

A person not licensed under this Article who is employed by a licensed electrical contractor may, however, accomplish electrical work while working under the direction and control of a person

who is a licensed electrical contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the electrical work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.<sup>79</sup>

No license shall be required to execute or perform any of the following work:

- a. The installation, alteration, or repair of electrical equipment rated at less than fifty (50) volts;
- b. Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment, or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes;
- c. The assembly, erection, and connection of electrical equipment in the plant of the manufacture of such equipment, but not including any electrical wiring other than that involved in making electrical connections on the equipment itself or between two (2) or more parts of such equipment;
- d. Work performed by the owner of any residence in which the owner resides, and for which such effort requires a permit by any other section of this *Code*, if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a sworn statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own electrical wiring if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year; (Gen. Ord. No. 3, 1988, § 21, 6-9-88)
- e. Ordinary maintenance and repair if such work is accomplished by the person in the regular course of his full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this Article. (Gen. Ord. No. 29, 2004, As Amended 12-09-04)

**Sec. 4-114 Classes of Licensure for Individuals.**

- a. The City shall issue licenses to individuals in the following categories:
  - (1) Master Electrician. May perform electrical work without limitation. Must pass the master electrician examination.
  - (2) Journeyman Electrician. May perform electrical work without limitation. Must pass the journeyman electrical examination.

---

<sup>79</sup> This paragraph was included in the language of General Ordinance No. 29, 2004, passed 12/9/2004, but was excluded from the *Code* amendment in error. This was corrected 5/7/2018 when it was brought to the attention of City Legal.

(3) Residential Electrician. May perform electrical work only on single and two-family residences with a single meter and a maximum 400 amp service. Must pass the journeyman residential electrical examination or the master residential electrical examination.

(4) Electric Sign Mechanic. May perform work in the manufacture, installation, maintenance or erection of signs. Must pass the master sign electrical examination or the journeyman sign electrical examination.

b. To receive any of the licenses stated above, the individual must have passed the Exporior Assessments test or equivalent for that particular area of expertise. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-115 Classes of Licensure for Business.**

a. The City shall issue licenses to businesses to engage in electrical work in the following categories:

(1) Commercial Electrical Contractor's License. A commercial electrical contractor may engage in electrical work without limitation. The contractor must employ at least one (1) full-time licensed Master Electrician, and must have an established place of business that is open during regular business hours.

(2) Residential Electrical Contractor's License. A residential electrical contractor may engage in electrical work only on single and two-family residences with a single meter and a maximum 400 amp service. The contractor must employ at least one (1) licensed master, journeyman or residential electrician.

(3) Sign Erection License. A sign erection contractor may engage in the manufacture, installation, repair, maintenance, or erection of signs. The contractor must employ at least one (1) licensed electrical sign mechanic and must have an established place of business that is open during regular business hours.

b. For each of the above-listed categories, the contractor's license shall specify the individual licensee responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as supervisor for more than one (1) electrical contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division, Sec. 4-103 through Sec. 4-111 of this Article. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division III. Licensing and Regulation of Heating and Cooling Contractors.

**Sec. 4-116 License Required.**

a. Licensure as a heating and cooling contractor is required to install, modernize, replace, service or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment or refrigeration equipment.

b. Construction activity which this Article allows licensed heating and cooling contractors to carry out is hereafter referred to in this Article as “heating and cooling work.”

c. A person not licensed under this Article who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

d. A person not licensed under this Article may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this Article.

e. A person not licensed under this Article may accomplish heating and cooling work as the owner of any residence in which he or she resides and for which such effort requires a permit by any other section of this *Code* if said work shall actually be performed by the owner or members of his immediate family, and the owner is willing to furnish a sworn statement to that effect. Provided further, the owner of any building shall not be permitted to perform his own heating and cooling work if the building is to be used as a place of business, apartment house, rental unit or is a house which is to be offered for sale within one (1) year; (Gen. Ord. No. 3, 1988, § 21, 6-9-88; Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

#### **Sec. 4-117 Licensure of Heating and Cooling Contractors.**

a. In order to obtain licensure as a heating and cooling contractor, the contractor must employ at least one (1) full-time employee who is certified for heating and cooling work by North American Technician Excellence (NATE). The applicant for licensure shall present a copy of NATE certification at the time of application.

b. The contractor’s license shall specify the certified individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) heating and cooling contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article.

d. For the period of January 1, 2005 through March 31, 2005, temporary licensure shall be allowed for contractors not able to meet the certification requirements of this Section. The term of the temporary license shall be until March 31, 2005, and shall be terminated at that time unless the certification requirements have been met. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

Division IV. Licensing and Regulation of Plumbing Contractors.

**Sec. 4-118 License Required.**

a. Licensure as a plumbing contractor is required to install, modernize, replace, service, or repair all or any part of a plumbing system.

b. A person not licensed as a plumber who is employed by a licensed plumbing contractor may accomplish plumbing work under the direction and control of a person who is a licensed plumber, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in plumbing work. Under no circumstance shall more than three (3) unlicensed persons be supervised by one (1) licensed person at the same time.

c. A person not licensed may accomplish plumbing work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his or her full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnership or corporations engaged in the business of service and repair, however, must be licensed under this Article.

d. The provisions of this Article shall be superceded by the provisions of the Indiana Plumbing Commission if and when the requirements of the Indiana Plumbing Commission exceed the requirements of the City. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

**Sec. 4-119 Licensure of Plumbing Contractors.**

a. Licensure as a plumbing contractor within the City shall correspond with the licensure requirements of the Indiana Plumbing Commission. The applicant for licensure shall present a copy of his or her state license at the time of application.

b. The City contractor's license shall state the name of the licensed individual responsible for the licensure of the business. This person shall be responsible for the activities of the business, and shall be designated as the supervisor. This person shall not be listed as a supervisor for more than one (1) contractor.

c. In addition to the above requirements, the contractor must meet all of the registration requirements of Division I, Sec. 4-103 through Sec. 4-111 of this Article, with the exception that a bond shall not be required when the contractor performs only plumbing work. (Gen. Ord. No. 29, 2004, As Amended, 12-09-04)

## ARTICLE 11. PAWN BROKER AND SECOND HAND DEALER REGULATIONS.

### Sec. 4-120 Registration and Fee.

Each owner or operator of pawnbrokers, as defined by *I.C.* § 28-7-5-2, or secondhand dealers, as defined herein shall register with the City Controller and pay a fee of Twenty Five Dollars (\$25.00) for each registration. If such owner or operator shall relocate his place of business, he shall re-register with the City Controller and pay the fee as herein provided. (Special Ord. No. 31, 1981, § 717.01, 3-12-81; *Journal of Common Council*, p. 94; Gen. Ord. No. 19, 2009, 2-11-10)

### Sec. 4-121 Definitions.

a. **Secondhand Dealer.** A person, firm, or corporation engaged in the purchasing or exchanging of second hand property for the purposes of selling said second hand property for a profit. Second hand property to include the following items:

1. **Jewelry and Precious Metals.** Watches, bracelets, rings, necklaces and other articles that have real value and are generally used for personal adornment. Metals that in and of themselves, have a high intrinsic value such as gold, silver, and platinum are also included. Common metals such as iron, aluminum, and copper are not included for the purpose of this definition.

2. **Clothing and Furs.** All items of wearing apparel for human use, including pelts or skins to be used as wearing apparel. Accessories such as purses, hand bags, belts, wallets, shoes, scarves, and ties are also included.

3. **Office Equipment.** Typewriters, calculators, cash registers; copying machines, facsimile machines; computer hardware or software; computers, computer peripherals, e.g., tape and disk drives and printers; and storage media.

4. **Household Goods.** Beds, sofas, chairs, washers, dryers, furnaces, desks, tables, bookcases, air conditioners, and other furniture.

5. **Televisions, Radios, Stereos.** All items for the specific purpose or reproducing photographic images or sound. Television cameras and receivers, still picture cameras, motion picture cameras and projectors, radios (receiving and sending), digital video disc players, camcorders, tape recorders, cassettes, videotape recorder, stereo equipment, compact disc players, and compact discs.

6. **Tools.** A device used to facilitate manual or mechanical work. Cutting tools, garden tools, hand tools, machine tools, and power tools.

7. **Coins.** A small piece of metal, usually flat and circular, authorized by a government for use as money.

b. The following are not “secondhand dealers” for the purpose of this Article:

1. Private residential sales commonly known as “garage sales” or “yard sales” as long as such sales take place at a residentially zoned property.

2. Any bona fide charity possessing a valid exemption under Section 501I(3) of the Internal Revenue Code.

3. Persons solely engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of motor vehicles and used parts of motor vehicles, and shall not apply to wreckers or dismantlers of motor vehicles who are licensed.

4. Auctioneers and auction houses are not considered secondhand dealers. The definition of each shall be the same as the definition in I.C. 25-6.1-1-3.

5. Those individuals, firms, corporations, limited liability companies, or partnerships defined by Indiana Code 25-37.5-1-1 as valuable metal dealers.

6. Individuals making an incidental purchase that may be sold at a later date, but is not a regular or foreseen means of income. (Gen. Ord. No. 19, 2009, 2-11-10)

7. Consignment stores and the booth operators therein. (Gen. Ord. No. 3, 2010, 4-15-10)

c. **Consignment Store/Shop.** A retail establishment whose primary business is to accept and offer for sale goods or items that are owned by others for the purpose of selling such goods or items on behalf of others. Such shop earns a profit by retaining a portion of the purchase price of the goods or items that are sold; the remaining portion of the sale price is remitted to the individual who placed the good or item with the shop for sale. (Gen. Ord. No. 3, 2010, 4-16-10)

#### **Sec. 4-122 Unlawful Transactions.**

No pawnshop, pawnbroker, secondhand dealer or dealer in precious metals or coins shall:

a. Pledge or purchase any article or anything from a person under eighteen (18) years of age;

b. Receive any pledge or purchase any article from any person who is known by him to be a thief, or associate of a thief, a receiver of stolen property or from any person whom he has reason to believe to be any of the foregoing. (Special Ord. No. 31, 1981, § 717.03, 3-12-81; *Journal of Common Council*, p. 95)

#### **Sec. 4-123 Transient Dealers in Precious Metals or Coins – Definition.**

A transient dealer in precious metals or coins means a person, partnership, association or corporation engaged in the buying or selling of gold, silver or other precious metals or coins who does not maintain an established place of business with the City of Terre Haute on a bona fide, continuous and regular basis. (Special Ord. No. 31, 1981, § 717.04, 3-12-81; *Journal of Common Council*, p. 95)

**Sec. 4-124 Transient Dealer in Precious Metals and Coins – License Required.**

No transient dealer in precious metals and coins shall engage in, do or transact any business in the City of Terre Haute without having first obtained a license as provided by this Article. (Special Ord. No. 31, 1981, § 717.05, 3-12-81; 3-12-81 *Journal of Common Council*, p. 95)

**Sec. 4-125 Record of Transactions.**

a. Every pawnbroker, and secondhand dealer as defined in this article shall record the following information either electronically or in written form. The following information shall be made available to any law enforcement officer at anytime.

1. The date and time of each purchase;
2. An accurate account and description of the item(s) purchased or pledged from any person, to include make, model number and serial numbers;
3. The price paid for the item(s);
4. The name, address, physical description, and date of birth of the seller/pledger.
5. Require that the seller/pledger be properly identified with one verifiable piece of current identification, which shall be government issued photographic identification. The type of government identification and the government identification number shall be reported.

b. Every pawnbroker and secondhand dealer who deals in Jewelry and Precious Metals, Office Equipment, Televisions, Radios, Stereos, and Tools as defined in Sec. 4-121 subsections a1, a3, a5, and a6, shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting dealer a fee for such reporting service. The information required shall include the items listed above in Sec. 4-125 a1 thru a5. (Gen. Ord. No. 19, 2009, 2-11-10)

**Sec. 4-126 through Sec. 4-144 Reserved for Future Use.**



## ARTICLE 12. VALUABLE METAL DEALER REGULATIONS.<sup>80</sup>

### Sec. 4-145 Definitions.

a. **Valuable Metal Dealer.** Shall have the same meaning and definition as provided in *I.C.* § 25-37.5-1-1(b).

b. **Valuable Metal.** Shall have the same meaning and definition as provided in *I.C.* § 25-37.5-1-1(a).

c. **Valuable Metal/Junk Yard.** Real estate on which there are facilities for processing or sorting valuable metal/junk and on which valuable metal/junk is kept, processed or dealt in, in any way, by a person who is engaged in the business of acquiring and disposing of valuable metal/junk. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

### Sec. 4-146 License Required.

No person shall engage in business as a valuable metal dealer at any particular valuable metal/junk yard without first procuring and having a license to do so. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

### Sec. 4-147 License Application and Fee.

Any person who desires to engage in business as a valuable metal/junk dealer at any particular valuable metal/junk yard shall file an application in writing with the City Controller for a license to do so, which application shall specify the street address of the valuable metal/junk yard. A separate application for the separate license shall be filed for each valuable metal/junk yard at which any person desires to do business as a valuable metal/junk dealer. Each application shall also be accompanied by payment of a license fee of Twenty Five Dollars (\$25.00). (Gen. Ord. No. 7, 1958, § 4, 6-19-58; *Journal of Common Council*, pp. 147-148; Gen. Ord. No. 19, 2009, 2-11-10)

### Sec. 4-148 Change of Business Address.

Notwithstanding anything to the contrary in Sections 4-146 through 4-147, any person possessing a license to engage in business as a valuable metal/junk dealer at a valuable metal/particular junk yard may remove his place of business from such valuable metal/junk yard to another valuable metal/junk yard and engage in business under such license upon notifying the City Controller in writing of the change of his business address. (Gen. Ord. No. 10, 1999, 12-9-99; Gen. Ord. No. 19, 2009, 2-11-10)

### Sec. 4-149 Records of Transaction.

---

<sup>80</sup> *I.C.* § 28-7-5-1, *et seq.*, address pawn brokers. *I.C.* § 25-37.5-1-1, *et seq.*, address valuable metal dealer regulations.

a. Every holder of a license authorizing him/her to do a business as a valuable metal/junk dealer at any valuable metal/junk yard shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting Valuable Metal Dealer a fee for such reporting service. The information required shall include the following:

1. The date and time of each purchase;
2. An accurate account and “industry standard” description of the article purchased or pledged from any person; (Gen. Ord. No. 3, 2010, 4-16-10)
3. The name, address, date of birth of the seller/pledger;
4. A copy of one (1) verifiable piece of current identification of the seller/pledger. Such identification must be government issued and include a photograph of the seller/pledger.

