

CHAPTER 114: PLUMBERS

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Cross-references:

- Sewer regulations, Chapter 50
- Water regulations, Chapter 51
- Street and sidewalk regulations, Chapter 93,94

§ 114.01 LICENSE REQUIRED.

Only a licensed plumbing contractor, a journeyman plumber under the supervision, direction, and responsibility of a licensed plumbing contractor, or an apprentice plumber who is under the direct and immediate personal supervision of a licensed plumbing contractor or a licensed journeyman plumber, shall be permitted to perform any plumbing work within the corporate limits of the city. The term "LICENSED" means duly licensed by the Indiana Plumbing Commission, as provided in I.C.25-28.5-1-1 et seq. Penalty, see §114.99

§ 114.02 CURB KEYS.

Licensed plumbers only are permitted to have curb keys and to shut off the water at the service boxes in order to make repairs to private hydrants, meters, or other fixtures in the plumbing system, or for the installation of new services or fixtures and in the case of a frozen meter he may remove the same and connect the service with a nipple and he shall immediately report the same to the superintendent who will make the repairs and replace the meter. He shall also be permitted to turn on the water again after the repairs or additions have been made, but in no case shall he leave turned on any water that he finds turned off unless authorized to do so by the water superintendent. Plumbers shall not permit others to use their curb keys unless they be personally responsible for the use of the same and be held liable to the same penalty as hereinafter provided for the violation of these rules. ('67 Code, §31.91) Penalty, see §114.99

§ 114.03 CONNECTION WITHOUT PERMIT PROHIBITED.

Plumbers shall not connect to services installed by the water department unless the property owner or legal agent has procured a service permit from the water superintendent. ('67 Code, §31.92) Penalty, see §114.99

§ 114.04 CITY REGISTRATION OF PLUMBERS.

Prior to the performance of any plumbing work within the corporate limits of the city, a licensed plumbing contractor, journeyman plumber, or licensed apprentice plumber, shall register at the office of the building inspector on the forms provided by the building inspector. Penalty, see §114.99

§ 114.05 PLUMBERS OR SEWER BUILDERS LICENSE REQUIRED FOR SEWER AND WATER MAIN CONNECTIONS.

No person shall do the work of making connections with any public sewers or drains or lateral connections, unless he is a licensed plumber or sewer builder, and no person shall be authorized or permitted to make any attachments, additions to, or alterations in any service pipe, cock, or other fixtures connected with the service water pipes, unless he is a licensed plumber. Penalty, see §114.99

§ 114.06 STREET OPENINGS, LICENSE OR FRANCHISE REQUIRED.

No person except a duly licensed sewer builder or plumber under provisions of §114.03, or a duly authorized city official, or a person operating a public service or utility enterprise under a franchise granted by the city and acting within the authority of the franchise, shall be authorized or permitted to make any opening or remove any of the pavement in any of the paved streets, alleys, avenues, or public grounds or shall be authorized or permitted to make any excavations in any street, alley, avenue, or public ground in the city, for the purpose of laying down, connecting with, or repairing of water or gas pipes, or with the sewer, drains, or ditches, or for any other purpose. ('67 Code, §65.04) Penalty, see §114.99

§ 114.07 INSPECTION OF PLUMBING WORK.

All plumbing done under this chapter, shall be inspected by either the city building inspector or by the waterworks superintendent or his assistant, and no water shall be turned on in any water pipes which lead to any building or tap which has been put in contrary to the rules adopted in this chapter. All plumbing shall be done by licensed plumbers, licensed by the Indiana Plumbing Commission, who shall notify the building inspector of the city and the waterworks superintendent when the same is ready for inspection, and no pipes shall be covered so they cannot be seen until the same are inspected and approved by the waterworks superintendent. Penalty, see §114.99

§ 114.99 PENALTY.

(A) Any plumber or other person violating any of the rules contained in §§114.01 or 114.02 shall, for every such offense, forfeit and pay as a penalty any sum not less than \$1 nor more than \$100, and be liable in damages to any person for injuries resulting from the violation of the rules. For a second violation of the rules by any plumber, he shall in addition to the penalty above incurred, forfeit his license or the license of his firm. For any injury or damage to the waterworks or fixtures caused by the carelessness, neglect, or want of skill in any plumber of his plumbers, or his or their employees, he , or they shall be liable to any action on his or their bond for damages sustained by the city or waterworks by reason of the breach or breaches of the conditions of the bond.

(B) Any person violating any of the provisions of §§114.03 through 114.07 shall be fined in any sum not exceeding \$50. ('67 Code, §65.99)

CHAPTER 115: PEDDLERS

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- 115.02 Permit and license required
- 115.03 Application
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§ 115.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) “PEDDLER.” Shall include any person, who:

(1) Travels either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street in the city, selling, offering for sale, or taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property of whatsoever nature for future delivery, or for services to be performed in the future.

