

TITLE 4

BUSINESS REGULATIONS AND LICENSING

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- 4.10 Regulation of Solicitors or Peddlers**
- 4.26 Liquor Retailer's Permit**

Chapter 4.04

NATURAL GAS FRANCHISE

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4.04.010 Granting of Natural Gas Franchise. That subject to the terms, conditions and provisions hereinafter stated and set forth, there is hereby granted to H. H. Ross & Associates, their successors and assigns, the right to construct, erect, maintain and operate a gas works and storage facilities within the corporation limits of the Town of Orleans, Indiana, for the purpose of supplying gas to the said Town and the inhabitants thereof, and territory in the vicinity of said Town and is hereby granted the right-of-way along, through and under the streets, avenues, alleys, lanes, sidewalks, public squares and public places in said incorporated Town of Orleans, Indiana, for the purpose of laying, constructing, maintaining, removing, using and operating one or more lines of gas main and branch pipe with the necessary feeders, service pipes, valves, regulators and other devices necessary or convenient to the successful operation of such lines and pipes in the supplying, storing, conducting and delivering of gas to the Town of Orleans, Indiana, and inhabitants hereof and territory in the vicinity of said Town. (Ord. 222, Sec. 1, December 4, 1958)

4.04.020 Construction of Service Lines. In the work of laying, removing, changing, repairing or replacing its pipes, mains, feeders, equipment or appurtenances, the said H. H. Ross & Associates shall not unnecessarily obstruct or interfere with nor change any existing arrangements such as sewers, water mains, or other public or private works in said incorporated Town. (Ord. 222, Sec. 2, December 4, 1958)

4.04.030 Reporting of proposed construction activities. That the said H. H. Ross & Associates, their successors and assigns, shall before beginning the laying of any pipes, mains or conduits, make a report to the Town Clerk or the Superintendent of Streets for the Town of Orleans, Indiana, stating the locations within the Town limits where such pipes, mains and conduits are proposed to be laid. Said H. H. Ross & Associates after doing any excavation shall replace all materials, excepting surfacing materials or pavement which have been removed and shall leave the fill in a neatly graded condition. After said excavations have been sufficiently settled, filled and are ready for repaving and resurfacing, said H. H.

Ross & Associates will so notify the Town Authorities. Upon receipt of notice as aforesaid that excavations made hereunder have been refilled and are ready for resurfacing, or repaving, the Town shall thereupon undertake such resurfacing or repaving and shall do the same in a proper manner. All expenses properly incident to the cost of repaving or resurfacing shall be borne by said H. H. Ross & Associates and the amount thereof shall be paid promptly to the said Town within a reasonable time after receipt by the said H. H. Ross & Associates of invoices covering the same. (Ord. 222, Sec. 3, December 4, 1958)

4.04.040 Temporary gas shut off. Said H. H. Ross & Associates shall have the right to temporarily shut off gas, to be supplied hereunder for any of the purposes by this ordinance permitted, from its main and service pipes, or any part thereof, provided, however, that such action shall in each case be taken for the sole and express purpose of making repairs or extensions to works or mains or service pipes or for safety reasons and said H. H. Ross & Associates shall not be liable to the said Town or to any customer or consumer of gas for any damage caused by each temporary suspension of the supply of gas; provided, however, that said repairs and extensions are made with due diligence by the said H. H. Ross & Associates. (Ord. 222, Sec. 4, December 4, 1958)

4.04.050 Hold Harmless. That the said H. H. Ross & Associates, their successors and assigns, shall at all time hold and save the incorporated Town of Orleans, Indiana, harmless from any and all liability, loss, cost, damage, or expenses which may accrue to said incorporated Town of Orleans by reason of the neglect, default or misconduct of the H. H. Ross & Associates in the construction, operation, or maintenance of its facilities hereunder. (Ord. 222, Sec. 5, December 4, 1958)

4.04.060 Extension of service lines. H. H. Ross & Associates, successors, and assigns, shall be required to extend their lines to take care of any consumer in the incorporated Town of Orleans who desires to use gas at any time, provided, however, that said H. H. Ross & Associates shall not be required to extend lines beyond the curb immediately adjacent to the abutting properties or to the property line of customers, nor more than one hundred (100) feet of the main for each customer to be served. (Ord. 222, Sec. 6, December 4, 1958)