All information required by I.C. 25-37.5-1 and not listed in items 1 through 4 above are not required to be sent electronically. However, pursuant to I.C. 25-37.5-1-2 they must be retained for a period of two (2) years. These records shall be made available for inspection by any law enforcement official at any time.

b. The following shall be exempt transactions for the purpose of electronic filing as described above:

1. Purchases by a licensed valuable metal dealer from a licensed valuable metal dealer.
2. Purchases by a licensed valuable metal dealer from persons, firms or companies regularly engaged in the commercial or industrial business of manufacturing valuable metals or the business of selling valuable metals at retail or wholesale; and
3. Purchases by a licensed valuable metal dealer from persons, firms, or companies that produce valuable metals as a by-product of their primary operations, which purchases are for the sole purpose of recycling such valuable metals. (Gen. Ord. No. 19, 2009, 2-11-10)

**Sec. 4-150 through Sec. 4-169 Reserved for Future Use.**

## **ARTICLE 13. TAXICAB REGULATIONS.<sup>81</sup>**

---

<sup>81</sup> I.C. § 36-9-2-4, permits cities to regulate the services offered by persons who hold out for public hire the use of vehicles.

**Sec. 4-170 Definition.**<sup>82</sup>

**Taxicab.** Any vehicle driven by mechanical power, designed for operation and use on streets or highways as a motor vehicle, and operated thereon for the purpose of conveying passengers for hire. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-171 License Required; Certificate of Public Convenience.**

a. No person shall operate for hire upon the streets of the City any taxicab without first having obtained a license therefor as provided in this Article.

b. No license for the operation of any taxicab shall be granted until the person applying for such license shall have secured from the Board of Public Works and Safety a certificate certifying that public convenience and necessity require the operation of the taxicab for hire. In determining such public convenience and necessity, the Board shall consider the number of taxicabs now operating in the City and shall, in the issuance of license, prefer those now owning and operating such taxicabs. In the issuance of licenses, in addition to the number now operating, the Board shall consider whether the demands of the public require the additional taxicab service, the financial responsibility of the applicant, the number, kind, type, equipment, traffic conditions on the streets of the City, whether the additional taxicab service will result in a greater hazard to the public, and such other relative facts as the Board may deem advisable or necessary. The decision and judgment of the Board on the question of public necessity and convenience shall be conclusive. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-172 Transfer of Ownership.**

Upon the transfer of ownership of any taxicab, the Board of Public Works and Safety may, where the transferor requests, validate by appropriate endorsement thereon such license for use on another taxicab to be designated by such transfer. This provision shall likewise apply where the licensee shall produce satisfactory evidence that such taxicab, through destruction or otherwise, has ceased to be used as a taxicab.

Upon any transfer of ownership of any taxicab where the transferor indicated that such vehicle is to continue in use as a taxicab, the Board may, by appropriate endorsement thereon, validate such license in the hands of the transferee. Upon the death of any person owning a taxicab license hereunder, upon proof of such death, the Board, at the request of the deceased's personal representative, may validate by appropriate endorsement thereon such license in the hands of the person in whose name title to such person shall have vested by reason of such death. In no case, however, shall any transfer be made as herein provided unless and until the transferee in all other respects complies with the terms and provisions of this Chapter. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-173 Inspections; License Fee.**

---

<sup>82</sup> I.C. § 9-18-28-1, *et seq.*, address rental vehicles and common carriers.

All applications for licenses for taxicabs for hire shall be made by the Board of Public Works and Safety upon blanks to be furnished by the Board of Public Works and Safety and on an annual basis to be reviewed prior to January 1 of the license year. Such application shall contain the full name and address of the owner, the length of time the vehicle has been in use, the number of persons it is capable of carrying and the model, serial number and motor number of the vehicle. No taxicab for hire shall be licensed until it has been thoroughly and carefully inspected and found to comply with minimum standards. Such minimum safety standards shall be developed by the Board of Public Works and Safety and put in written form. Such form shall also contain space in which the applicant specifies the means of taxicab maintenance.

The Traffic Bureau of the Police Department is authorized and empowered to make such inspections, and shall certify in writing to the Board the results of such inspections. If, upon such inspection, the taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this Article, when so licensed there shall be delivered to the owner, in addition to the license, a card of such size and form as may be prescribed by the Board, which card shall contain the official City license number of the taxicab together with the date of inspection of the same. Such card shall be signed by the Clerk of the Board, and shall contain blank spaces upon which an entry may be made of the date of every inspection of the vehicle by the inspector designated by the Police Department. Such license card shall be of a distinctly different color each year and shall contain the name of the person owning such cab and the State and City license number issued thereon.

At the time of issuance of the license and card, the person owning such taxicab shall pay to the City Controller, the sum of Fifty Dollars (\$50.00) as a license fee. Upon the payment of the sum of Five Dollars (\$5.00) to the City Controller and furnishing proof by affidavit of loss or destruction of such license or such card, a duplicate thereof shall immediately be issued to the licensee with the notation thereon that it is a duplicate.

The Police Department shall keep a complete and public record of the issuance of each license and all removals, suspensions and revocations thereof. It shall be the duty of the Police Department to maintain a constant vigilance over all taxicabs for hire and to see that the same are kept in condition of continued fitness for public use. From time to time, or on complaint of any citizen or at such time as the Police Department may deem necessary such taxicab shall be inspected or caused to be inspected by the Police Department. (Gen. Ord. No. 7, 1970, 4-15-70)

#### **Sec. 4-174     Display and Expiration of License.**

When such license shall have been granted, the license shall attach to the taxicab so licensed a small plate which shall bear the City license number of the vehicle. The registration of such license number shall be under the control of the City Controller, and the design of such license plates shall be changed annually. All licenses issued by the Board, unless sooner revoked as herein provided, shall expire on December 31 of each year. (Gen. Ord. No. 7, 1970, 4-15-70)

#### **Sec. 4-175     Identification.**

It shall be required that the owner or licensee of every taxicab have the name and address of the cab company for which the taxicab is operating and the cab number and telephone number of the cab company prominently and conspicuously displayed on the sides of every taxicab. (Special Ord. No. 15, 1960, § 2D, 4-19-60; *Journal of Common Council*, p. 77)

**Sec. 4-176 Insurance.**

Before the Board of Public Works and Safety shall issue a license to operate a taxicab for hire, the licensee shall file with the Board of Public Works and Safety a certificate executed by a duly authorized officer of an insurance company authorized to write insurance in the State of Indiana to the effect that a policy of insurance has been issued to the licensee for such taxicab and is in full force and effect and that the premium has been paid as required thereon, together with a true copy of the policy contract or certificate of insurance.

The policy of insurance for each licensed taxicab shall be in the sum of Twenty-five Thousand Dollars (\$25,000.00) conditioned for the payment of any final judgment recovered against such person for the death or injury of persons caused in the operation, maintenance, use or defective condition of such taxicab and may be limited to the sum of Three Hundred Thousand Dollars (\$300,000.00) to more than one (1) person, and may limit the liability of the insurer to Fifty Thousand Dollars (\$50,000.00) for damages to or destruction of property.

In the event the maximum liability of the insurance company under the policy shall be reduced by any recovery in any amount, the licensee before thereafter operating such taxicab shall re comply with the provision of this Article with respect to insurance on such taxicabs the same as if no policy of insurance thereon had been issued. Any insurance company whose policy has been so filed pursuant to this Section may file a notice in the Office of the Board of Public Works and Safety of its intention to terminate and cancel such policy of insurance and give notice thereof to the named licensee, whereupon after ten (10) days of such filing, unless such licensee or owner shall re comply with the provisions of this Article with respect to insurance, such licensee or owner shall cease to operate or cause to be operated within the City such taxicab for hire, and the license issued therefor shall be automatically revoked and liability on such policy of insurance shall cease and terminate. However, the liability of the insurance company under such canceled or revoked policy for any act or omission of the licensee or owner occurring prior to the effective date of cancellation shall not be discharged or impaired thereby. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-177 Bond.**

In lieu of the policies of insurance, the licensee may furnish a bond with good and sufficient surety to be approved by the City Attorney in the penal sum of One Hundred Thousand Dollars (\$100,000.00) for each licensed taxicab, executed by a surety company authorized to transact business as such in the State of Indiana, which surety bond shall hold and bind the principal and sureties to the same conditions as are required in the policies of insurance. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-178 Cash Deposit.**

In lieu of the policies of insurance or the surety company bonds, any licensee may deposit with the City Controller the sum of sum of One Hundred Thousand Dollars (\$100,000.00) in cash or bonds or securities issued by the United States, which deposits shall be for the purpose of securing the payment of any final judgments obtained by any person against such licensee and shall be subject to the same conditions as are required in policies of insurance or surety company bonds as herein provided. However, any interest earned by such cash deposit or bonds or securities shall be paid to the licensee making such deposit, and in the event of the election of any licensee to make such deposit of cash or United States securities as herein provided, the principal amount thereof shall at all times be maintained in the sum of not less than One Hundred Thousand Dollars (\$100,000.00). (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-179 License for Taxicab Drivers.**

No person shall act as driver of a taxicab licensed hereunder without first having obtained a license therefor as provided herein. Each applicant for a drivers license must have attained the age of eighteen (18) years; shall have sound physique and good eyesight and not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle; shall be able to read and write the English language; shall be clean in dress and person and not addicted to the use of intoxicating liquors or narcotics, and shall produce, on forms provided by the City Controller, affidavits establishing his good reputation from four (4) reputable citizens of the City.

The applicant shall fill out upon a blank form, to be provided by the Police Department a statement giving his full name, residence, place of residence for five (5) years prior to the date of his application, his age, color, height, color of eyes and hair, place of birth, length of time he has resided in the City, whether a citizen of the United States, the place of his previous employment, whether married or single, whether he has ever been convicted of a felony or a misdemeanor and, if convicted, the nature of the crime or offense and the date when and the place of the conviction, whether he has previously been licensed as a taxicab driver and, if so, when and whether his license has ever been revoked and for what cause, which statement shall be signed and sworn to by the applicant and filed with the Police Department as a permanent record. The investigation of all applications for license as taxicab drivers under the provisions of this Article shall be conducted by the Police Department.

When such investigations are completed, the application shall be forwarded by the Chief of Police, with his recommendation endorsed thereon, to the Board of Public Works and Safety.

No license shall be issued, and a license previously granted may be revoked, upon any of the following grounds:

- a. Applicant has not attained the age of eighteen (18) years.
- b. Applicant does not hold valid license required by State of Indiana for transportation of public.

- c. Applicant has been convicted of driving while intoxicated within five (5) years.
- d. Applicant has been convicted of a felony within five (5) years.
- e. Applicant has been convicted of any felony, misdemeanor or violation of this Article within three (3) years.
- f. Applicant has falsified or has failed to provided complete and accurate information requested on application. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-180 Examination of Drivers.**

Each applicant for a taxicab drivers license shall be examined, within ten (10) days after filing his application, by the person designated by the Chief of Police, as to his knowledge of the provision of this Article, traffic regulations and the geography of the City. If the result of the examination is unsatisfactory, such applicant shall be refused a license. Each such applicant must, if required by the Police Department, demonstrate his skill and ability to safely handle the vehicle by driving it through a crowded section of the City accompanied by an inspector designated by the Chief of Police. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-181 Personal Photographs.**

Each applicant for taxicab driver license must file with his application two (2) recent photographs of himself of a size which may be easily attached to the license, one (1) of which shall be attached to the license when issued. The second shall be filed, together with the application, with the Police Department. Each applicant shall also be required to have his or her fingerprints taken, which shall be kept on file in the Police Department. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-182 Working Hours.**

No taxicab driver issued a license as herein provided shall drive and operate a taxicab for a longer period than ten (10) hours in any twenty-four (24) hour period nor more than sixty (60) hours in any consecutive period of seven of days. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-183 Issuance; Renewal of Driver's License; Fee.**

Upon satisfactory fulfillment of the foregoing requirements and upon the approval of the Board of Public Works and Safety, and upon the payment of Five Dollars (\$5.00) by the applicant, the City Controller shall issue to the applicant a license in such form as to contain the photograph and signature of the licensee. Driver's licenses shall be issued as of January 1 of each and every year and shall be valid to and including December 31 next succeeding.

No person shall permit any employee to operate a public taxicab for hire within the City without first having obtained a license as a taxicab driver. Every licensed taxicab driver shall

have his license together with his photograph conspicuously displayed on the inside of his taxicab so that it may be easily seen by occupants of the taxicab.

