

**ORDINANCE 2021- 02**  
**TOWN OF CORYDON**  
**BUSINESS LICENSE ORDINANCE**

The Town Council of the Town of Corydon, Indiana ordain as follows:

**Section 1. Purpose.** This Ordinance is enacted, except as otherwise specified, to:

- A. Ensure that each business is conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with the public health, safety and general welfare;
- B. Obtain valuable information for emergency responders, planning and building personnel and economic development.

**Section 2. Applicability.** This Ordinance shall apply to all businesses as identified in this Ordinance.

**Section 3. Definitions.** As used in this Ordinance:

- A. "Applicant" means the person applying for a license to conduct a particular business within the Town of Corydon.
- B. "Business" means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade profession, occupation, or pursuit is operated, engaged conducted or carried on within the Town of Corydon.
- C. "Day" means a calendar day unless otherwise noted.
- D. "Doing business" means to engage in any activity in pursuit of profit, gain, livelihood or any other purpose.
- E. "Income" means the net income arising from any business, as reportable to the State of Indiana for personal income, corporation excise or business income tax purposes.
- F. "License" means the permission granted by the Town of Corydon under this ordinance to operate, engage, conduct or carry on a business within the Town of Corydon.
- G. "Licensee" means an applicant who has received a business license.
- H. "Non-profit organization" means any business or organization that is exempt from taxation under the United States Internal Revenue Code and produces a determination letter of proof thereof.
- I. "Person" means an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

- J. "Special event" means any special event receiving the prior approval of the Town Council or Town Manager to be exempt from the license requirements under this Ordinance.

**Section 4. License Required.**

- A. Except as exempt under Section 5 below, an application for a license required by this chapter shall be filed within sixty (60) days following the effective date of this ordinance, or within thirty (30) days following the date any person commences to operate any business, commercial, or industrial activity, occupation or activity related thereto within the Town.
- B. A person engaged in business in more than one location, or in more than one business licensed under this ordinance shall make a separate application for each business or location, except as otherwise provided in this ordinance. Only one license under this ordinance is required for mobile businesses such as housekeeping services, food trucks, and other related businesses that travel throughout the Town.
- C. If more than one business is conducted on the same premises, each business must obtain a separate license.
- D. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a business within the Town of which a license is required by this ordinance shall be deemed to be actually engaged in such business and shall be liable for penalties for failure to comply with the requirements of this ordinance.
- E. The Town may require proof of any county, state, or federal registration that is required before a Town license will be issued or qualify for an exemption under Section 5 below.
- F. No person shall do business within the Town as the employee, agent or representative of another person unless either the principal or the employee, agent or representative has a current, valid Town business license for the business, no matter where the principal offices of that business are situated.

**Section 5. Exemptions.** The following are exempt from the licensing requirement:

- A. A service business operated by a person under the age of 18, such as lawn mowing business, newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors, and others who provide services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained such a license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual; provided, however, such exemption will not apply if either condition is met:

1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
  2. Any one such sale has a duration of more than 72 consecutive hours.
- D. An organizer or participant in a special event, but only with respect to that particular special event.
- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.

The following must obtain a business license but are exempt from payment of the license fee:

- A. Any business exempt from paying Federal or State income tax.
- B. Any business exempt from paying property tax.
- C. Any entity registered with the Indiana Secretary of State as a not-for-profit corporation.

**Section 6. Business License Application Requirements (Application attached to this ordinance as an Exhibit).** Each person desiring to engage in doing business must apply or re-apply on an annual basis for a license to operate, engage, conduct or carry on the business on such forms and in such manner as the Town may prescribe. The application must be accompanied by the applicable license fee provided in Section 7 below. The application must be filed with the Town on a form provided by the Town:

**Section 7. Fees Imposed.**

- A. An annual license fee of Zero (\$0) is imposed on the act of doing business within the Town of Corydon according to the following fee schedule:
- B. Renewals are due annually by January 31 of the respective year.
- C. A person doing business in the Town, who does not obtain a business license within the prescribed time, shall pay as a penalty for not obtaining a license within the prescribed time in accordance with the fee for violating the Town Ordinance.
- D. Nothing contained in this ordinance shall vest any right in a license as a contract obligation on the part of the Town as the amount of the fee. The fees provided for in this ordinance may be increased or decreased, additional fees may be imposed, and classifications may be changed by an action of the Town Council amending this ordinance.
- E. A person operating more than one business shall obtain a license for each of the businesses, except as specifically provided by ordinance.

**Section 8. Transfer and Relocations, Terms of License.**

- A. Transfer of License. In the event of the transfer of ownership of a business, the applicable business license may be transferred by application to the Town. The Town Manager or

his/her designee may approve the transfer at no cost upon finding that the new applicant meets the requirements of this ordinance.