(2) Hires, leases, uses, or occupies any building, structures, tent, railroad boxcar, boat, hotel or motel room, lodging houses, apartment, shop or any other place within the city for the purpose of temporarily exhibiting samples of goods, wares, and merchandise and/or taking orders by telephone or otherwise for the future delivery of goods, wares, or merchandise, or for services to be performed in the future.

(B) “PEDDLER.” Shall not include:

(1) A person who has resided in Adams County, Indiana, for more than one year last past.

(2) Commercial travelers, jobbers, or selling agents calling on dealers and

businesses in the city.

(3) Persons engaged in the temporary sale of goods, wares, or merchandise by the members of any service club or nonprofit, charitable, religious or educational organization of Adams County, Indiana, where the proceeds of such sale are to be used exclusively for religious, charitable, educational, or benevolent purposes.

(C) No person shall be relieved from complying with the provisions of this chapter by reason of associating temporarily with any local dealer, trader, or merchant or by conducting business temporarily with, as a part of, or in the name of any local dealer, trader, or merchant. ('67 Code, §66.01)

§ 115.02 PERMIT AND LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of a peddler as hereinabove defined within the corporate limits of the city, without first obtaining a permit and license therefor in compliance with provisions of this chapter. ('67 Code, §66.02) Penalty, see §115.99

§ 115.03 APPLICATION.

Applicants for a license under this chapter shall file a written application sworn to and signed by the applicant, with the Clerk-Treasurer of the city, giving the following information:

(A) Name and description of applicant.

(B) Permanent and local address of applicant.

(C) The name or names of the person having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in city; any local addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent, or otherwise); the name and address of the person, firm, or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

(D) The fingerprints of the applicant or in lieu thereof, at least 3 letters of recommendation from reliable property owners in the County of Adams, State of Indiana, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the chief of police the good character and business responsibility of such person or persons.

(E) The place or places in the city, where it is proposed to carry on applicant's business, and the length of time during which it is proposed that the business shall be conducted.

(F) The place or places, other than the permanent place of business of the applicant where the applicant within the 6 months next preceding the date of the application conducted a transient

business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

(G) A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by applicant in the city; the invoice value and quality of such goods, wares, and merchandise; whether the same are proposed to be sold from stock in possession, or from stock in possession and by sample, at auction, by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filled.

(H) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and copies of any such advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto.

(I) Whether or not the applicant has ever been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.

(J) Credentials from the person, firm, or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(K) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Clerk-Treasurer may deem proper to fulfill the purpose of this chapter in the protection of the public good. ('67 Code, §66.03) Penalty, see §115.99

#### § 115.04 INVESTIGATION AND ISSUANCE.

(A) Upon receipt of such application, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(B) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for same, and return the application to the Clerk-Treasurer, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(C) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a permit address to the applicant for the carrying on of the business applied for and return the permit, along with the application to the Clerk-Treasurer, who shall, upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. The license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued, and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance, and the length of time the same shall be operative, as

well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Clerk-Treasurer shall keep a permanent record of all licenses issued. ('67 Code, §66.04)

§ 115.05 BOND.

(A) Unless waived in writing by the Mayor of the city every applicant shall file with the Clerk-Treasurer a surety bond, running to the city in the amount of \$1,000 with surety acceptable to and approved by the Mayor, conditioned that the applicant shall comply fully with all the provisions of the ordinances of the city and the state statutes regulating and concerning the business of a peddler and guaranteeing to any citizen of the city that all money paid as down payment will be accounted for and applied to the representations of the peddler and further guaranteeing to any citizen of the city doing business with the peddler, that the property purchased will be delivered according to the representations of the peddler. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

(B) The Mayor of the city, on the basis of good prior business conduct on the part of the applicant and the business responsibility and reliability of the applicant fully demonstrated by such applicant's conduct and record of business dealing in the city, may waive in writing the foregoing requirement that an applicant file a surety bond. If the Mayor shall endorse his written waiver of a surety bond on the application, the license shall issue without a surety bond being filed, provided, the applicant must comply with all other provisions of this chapter. ('67 Code, §66.05)

§ 115.06 SERVICE OF PROCESS.