The renewal of a taxicab driver's license from year to year may be obtained upon the application of the licensee by appropriate endorsement by the Chief of Police recommending such renewal. A taxicab driver, in applying for renewal license, shall make such application upon a form to be furnished by the City Controller entitled APPLICATION FOR RENEWAL OF TAXICAB DRIVER LICENSE, which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which his original license was granted and the number thereof. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-184 Suspension or Revocation of Driver's License.**

It shall be the duty of every person driving or operating a taxicab to be courteous, to refrain from swearing, loud or boisterous talk or conduct, to drive his vehicle carefully and in full compliance with all traffic laws and ordinances and regulations or orders of the Police Department and the Board of Public Works and Safety and to deal honestly with the public and with his employer. Upon the violation of any of the provisions of this Article, upon the recommendation of the Chief of Police, the Board may suspend or revoke the license of any offending taxicab driver herein provided. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-185 Suspension or Revocation of Taxi License.**

Any taxicab license granted under the terms and provisions of this Article may be suspended or revoked by the Board of Public Works and Safety if the taxicab shall, with the knowledge and consent of the owner, be used for, or the driver shall, with the knowledge and consent of the owner, be engaged in immoral or illegal business in violation of any ordinance, State or Federal law. Any person being aggrieved by reason of the conduct or action of any taxicab driver or owner in the operation of such taxicab, may present a complaint to any police officer of the City, and it shall be the duty of the Police Department to promptly investigate such complaint and take appropriate action in the premises. No owner or taxicab operator shall permit any unlicensed driver or any driver whose license has been suspended or revoked to operate any taxicab within the City. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-186 Controller's Duties.**

It shall be the duty of the City Controller to provide all forms and license plates required by this Article. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-187 Reserved for Future Use.** (Taxistands; Fees – deleted by Gen. Ord. No. 19, 2005, 12-15-05)

**Sec. 4-188 Radio Contact with Main Office.**

All taxis in the City shall have installed in a permanent manner a two-way radio in each taxicab, and a two-way base station at the taxicab's main office on their own private frequency,



designated by the Federal Communication Commission. No taxicab operator shall utilize or listen to the frequency of another taxicab operator for the purpose of responding to calls for taxicab operators other than for his own taxi. If any taxicab operator shall violate this provision, he shall be liable for treble damages for all fares so collected, together with attorneys' fees and costs. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-189 Hours for Service.**

All persons, firms, or corporations desiring to operate taxicabs or taxicab service in or upon or along any of the streets, avenues or highways of the City, shall guarantee the City a twenty-four (24) hour day, seven (7) day per week service so as to provide an efficient and effective means of transportation for the riding public. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-190 Taximeter Required; Regulations.**

All persons, firms or corporations who have licenses to operate a taxicab or taxicabs within the incorporated limits of the City, on or after January 1, 1969, shall equip such taxi, or taxicabs with a fare registering meter commonly known and called a taxicab meter, for the purpose of charging a fare to patrons using such taxicab, and such taxicab shall not be operated upon the streets of the City at any time when such taxicab or taxicabs shall have more than the driver occupying the same without the meter operating.

a. Every taximeter in use shall be placed on the front dash in such a position that the amount of fare to be charged shall, at all times, be plainly visible to and readily ascertainable by all the occupants of the taxicab. Between the hours of sunset and sunrise, the dial of the taximeter shall be illuminated whenever it is in use.

b. When a taxicab is not in service, the taximeter shall show no fare. When a taxicab is in service and the taximeter rate is used, the flag or indicator on the taximeter shall be lowered and the taximeter shall be in the calculating position. Upon the completion of the service by a taxicab, the flag or indicator on the taximeter shall be raised, the taximeter shall be returned to the non-calculating position and its dials cleared.

c. No person owning or operating any taxicab equipment with a taximeter shall offer or let the same for hire unless that taximeter affixed thereto has been inspected and tested by the Sealer of Weights and Measures or one of his deputies, and has been found to calculate and register the fare correctly in accordance with the rates filed with the Board of Public Works and Safety.

d. Said inspection shall be conducted and fare schedules filed with the Board of Public Works and Safety on an annual basis prior to January 1 of the license year or the date the taxicab is placed in operation. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-191 Payment of Fares; Regulations.<sup>83</sup>**

---

<sup>83</sup> I.C. § 36-9-2-4, authorizes cities the power to fix the price to be charged for vehicles for public hire.

No person who shall employ the use of a taxicab and who has been conveyed therein shall refuse or fail to pay for such passage, or any violation of this Section shall be punishable by a fine of not less than Five Dollars (\$5.00) nor more than Seventy-five Dollars (\$75.00).

a. No driver or other person in control of a taxicab shall charge any fare or fees for the use of a taxicab except in accordance with the schedule of rates. Following conviction for knowingly making an incorrect charge, it shall be mandatory for the Board of Public Works and Safety to revoke the license of the taxicab driver concerned.

b. No driver of a taxicab shall demand prepayment of the legal fare if the driver has reasonable cause to believe that the passenger may fail or refuse to pay the fare.

c. The driver of a taxicab shall, if requested, deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefor. Upon this receipt shall be legibly printed or written the name of the owner, a method of identifying the taxicab and its driver, all items for which a charge is made, the total amount paid and the date of payment.

d. In all cases where there are *Share the Ride* cab patrons, all fares collected, other than the last amount recorded by the meter at the final destination of the cab, shall be considered as fares and shall be checked in accurately on trip sheets provided by the cab owner for the use of the cab driver.

e. In every case where there are *Share the Ride* passengers, the fare charged the first passenger hiring the cab shall be determined solely by the continuous meter operation, which fare shall include the original One Dollar and Sixty Cents (\$1.60) meter flip charge. In each instance, the cab driver shall leave the meter in continuous operation and each *Share the Ride* passenger, upon entering the cab, shall note the charge appearing on the meter and shall pay the difference between such charges together with the sum of One Dollar and Sixty Cents (\$1.60) in lieu of the original meter flip charge. However, in all cases there shall be a minimum charge of One Dollar and Sixty Cents (\$1.60).

f. Every driver of such taxicab, upon being requested to do so by any person who is or has been or is about to become a passenger in such vehicle, shall give to such person his name, his taxicab driver's license number, his state chauffeur's number and the license number of such vehicle. (Gen. Ord. No. 7, 1970, 4-15-70)

#### **Sec. 4-192 Condition of Motor Vehicle for Operation.**

No motor vehicle having less than four (4) doors shall be operated as a taxicab in the City. (Gen. Ord. No. 7, 1970, 4-15-70)

#### **Sec. 4-193 Right to Inspection.**

The City and/or Council reserves the right to inspect any and all equipment used by the applicant for the purpose of operating a taxicab business in the City. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-194 Penalty.**

Unless otherwise provided, whoever violates any provision of this Article shall be fined not more than Three Hundred Dollars (\$300.00). Each day's continued violation shall constitute a separate offense. (Gen. Ord. No. 7, 1970, 4-15-70)

**Sec. 4-195 through Sec. 4-199 Reserved for Future Use.**

**ARTICLE 14. FRANCHISE AGREEMENTS.<sup>84</sup>**

**Sec. 4-200 Common Council Approval Required.**

a. Because the operation of cable television systems or other utilities in enterprises require the permission of the City to use the public ways, the Council has determined that it is proper and expedient to franchise such systems.

b. All such business must seek the approval of the Common Council by the appropriate ordinance or resolution prior to initiating business in the City of Terre Haute.

c. All fees paid to the City shall be properly accounted for by the City Controller to applicable State Board of Accounts regulations.

**Sec. 4-201 through Sec. 4-224 Reserved for Future Use.**

**ARTICLE 15. TAX ABATEMENT PROCEDURES.<sup>85</sup>**

**Sec. 4-225 Requirements for Tax Abatements Filings.**

a. In addition to satisfying the requirements of *I.C.* § 6-1.1-12.1, *et. seq.*, applicants for real and/or personal property tax abatements shall complete and submit at the time of filing the abatement resolution a "City of Terre Haute, Indiana Property Tax Abatement Program Application" and applicable Scoring Sheet at the time of filing the Abatement Resolution with the City Clerk's Office. (Gen. Ord. No. 2, 2009, 5-14-09)

---

<sup>84</sup> The Cable Communications Policy Act of 1984 (P.L. 98-549 (47 *U.S.C.* Sec. 521, *et seq.*) governs cable television.

<sup>85</sup> *I.C.* §§ 6-1.1-12.1-1 through 6-1.1-12.1-5.7, address real and personal property tax abatement procedures.

b. If Applicant is seeking both a real and a personal property tax abatement, a separate Abatement Resolution, Tax Abatement Program Application and Scoring Sheet must be filed for each type of abatement.

c. The City of Terre Haute Indiana Property Tax Abatement Program Application, attached hereto as Exhibit A, shall be kept on file in the Office of the City Clerk and shall be available on the City's website.

d. Applicants must utilize and submit the completed Real Property Scoring Sheet and the Personal Property Scoring Sheet, attached hereto as Exhibits B and C respectively. Copies of each scoring sheet shall be available in the Office of the City Clerk and on the City's website. Any and all previous versions of scoring sheets are hereby repealed effective upon passage of this ordinance.

e. Resolutions received that do not include the approved Tax Abatement Application and appropriate Scoring Sheet or that combine both a real property tax abatement and a personal property tax abatement in the same resolution will be refused. (Gen. Ord. No. 4, 2015, 4-16-15)

**Sec. 4-226 Instructions for Filing Tax Abatement Resolutions.**<sup>86</sup>

Tax abatements require these items to be completed:

- a. The resolution on 8½" x 11" paper.
- b. The final action statement on 8½" x 11" paper.
- c. The petition on 8½" x 11" paper.
- d. The statement of benefits form currently prescribed by the State of Indiana.
- e. The program application forms currently prescribed by the City of Terre Haute.

Eleven (11) copies plus the originals are needed for each item. The material should be stapled together in the above order. The resolution, final action, and petition must contain the following statement and information: THIS INSTRUMENT PREPARED BY: (NAME), (ADDRESS). See the signature format below.

After the packets have been prepared, and prior to filing with the Clerk's Office, the petitioner or petitioner's attorney shall obtain the signature of a council person as required. Once all steps have been completed the packets must be brought directly to the City Clerk's Office.

---

<sup>86</sup> Editor's Note: Tax abatement policies are on file in the Office of the City Clerk and available for public inspection during regular business hours.

A non-refundable filing fee of Five Hundred Dollars (\$500.00) will be assessed for each property tax abatement request filed. Payment, in a form accepted by the Clerk's office, shall accompany all submitted applications.

The City Clerk's Office will arrange a notice for posting and publication. You will be billed for publication costs as soon as the newspaper has billed the City Clerk's Office. (Gen. Ord. 12, 2016, 9-8-2016).

**Sec. 4-227 through Sec. 4-234 Reserved for Future Use.**

## **ARTICLE 16. FINGERPRINTING FEES.**

**Sec. 4-235 Purpose.**

The City of Terre Haute finds that costs are incurred by the City of Terre Haute Police Department in response to individual requests for certain fingerprinting services performed for non-governmental and non-criminal justice agencies and individuals. The costs of these services should be absorbed by those agencies requesting the services rather than the City of Terre Haute Police Department. (Gen. Ord. No. 3, 1998, § 931.01, 3-13-98)

**Sec. 4-236 Definitions.**

a. **Governmental Agency.** As used in this Article, Governmental Agency is defined as any agency, board, commission, department, bureau, or other entity of local, state, or federal government.

b. **Criminal Justice Agency.** As used in this Article, Criminal Justice Agency is defined as any court or any government agency or sub-unit thereof which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. Included in this definition are law enforcement officers, prosecutors, probation officers, and correctional officers. (Gen. Ord. No. 3, 1998, § 931.02, 3-13-98)

**Sec. 4-237 Fee.**

The Terre Haute Police Department is authorized to charge the fee of Five Dollars (\$5.00) for fingerprinting per fingerprint card to any persons or agencies which are not a governmental agency or criminal justice agency. (Gen. Ord. No. 3, 1998, § 931.03, 3-13-98)

**Sec. 4-238 Fee Distribution.**

All fees collected for this service shall be deposited in the Continuing Education Fund of the Terre Haute Police Department. (Gen. Ord. No. 3, 1998, § 931.04, 3-13-98)

Sec. 4-239 through Sec. 4-241 Reserved for Future Use.

## ARTICLE 17. ALARM SYSTEM REGULATIONS.

### Division I. Purpose and Definitions.

#### Sec. 4-242 Purpose.

It is hereby declared to be the purpose of this Article to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the City's commitment of law enforcement resources required to answer these false alarms. (Gen. Ord. No. 5, 1996, § 527.01, 10-11-96)

#### Sec. 4-243 Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this Section:

**Alarm Agent.** Any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.

**Alarm Business.** Any individual, partnership, corporation or other entity which does any of the following: monitors, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

**Alarm System.** Any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Terre Haute Police Department.

For the purposes of this Article, alarm system shall not include:

1. An alarm installed on a motor vehicle;
2. An alarm designed so that the Terre Haute Police Department is not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business has checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice;
3. An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on

activation of the alarm system is an external sounding alarm that automatically stops within fifteen (15) minutes after activation; or

4. An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.

**Automatic Telephone Dialing Device.** Any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.

**False Alarm.** An alarm eliciting a police response when the situation does not require police services. For the purpose of this Article, this does not include alarms triggered by severe weather or atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer, or maintainer.

**Monitor or Monitoring.** The detection from a remote location of the activation of an alarm system subject to this Article.

**Permit Holder.** The individual, corporation, partnership or other legal entity who is required by this Article to apply for an alarm system permit. (Gen. Ord. No. 5, 1996, § 527.02, 10-11-96)

**Sec. 4-244 Reserved for Future Use.**

Division II. Alarm System Permits.

