

Title 5

BUSINESS LICENSES AND REGULATIONS*

Chapters:

- 5.04 General Provisions
- 5.08 Transient and Itinerant Merchants
- 5.12 Junk and Scrap Dealers
- 5.16 Cable Rate Regulations
- 5.20 Cemetery Regulations

Chapter 5.04

GENERAL PROVISIONS

(RESERVED)

* For statutory provisions authorizing a city to exercise any power and perform any functions to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents, see Code 1977 §364.1.

Chapter 5.08

TRANSIENT AND ITINERANT MERCHANTS*Sections:

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5.08.010 Definitions. For use within this chapter, the following terms are defined:

A. "Peddler" means any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

B. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.

C. "Transient merchant" means any person, firm or corporation who engages in a temporary or itinerant merchandising business and who, in the course of such business, hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant. (Ord. 218 §2, 1976).

* For statutory provisions on itinerant merchants, see Code 1977 Ch. 81; for provisions on transient merchants, see Code 1977 Ch. 81A.

5.08.020 Exemptions—Scouts and school organizations.

Resident Girl Scout, Boy Scout or school organizations shall be exempt from the application of this chapter. (Ord. 218 §3, 1976).

5.08.030 Exemptions—Religious and charitable organizations.

A. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Sections 5.08.050 through 5.08.130.

B. All such organizations shall be required to submit in writing to the city clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on and whether any commissions, fees or wages are to be charged by the solicitor for his efforts and the amount thereof.

C. If the city clerk finds that the organization is a bona fide charity or religious organization, he shall issue, free of charge, a license containing the information designated in this section to the applicant. (Ord. 218 §4, 1976).

5.08.040 License—Required.

Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as provided in this chapter shall be in violation of this chapter. (Ord. 218 §1, 1976).

5.08.050 License—Application.

A. An application in writing shall be filed with the city clerk for a license under this chapter.

B. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, and right thumbprint. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license.

C. A fee of ten dollars shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. (Ord. 218 §5, 1976).

(Ord. No 308, § 2, 5-7-2009)

5.08.060 Bond required.

Before a license shall be issued under this chapter, each applicant shall post a bond of one hundred dollars with the city clerk. Such bond shall be conditioned to indemnify and pay the city for any penalties or costs occasioned by the enforcement of this chapter, and shall not be retired until after a lapse of thirty days from the expiration of each license. (Ord. 218 §8, 1976).

5.08.070 License--Issuance. If the city clerk finds the application is made out in conformance with Section 5.08.050 and the facts stated therein are correct, he shall issue, upon posting of bond as required by Section 5.08.060, a license and charge a fee therefor as determined by Section 5.08.080. (Ord. 218 §6, 1976).

5.08.080 License--Fees. A. Every licensee shall pay the following fee before a license shall be issued:

1. For one day or any part thereof, ten dollars;
2. For more than one day up to one week, eight dollars per day;
3. For one week, thirty-five dollars;
4. For more than one week but not more than one month, thirty dollars per week and six dollars for any day or fraction thereof;
5. For one month, one hundred twenty dollars.

B. For longer than one month, all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.

C. For purposes of this section, a day shall consist of the hours between eight a.m. and six p.m. (Ord. 218 §7, 1976).

5.08.090 License--Display. Each solicitor or peddler shall at all times while doing business in this city keep in his possession the license provided for in Section 5.08.070 and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this chapter. Each transient merchant shall display publicly his license in his place of business. (Ord. 218 §9, 1976).

5.08.100 License--Nontransferable. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application. (Ord. 218 §10, 1976).

5.08.110 License--Expiration. All licenses granted under this chapter shall expire at six p.m. of the last day for which the license is issued. (Ord. 218 §13, 1976).

5.08.120 License--Rebates. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the city clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded. (Ord. 218 §11, 1976).

5.08.130 License--Revocation. The city council, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his business in an unlawful manner. (Ord. 218 §12, 1976).

5.08.140 Penalty for violation. Anyone violating any of the provisions of this chapter shall, upon conviction, be punished as provided in Section 1.12.010. Each day that a violation continues to exist constitutes a separate offense. (Amended during 1978 codification; Ord. 218 §14, 1976).

Chapter 5.12

JUNK AND SCRAP DEALERS*

Sections:

- 5.12.010 Compliance required.
- 5.12.020 Definitions.
- 5.12.030 License required--Fee.
- 5.12.040 Storage or processing--Enclosure requirements.
- 5.12.050 Storage or processing--Outside closed area prohibited.
- 5.12.060 Penalty for violation.

5.12.010 Compliance required. Any person or persons, firm or corporation now engaged in business as a junk dealer or scrap dealer in the city shall comply with the provisions of this chapter within sixty days after the effective date of the ordinance codified in this chapter. (Ord. 184 §6, 1956).

5.12.020 Definitions. For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "junk" and "scrap" mean used metal, wood, paper, cloth, or other materials, including junked or scrapped motor vehicles.