4.04.070 Adequate supply of gas. That H. H. Ross & Associates, their successors and assigns, hereby agree to make available to the Town of Orleans, Indiana, and its inhabitants and adequate supply of gas for normal purposes, except that the H. H. Ross & Associates shall not be responsible or liable for delay or failure in the performance of the premises and agreement on their part to be performed hereunder, if such delay or failure be due to any cause beyond their control, such as but not limited to strikes, fires, floods, storms, accidents, acts of public enemies, mobs or rioters, and acts of God, or inability of H. H. Ross & Associates to obtain adequate gas from its pipe line suppliers. (Ord. 222, Sec. 7, December 4, 1958)

4.04.080 Separability. In the event that the Public Service Commission of Indiana or any other body, board, commission or court of competent jurisdiction shall adjudge any provision or provisions of this ordinance invalid or illegal, or direct a change by H. H. Ross & Associates in any matter or thing therein contained, such invalidity or illegality or change

shall in no way affect the remaining provisions of this ordinance, or their validity or legality, and this ordinance in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal or such change directed. (Ord. 222, Sec. 9, December 4, 1958)

4.04.090 Billing and Collection. Said H. H. Ross & Associates shall have the power to make all needful rules and regulations for the collection of its revenues, the prevention of waste of its property and gas supply, the conduct and management of business as they may, from time to time deem necessary. (Ord. 222, Sec. 8, December 4, 1958)

4.04.100 Term of Franchise. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law and shall thereafter continue in effect as an indeterminate permit pursuant to statute and under and upon such terms and conditions as prescribed by the Public Service Commission of the State of Indiana. Said H. H. Ross & Associates agree that within six (6) months from the date of this franchise that they will furnish to the Town of Orleans a report showing whether it is or is not feasible to furnish natural gas service as provided herein. If in their opinion it is not feasible to furnish Natural gas service as provided herein they will forthwith surrender this franchise. If in their opinion it is feasible to furnish natural gas service as provided herein they shall proceed with due diligence to that end. If, however, Natural gas service is not available as herein provided at the end of two years from the date of acceptance of this franchise the Town of Orleans may terminate said franchise provided such failure is not due to the unavailability of Natural Gas. (Ord. 222, Sec. 10, December 4, 1958)

Chapter 4.10

REGULATION OF SOLICITORS OR PEDDLERS

Sections:

- 4.10.010 Peddling; Selling on Town streets, right-of-ways, thoroughfares
- 4.10.060 Penalty

4.10.010 Peddling; Selling on Town streets, right-of-ways, thoroughfares.

- (1) No person shall exhibit, sell, or offer for sale, hire, lease, or let out any object or merchandise, or any thing whatsoever, whether corporeal or incorporeal, tickets for entertainments or other affairs of any description included, on any town street, right-of-way or thoroughfare, except as designated.
- (2) Possession of objects or merchandise in quantities, packages, or containers customarily associated with peddling shall be deemed to be prima facie evidence of exhibiting or offering for sale. Nothing contained in this section shall forbid or prevent the town council, at its discretion, from granting concession contracts and privileges to any concessionaire or permittee on such terms and conditions as the council may determine.
- (3) No peddler, vendor, hawker or huckster shall stop or remain on any town streets, right-of-ways or thoroughfares. (Ord. 2009-09, August 20, 2009) (Ord. 2002-4, S1, May 21, 2002)

4.10.060 Penalty. Any person convicted of a violation of any section violation of this ordinance shall upon conviction be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day any such violation is committed or permitted to continue may constitute a separate offense and shall be punishable as such hereunder. In addition, the Town, by appropriate action, may seek injunctive relief, requesting the court to enjoin or order the abatement of any violation of this ordinance. (Ord. 2009-09, August 20, 2009) (Ord. 2002-4, S5, May 21, 2002)

Chapter 4.26

LIQUOR RETAILER'S PERMIT

Sections:

4.26.010 Issuance of permit

4.26.010 Issuance of permit. The consent of said town be and the same is hereby given and granted unto the proper legal authorities of the State of Indiana, to issue liquor retailers permits for the sale of alcoholic, spirituous beverages to applicants otherwise duly qualified to the provisions of section eighteen (18) of an Act of the General Assembly of the State of Indiana, entitled "An Act concerning alcoholic beverages, liquids and substances, and to promote temperance, repealing laws and part of laws and declaring and emergency," approved March 11, 1935. (Ord. 1976-1, January 22, 1976)