**Sec. 4-245 Application for Alarm System Permit.**

a. Application for a permit for the operation of an alarm system shall be made by a person or legal entity having ownership or control over the property on which the alarm system is to be installed. Such applications shall be made in writing to the City Controller on a form designed by the City for that purpose.

b. The application shall include the following information:

(1) The name, address, and telephone number of each person in control of the property;

(2) The street address of the property on which the alarm system is to be installed and operated;

(3) Any business name used for the premises on which the alarm system is to be installed and operated;

(4) Whether the alarm system or systems are or not local alarms and whether the alarm system or systems are designed to give notice of a burglary, holdup, or other type of emergency;

(5) The name of the person or alarm system business who will install the alarm system; and

(6) The names and telephone numbers of two (2) persons or of an alarm system business which are able to and have agreed:

(a) To receive notification at any time;

(b) To come to the alarm site within thirty (30) minutes after receiving a request from the Terre Haute Police Department to do so; and

I To grant access to the alarm site and to deactivate the alarm system if such becomes necessary. (Gen. Ord. No. 5, 1996, § 527.03, 10-11-96)

**Sec. 4-246 Issuance of Alarm System Permit; Notification to Police Department.**

a. The City Controller's Office shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application in accordance with this Article and payment of the permit fee, unless the Controller finds any statement made in the application was incomplete or false.

b. The City Controller shall assign to each alarm system permit a unique identification number supplied by the Terre Haute Police Department.

c. No later than forty-eight (48) hours after issuance of an alarm system permit, or after receiving updated information on an existing permit, the City Controller shall forward a copy of the application or updated information along with the identification number to the Terre Haute Police Department. All information on such application shall be protected as confidential information; provided, however, nothing in this Article shall prohibit the use of such information for legitimate law enforcement purposes and for the enforcement of this Article.

d. Throughout the term of the permit, the permit holder shall promptly notify the Controller in writing of any change in the information contained in the permit application. (Gen. Ord. No. 5, 1996, § 527.04, 10-11-96)

**Sec. 4-247 Permit Fee and Term.**

a. The fee for an alarm system permit shall be Ten Dollars (\$10.00).

b. An alarm system permit issued pursuant to this Article shall be valid for a term of two (2) years commencing from the date of issuance for those alarms which continue to be monitored.



c. An alarm system permit issued pursuant to this Article shall be personal to the permit holder for a specific location and shall not be transferred. (Gen. Ord. No. 5, 1996, § 527.05, 10-11-96)

**Sec. 4-248 Display of Alarm System Permit Number.**

The permit holder for an alarm system shall post the alarm system permit at the alarm site in a location from which the identification number clearly is visible to any law enforcement official who responds to an alarm. (Gen. Ord. No. 5, 1996, § 527.06, 10-11-96)

**Sec. 4-249 Violations.**

a. The following shall constitute violations of this Article by the owner or person in control of property upon which there is an alarm system:

(1) To operate, cause to be operated, or permit the operation of an alarm system unless a current alarm system permit has been obtained therefor from the City Controller;

(2) To fail to notify the City Controller of any change in the information on an alarm system permit application; or

(3) To fail to post the alarm system identification number as provided by this Article.

b. A violation of this Article shall be enforced as provided in Sec. 4-262 of this *Code*. Each day a violation of this Article continues shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.07, 10-11-96)

**Sec. 4-250 Reserved for Future Use.**

Division III. Alarm Business License.

**Sec. 4-251 Licensing of Alarm Business and Alarm Monitoring Business.**

a. Prior to doing business, including monitoring an alarm located within the Consolidated City of Terre Haute, an alarm business shall obtain a license from the City Controller's Office.

b. An alarm business doing business at the time this amended Article becomes effective shall have thirty (30) days to apply for a license as required above. (Gen. Ord. No. 5, 1996, § 527.08, 10-11-96)

**Sec. 4-252 Application for License.**

a. All applications for a license required by this Article shall be made on forms designated by the City Controller and shall include the following information:

- (1) The full name and address of the alarm business;
  - (2) The full name, business address and home address of the manager;
  - (3) A telephone number at which the Terre Haute Police Department can notify personnel of the alarm business of a need for assistance at any time; and
  - (4) The names, addresses and dates of birth of all alarm agents employed by the alarm business.
- b. An alarm business shall promptly notify the City Controller in writing of any change in the information contained in the application form. (Gen. Ord. No. 5, 1996, § 527.09, 10-11-96)

**Sec. 4-253 License Fee and Term.**

- a. An alarm business license shall be valid for one (1) year and shall be renewable on the first day of January of each year.
- b. The annual license fee for each alarm business shall be Two Hundred Fifty Dollars (\$250.00).
- c. An alarm business license shall be personal to the holder and is not transferrable. (Gen. Ord. No. 5, 1996, § 527.10, 10-11-96)

**Sec. 4-254 Identification Cards Required.**

Every alarm agent shall carry on his person at all times while engaged in the alarm business an identification card which shall be displayed to any law enforcement officer upon request. (Gen. Ord. No. 5, 1996, § 527.11, 10-11-96)

**Sec. 4-255 Installation of Alarm Systems.**

Any alarm business which installs an alarm system within the Consolidated City of Terre Haute shall provide the following information on a form designated by the City:

- a. The address where such system is installed;
- b. The name and address of the person having control over the property; and
- c. The type of alarm system.

Such form shall be submitted to the Terre Haute Police Department not earlier than twenty (20) days prior to the installation of such system and not later than forty-eight (48) hours after such system is installed. Such information shall be protected as confidential information

and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this Article. (Gen. Ord. No. 5, 1996, § 527.12, 10-11-96)

**Sec. 4-256    Violations.**

The following shall constitute violations of this Article by an alarm business:

- a.     Failure to purchase an annual license pursuant to Sec. 4-253;
- b.     Failure of an alarm agent to carry on his person at all times a “proper” identification card pursuant to Sec. 4-254;
- c.     Failure of an alarm business to provide the City with information outlined in Sec. 4-255.

A violation of this Article shall be enforced as provided in Sec. 4-262 of this *Code*. Each day a violation of this Article continues shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.13, 10-11-96)

**Sec. 4-257    Reserved for Future Use.**

Division IV. False Alarms.

**Sec. 4-258    Prohibited Activity.**

- a.     A person who owns or controls property on which an alarm system is installed shall receive a warning from the appropriate law enforcement agency for the first five (5) false alarms issued by such alarm system during the twelve-month period following the last false alarm or the installation of the alarm, whichever is more recent.
- b.     All alarms will have an automatic reset system which silences the externally sounding alarm within fifteen (15) minutes after activation. (Gen. Ord. No. 5, 1996, § 527.14, 10-11-96)

**Sec. 4-259    Enforcement.**

- a.     If an alarm system issues one (1), two (2), three (3), four (4), or five (5) false alarms in a twelve-month period, the person who owns or controls the property shall receive notice of violation by the police officer who actually issues the citation within twenty-four (24) hours. Provided, however, this Section shall not apply to an alarm system which emits a false alarm within thirty (30) days after installation of the alarm system.
- b.     The sixth and each subsequent false alarm within a twelve-month period and other violations shall be subject to the general penalties of this *Code* contained in Sec. 4-262. (Gen. Ord. No. 5, 1996, § 527.15, 10-11-96)

**Sec. 4-260 Reserved for Future Use.**

Division V. Automatic Telephone Dialing Devices.

**Sec. 4-261 Automatic Telephone Dialing Device Prohibited.**

a. It shall be unlawful to use or permit the use of any automatic telephone dialing device or attachment which automatically selects any telephone line leading into the communication center of the Terre Haute Police Department and then transmits any prerecorded message or signal.

b. It shall be unlawful to sell or install any automatic telephone dialing device which automatically selects any telephone line leading into the communication center of the Terre Haute Police Department and then transmits a prerecorded message or signal.

c. Any person who operates or uses an automatic telephone dialing device at the time this Article becomes effective shall have until December 1, 1996 to comply with the requirements of this Section.

d. Any person who violates this Section shall be subject to the general penalties for violating this *Code* as contained in Sec. 4-262. Each violation of this Section shall constitute a separate offense. (Gen. Ord. No. 5, 1996, § 527.16, 10-11-96)

**Sec. 4-262 Violation Fee Schedule.**

For any person violating the provisions of this Article, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (see Chapter 2 of this *Code*).

a. Failure to comply with Division II “Alarm System Permits” as specified in Sec. 4-249 shall result in the following civil penalties:

<u>Subject Matter</u>	<u>Civil Penalty</u>
First Violation	\$25.00
Second and Subsequent Violations	\$50.00

b. Failure to comply with Division III “Alarm Business License” as specified in Sec. 4-256 shall result in the following civil penalties:

<u>Subject Matter</u>	<u>Civil Penalty</u>
First Violation	\$25.00
Second and Subsequent Violations	\$50.00

c. Failure to comply with Division IV “False Alarms” as specified in Sec. 4-258 shall result in the following civil penalties:

<u>Subject Matter</u>	<u>Civil Penalty</u>
First Citation in a Calendar Year	\$25.00
Any Subsequent Citation in a Calendar Year	\$50.00

d. Failure to comply with Division V “Automatic Telephone Dialing Devices” as specified in Sec. 4-261 shall result in the following civil penalties:

<u>Subject Matter</u>	<u>Civil Penalty</u>
First Violation	\$25.00
Second and Subsequent Violations	\$50.00

(Gen. Ord. No. 5, 1996, § 527.17, 10-11-96)

**Sec. 4-263 through Sec. 4-269 Reserved for Future Use.**

## **ARTICLE 18. OFF-PREMISE SALES OF MOTOR VEHICLES.**

**Sec. 4-270 Off-Premise Sales of Motor Vehicles.**

No dealer or Person may sell or exhibit for sale any Motor Vehicle at any Temporary Location within the incorporated area of the City of Terre Haute unless such Dealer or Person has an Established Place of Business located in Terre Haute. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-271 Definitions.**

As used in this Article, the following terms shall have the meanings stated below:

- a. **Dealer.** Dealer means a person licensed as a dealer pursuant to *I.C.* § 9-13-2-42.
- b. **Person.** Person means an individual, a firm, a partnership, an association, a fiduciary, an executor or administration, a governmental entity, a limited liability company, or a corporation pursuant to *I.C.* § 9-13-2-124.
- c. **Established Place of Business.** Established Place of Business means a permanent enclosed building or structure owned or leased for the purpose of bartering, trading, and selling Motor Vehicles. The term “Established Place of Business” does not include any residence, tent, temporary stand, or permanent quarters temporarily occupied. See *I.C.* § 9-13-2-50.

d. **Motor Vehicle.** Motor Vehicle means any self-propelled vehicle, other than a semi-trailer, for which the owner would be required to obtain a certificate of title pursuant to *I.C.* § 9-13-2-105.

e. **Temporary Location.** Temporary Location means a site, other than an Established Place of Business, at which a Dealer or Person exhibits for sale more than six (6) Motor Vehicles. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-272 Sales of Motor Vehicles in Residential or Agricultural Areas.**

A person may list for sale, or sell, in a residential or agricultural area no more than one (1) motor vehicle titled in the Person's name at any given time. Motor Vehicles that are not titled in the Person's name shall not be listed for sale or sold in a residential or agricultural area. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-273 Inspections.**

It shall be the duty of the Terre Haute Police Department, including its Environmental Protection Division, and Inspection Officers within the Office of the City Engineer to inspect from time to time the various lots or parcels of lots or parcels of real estate lying within the boundaries of the incorporated areas of the City of Terre Haute and if it is found that a Dealer or Person is violating the terms of this Article, it shall be the duty of the officer to ascertain the names of the Dealer or Person and to notify such Dealer or Person of such violation. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-274 Penalty.**

Any Dealer or Person who violates the prohibition of Sec. 4-270 or Sec. 4-272 above shall be subject to a fine of One Thousand Dollars (\$1,000.00) for each day he is in violation of this Article. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-275 Enforcement; Injunction.**

If any Dealer or Person shall fail to cease and desist after receiving notice of the violation of this Article, the enforcement authority identified herein or a representative of the City, may cause to be brought and prosecuted a civil action to enjoin the Dealer or Person from violating this Article as provided in *I.C.* § 36-1-6-4. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-276 Cumulative Enforcement.**

The enforcement provisions provided herein shall be cumulative and may be employed singularly or jointly at the discretion of the City. (Gen. Ord. No. 10, 2004, 5-13-04)

**Sec. 4-277 through Sec. 4-279 Reserved for Future Use.**

**ARTICLE 19. E.M.S. USER FEES.**

**Sec. 4-280 Authority.**

*I.C.* § 16-31-5-1(1) grants the governing body of a city the authority to establish, operate and maintain emergency medical services. Special Ordinance No. 93, passed January 11, 1973, (*Terre Haute Municipal Code* Sec. 4-66) created the emergency ambulance service to be operated and maintained by and through the facilities of the City of Terre Haute Fire Department and administered by the City of Terre Haute Board of Public Works and Safety. *I.C.* § 16-31-5-1(5) grants the governing body the authority to establish and provide for the collection of reasonable fees for the emergency ambulance services provided. *I.C.* § 36-1-3 grants the municipality all powers necessary or desirable to conduct its affairs, even if not specifically granted by statute, thus granting the authority to establish the non-reverting E.M.S. Fund. (Gen. Ord. No. 2, 2000, 2-10-00)

**Sec. 4-281 Purpose.**

The City of Terre Haute wishes to establish ambulance user fees to offset the expenses of the Terre Haute Fire Department for providing ambulance, emergency medical services, and advanced life support to the citizens of Terre Haute. These collected fees shall be used by the Terre Haute Fire Department for the purchase and repair of ambulance, fire, safety, and paramedic equipment, advanced life support equipment, ambulance personnel training, expenses for administrative personnel to implement this Article and capital and operational costs for a Terre Haute Fire Department training academy. (Gen. Ord. No. 2, 2000, 2-10-00; Gen. Ord. No. 10, 2006, As Amended, 6-8-06)

**Sec. 4-282 Ambulance/Medical User Fees Established.**

a. The following user fee schedule shall be charged for all ambulance/medical services provided:

- |     |                                     |  |
|-----|-------------------------------------|--|
| (1) | Basic Life Support Fee              | \$450.00 (Gen. Ord. No. 2, 2013, 3-14-13)  |
| (2) | Advanced Life Support Fee: Level I  | \$550.00 (Gen. Ord. No. 2, 2013, 3-14-13)  |
| (3) | Advanced Life Support Fee: Level II | \$750.00 (Gen. Ord. No. 2, 2013, 3-14-13)  |
| (4) | Non-Transport Medical Call          | \$200.00 (Gen. Ord. No. 2, 2013, 3-14-13)  |
| (5) | All Non-resident Calls              | \$100.00 fee in addition to any support fee billed in (1), (2), (3), or (4) above (Gen. Ord. No. 6, 2009, 8-13-09) |

b. **Non-resident.** A person who resides outside of the corporate boundaries of the City of Terre Haute, Indiana.

c. Charges for mileage shall be made at the rate of \$12.00 per mile. (Gen. Ord. No. 36, 2000, 1-11-01; Gen. Ord. No. 6, 2009, 8-13-09; Gen. Ord. No. 2, 2013, 3-14-13)

d. The fees set forth in Sec. 4-282 a. shall be charged per patient, per occurrence. However, when more than two (2) members of an immediate family residing at the same address are patients and in a single occurrence, transported, the basic fee and emergency fee shall only be billed for two (2) patients.

