

ORDINANCE 2012 - 01

BUSINESS LICENSE RULES AND PROCEDURES

WHEREAS: The Town business license ordinances have been amended and revised on numerous occasions since 1974. The Town Council believes that incorporating all the revisions into a single revised ordinance will facilitate the administration and enforcement of this important ordinance.

It is therefore ORDAINED as follows:

1. LICENSE REQUIRED. No person, corporation, or other legal entity shall engage in the selling, display, display for sale of goods, wares, merchandise, food, beverages, or the advertising thereof at retail or wholesale, or provide entertainment or exhibition for a fee or admission charge without first obtaining a license. No person, corporation or other legal entity shall provide services within the Town of Nashville without first obtaining a license, unless the services are professional services licensed and regulated by the State of Indiana or the United States of America.

2. LICENSE APPLICATION AND FEE. All applicants shall apply at the office of the Town Clerk-Treasurer on a form provided by that office and pay an administrative fee of thirty dollars (\$30). Applicants should apply at least three (3) days prior to commencing operation to allow for administrative processing.

3. CONDITIONS OF APPROVAL. Each applicant for a license shall show compliance with all appropriate ordinances, rules, regulations and statutes of the Town, State, County and the United States in relation to public health, safety, planning, zoning and land use. If the applicant intends to display new or changed signage the applicant must, within forty-five (45) days of the issuance of the license obtain a sign permit for said new or changed signage.

4. REVOCATION OF LICENSE. In the event the applicant fails to meet the conditions set out in Paragraph 3 above at any time during the term of the license, the Clerk-Treasurer may cause the license to be revoked or suspended. If revoked, the licensee must apply for a new license, show proof of compliance with the conditions of Paragraph 3 and pay an administrative fee in the amount of thirty dollars (\$30). Revocation may be appealed to the Town Council within thirty (30) days. Revocation is not an exclusive remedy and does not bar the Town from pursuing all other available remedies at law or in equity against a business in violation of this or any other ordinance of the Town.

5. TERM OF LICENSE. Licenses issued hereunder shall be valid from the date of issuance to the end of the calendar year of issuance, unless revoked under Paragraph 4 above. New businesses shall obtain a license before commencing operation, continuing businesses shall renew their licenses within thirty (30) days of the beginning of the calendar year, or before commencing operation after the beginning of the calendar year, whichever is earlier.

6. LICENSE TRANSFERS. Any holder of a license may transfer the license to the purchaser, lessee, or assignee of its business, if the business is to continue without substantial change at the same location. Both the holder and its assignee shall sign and file a request for transfer with the Clerk-Treasurer. An administrative fee of five dollars (\$5) shall be paid when the transfer is approved.

7. EXEMPTIONS.

a. Charitable, educational, or faith based organizations engaging in activities that would otherwise be subject to the requirements of this Ordinance on behalf of or for the benefit of a bona fide Brown County organization shall be required to obtain a license but shall not be required to pay the fee.

b. Private garage and yard sales of used merchandise from no more than five (5) families at the residential premises belonging to one of the families for no more than two (2) consecutive days in a six (6) month period shall not be required to obtain a license.

c. Farm produce grown in Brown and the adjacent counties may be sold for a period of no more than forty-five (45) non-consecutive days in any calendar year without obtaining a license. Location of the sale site may be subject to approval of the Town Administration or the Town Council if it involves or encroaches on public right-of-way.

d. Disabled veterans issued a peddler's license pursuant to State Law shall not be required to obtain a license for those activities permitted under their peddler's license.

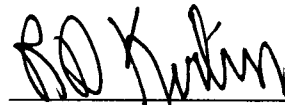
8. SALE ON PUBLIC RIGHT-OF-WAY. A license issued under this Ordinance shall not give the holder the right to operate on any public right-of-way, street, alley, sidewalk, parking lot or governmentally owned land without the express consent of the Town Council and the owner of the land.

9. PENALTIES. Violation of this Ordinance shall be punished by the imposition of a fine not to exceed fifty dollars (\$50) per day. The fine may be imposed by the Clerk-Treasurer or the Town Council as a late fee for applicants that commence business without a license or that fail to timely renew their annual license. The Town Marshal shall enforce this Ordinance by citation and all other legal remedies.

10. REPEALER. This Ordinance repeals and replaces Ordinances 1984-3, 1989-6, 2011-01 and 2011-06.

11. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

PASSED AND ADOPTED by the Nashville Town Council this 19th day of JANUARY 2012.

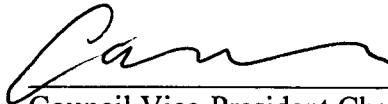


Council President Robert Kirlin

yea

nay

abstain



Council Vice-President Charles B. King

yea

nay

abstain

Approved as to form:

James T. Roberts
Attorney for the
Town of Nashville

Council Member R. Sean Cassiday

yea

nay

abstain



Council Member Jane Gore

yea

nay

abstain



Council Member Arthur Omberg

yea

nay

abstain

ATTEST:

Brenda K. Young
Clerk-Treasurer, Brenda K. Young