- B. Relocation of an Existing Business. In the event a business is relocated, the licensee shall reapply to the Town to transfer the business license. The Town Manager may issue the license upon finding that the new location meets the requirements of this ordinance and other applicable federal, state and local regulations.
- C. License Term. A business license issued under this ordinance shall be valid from the date of issuance until the following January 1.

**Section 9. Approval, Denial, Revocation and Suspension.**

- A. Approval of Application.
  - 1. The Town Manager or his/her designee shall issue a decision on an application for a new business license within thirty (30) days of the submission of a complete application upon finding that an applicant has met all requirements of federal, state and local laws.
  - 2. The Town Manager or his/her designee shall issue a license renewal upon finding that the applicant has met all requirements of federal, state, and local law.
  - 3. If an application for a new license is approved, the Town shall issue the license to the applicant. The notice shall state any condition or limitation placed on the license as a condition for maintaining the license which the Town deems necessary to protect the public health, safety, or welfare which is required by federal, state, or local law.
- B. Denial, Suspension, Revocation of Application. The Town may deny, suspend or revoke a business license upon finding that:
  - 1. The licensee fails to meet the requirements of, or is doing business in violation of federal, state or local laws;
  - 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license;
  - 3. The applicant's past or present violation of law presents a reasonable doubt about his or her ability to perform the licensed activity without endangering property or the public health or safety;
  - 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity; or
  - 5. The licensed activity would endanger property or the public health or safety.
- C. Notice. The Town Manager shall provide written notice to the applicant or licensee of the denial, suspension or revocation. The notice shall state the reason for the action taken and shall inform the application or licensee of the right to appeal under Section 11 of this ordinance. The notice shall be given at least fifteen (15) days before the suspension or

revocation becomes effective. If the violation ends within the fifteen (15) days, the Town may discontinue the suspension or revocation proceedings.

- D. Reapplication. A person whose application for a business license has been denied, suspended or revoked, may after ninety (90) days from the date of the denial, suspension or revocation, re-apply for a license or reinstatement upon a new payment of the application fee and submission of an application form and related documents.
- E. Disqualification. A person whose application for any business license that has been denied or whose license has been revoked for a total of two (2) times within one (1) year, or who has a total of four (4) denials, suspensions or revocations, shall be disqualified from applying for a license or reinstatement for a period of two (2) years from the date of the denial, suspension or revocation.
- F. Summary Suspension. Upon determining that a licensed activity presents an immediate danger to person or property, the Town may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license being suspended. Such notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 11 of this ordinance. Within fifteen (15) days of the summary suspension the Town Council shall review the pertinent facts which resulted in the suspension and shall determine whether the said facts deem it necessary to continue the suspension in order to protect the health, safety and welfare of the citizens of the Town, or to otherwise ensure that the requirements of this ordinance are complied with. The Town Council may continue a suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made.

**Section 10. Appeal.** In the event an application for a license under this ordinance is denied such license, or in the event a license is suspended or revoked, the applicant or licensee shall have the right to appeal.

- A. The written notice of appeal to the Town Council shall be filed with the Town Manager within fifteen (15) days after the license denial, suspension or revocation.
- B. The Town Council shall hear and make a determination in regard to the appeal at its next regular meeting immediately following the filing of the notice of appeal so long as the appeal is filed within three (3) days of the next regular meeting. If the appeal is filed less than three (3) days before the next regular meeting, the Town Council may, at its discretion, take up the matter at its next regular meeting.
- C. The decision of the Town Council on the appeal shall be final and conclusive.

**Section 11. Violations and Penalties.**

- A. Any person convicted of violating any provision of this ordinance shall be punished by a fine not to exceed \$25 for any one offense, each day of a violation constituting a separate offense.
- B. Inspection and Right of Entry. Whenever they have cause to suspect a violation of any provisions of this ordinance, or when necessary to investigate an application to, or revocation

of a license under any of the procedures prescribed in this ordinance, officials for the enforcement or administration of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the Town may seek a warrant.

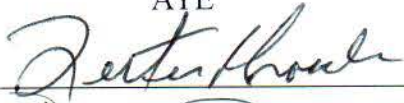



- C. Abatement. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.
- D. Legal Proceedings. In addition to the enforcement provisions of this ordinance, upon the direction of the Town Council, the Town Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this ordinance.

**Section 12. Severability Clause.** A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts of this ordinance.


**Section 13. Effective Date.** This ordinance is effective upon passage and as published as required by Indiana Code.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CORYDON, INDIANA ON THIS  
2nd DAY OF March, 2021

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ATTEST:

  
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Treggie M. King, Clerk-Treasurer