**ARTICLE 20. MISCELLANEOUS PERMIT AND FEE REGULATIONS.**

**Sec. 4-290 Chart on Fees.**

<b>ACTIVITY REGULATED</b>	<b>FEE AMOUNT</b>	<b>CODE §</b>
Abandoned Vehicle Storage	Not to exceed rate approved by the Board of Public Works & Safety	6-184
Accident Reports	\$5.00	4-70
Alarm Business License	\$250.00	4-253
Alarm System Permit	\$10.00	4-247
Ambulance Attendants/Drivers	\$5.00	4-59
Ambulance License	\$25.00	4-53
Ambulance Transfer of License	\$5.00	4-54
Ambulance Transportation Fees	Varying fees	4-282
Animal Grooming Shop License	\$25.00	6-75 c.
Animal Licensing: Spayed/neutered dog or cat	\$5.00	6-75 a.
Unaltered dog or cat	\$20.00	
Animal Licenses – Misc.	\$150.00 - \$250.00	6-75
Breeder’s License	\$40.00 - \$100.00 plus add’l fees	6-75 d. and 6-75 e.
Building Permits	\$15.00 plus add’l charges	7-10
Building Reinspection Fee	\$20.00	7-10
Carnivals	\$200.00 - \$1,000.00	4-92
Cemetery Lots	Based on Section Location	5-102
Children’s Amusement Devices	\$5.00 - \$50.00	4-93
Circus	\$100.00 - \$300.00 per day	4-100
Class I, II, III, IV, V, VI Electrical Examinations & License	\$20.00 plus other fees	7-64



Close Road Permit	\$10.00 per day	8-122
Commercial Loading Zone	\$75.00	8-54
Copies of City Code	Cost of Publication	4-71
Copying Fee – Public Records	10¢ per page 20¢ per page – Fax Transmission 25¢ per page Long Distance Fax	4-74
Criminal History	\$7.00	4-75
Demolition Permit	\$15.00 plus add'l charges	7-10
Document Fee – City Clerk	\$1.00 each page	4-73
Electrical Permit	\$15.00 plus add'l charges	7-10
Fingerprinting	\$5.00	4-237
General Contractor	\$350.00 first year \$175.00 annual renewal	§ 4-107
Gun Permits	\$10.00	4-75
Handicapped/Reserved Parking	\$40.00 first year \$25.00 annual renewal	8-61
Improvement Location Permit	\$2.00	10-265
Incident Report – Criminal	\$1.00 - \$10.00	4-75
Junk Dealers	\$25.00	4-147
Junk Yard	\$25.00	4-147
Kennel License: Non-commercial Commercial	\$50.00 - \$100.00 \$50.00 - \$250.00	6-75 b.
Massage Establishment	\$250.00	6-230
Massage Establishment Employees	\$25.00	6-230
Motor Vehicles, Off-Premise Sale of	\$1,000.00	4-270, <i>et seq.</i>

Park & Recreation Facilities Programs	Reasonable Amounts	5-24
Pawn Shop	\$25.00	4-120
Peddler's License	\$5.00 - \$50.00	4-32
Pet Shop License	\$150.00	6-75 f.
Plumbing Permit	\$15.00 plus add'l charges	7-10
Police Criminal/Incident Report	\$5.00	4-75
Precious Metals/Coins	\$25.00	4-120
Record Check: VIN Criminal History	\$5.00 \$7.00	4-75
Second Hand Merchants	\$25.00	4-120
Septic Tank Service & Cleaning	\$25.00	9-90
Septic Tank	\$25.00 - \$600.00	9-92
Service Type Business	\$350.00 first year \$175.00 annual renewal	4-107
Sewage Rates	\$3.75 and up	9-99
Sewer Connection Fees	Varying fees	9-105
Sewer Discharge Permit Fee	\$500.00	9-41a.
Sewer Inspection & Connection Permit	\$10.00	9-106
Sewer Monitoring Charges	Varying fees	9-41b.
Taxicab Driver's License	\$5.00	4-183
Taxicab Fares	See Section	4-191
Taxicab License	\$50.00	4-173
Transient Merchant Permit	\$50.00 per day	4-16
Tree License	\$350.00 first year \$175.00 annual renewal	6-195
Work within public right-of-way	\$25.00 plus add'l fees	8-122

**Sec. 4-291 through Sec. 4-299 Reserved for Future Use.**

**ARTICLE 21. EMERGENCY RESPONDER TRAINING ACADEMY (ERTA).**

**Sec. 4-300 Authority.**

*I.C. § 36-1-3 et seq.* grants a municipality all powers necessary or desirable to conduct its affairs, even if not specifically granted by statute, thus granting the authority to establish fee

**Sec. 4-301 Purpose.**

The City of Terre Haute Emergency Responder Training Academy (ERTA) serves to provide members of fire, police, and emergency response service providers, whether public or private, up to date required emergency response education and training opportunities. The fees charged for training services shall serve to defray the expenses incurred by the City of Terre Haute ERTA.

**Sec. 4-302 ERTA Fees Established.**

a. The following user fee schedule shall be charged for all ERTA services provided:

(1)	Burn Building – four (4) hour session	\$400.00
(2)	Class A Burn Chamber – four (4) hour session	\$200.00
(3)	Flash Burn Chamber – four (4) hour session	\$200.00
(4)	Confined Space Facility – eight (8) hours minimum	\$100.00
(5)	Trench Rescue Facility – eight (8) hours minimum	\$100.00
(6)	Haz-Mat Training Course – four (4) hours minimum	\$100.00
(7)	Classroom – four (4) hours	\$25.00
	Classroom – eight (8) hours	\$50.00
(8)	Training Tower – four (4) hour minimum *Includes use of all floors, maze, standpipe	\$350.00
(9)	Obstacle Course	\$50.00

b. All fees scheduled above in subsection a. shall be subject to adjustment or discounting upon petition to the ERTA staff and the showing of either:

- (1) entity residing within Vigo County; or
- (2) financial hardship upon the unit.

c. Upon approval of each contract for training and instruction services by the Board of Public Works and Safety, the ERTA staff will submit a fee schedule to the Board of Public Works and Safety detailing the fees to be charged participants for instruction related services. Such fee schedule will consider costs associated with instructor fees, text books, materials, and other necessary training supplies.

**Sec. 4-303 Deposit of Fees.**

All fees received for the services set forth in Sec. 4-302 shall be deposited in the Fire Training Academy Non-reverting Fund as established at Sec. 2-138-6 and may only be expended as authorized therein.

**ARTICLE 22. DANCE PERMITS.**

**Sec. 4-310 Permit Required.**

It shall be unlawful for any person to hold any dance, or to own, operate or allow the operation of any building or premises in the City where dancing is indulged in or permitted, and where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a dance permit from the Board of Public Works and Safety. Whenever a dance requiring a permit is held on premises not owned or leased for a term of one (1) year or more by the person holding the dance, the owner and lessee of the property along with the person holding the dance must jointly obtain a dance permit.

**Sec. 4-311 Activities Exempted from this Article.**

The permit required by this Article shall not be required under the following circumstances:

a. For a dance held by a fraternal, educational, governmental, charitable or religious organization or a bona fide club, as long as the dance is not open to the general public and admission to the dance is limited to members and invited guests, and the dance is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club, and provided that, after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools. For the purpose of this exemption, the terms fraternal organization and bona fide club shall mean an association with more than fifty (50) members. The association shall own, maintain, or operate club quarters within the City and be authorized and incorporated to operate as a nonprofit club under the laws of the state and have been continuously incorporated and operating for a period of not less than one (1) year. The association shall have had during such period of one-year a membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the association. Membership dues shall be payable monthly, quarterly, or annually, and shall be recorded by the secretary of the association. It is the intent of this definition that any exemption from this Article shall apply only to an association that has not been primarily formed or activated to evade the provisions of this Article;

b. For a dance which is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;

c. For a person who holds a one-year or two-year permit for the sale of alcoholic beverages and who holds a dance on the permitted premises and where entry is limited to persons who are twenty-one (21) years of age or older;

d. For dances which are performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the dance; or

e. For any school or class, the purpose of which is to teach dancing.

#### **Sec. 4-312 Application for Permit.**

All applications for a permit required by this Article shall be in writing on a form supplied by the Board of Public Works & Safety, and shall include the following and be signed by the applicant(s):

a. The name, mailing address, telephone number and copy of driver's license or other state issued photo identification of the applicant(s), and the names and addresses of all partners (if a partnership), all officers if a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the dance and who will be responsible for managing the dance;

b. The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises is licensed for the sale of alcoholic beverages;

c. The date and hours when, and address where, the dance will be held;

d. Whether the dance will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

e. Whether the premises on which the dance will be held is owned or leased for a term of one (1) year or more by the applicant;

f. Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the dance, has ever been convicted of a felony or misdemeanor;

g. A detailed security plan that shall include, but is not limited to, the projected number of attendees, the number of dedicated security officers, and emergency/evacuation procedures; and

h. Any other information required by the *City Code* or deemed appropriate by the Board of Public Works & Safety.

**Sec. 4-313 Liability Insurance.**

a. The applicant shall procure, and maintain throughout the term of the permit, a policy of general premises liability insurance that names the City of Terre Haute as an “additional insured” party, and that would protect the permittee and the City from any claims that may arise out of or result from the operation of the permitted dance. The applicant shall file a certificate of insurance with the Board of Public Works & Safety before a permit can be issued.

b. The limits of liability upon any insurance required by this Section shall in no instance be less than Seven Hundred Thousand Dollars (\$700,000.00) per occurrence for injury or death of any one person and not less than Five Million Dollars (\$5,000,000.00) in any one incident, and not less than Seven Hundred Thousand Dollars (\$700,000.00) for all damages arising out of injury to or destruction of property for any event in which the projected number of attendees is in excess of two hundred fifty (250) people.

c. The limits of liability upon any insurance required by this Section may be Seven Hundred Thousand Dollars (\$700,000.00) per occurrence for injury or death of any one person and not less than One Million Dollars (\$1,000,000.00) in any one incident for any event in which the projected number of attendees is two hundred fifty (250) or less. The Board of Public Works and Safety may request a hearing to permit lower liability insurance requirements upon a finding that the total number of projected attendees is in question.

**Sec. 4-314 Denial; Grounds.**

a. The Board of Public Works & Safety shall not issue a dance permit to any person who has not reached the age of twenty-one (21) years, or who has been designated a sex or violent offender, as defined by I.C. 11-8-8-5.

b. The Board of Public Works & Safety shall not issue a dance permit to any person who does not provide the Board with the name, date of birth, mailing address, and telephone number of a person who has reached the age of twenty-one (21) years who will be present for the duration of the dance and who will be responsible for managing the dance;

c. In addition to any other reasons stated in this Article, the Board may refuse to issue a permit required by this Article for any of the following reasons:

(1) The application was not made at least ten (10) business days prior to the time of commencement of the dance;

(2) The applicant or a person named on the application has been convicted of a misdemeanor or found in violation of any law relating to alcoholic beverages, narcotics, or disorderly or immoral conduct;

(3) The applicant or a person named on the application permitted violations of law to occur at a prior dance held or managed by him, without stopping the violations or reporting them to the police;

(4) Persons under the age of twenty-one (21) years will be admitted to the dance, and the dance is to be held on premises licensed for the sale of alcoholic beverages or within five hundred feet (500'), measured in any direction, of a premises licensed for the sale of alcoholic beverages;

(5) The applicant has failed to provide all necessary and/or adequate information required by this Article or has falsely provided such information or;

(6) The applicant has failed to provide a sufficient security plan.

**Sec. 4-315 Transfer of Permit.**

A permit issued under this Article shall not be transferable unless authorized in writing by the Board of Public Works and Safety.

**Sec. 4-316 Zoning Required.**

It shall be unlawful for any person to hold any dance, or to own, operate or allow the operation of any building or premises in the City where dancing is indulged in or permitted at any place, location, or building which is not in compliance with Terre Haute building and zoning regulations regardless of any permission to use such premises.

**Sec. 4-317 Scope of Permit; Hours of Operation.**

a. Each permit issued pursuant to this Article shall allow the permittee to hold one (1) dance at one (1) location for a continuous period, and a separate permit shall be required for each dance.

b. In lieu of obtaining separate dance permits pursuant to this article, a permit with a term of one (1) year may be sought in an application if sufficient evidence is provided by the applicant that the primary function of his or her commercial enterprise is to hold dances which are applicable to this article. Annual dance permits may be issued for specific dances throughout the year if the appropriate dates and times are supplied at the time the application is submitted and said dances are limited to one (1) location. Separate dance permits for an applicant that has obtained an annual permit are only required if the applicant wishes to hold a dance on a date or time that was not originally provided in his or her application. All provisions of this article are applicable to an annual dance permit.

c. Under no circumstances may any part of a permitted dance be held between the hours of 2:00 a.m. and 6:00 a.m.

d. Under no circumstance may any part of a permitted dance be held between the hours of midnight and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

**Sec. 4-318 Suspension or Revocation of Permit.**

a. The City may suspend or revoke an issued permit if any of the following conditions are determined or found:

(1) The permit holder made any materially false statement of fact on his or her application;

(2) The permit holder failed to supply and maintain the insurance required by Sec. 4-313;

(3) The permit holder acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations;

(4) The permit holder violates the regulations pertaining to hours of operation;

(5) The permit holder has failed to pay the permit fee specified in Sec. 4-319;

(6) The permit holder fails to follow/properly implement his or her security plan consistent with the permit application requirements;

(7) The location or premises where the permitted dance is to be held is not in compliance with the City of Terre Haute zoning regulations; or

(8) Illegal activity, including but not limited to, fighting, under-age drinking, illegal possession of weapons or drugs, disorderly conduct, occurs during the permitted dance.

(9) Violations of state, local or federal code are found to have been committed during the permitted dance.

b. In the event that a permit is suspended or revoked, the dance must terminate and all attendees will be required to exit the premises.

c. In the event a permit is suspended or revoked for a violation stated herein, no refund of permit fee shall be made to permit holder.