B. "junk dealer" and "scrap dealer" mean any person or persons, firm or corporation engaged in buying, selling, storing or processing junk or scrap.

C. "Junked or scrapped motor vehicle" means any motor vehicle not licensed or stored for the then current year under the applicable laws of the state, other than new vehicles in the hands of dealers. (Ord. 184 §1, 1956).

* For statutory provisions on junkyard beautification, see Code 1977 Ch. 306 C, Division I.

5.12.030 License required--Fee. A. Any person or persons, firm or corporation engaged in business as a junk or scrap dealer shall obtain a license therefor from the city.

B. Such license shall be issued by the clerk of the city upon application and shall be renewed annually.

C. There shall be paid to the clerk at the time of issuance, and upon each renewal thereof, a fee of one dollar. (Ord. 184 §2, 1956).

5.12.040 Storage or processing--Enclosure requirements. All yards, lots or other areas used for the storage or processing of junk or scrap shall be enclosed by a solid wooden or metal fence not less than seven feet in height, said fence to be designed and constructed so as to conceal the junk or scrap from the public view. (Ord. 184 §3, 1956).

5.12.050 Storage or processing--Outside closed area prohibited. The storage or processing of junk or scrap outside of the closed area defined in Section 5.12.040 or in or upon the streets or alleys of the city is prohibited. (Ord. 184 §4, 1956).

5.12.060 Penalty for violation. Any person or persons, firm or corporation violating this chapter shall be punished as provided in Section 1.12.010. Each day that said violation continues shall be a separate offense. Upon conviction of violation of this chapter, the license provided in Section 5.12.030 may be revoked by a vote of the majority of the council, without further notice to the holder of said license, and notwithstanding the imposition of a fine or imprisonment, or both, for such violation. (Amended during 1978 codification; Ord. 184 §5, 1956).

Chapter 5.16CABLE RATE REGULATIONSSections:

- 5.16.010 City authority.
- 5.16.020 Rate regulation proceedings--City responsibility.
- 5.16.030 Certification.
- 5.16.040 Change in rates--Notice required.
- 5.16.050 Cable official--Powers and duties.

5.16.010 City authority. The city has the legal authority to administer and shall enforce against any nonmunicipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. §§76.900 et seq., as they currently read and hereafter may be amended, which are herewith incorporated by reference. (Ord. 269 §1, 1994)

5.16.020 Rate regulation proceedings--City responsibility. Any rate regulation proceedings conducted under Section 5.16.010 shall provide a reasonable opportunity for consideration of the view of any interested party, including but not limited to, the city or its designee, the cable operator, subscribers and residents of the franchise area. In addition to all other provisions required by the laws of the state of Iowa and the city for such proceedings, and in order to provide for such opportunity for consideration of the views of any interested party, the city shall take the following actions.

A. The city shall publish notice as provided in Code of Iowa Chapter 362.4, and shall mail, by certified mail, to the cable operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.

B. The notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the FCC Rules and Regulations; and

that the decision of the city is subject to review by the FCC.

C. The city shall conduct a public proceeding to determine whether or not the rates or proposed rate increase are reasonable. The city may delegate the responsibility to conduct the proceeding to any duly qualified and eligible individual(s) or entity. If the city or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give notice accordingly.

D. In the course of the rate regulation proceeding, the city may require additional information from the cable operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the city shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty or perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry. The city may request proprietary information, provided that the city shall consider a timely request from the cable operator that the proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, the proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the cable operator. The city may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the state of Iowa and of the city to discover any information relevant to the rate of regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents and deposition.

E. Upon termination of the rate regulation proceeding, the city shall adopt and release a written decision as to whether or not the rates or proposed rate increase are reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription and refunds.

F. The city may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

G. Consistent with FCC Rules and Regulations, the city's decision may be reviewed only by the FCC.

H. The city shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the city shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of Affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry. (Ord. 269 §2, 1994)

5.16.030 Certification. The city shall file with the FCC the required certification form (FCC Form 328) on September 1, 1993, or as soon thereafter as appropriate. Thirty days later, or as soon thereafter as appropriate, the city shall notify the cable operator that the city has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges. (Ord. 269 §3, 1994)

5.16.040 Change in rates--Notice required. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the city is not empowered to exercise rate regulation, the cable operator shall give notice to the city of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Such notice shall be provided within five business days after the change becomes effective. (Ord. 269 §4, 1994)

5.16.050 Cable official--Powers and duties. The city may delegate its powers to enforce this Law to municipal employees or officers ("cable official"). The cable official will have the authority to:

- A. Administer oaths and affirmations;
- B. Issue subpoenas;
- C. Examine witnesses;
- D. Rule upon questions of evidence;

- E. Take or cause depositions to be taken;
- F. Conduct proceedings in accordance with this law;
- G. Exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
- H. Hold conferences for the settlement or simplification of the issues by consent of the parties; and
- I. Take actions and make decisions or recommend decisions in conformity with this law. (Ord. 269 §5, 1994)

Chapter 5.20

CEMETERY REGULATIONS

Sections:

5.20.010 General provisions.

5.20.010 General provisions.

A. Cemetery deeds shall convey only the right of burial of human remains on specified lots. Burials shall be restricted to members of the owner's family. Other burials can be made only after such owner's written permission is filed with the city clerk. A transfer of ownership of burial spaces or lots shall not be recorded in the cemetery records until a copy of the original deed transferring ownership, properly signed and notarized, has been received by the city clerk. All burials shall be subject to any applicable laws of the state of Iowa and the rules of the Iowa Board of Health.

