

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL PROVISIONS

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§ 110.01 OPERATING HOURS FOR BUSINESSES.

(A) *Prohibition.* Businesses and commercial enterprises, operated for profit, located within the corporate limits of the town, shall operate and conduct business between the hours of 5:00 a.m. and 12:00 a.m. Businesses and commercial enterprises for profit shall be closed to the public and shall not conduct business with the public between the hours of 12:00 a.m. to 5:00 a.m.

(B) *Violation.* Any individual or corporation who shall operate a business in violation of division (A) above shall be charged by affidavit with such violation.
(Prior Code, § 110.01) (Ord. passed 6-22-1988; Ord. 10-16-01A, passed 11-20-2001) Penalty, see § 10.99

§ 110.02 PROHIBITION ON PINBALL AND VIDEO GAMES.

(A) *Prohibition.* Installation and operation of pinball machines and video games for the purpose of leasing, renting, or operating the same for hire is prohibited within the corporate limits of the town.

(B) *Violation.* Any individual or corporation who shall install a pinball machine or video game, and/or operate the same for hire, collecting therefor any monies for its use is in violation of division (A) above and shall be charged by affidavit with such violation.
(Prior Code, § 110.02) (Ord. passed 6-22-1988) Penalty, see § 10.99

§ 110.03 INDIVIDUALS WHO MAY FILE AFFIDAVITS.

Any resident of the town or any member of the town police force shall have the right to file an affidavit for the violation of this chapter.
(Prior Code, § 110.03) (Ord. passed 6-22-1988)

CHAPTER 111: ALCOHOL

Section

111.01 Liquor retailer's permits

111.02 Sale of alcoholic beverages by the glass

§ 111.01 LIQUOR RETAILER'S PERMITS.

The Town Council authorizes the issuance of liquor retailer's permits for premises in the town pursuant to I.C. 7.1-3-9-3 and 905 I.A.C. 1-1-1 et seq., as amended.
(Prior Code, § 111.01)

§ 111.02 SALE OF ALCOHOLIC BEVERAGES BY THE GLASS.

Alcoholic beverages are authorized to be sold by the drink and/or glass within the town, subject, however, to compliance with applicable zoning laws, subject to any other ordinances adopted by the town, and subject to the issuance of the appropriate licenses by the local Alcoholic Beverage Board and by the state.
(Prior Code, § 111.02) (Ord. 05-19-09A, passed 5-19-2009)

CHAPTER 112: TRANSIENT MERCHANTS

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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

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

SOLICITOR. Any person not a transient merchant who solicits contributions of money or goods by entering any property or residence in the town without first receiving an invitation to do so.

TRANSIENT MERCHANT. The same, as defined in I.C. 25-37-1-1 et seq.
(Prior Code, § 112.01)

§ 112.02 IDENTIFICATION REQUIRED.

All transient merchants and solicitors shall display on their person identification which clearly states their name and the organization, if any, with which they are affiliated within the transaction of business or the solicitation of contributions under this section.

(Prior Code, § 112.02) Penalty, see § 10.99

§ 112.03 LIMITATIONS ON SALES AND TIMES.

No transient merchant or solicitor shall enter any property in the town upon which a sign or notice stating "NO SOLICITORS," or words to that effect, is posted and plainly visible.

(Prior Code, § 112.03) (Ord. 1984-2, passed 6-19-1984) Penalty, see § 10.99

§ 112.04 PROTECTION OF RIGHTS.

This chapter shall be neither applied nor construed to abridge the right of any person to engage in speech, assembly, or petitioning subject to the restrictions governing transient merchants and solicitors.

(Prior Code, § 112.04)

TRANSIENT MERCHANTS**§ 112.15 TRANSIENT MERCHANTS.**

The town taxes, licenses, and regulates transient merchants and charges a fee for the transaction of business by them, and provides for the punishment of persons violating this chapter.

(Prior Code, § 112.15)

§ 112.16 PERMITS.

(A) All transient merchants shall obtain a permit from the Clerk-Treasurer before engaging in business.

(B) Each transient merchant permit shall be valid for six months following its issuance. The town imposes a licensing fee of \$100 to defray the administrative cost of exercising its regulatory power. This fee shall be paid in full prior to the issuance of the license.

(Prior Code, § 112.16) Penalty, see § 10.99

§ 112.17 ACCOMPANYING TRANSIENT MERCHANTS.