**Sec. 4-319 Permit Fee.**

A dance permit fee in the amount of Fifty Dollars (\$50.00) shall be paid for each permit issued pursuant to this Article. Any registered non-for-profit organization applying for a permit pursuant to this Article shall be exempt from paying a permit fee.



**Sec. 4-320 Enforcement; Violations.**

a. The Board of Public Works and Safety designates officers of the City of Terre Haute Police Department, Fire Department, and Building Inspection Office to inspect and enforce the provisions of this Article.

Any permit holder found to be in violation of any provision of this Article shall, in addition to the immediate suspension or revocation of the permit, be subject to a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

**ARTICLE 23. NON-CONSENSUAL TOW BUSINESSES.**

**Sec. 4-340 Purpose.**

The purpose of this Article is to protect the public from unconscionable practices associated with non-consensual towing of vehicles from parking lots, by means of the licensure of businesses engaged in this activity together with restrictions and requirements on the manner in which non-consensual towing may be performed.

**Sec. 4-341 Authority To Promulgate Regulations.**

The Board is authorized to make and promulgate additional reasonable and necessary regulations to carry out the provisions of this Article.

**Sec. 4-342 Application.**

The provisions of this Article apply only to non-consensual tows that originate within the City limits.

**Sec. 4-343 Definitions.**

As used in this Article, the following terms shall have the meanings ascribed to them in this Section unless otherwise indicated clearly by text.

a. Board. City of Terre Haute Board of Public Works and Safety.

b. Non-consensual Tow. The towing, by a tow business or tow truck operator, of a vehicle trespassing on a parking lot, made at the request of the property owner or the owner's authorized agent, without prior consent or authorization by the vehicle's owner. Notwithstanding the foregoing, the following are not included within the definition of a non-consensual tow:

- (1) A tow initiated from a parking lot, as a result of a vehicular accident or law enforcement investigation, by a representative of the City or by any law enforcement officer; or

(2) A tow initiated from a parking lot by a college or university, provided that the college or university is accredited by the North Central Association, and further provided that the governing board of the college or university has adopted regulations applicable to vehicular parking on its parking lots.

c. Parking Lot. Includes:

(1) A vehicular parking lot built for, or provided to, patrons or staff of a business or other organization;

(2) A parking area as defined in Sec.10-92 of this *Code*, also to include non-surfaced areas designated for emergency or overflow parking;

(3) A vehicular parking lot provided for tenants of multi-family dwellings; or

(4) Vehicular parking provided by the property owner of a vacant or undeveloped lot.

d. Property Owner. A person who exercises dominion and control over real property, including, but not limited to, the legal title holder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

e. Tow or Towing. The act of attaching, lifting, pulling, or dragging any vehicle behind or on a tow truck that is doing such attaching, lifting, pulling, or dragging.

f. Tow Business. A person or commercial entity that is engaged in, or offers, the service of towing or otherwise removing vehicles from one place to another by the use of a tow truck.

g. Tow Business License. A license issued by the Board to a business engaged in non-consensual towing of vehicles which originate within the City limits.

h. Tow Truck or Tow Vehicle. Any motor vehicle used for the purpose of towing or removal of vehicles.

i. Tow Truck Operator. The driver or operator of any tow truck.

j. Vehicle. A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, and watercraft of any type designed to transport one or more persons.

k. Vehicle Owner. The vehicle's registered owner, an authorized agent of the registered owner, or the driver of the vehicle.

**Sec. 4-344 License Required; Exception; Transfer; Fee.**

a. It shall be unlawful for a tow business that performs non-consensual towing to perform a towing service originating within the City limits without first having been issued a license by the Board. The requirement for this license is made without regard to whether or not the towing business is physically headquartered within the corporate limits of the City.

b. Notwithstanding the provisions of subsection a. of this Section, a tow truck business that merely transports a vehicle through the City is exempt from this licensing requirement, provided that the tow does not originate within the City limits.

c. A tow business license issued pursuant to this Article is not transferable.

d. The annual fee for a tow business license shall be \$150.00 plus an annual fee of \$25.00 for every two (2) two operators over two (2) employed or contracted by the tow business.

**Sec. 4-345 Emergency Waiver.**

In the event of an emergency that requires the utilization of a greater number of tow businesses than are licensed, the Mayor by executive order may waive all tow business license requirements for a period of time not to exceed seven (7) days during which such emergency exists.

**Sec. 4-346 License Application.**

a. *In general.* Upon application for a tow business license, a tow business shall provide the following information to the Board:

- (1) The name of the applicant, address, social security number, and all aliases and business names used by the applicant to conduct business;
- (2) The tow business's taxpayer identification number;
- (3) The telephone number, address, and e-mail address of the primary place of business;
- (4) The address, telephone number, and hours of operation of any vehicle storage facility where towed vehicles will be towed and stored;
- (5) A telephone number where the principal owner(s) of the tow business can be reached in the event of an emergency;
- (6) A copy of the vehicle registration for all tow vehicles owned, operated or otherwise controlled by the tow business; and
- (7) The name of each person employed or contracted by the tow business as a tow truck operator.

b. *Insurance.* Upon application for the tow business license, a tow business shall provide proof of insurance, as evidenced by a certificate of insurance that shows the following insurance coverage:

- (1) General liability insurance (“occurrence” based policy): Coverage shall not be less than Seven Hundred Thousand Dollars (\$700,000) for injury or death for each person per incident and Two Million Dollars (\$2,000,000) for injury or death to more than one (1) person per incident;
- (2) Automotive liability: Coverage shall not be less than Seven Hundred Thousand Dollars (\$700,000) for injury or death for each person per incident and Two Million Dollars (\$2,000,000) for injury or death to more than one (1) person per incident;
- (3) Garage keeper’s insurance: Fifty Thousand Dollars (\$50,000) for damage to vehicles or loss of personal property from vehicles towed or stored; and
- (4) Worker’s compensation insurance that meets Indiana statutory requirements.

c. The Board must be provided notice in the event of cancellation or non-renewal of any of the above policies of insurance. The Board must also be provided notice regarding any changes, amendments, or endorsements in the above policies. A copy of all new or amended policies must be provided to the Board within fifteen (15) days of the issuance of any new policies or amendments to any existing policies.

d. *Tow truck operators.* Upon application for the tow business license, a tow business shall provide a copy of the state-issued valid driver’s license of each person employed or contracted by the tow business to work as a tow truck operator. No tow truck operator may commence non-consensual towing of vehicle until such operator has made application to and received a license from the Board.

e. *Vehicle storage facilities.* The issuance of a tow business license is contingent upon the Board approval of any proof submitted by the tow business that its vehicle storage facilities are secure and compliant with any and all zoning regulations. All towed vehicles must be stored within the confines of the licensed storage facility. The parking of towed vehicles on public streets or alleys or on private parking lots not identified as the tow operator business storage lot is strictly prohibited.

f. *Amendment.* In the event that information provided to the Board under this Article changes during the term of the license, the tow business shall give written notice of such changes to the Board within fifteen (15) days of the occurrence of the change.

**Sec. 4-347 Tow Truck Operator Identification.**

Upon the issuance of a tow business license, the Board shall issue identification to each of the licensee's tow truck operators that have been approved by the Board. Such identification shall be in a form approved by the Board, and must be in the possession of the tow truck operator at all times while operating a tow truck, in addition to any required identification issued by state or federal rules and regulations. In the event that a tow truck operator's state-issued driver's license is suspended or revoked, the Board issued identification must be surrendered immediately to the Board.

**Sec. 4-348 Tow Business Fees & Schedule.**

a. It shall be unlawful to charge any fee associated in any way with the towing and storage of a vehicle under this Article, except as follows:

- (1) For the towing of a vehicle, the maximum fee shall be limited to no more than twenty five percent (25%) more than the fee permitted for tow rotation contractors;
- (2) For the storage of a towed vehicle, the maximum fee for each twenty-four (24) hour period of storage shall be limited to no more than twenty five percent (25%) more than the fee permitted for City tow rotation contractors; provided, however, that a storage fee shall be accrued on a twenty-four (24) hour basis from the time the towed vehicle is delivered to the tow storage facility; or
- (3) A tow business is permitted to require proof of insurance for the vehicle if the owner wishes to drive the vehicle from the storage facility. Tow business is prohibited from denying release of the vehicle based on proof of insurance but may charge a set out fee not to exceed Twenty Five Dollars (\$25.00) for removing the vehicle from the storage facility.

b. This fee limitation does not restrict fees being charged for other services that may be requested by the vehicle's owner. Upon request, a tow truck operator shall present a comprehensive schedule of fees for examination by the vehicle owner, including the fees associated with the services requested.

c. The Board may review and adjust the fee limitations in this Section by the promulgation of a regulation.

d. Notwithstanding the provisions of Subsection a. of this Section, the fee limitation does not apply to a towed vehicle having a gross weight of 11,000 lbs. or greater.

e. If it is determined that a vehicle is towed in violation of this Article, towing and storage fees which have been paid may be recovered by the vehicle's owner. Liability for damage to a towed vehicle is not limited by the provisions of this Article.

f. It is unlawful for a person, including a tow business or tow truck operator to offer, pay, or rebate money or other valuable consideration to the owner of a parking lot for the authority to tow vehicles from that owner's parking lot.

g. When the vehicle's owner is present and desires to remove the vehicle from a parking lot before it is towed, the vehicle shall not be towed nor a fee charged; however, if a tow truck is attached to the offending vehicle and at least two (2) tires have been lifted off the ground at the time the vehicle's owner arrives, the vehicle shall not be towed but shall be released to the owner upon receipted payment of a reasonable fee set forth in the schedule of fees submitted to the Board, not to exceed one half of the regular towing fee in lieu of towing the vehicle.

**Sec. 4-349 Display of Business Name and Proof of Licensure.**

A tow business licensee shall clearly display the name, address, and telephone number of the business on each of its tow trucks. Each tow truck must also clearly display, in a size and manner equivalent to the DOT marking requirements, the tow operator business' City-issued permit number on each vehicle authorized to conduct non-consensual tows. Tow business operator must comply with any and all Federal DOT or State of Indiana requirements relating to display of information on the tow truck vehicle.

**Sec. 4-350 Tows from a Parking Lot.**

a. It shall be unlawful for a licensed tow business or tow truck operator to tow a vehicle from a parking lot unless the parking lot owner or the owner's authorized agent, present at the time of the tow, signs a contemporaneous specific written authorization for the tow of a vehicle.

b. The written authorization shall include the following information:

- (1) The make, model, year, vehicle identification number, and license plate number of the vehicle to be towed;
- (2) The address of the parking lot from which the vehicle is to be towed;
- (3) The signature and printed name of the person authorizing the tow;
- (4) A written statement indicating the date and time of the authorization, that the person authorizing the tow is the owner of the parking lot or the owner's authorized agent;
- (5) A written statement describing why the vehicle was subject to tow; the statement shall describe how the vehicle was parked in a manner inconsistent with posted instructions; how the vehicle interfered physically with the conduct of normal business operations of the person who owns or controls the parking lot; or how the vehicle posed a threat to the safety or security of persons or property; and

(6) Any other information deemed necessary by the Board.

c. For purposes of subsection a. of this Section, a tow business owner or employee, or tow truck operator, may not act as the parking lot owner's authorized agent.

d. Notwithstanding the provisions of subsection c. of this Section, a tow business owner or employee, or tow truck operator, may act as the parking lot owner's authorized agent if:

- (1) The parking lot is for multi-family rental dwelling which provides permit parking twenty-four (24) hours a day, seven (7) days a week for its tenants or guests;
- (2) Parking permits, to be placed in vehicles, are provided to tenants at lease signing; a tow business shall obtain an affidavit from the property owner so stating, and it shall be kept pursuant to the provisions of Sec. 4-355.
- (3) The parking permits are made to be easily identifiable and observable from outside the vehicle and;
- (4) Video or photographic documentation to attest to the propriety of the tow is made and kept as part of the authorization required under subsection b. above. Such documentation shall include time and date stamped photographs of the vehicle depicting the manner in which it is illegally parked. A photograph shall be taken and maintained depicting the license plate. Such documentation must be stored and maintained in a digital format that is accessible upon demand of law enforcement tasked with enforcement of this Article.

**Sec. 4-351 Signs Required To Be Posted on Parking Lot; Exception.**

a. It shall be unlawful for any tow business or tow truck operator to tow a vehicle unless the parking lot in which the vehicle is parked has signage, posted in plain view at each entrance and exit, and that such sign has been permanently installed for a minimum of twenty-four (24) hours prior to any vehicle being removed. The Board shall prepare and prescribe, and if necessary amend from time to time, additional specifications for the construction, size, placement, content, lettering, and number of required signs.

b. Notwithstanding the provisions of Subsection a., a vehicle may be lawfully towed if:

- (1) The vehicle's owner is notified that the vehicle is unauthorized to park and is subject to being towed at the expense of vehicle's owner;
- (2) A vehicle is parked in such a manner that it restricts normal operations of a business during its business hours; or
- (3) A vehicle is otherwise unlawfully parked pursuant to this Code, state statute, or other law.