B. The grade of lots shall be fixed at the time of sale and no change in the established grade will be allowed unless approved by the city council. Stone, cement, iron, hedge, terrace, or other enclosures to define the lot or burial space are not permitted. No slabs of any kind, except for monument bases or foundations, will be permitted on lots. Raised corner, trees or flower beds shall not be used to define the lot or burial space. Any article which begins to rust or visibly deteriorate shall be repaired or removed from the cemetery. If not repaired or removed by the owner, the city has authority to remove such items. Materials such as volcanic rock, white rock, pea gravel or other such substances will not be allowed to be placed around the base or surface area of the monument or headstone.

C. Family memorials or monuments shall only be placed on spaces owned by the family. Such monuments or memorials shall not extend more than eighty percent of the total width of said spaces. Single monuments shall not exceed forty inches in width. A foundation complying with these rules shall be required for all other monuments or headstones. No monuments or markers shall be placed on any space until the space is fully paid for. In the case of companion or double stones, both spaces must be paid for.

D. All foundations under monuments or headstones shall extend a minimum of two inches on all sides beyond the base of said monument or headstone; shall be a minimum of three feet in depth if the base of said monument or headstone is four feet or less in length or width or a minimum of four feet in depth, if the monument or headstone is over four feet in length or width; and concrete used in such foundations shall be at least a three inch to one inch mix or stronger.

Monument companies or anyone installing a monument shall be responsible for installing the foundation and setting the monument or headstone according to the cemetery's specifications. All monuments, headstones, foundations, caps or other markers shall be cemented and/or otherwise permanently attached by the party installing such items. The monument company or person installing the headstone shall contact the city prior to starting any work in the cemetery. Prior to pouring concrete, all preparations for foundations must be inspected by the city. All work at the cemetery must be started and completed between eight a.m. and five p.m. Monday through Friday unless otherwise arranged with the city; and no work will be done on Saturdays, Sundays, or holidays unless arranged with the city.

If installation of a foundation is begun and not completed immediately, the monument company or person installing the monument or headstone shall cover the excavation with three-quarter-inch plywood until the concrete is poured. All excess dirt remaining after the placement of the foundation shall be removed from the grave site by the party installing the foundation on the same day of the installation of the foundation and such excess dirt shall be placed at a location designated by the city.

Any monument company or person installing monuments or headstones who violates the rules and regulations of the cemetery shall be prohibited from installing monuments or

headstones in the future until such time as the rules and regulations of the cemetery have been compiled with and approval has been granted by the city.

E. The city shall be provided twenty-four hour prior notice when requesting the city's assistance in locating cemetery lots or burial spaces, for opening of graves, and for inspection of foundations.

F. No crypts, mausoleums, or "surface burial vaults" will be permitted on any lot. All full burials at the Corydon Cemetery shall be required to use a concrete or steel vault.

G. The City of Corydon will provide for the opening and closing of the graves for cremation burials. Absolutely no burial of cremains by individuals will be allowed in the cemetery. All cremains must have a stone or plaque with informational inscription.

H. No Sunday or holiday burials will be allowed. The city must be notified by noon on the day before a holiday for a burial on the day after a holiday. For a Monday morning burial, the city must be notified before noon on the preceding Thursday.

I. No permanent planting of trees, shrubs, flowers, etc., shall be made at the cemetery without the approval of the city. Cut flowers will be removed when wilted and artificial flowers will be removed when faded or broken. All plants and flowers not in vases attached to monuments or headstones shall be removed by June 15th unless allowed as a permanent planting or as determined by the city. Breakable glass containers shall not be allowed.

J. The City of Corydon will be responsible for the leveling and seeding of new graves.

K. The Corydon Cemetery and the city are not responsible for the perpetual care of any planting, decoration or monument. No individual shall be permitted to do work affecting lots or burial spaces without the permission of the city. No vehicles are allowed off the road in the cemetery without the prior approval of the city. Any person violating this restriction will be charged for all costs associated with any repair, landscaping, seeding, sodding or other costs to repair damages caused by driving off the roads in the cemetery.

L. The city council shall by resolution establish fees and rates to be charged for the purchase of lots and burial spaces, for grave openings and closings, and other

services provided by the city at the Corydon Cemetery.
Billing for such fees and rates shall be made pursuant to
procedures established by the city council in such resolu-
tions. (Ord. 273 §1, 1995)
(Ord. No. 329, § 2, 7-19-2017)