Before any license as herein provided shall be issued for engaging in business as a peddler, in the city, the applicant shall file with the Clerk-Treasurer an instrument nominating and appointing the Clerk-Treasurer, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice or process for and on behalf of the applicant in respect to any matters connected with or arising out of any business transacted under the license and the bond given as required by §115.05 or for the performance of the conditions of the bond or for any breach thereof, which instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall be taken and held to be valid as if personally served upon the person or persons applying for the license under this chapter, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Clerk-Treasurer, as herein provided, the Clerk-Treasurer shall send to the licensee at his last known address, by registered mail, a copy of the process. ('67 Code, §66.06) Penalty, see §115.99

§ 115.07 EXHIBITION OF LICENSE.

The license issued under this chapter shall be posted conspicuously in the place of business named therein. In the event that the person or persons applying for the license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business. ('67 Code, §66.07) Penalty,

see §115.99

§ 115.08 LICENSE FEE.

The license fee which shall be charged by the Clerk-Treasurer for the license shall be \$10 per year or any part of a year that the license shall be in force and effect. ('67 Code, §66.08) Penalty, see §115.99

§ 115.09 TRANSFER.

No license shall be transferred without written consent from the Mayor as evidenced by an endorsement on the face of the license by the Clerk-Treasurer showing to whom the license is transferred and the date of the transfer. ('67 Code, §66.09) Penalty, see §115.99

§ 115.10 LOUD NOISES AND SPEAKING DEVICES.

No licensee under this chapter, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device including any loud-speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, or parks or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell. ('67 Code, §66.10) Penalty, see §115.99

§ 115.11 DUTY OF POLICE TO ENFORCE.

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating the same. ('67 Code, §66.11)

§ 115.12 RECORDS.

The Clerk-Treasurer of the city shall deposit the record of fingerprints of licensees, together with a license number, with the chief of police. The chief of police shall report to the Clerk-Treasurer any complaints against any person licensed under the provisions of this chapter and any conviction for violation of this chapter. The Clerk-Treasurer shall keep a record of all such licenses and of such complaints and violations. ('67 Code, §66.12)

§ 115.13 REVOCATION OF LICENSE.

(A) The permits and licenses issued pursuant to this chapter may be revoked by the Mayor of the city, after notice and hearing, for any of the following causes;

- (1) Any fraud, misrepresentation, or false statement contained in the application for license;
- (2) Any fraud, misrepresentation, or false statement made in connection with the

selling of goods, wares, or merchandise;

(3) Any violation of this chapter;

(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

(5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least 3 days prior to the date set for the hearing. ('67 Code, §66.13)

#### § 115.14 APPEAL.

Any person aggrieved by the action of the city police or Clerk-Treasurer in regard to the denial of an application for license as provided for in §115.04 or in connection with the revocation of a license as provided for in §115.13, shall have the right to appeal to the common council of the city. Such appeal shall be taken by filing with the council within 14 days after notice of the decision by the Clerk-Treasurer has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in §115.13 for notice of hearing on revocation. The order of the common council on such appeal shall be final. ('67 Code, §66.14)

#### § 115.15 EXPIRATION OF LICENSES.

All licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. ('67 Code, §66.15)

#### § 115.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$100. ('67 Code, §66.99)

CHAPTER 116: (RESERVED)

CHAPTER 117: (RESERVED)

CHAPTER 118: TAXICABS

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§ 118.01 DEFINITION.

For purposes of this chapter the following definition shall apply.

(A) “TAXICAB.” Any vehicle used to carry passengers for hire, but not operating on a fixed route. (‘67 Code, §69.02)

§ 118.02 LICENSE REQUIRED.

No person shall engage in the business of operating a taxicab in the city without first having secured a license. Applications for such licenses shall be made in writing to the Clerk-Treasurer and shall state thereon the name of the applicant, the intended place of business, and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. (‘67 Code, §69.01) Penalty, see §118.99

§ 118.03 CHARACTER OF APPLICANT.

No such license shall be issued to or held by any person who is not of good character or who has been convicted of a felony; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions. (‘67 Code, §69.03)

§ 118.04 LICENSE FEE.

(A) The annual fee, payable in advance, for such license shall be \$10 plus \$5 for each taxicab operated. Whenever the number of cabs operated is increased during the license year, the licensee shall notify the Clerk-Treasurer of the change and shall pay the additional fee.

(B) This fee shall be in lieu of any other vehicle fee required by ordinance and the Clerk-Treasurer shall issue suitable tags or stickers for the number of cabs covered by each license. This tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service.

(C) The licensee shall notify the Clerk-Treasurer of the motor numbers and state license number of each cab operated and of the corresponding city tag or sticker number. ('67 Code, §69.04) Penalty, see §118.99

§ 118.05 CONDITION OF VEHICLES.

No taxicab shall be operated unless it bears a state license duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wiper in good condition. It shall be the duty of the chief of police to inspect every taxicab as often as may be necessary to enforce the provisions of this section. ('67 Code, §69.05) Penalty see §118.99

§ 118.06 DRIVERS TO BE LICENSED BY STATE.