**Sec. 4-352 Additional Requirements.**

a. A tow business and a tow truck operator must comply with all applicable federal, state, and local law. It shall be unlawful to commit an act in violation of the provisions of this Section.

b. The practice of booting a vehicle to hold it for towing is prohibited.

c. All vehicles that are towed under this Article shall be towed directly and continuously to a vehicle storage facility leased or owned by the tow business, and shall not be placed or kept in any temporary holding area.

d. All vehicles towed must be stored within the county or within a fifteen (15) mile radius of where the tow originated.

e. The vehicle shall be released promptly upon payment of fees.

f. A tow business and tow truck operator shall allow the vehicle's owner a reasonable amount of time to remove or retrieve personal property or possessions that are not affixed, from a vehicle. The retrieval of possessions may be at the scene of the tow or at the vehicle storage facility prior to payment. A tow business or tow truck operator is prohibited from charging a fee for this retrieval or to refuse to allow retrieval of such possessions. The retrieval of personal items not retrieved at the time of the tow may be limited to normal business hours with the exception of emergencies in which items must be immediately retrieved (i.e. medications). Tow business may charge a fee, in compliance with the fee schedule provided to the Board, for such retrievals that occur outside normal business hours.

g. A release or waiver of liability of any kind is prohibited as a condition of release of the vehicle. A tow business may require proof of identification of the person retrieving a vehicle. The person retrieving the vehicle is not required to be the owner of the vehicle.

h. Upon completion of a non-consensual tow, tow operator must notify Vigo County Central Dispatch, within sixty (60) minutes of removal of the vehicle, and provide the following information regarding the non-consensual tow:

- (1) Exact location of vehicle at time of tow;
- (2) Specific reason for tow;
- (3) Name of Company/Business requesting tow;
- (4) Name and telephone number of individual authorizing tow;
- (5) Vehicle make, model, color, & Vehicle Identification Number; and
- (6) License plate number and state.

**Sec. 4-353 Vehicle Storage Facility Requirements; Method of Payment; Receipt.**

a. It shall be a violation of this Code to commit any act within the City limits that is not in compliance with the provisions of this Section.



- b. A tow business that tows a vehicle under this Article shall provide:
  - (1) At the vehicle storage facility either an attendant who is on site twenty-four (24) hours per day, seven (7) days per week excluding holidays, to return any vehicle claimed by the vehicle's owner, upon the payment of towing and storage charges; or
  - (2) A conspicuously located and well lighted sign at the vehicle storage facility that states the telephone number where the owner, manager, or attendant of the vehicle storage facility may be reached at any time twenty-four (24) hours per day, seven (7) days per week, excluding holidays, so that a towed vehicle may be claimed in a minimum amount of time, not to exceed sixty (60) minutes, except between the hours of 12:00 a.m. and 7:00 a.m.
- c. A tow business that tows a vehicle twenty-four (24) hours before a holiday or during a holiday must adhere to the provisions of this section to allow a vehicle to be retrieved on a holiday.
- d. Storage fees shall not accrue for any day in which a storage facility is not open for vehicle redemption.
- e. A tow business that tows a vehicle under this Article shall accept payment for towing and storage fees by any of the following forms of payment:
  - (1) Cash in United States currency;
  - (2) Traveler's checks or money orders payable in United States currency; or
  - (3) Debit cards and all major credit cards including Visa, MasterCard, and Discover. An additional charge shall not be imposed for the use of a debit or credit card.
- f. Upon payment of authorized towing and storage fees, a tow business that tows a vehicle under this Article shall provide a receipt to the vehicle's owner that contains the following information:
  - (1) The name and address of the tow service business;
  - (2) The address from which the vehicle was towed;
  - (3) The date and time that the vehicle was towed;
  - (4) The date and time that the vehicle entered the facility at which it was placed for storage; and
  - (5) An itemized listing of all fees that are being charged.

**Sec. 4-354 Records Required To Be Kept.**

a. A tow business shall be required to submit information, in a format acceptable to Board, pertaining to towed vehicles pursuant to regulations established under this Article.

b. A tow business shall maintain a copy of any agreement with a parking lot owner that authorizes the towing of vehicles.

c. A tow business shall maintain a legible record, in a written or electronic form approved by the Board, including the photographs required by Sec. 4-350 d.(4) which shall show the following information for each vehicle that it towed under the provisions of this Article:

- (1) The written authorization for the tow described in Sec. 4-350;
- (2) The date and time that the vehicle was towed;
- (3) The date and time that the vehicle entered the facility at which it was placed for storage; and
- (4) The towing and storage fees actually charged.

d. Records under Subsection b. and c. above shall be maintained for a period of two (2) years from the date of each tow, and shall be made available for inspection by the City during normal business hours. Such records must be maintained in a computer format readily accessible upon request from designated enforcement agents.

**Sec. 4-355 Suspension or Revocation of License.**

a. The City may suspend or revoke an issued license for any violation of the provisions of this Article. In addition, the City may suspend or revoke an issued license if any of the following conditions are determined or found:

- (1) The tow business owner or a tow truck operator made any materially false statement of fact on his application;
- (2) The tow truck business or tow truck operator acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations;

b. In the event a license is suspended or revoked for a violation stated herein, no refund of license fee shall be made to tow truck business owner.

c. If a tow business license or tow operator license is revoked by the Board, the applicant must wait one (1) year before reapplication for said license.

**Sec. 4-356 Appeal; Denial, Revocation or Suspension of License.**

a. Any person who is denied a license or whose license is suspended or revoked may seek reconsideration of the denial, suspension, or revocation by the full Board within ten (10) days of the date of the denial, suspension, or revocation of the license.

b. All requests for appeals must be in writing and addressed to the Board. The Board shall set the appeal for hearing within thirty (30) days of the receipt of the written request.

**Sec. 4-357 Enforcement and Penalties.**

a. The Board designates officers of the City of Terre Haute Police Department and City Code Enforcement Officers to inspect and enforce the provisions of this Article.

b. Each licensed tow business, tow business records related to non-consensual tows, and each licensed operator's vehicle is subject to random law enforcement inspection to ensure compliance with the provisions contained within this Article and any other applicable federal, state, or local regulations

c. Any license holder found to be in violation of any provision of this Article shall, in addition to the possible suspension or revocation of the license, be subject to a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each separate violation.

d. The fine(s) imposed for violation(s) of the provisions of this Article, shall be deposited in the Police Continuing Education Fund (See: *Terre Haute City Code Sec. 2-118*).

**ARTICLE 24. DRUG AND TOBACCO  
PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS**

**Sec. 4-360 Purpose and Intent.**

a. The Common Council finds that establishments which offer for sale drug and tobacco related paraphernalia and/or accessories represent an age-restrictive business in that paraphernalia and/or accessories used for, with or to aide in the ingestion of drugs is illegal under *I.C. § 35-48-8 et seq.* and paraphernalia used for, with, or to aide in the ingestion of tobacco is restricted to persons of age eighteen (18) years or older.

b. It is the intent of this Article to regulate this type of age-restrictive business to promote the health, safety, and general welfare of the citizens of the City.

c. The Common Council finds that regulation of this type of business is within its authority and is a reasonable, legal, and legitimate use of its police powers to minimize adverse effects while not unreasonably denying access by adults to age-restricted products or the distribution of such products. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

**Sec. 4-361 Definitions.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. **Drug and Tobacco Paraphernalia/Accessories** shall mean:

(1) Any device designed primarily for use by individuals for the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other “controlled substance” as defined by Indiana *I.C. § 35-48-2 et seq.*;

(2) Any device designed primarily for the smoking or ingestion of those items set forth in subsection (1) above, or any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other “controlled substance,” and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with tobacco or drug paraphernalia and/or accessories, notwithstanding that it might also be possible to use the device for some other purpose;

(3) Drug and tobacco paraphernalia/accessories shall include, but not be limited to the following described items:

- (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens or filters, permanent or otherwise, heads of punctured metal bowls;
- (B) A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke that would otherwise be possible, whether the device is commonly known as a “bong” or otherwise;
- I A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.
- (D) A smokable pipe that contains a heating unit, whether the device is known as an “electric pipe,” or otherwise;
- (E) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a “buzz bomb,” or otherwise;
- (F) A device constructed so as to permit the inhalation and/or ingestion of nitrous oxide (N<sub>2</sub>O), whether known as “whippets,” or otherwise;
- (G) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user’s lungs under pressure;

- (H) A device for holding burning material, such as a cigarette that has become too small or too short to be held in hand, whether the device is known as a “roach clip,” or otherwise:
- (I) Lighters and matches are specifically excluded from the definition of tobacco and drug paraphernalia/accessories.
- (J) A device commonly known as an e-cigarette, “vape pen,” “vape stick,” or any other vaporizing device, which is reloadable/refillable, defined as a device used to simulate the experience of smoking, having a cartridge and heater or cooler that causes or assists in vaporizing or atomizing liquid nicotine or any illicit liquid substance (Gen. Ord. No. 8, 2015, 10-9-15).

b. **Drug and Tobacco Paraphernalia/Accessories Establishment.** Any establishment where Drug and Tobacco Paraphernalia and/or Accessories are sold, offered for sale, displayed for sale, or delivered.

c. **Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which refuses entry into its establishment by, and does not conduct business with, patrons under the age of eighteen (18).

d. **Non-Absolute Age-Restrictive Business.** Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which allows entry into its establishment by, and conducts business with, patrons under the age of eighteen (18), for the purpose of conducting sales of non-age restrictive products.

e. **Synthetic Drugs.** Any item defined by I.C. § 35-31.5-2-321 and/or I.C. § 35-31.5-2-321.5 or any product, herbal or powdered in form, which is sold, offered for sale, or displayed for sale by weight, which is labeled, marked, or marketed as “Incense”, “Spice”, “K2”, or any other trade name, or which is specifically labeled or marked to indicate that the product does not contain synthetic drugs as defined by Indiana I.C. § 35-31.5-2-321 by specific chemical compound name. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

#### **Sec. 4-362 Permit Required; Fee; Regulation.**

a. Any business that offers for sale drug and tobacco related paraphernalia and/or accessories shall be required to obtain an annual permit through the Board of Public Works and Safety.

b. Fee. Upon the making of an application for the permit described herein, the applicant shall pay to the City Controller an annual fee in the sum of Sixty Dollars (\$60.00). This permit fee may be pro-rated using a monthly calculation. Permits shall be valid from January 1 through December 31 of the year in which they are purchased.

c. Permit Application. All applications for such permit shall be on forms designated by the Board of Public Works and Safety and shall include the following information:

- (1) The full name and address of business;
- (2) The full name, business address and home address of business owner and business manager;
- (3) A telephone number at which the City of Terre Haute can reach the manager and/or owner during business hours of operation.
- (4) Statement of the manager and or owner that the business is in full compliance with all federal, state and local laws, including zoning regulations.
- (5) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.
- (6) Authorization for the City, its agents, and employees to enter the business during any normal business hours to conduct an inspection of the premises to determine compliance with all applicable regulations.

d. Change of Information. Business shall promptly notify the Board of Public Works and Safety in writing of any change of information contained in the application form.

e. Permit Non-transferable. Permit shall be for the specific business location and is not transferable to another business or business location.

f. Violation To Operate without a Permit. It shall be a violation of this Article to operate, or permit to operate said business unless a permit has been obtained therefore from the Board of Public Works and Safety.

g. Denial of Permit. A permit to operate such business may be denied based on any of the following:

- (1) Applicant omitted required information on application;
- (2) Applicant made any materially false statement on his application for permit;
- (3) The premises sought to be permitted fails to comply in any manner with any applicable laws or ordinances, including zoning laws or ordinances;
- (4) Applicant has been previously denied a permit for violation of federal, state or local laws; or

- (5) A permit has been previously suspended or revoked from the business owner and or manager for violations of federal, state or local laws. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

**Sec. 4-364 Denial, Suspension, or Revocation of Permit.**

a. The Board of Public Works and Safety may deny, suspend, or revoke any permit issued under the provisions of this Article upon complaint being made by a federal, state, or local law enforcement officer or an authorized representative of the City that the business is being operated in violation of State or Federal law or of the provisions of this Article.

b. Upon notification by the Board of Public Works and Safety of a denial, suspension, or revocation of a permit, the applicant or permittee may, within ten (10) days, request a hearing by written notice to the Board of Public Works and Safety. During those ten (10) days, a currently permitted business may remain open. If no hearing is requested, the permit shall stand denied or revoked.

c. When a hearing is set by the Board of Public Works and Safety the applicant or permittee shall receive, with not less than twenty (20) days written notice, a notice of the allegation of non-compliance, as well as the time and place where the hearing will be held. A current permitted business may remain open until notified of the hearing results or thirty (30) days whichever is less.

d. At a hearing conducted pursuant to this Section, the applicant or permittee shall have the right to be represented by counsel, to present witnesses, to testify and cross examine any other witness and to subpoena witnesses. All proceedings shall be conducted under oath.

e. The President of the Board of Public Works shall preside at the hearing and the Board shall make the final decision.

f. If any decision adverse to the applicant or permittee is made by the Board of Public Works and Safety after a hearing as provided above, the Board shall provide to the applicant or permittee a written reason for such decision, as well as a notice that the applicant or permittee has the right to pursue any legal remedies available under Indiana law. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

**Sec. 4-365 Sale of Tobacco and/or Drug and Tobacco Paraphernalia and/or Accessories.**

a. All Drug and Tobacco Paraphernalia/Accessories Establishments permitted by the under this Article, which sells, offers for sale or displays for sale, any Drug or Tobacco Paraphernalia and/or Accessories shall require the purchaser of said items be at least eighteen (18) years of age and shall require the purchaser to provide valid government issued photo identification prior to conducting said transaction.

b. Any Drug and Tobacco Paraphernalia/Accessories Establishment permitted under this Article, which is a Non-Absolute Age-Restrictive Business as defined in Sec. 4-361 d. of this

Article, shall not display or offer for sale, any tobacco or tobacco paraphernalia and/or accessories in any manner or location which may be readily accessible to a minor under the age of eighteen (18).

c. Any Drug and Tobacco Paraphernalia/Accessories Establishment permitted under this Article, shall not sell, offer for sale, or display for sale, any “synthetic drug” as defined in Sec. 4-361 e. of this Article. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

#### **Sec. 4-366 Enforcement & Penalty.**

a. It shall be the duty of the Terre Haute Police Department to enforce this Article.

b. The City of Terre Haute, the Board of Public Works and Safety or any designated enforcement official may institute a suit for injunction in the circuit court to restrain an individual or business from violating the provisions of this Article.

c. If the City of Terre Haute or the Board of Public Works and Safety is successful in its suit, the respondent shall bear the cost of the action.

d. Each day of non-compliance with the provisions of this Division constitutes a separate and distinct ordinance violation. Judgment of up to Two Thousand Five Hundred Dollars (\$2,500.00) per day may be entered for a violation of any provision of this Article. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

e. Permit fees collected and fines resulting from violations of this Section shall be deposited into the Terre Haute Police Department Drug Training, Prevention, & Education Non-Reverting Fund (See: Sec. 2-115) (Gen. Ord. No. 7, 2014; 12-11-14).