No person shall accompany a transient merchant during the transaction of business unless that person has obtained a transient merchant permit.
(Prior Code, § 112.17) Penalty, see § 10.99

SOLICITORS

§ 112.30 SOLICITORS.

All solicitors shall produce personal identification deemed adequate by the Clerk-Treasurer and shall sign the register of solicitors maintained in the office of the Clerk-Treasurer for engaging in solicitation.
(Prior Code, § 112.30) Penalty, see § 10.99

CHAPTER 113: CABLE TELEVISION

Section

- 113.01 Cable television regulation
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- 113.03 Installation and maintenance requirements
- 113.04 General system specifications
- 113.05 Filing complete plans and specifications
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- 113.10 Indemnification
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- 113.13 Commencing construction

§ 113.01 CABLE TELEVISION REGULATION.

Subject to the terms and provisions of this chapter, a corporation, hereinafter referred to as the “company,” shall be granted the right to construct, erect, operate, and maintain in, upon, across, above, over, and under the highways, alleys, public ways, and public places, now laid out or dedicated, and all extensions thereof, and additions thereto, in the town, all poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures, and to use the same for the purpose of transmitting and distributing electrical impulses, television impulses, and television energy, for television purposes, to reproduce sights and sounds in combination or independently, for the conduct of a community television system for the interception, sale, and distribution of television signals and radio sounds in accordance with the laws and regulations of the United States of America, the regulations of the Federal Communications Commission now or hereinafter promulgated, the laws and regulations of the state, now or hereinafter promulgated, and the code, ordinances, and regulations of the town, now or hereinafter adjusted, for a period of 20 years from the date of approval.

(Prior Code, § 113.01)

§ 113.02 POLE LINES AND FACILITY ARRANGEMENTS.

(A) (1) The company shall, where an agreement can be reached with the telephone company, the utility company serving the town, and all other holders of public licenses and franchises within the corporate limits of the town, use existing poles, towers, or other facilities of the holders wherever possible, and it shall be the sole responsibility of the company to negotiate and enter into any and all contracts with the owners of such facilities to secure the necessary space thereof or therein for its operation under this franchise.

(2) All holders of public licenses and franchises within the corporate limits of the town shall cooperate with the company to allow the company's joint use of their poles and pole line facilities. The cooperation shall include the rights of joint usage at reasonable rates and upon reasonable terms.

(B) (1) Where the company is unable to contract with owners and users of such existing poles and towers, and other facilities, it may erect such poles, towers, and other facilities which shall be required.

(2) Before engaging in the erection of poles, towers, and other facilities, the company shall secure all necessary building and/or inspection permits which are now required or hereafter shall be required by the ordinances of the town.

(3) The company's transmission and distribution system, poles, wires, and apparatuses shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons or to interfere with new improvements that the town shall deem proper to make or to unnecessarily hinder or restrict the free use of the streets, alleys, bridges, and other public ways or public property.

(4) The company shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or public places made by the company in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, or fences, or boardings.

(5) In the event the company engages in opening or obstructing any street or public way, or place, under the terms of this franchise, the company shall replace the streets and other public ways, and places, in as good a condition as they were prior to said construction.
(Prior Code, § 113.02) Penalty, see § 10.99

§ 113.03 INSTALLATION AND MAINTENANCE REQUIREMENTS.

(A) The community television system shall conform to the highest present state of the art in the field of community antenna television, and shall be designed and styled, operated, and maintained in accordance with the best engineering practices.

(B) All installations of equipment shall be of permanent nature, durable, and installed in accordance with good engineering practices.

(C) Construction and maintenance of the community television system shall be in accordance with the provisions of the National Electric Safety Code prepared by the National Bureau of Standards, the National Electric Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the town.

(Prior Code, § 113.03)

§ 113.04 GENERAL SYSTEM SPECIFICATIONS.

(A) The transmission and distribution system shall be so engineered so as to have the ability to distribute all television signals on very high frequency channels two through 13, and shall also have the ability to distribute FM radio signals in the frequency range 88 to 108 megacycles and will be able to convert ultra high frequency and instructional service to very high frequency carriers.

(B) Specifically what services shall be rendered to subscribers of the system is at the option of the company.

(C) The signals shall be distributed to individual subscribers' television sets without noticeable degradation of color fidelity, picture intelligence, audio distortion, or cross channel interference.

(D) The system shall be designed and constructed for continuous operation 24 hours per day throughout the complete range of ambient temperatures which may be experienced in the area.