No person shall drive a taxicab or be hired or permitted to do so, unless he is duly licensed as a chauffeur by the state in the manner provided by law. ('67 Code, §69.06) Penalty, see §118.99

§ 118.07 INSURANCE.

No certificate shall be issued unless there is no file with the Clerk-Treasurer of the city, a certificate of insurance executed by an insurance company or association authorized to transact business in the state. This certificate shall state that there is in full force and effect a policy of insurance conditioned to pay any financial judgment against the holder of the certificate for bodily injury to or the death of any person resulting from the negligent operations, maintenance, or use of taxicabs under such certificate, or for loss or damage to the property of others, in the amount of \$10,000 for bodily injury to or death of one person in connection with one accident, and in the amount of \$20,000 for injury to or death of more than one person for one accident, and for damages to the property of others in the amount of \$5,000 for one accident. Such policy or policies shall cover all taxicabs used or to be used. ('67 Code, §69.07)

§ 118.08 TRAFFIC RULES.

It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance. ('67 Code, §69.08) Penalty, see §118.99

§ 118.09 UNLAWFUL USE.

It shall be unlawful to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor. ('67 Code, §69.09) Penalty, see §118.99

§ 118.10 PASSENGERS.

A driver of any taxicab shall accept as a passenger any person who seeks to so use the taxicab, provided such person conducts himself in an orderly manner. ('67 Code, §69.10) Penalty, see §118.99

§ 118.11 PUBLIC VEHICLE COMMISSION.

There is established a public vehicle commission which shall consist of the members of the board of public works and safety of the city. The mayor shall designate the chairman of the commission. ('67 Code, §69.11)

§ 118.12 CERTIFICATE REQUIRED.

No license to operate a taxicab in the city shall be issued unless and until the public vehicle commission shall certify that the public need for taxicab service requires the additional service to be rendered by the applicant. In deciding this question, the commission shall consider the need of the public for taxicab service, the number of cabs in operation, and the anticipated future demands. ('67 Code, §69.12)

§ 118.13 ABANDONMENT.

If the licensee on whose behalf such a certificate has been issued shall fail to operate all or any of the taxicabs covered by such certificate for a period of 30 consecutive days, the certificate may be revoked or modified by the commission so as to cover and authorize only the number of cabs actually operated. ('67 Code, §69.13)

§ 118.14 TAXI STANDS.

(A) The public vehicle commission, upon recommendation of the chief of police, shall establish taxicab stands on such public streets, in such places and in such number as they deem to be of greatest benefit and convenience to the public, and each taxicab stand shall be designated by appropriate signs.

(B) No driver of any taxicab shall stand or park a taxicab upon any street, court, highway or public place in the city, other than at a taxicab stand, except that this provision shall not prevent the driver of any such taxicab from temporarily stopping in accordance with other stopping and parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(C) No person shall install, use or occupy any portion or part of any street or public place in the city as a call box, or for telephone purposes, or use any telephone pole, light pole, or any other pole on any street or public place or building or structure, for the purpose of telephoning, unless a permit is granted by the public vehicle commission and only upon the consent of the owners of real estate within a radius of 75 feet from such call box or telephone. Such permit may be revoked at any time by the giving of 10 days' notice by the public vehicle commission. ('67 Code, §69.14) Penalty, see §118.99

§ 118.15 SALE OR TRANSFER.

Any sale or transfer of ownership of any taxicab licensed hereunder shall terminate such license and the purchaser of such taxicab shall apply for a license as herein provided. ('67 Code, §69.15)

§ 118.16 EXPIRATION OF LICENSES.

All licenses issued hereunder shall expire on December 31 following their issuance and may be renewed upon the payment of the fees and under the conditions herein provided. ('67 Code, §69.16)

§ 118.17 APPEALS FROM ORDERS MADE BY PUBLIC VEHICLE COMMISSION.

Any person adversely affected by any order made by the public vehicle commission of the city under the provisions of this chapter may, within 20 days after such order is entered, commence an action in the circuit court of the county against the public vehicle commission to vacate or set aside any such order on the ground that such order is insufficient, unreasonable, unlawful, or procured by fraud or other unlawful methods. Summons shall issue upon the complaint filed in such action and be served the public vehicle commission in the manner now provided by law in civil actions, and the procedure in the trial of such cause shall be the same as in the trial of civil actions. An appeal from the judgment of the circuit court in any such cause may be taken to the supreme or appellate court of the state in the manner now provided for appeals in civil actions. ('67 Code, § 69.17)

§ 118.99 PENALTY.

Any person, firm, or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$100. ('67 Code, § 69.99)