### **ARTICLE 25. MOBILE VENDORS**

#### **Sec. 4-367 Definitions**

The following terms shall have the following meanings:

a. **Beverage** means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

b. **City Property** means all outdoor areas which are owned, or leased as lessee, by the City or one of the City’s departments, or upon which the City or one of its departments has an easement or right-of-way including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the City or one of its departments.

c. **Food** means any raw, cooked, frozen or processed edible substance or beverage intended for use in whole or in part for human consumption.



d. **Mobile Food Vendor Unit** means a person who sells, serves, offers for sale, or gives away food or beverages from any self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, is meant to be portable and is not permanently attached to the ground, consisting of an enclosed truck, trailer, bus, or similar vehicle that contains equipment used for the sale and/or preparation of food or beverages merchandise and is closed up when not in operation. An ice cream truck that does not park or locate in any one place for longer than ten minutes is not considered a mobile food vendor unit for purposes of this Article

e. **Private Property** means all outdoor areas which are not owned or leased by any governmental agency or entity.

f. **Special Event** is any event so designated by the City of Terre Haute.

**Sec. 4-368 Operations Generally.**

It is unlawful to locate a mobile food vendor unit in the City except in accordance with the provisions of this Article.

**Sec. 4-369 Business License Required.**

a. It is unlawful to locate a mobile food vendor unit in the City without first having secured a license to do so as provided by this Article.

b. It is unlawful to locate a mobile food vendor unit in the City without first having complied with any and all requirements and/or regulations applicable to mobile food vendors established by Vigo County, Indiana.

c. A separate license shall be required for each mobile food vendor unit.

d. This Article does not apply to any recognized participant of a Special Event.

**Sec. 4-370 Business License Application.**

Any person desiring a license under this Article shall submit a fully completed application to the City Controller at least fourteen (14) days prior to the proposed date of utilizing the mobile food vendor unit. The application must set forth or have attached the following information as specified:

a. The applicant's name, current physical address, telephone number, email address and date of birth; along with the names of any and all employees having use of the license.

b. The name, current physical address, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;

c. If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;

d. If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the State of Indiana.

e. The duration of the license being sought with a maximum not to exceed twelve (12) months;

f. A statement as to whether or not a license, under the provisions of this Article, or any other similar ordinance of the City of Terre Haute or any other county, town, municipality, or State has been revoked, together with the details thereof; and

g. The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Terre Haute or other service of process, as a result of doing business in the City of Terre Haute.

**Sec. 4-371 Business License Prerequisites.**

An application for a license under this Article shall not be considered unless proof of the following are provided with the application:

- a. All applicable permits required by the Vigo County Health Department;
- b. Proof of registration as a business with the Indiana Secretary of State;
- c. Proof of an Employer Identification Number;
- d. Proof of insurance in accordance with the amounts established by this Article;
- e. A copy of the Indiana registration for the vehicle;
- f. Copy of a valid driver's license; and
- g. Proof of payment for, or exemption from, the applicable fee.

**Sec. 4-372 Business License Duration and Fee.**

a. Each applicant shall pay a license fee in accordance with the schedule set forth below (all licenses are for a consecutive period of time):

- (1) One (1) Day License: \$25.00;
- (2) Three (3) Day License: \$30.00;
- (3) Seven (7) Day License: \$50.00;
- (4) Thirty (30) Day License: \$75.00
- (5) Three (3) Month License: \$150.00;
- (6) Six (6) Month License: \$200.00; and
- (7) One (1) Year License: \$350.00.

b. The following listed organizations and/or entities while required to obtain a license under this Article are exempt from having to pay any fees, with appropriate supporting documentation to be reviewed and determined by the City Controller, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:

- (1) Churches;
- (2) Schools;
- (3) Benevolent organizations;
- (4) Fraternal organizations; and
- (5) Other similarly situated organizations.

c. Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a license under this Article they are exempt from having to pay any fees.

#### **Sec. 4-373 Application Fee Refund on Denial.**

An applicant shall pay an application fee in the minimum amount of \$25.00, unless exempted under the above section. In the event the license is granted, the application fee shall be retained by the City and applied toward the license fee. In the event the license is denied, \$20.00 of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application and any remainder shall be refunded to the applicant.

#### **Sec. 4-374 Effect of Cessation of Business.**

No deductions shall be allowed from the fee for a license issued pursuant to this Article for any part of the term of which the licensee does not engage in such business.

**Sec. 4-375 Business License Insurance and Indemnity.**

a. Each applicant for a license shall provide a certificate of liability insurance with the application, insuring the applicant, and naming the City of Terre Haute as “additional insured” against the following liabilities and in the following minimum amounts relative to such activity:

- (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate;
  - (2) Property damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate;
- and
- (3) Indiana minimum, at least, for motor vehicle insurance coverage.

**Sec. 4-376 Business License Issuance.**

a. The Controller shall within fourteen (14) days of receipt of the completed application issue the business license to the applicant if the Controller finds the following:

- (1) Compliance with all provisions of this Article;
- (2) The applicant has not had a prior license issued under this Article, or any other similar license authorized by a different governmental entity, suspended or revoked; and
- (3) The applicant has not been previously found to be in violation of this Article, or any other similar law promulgated by a different governmental entity.

b. The Controller may, upon a finding of appropriateness, issue a business license to an applicant who has been found to meet the terms of the above sections.

c. Failure of the Controller to issue a license within fourteen (14) days of completion of the application constitutes denial of the application. The applicant may appeal the denial by filing a written statement to the City’s Board of Public Works and Safety within ten (10) days after passage of those fourteen (14) days. The Board of Public Works and Safety shall, within the next thirty (30) days, determine whether the applicant has complied with all requirements of licensure, and if so, shall authorize the Controller to issue the license if there is such compliance. Prior to this determination, which is final and conclusive, the applicant will have an opportunity to be heard regarding the denial.

**Sec. 4-377 Business License Transferability.**

A license issued pursuant to this Article shall not be transferable to another licensee.

**Sec. 4-378 Business License Identification.**

a. All licenses issued by the Controller under this Article shall be prominently displayed on the mobile food vendor unit and shall be shown to any person who requests to see the license.

b. Failure to display or exhibit a license in accordance with this Section may be grounds for suspension or revocation of said license.

**Sec. 4-379 Business License Safety Inspection Required.**

a. If, at any time, the City of Terre Haute has probable cause to believe that a mobile food vendor unit is unsafe or in a mechanically unsound condition, the Chief of Police or his/her designee may order a mobile food vendor unit licensed under this Article to undergo an immediate safety inspection. The immediate safety inspection must occur within five (5) business days and a copy of the safety inspection report shall be promptly submitted to the Chief of Police or his/her designee. If the safety inspection reveals deficiencies with the mobile food vendor unit, the mobile food vendor unit cannot be used until such time as the deficiencies have been remedied.

**Sec. 4-380 Location Restrictions.**

The following location restrictions apply:

a. No mobile food vendor unit shall locate in any parking lot, parking space or parking facility owned, leased or managed by the City of Terre Haute unless approval has been given by the City's Board of Public Works and Safety.

b. No mobile food vendor unit shall operate within fifty (50) feet of any façade of a ground level establishment that also sells food or beverages, or operate within fifty (50) feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the mobile food vendor unit is currently conducting business. The distance restriction only applies from one hour before the opening time to an hour after the closing time posted by the ground level establishment on the façade of its building.

c. No mobile food vendor unit shall locate in an alleyway.

d. Mobile food vendor units shall be located a reasonable distance from all posted bus stops, crosswalks, driveways, alleyways, right-of-way lines of two or more intersecting streets and building entrances or walk-up windows while complying with any and all state and local traffic codes.

e. Mobile food vendor units shall operate only in areas that are designated as commercially zoned unless provided approval pursuant to Sec 4-380(a) above.

f. Mobile food vendor units shall only be located on private property if the private property owner has provided the business operator ongoing approval in writing.

g. No mobile food vendor unit shall locate within a two block radius of a Special Event unless prior approval has been granted by either the operator of the Special Event, if the Special Event is not operated and/or organized by the City, or the City's Board of Public Works and Safety.

h. No mobile food vendor unit shall be located in a manner which would significantly impede or prevent the use of any City of Terre Haute property, or which would endanger the safety or property of the public.

i. No mobile food vendor unit shall be located within fifteen (15) feet of any fire hydrant.

j. No mobile food vendor operating on private property shall displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for the private parking by the City's zoning code.

k. No mobile food vendor unit shall be located more than one (1) foot away from the curb of the street on which it is parked.

l. No mobile food vendor unit shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

**Sec. 4-381 Prohibited Hours.**

No mobile food vendor unit shall be located on any public property between the hours of 4:30 a.m. and 6:30 a.m.

**Sec. 4-382 Standards of Conduct.**

All mobile food vendor unit operators shall conform to the following standards of conduct:

a. Mobile food vendor unit operators shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Terre Haute Noise Ordinance as stated in Sec. 6-163 and Sec. 6-164.

b. A device may not be used which would amplify sounds nor may attention be drawn to the mobile food vendor unit by an aural means or a light-producing device (examples of such devices may include, but are not limited to the following: bull horns and strobe light).

c. No mobile food vendor unit may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, street light poles, traffic signal poles, or fire hydrants.

d. No mobile food vendor unit may be used to advertise any product which is not authorized to be sold from that unit.

e. No mobile food vendor unit may make use of any public or private utility while in operation.

f. Each mobile food vendor unit shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:

(1) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and waste by the public at any time;

(2) The trash and recyclable receptacles on the mobile food vendor unit shall not be emptied into trash or recyclable receptacles owned by the City of Terre Haute; and

(3) Liquid from the mobile food vendor unit shall not be discharged on or in a City sewer or drain or elsewhere on City property, nor on private property without the express written consent of the owner thereof.

g. Before leaving any location each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable materials, including products spilled on the ground within twenty (20) feet of the mobile food vendor unit.

h. No mobile food vendor unit shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance.

i. Each mobile food vendor unit shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred; and the body of the vehicle shall be in reasonable condition.

j. Foods or beverages which present a substantial likelihood that liquid matter or particles will drop to the street or sidewalk during the process of carrying or consuming the food or beverage shall be sold in proper containers so as to avoid falling to the street or sidewalk.

k. Mobile food vendor units which utilize a grill or device that may result in a spark, flame or fire shall adhere to the following additional standards:

(1) Be placed approximately twenty (20) feet from a building or structure;

(2) Provide a barrier between the grill or device and the general public;

(3) The spark, flame or fire shall not exceed twelve (12) inches in height;

(4) An operable fire extinguisher shall be within reaching distance of the mobile food vendor unit operator at all times.

l. Mobile food vendor unit operators shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out inside of the City's jurisdictional limits, including, where possible, the removal of the mobile food vendor unit and cessation of such sales.

m. No mobile food vendor unit shall ever be left unattended while in operation.

n. Mobile food vendor units shall not be stored, parked or left overnight on any City property unless parked legally and not in operation.

o. Foods, oils and greases shall never be discharged into the City's sewer or storm drains.

p. All mobile food vendor unit operators are required to collect and pay all applicable and appropriate sales taxes.

q. No mobile food vendor shall provide customer seating unless approval has been provided by the City's Board of Public Works and Safety.

r. No mobile food vendor shall have a drive thru.

#### **Sec. 4-383 Safety Requirements.**

All mobile food vendor units shall comply with the following safety requirements:

a. All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.

b. All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.

c. All foods and beverages to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a mobile food vendor unit, or during transportation to or between locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Food and Drug Administration, United States Department of Agriculture, the State Department of Health, the State Department of Agriculture, and the Vigo County Health Department and published in the United States Code of Federal Regulations, the Indiana Code Annotated or the Indiana Administrative Code, and the Vigo County Code.

d. Each mobile food vendor unit shall be constructed so that the portions of the unit containing food shall be covered so that no dust or dirt will settle on the food and such portions



of the unit which are designed to contain food shall be at least eighteen (18) inches above the surface of the public way while the unit is being used for the conveyance of food.

e. The food storage areas of each mobile food vendor unit shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.

f. Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the mobile food vendor unit.

**Sec. 4-484 Enforcement; Penalties; Revocation of License.**

a. The Board designates officers of the City of Terre Haute Police Department and City Code Enforcement Officers to inspect and enforce the provisions of this Article.

b. Each mobile food vendor unit licensee, licensed mobile food vendor unit, and the records thereof is subject to random inspection by the City to ensure compliance with the provisions contained within this Article and any other applicable federal, state, or local regulations.

c. Any license holder found to be in violation of any provision of this Article shall, in addition to the possible suspension or revocation of the license be subject to a fine not to exceed Two Thousand Five Hundred dollars (\$2,500) for each separate violation.

d. In addition, the Controller's Office shall, after notice and hearing before the City Court, suspend or revoke, by written order, any license issued hereunder if the Court finds:

(1) The licensee has violated any provision of this Article or any rule or regulation lawfully made under and within the authority of this Article;

(2) The licensee is operating the mobile food vendor unit licensed under this Article in a manner contrary to State or local code; or

(3) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have permitted the Controller's Office to refuse originally to issue such license.

e. Any person charged with violating the provisions of this Article may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this Article's provisions.

**Sec. 4-485 Restriction on Use and Licenses.**

The City of Terre Haute has exclusive authority to restrict the use of mobile food vendor units and the issuance of business licenses for mobile food vendor units under the following conditions:

a. The City may restrict the use of mobile food vendor units in certain designated areas of the City in the event of an emergency declared by the Mayor, the Chief of Police, the Fire Chief, and/or any of the aforementioned duly appointed designees.

b. Absent any emergency as described above, the City may restrict the use of mobile food vendor units in certain designated areas of the City provided the City has given each mobile food vendor unit licensee written notice of the restriction at least seventy-two (72) hours in advance of the restriction going into effect.