(E) The community television system will be so designed, engineered, and maintained by the company so as to not interfere with the television reception of residents of the town who are not subscribers to its services.

(Prior Code, § 113.04)

§ 113.05 FILING COMPLETE PLANS AND SPECIFICATIONS.

(A) Prior to the beginning of construction of the community television system, the company shall file complete plans and specifications including maps, drawings, and diagrams showing the distribution system thereon where each facility and equipment will be placed within the town.

(B) After the community television system has been installed and before the same is activated, the company shall file amended maps showing the exact location of distribution lines.

(Prior Code, § 113.05) Penalty, see § 10.99

§ 113.06 MAINTENANCE SERVICE.

The company shall maintain an office open during all usual business hours, shall have a listed telephone number, and shall be so operated that complaints and requests for repair or adjustment may be received at any time. The company shall maintain its system in a reasonable state of repair and working order and provide adequate facilities for such maintenance, including the availability of service personnel 24 hours per day, seven days per week for subscriber service and cable maintenance. These requirements may be temporarily suspended by disaster or emergency conditions, or other circumstances beyond the reasonable control of the company.

(Prior Code, § 113.06) Penalty, see § 10.99

§ 113.07 RESTRICTIONS ON COMPANY.

The company and its agents, employees, and representatives in the community television system shall not engage in the business of renting, repairing, selling, or installing television devices for the reception of television or electric signals, except those required by a subscriber's receiving set in order to receive signals from the community television system.

(Prior Code, § 113.07) Penalty, see § 10.99

§ 113.08 DENSITY REQUIREMENTS FOR SERVICE.

The company agrees to furnish service to all residents of the area, covered by the franchise granted to it, as it is now constituted or may hereafter be enlarged, who desire said service in any specified geographical area with density of 40 or more houses per mile of system.

(Prior Code, § 113.08)

§ 113.09 EMERGENCY REQUIREMENTS.

The company shall promptly disconnect all electrical energy within any given geographical area in the town which is in the vicinity of a fire or major catastrophe upon the request of any appropriate officer of the town.

(Prior Code, § 113.09)

§ 113.10 INDEMNIFICATION.

(A) The company shall indemnify, protect, and save harmless the town from and against all losses and physical damages, and assume all legal liability for which the town can or may be held for injury

to persons or damages to property, or from damages arising from the infringement of a trademark, patent, or copyright occasioned by reason or resulting from, or growing out of or caused by, the installation, operation, maintenance, use, or removal of the community television system herein authorized, and it is a condition of this franchise that the town shall not and does not, by reason of this franchise, assume any liability whatsoever, either to persons or property on account of the same, and the company shall defend the town from said liability, and the company shall repay to the town any damages which the town shall be compelled by reason of the aforesaid to pay or any damages resulting therefrom.

(B) The company shall also carry such insurance as is necessary to protect it and the town from claims under the worker's compensation laws in effect or hereinafter promulgated that shall be applicable to the company.

(Prior Code, § 113.10)

§ 113.11 FRANCHISE FEE.

The company shall pay to the town for the privilege of operating a community television system under this franchise a sum of 5% per annum of the gross revenue received by the company on all installation and retail sales, and service, of television and radio signals within the corporate limits of the town, payable one-half thereof at the end of each semi-annual period, June 30 and December 31 of each year.

(Prior Code, § 113.11)

§ 113.12 SUBSCRIBER RATE STRUCTURE AND REGULATIONS.

The company, as to rates, charges, service facilities, rules, and regulations, shall not grant any preference to any person, and shall be authorized to establish a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled; and such rates, charges, service facilities, rules, and regulations shall not be greater or lesser than the rates, charges, service facilities, rules, and regulations provided for other incorporated areas contiguous to the town. The company shall furnish the town a schedule of rates and charges, service facilities, rules, and regulations as may be, from time to time, established by the company for subscribers within the town.

(Prior Code, § 113.12)

§ 113.13 COMMENCING CONSTRUCTION.

The company agrees that it will diligently pursue construction of the Community Television System to the end that persons residing within the town and desiring the company's service will be offered such

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service within a reasonable time, and to complete the construction of the Community Television System within 24 months after receipt of all necessary Federal Communication Commission approvals, licenses, and permits for the Anderson-Edgewood CATV system. In the event the Federal Communications Commission (FCC) or higher federal authority does not grant approval for the necessary licenses and permits, then this franchise can be revoked at the option of the Town Council.

(Prior Code, § 113.13)