

CHAPTER 115: CONTRACTOR LICENSING AND RENTAL REGISTRATION

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GENERAL PROVISIONS

§ 115.01 PURPOSE.

It is hereby declared to be the purpose, intent and policy of the Hobart Common Council and the Board of Public Works and Safety of Hobart, Indiana, that in order to safeguard the health, safety and public welfare of its citizens, the business of building construction and the persons engaged therein, as hereafter defined, shall be registered and licensed, as set forth herein.
(Ord. 97-18, § 1-1)

§ 115.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Contractors Board of Licensing and Registration.

BUSINESS ENTITY. A sole ownership, firm, partnership, limited partnership, corporation or any form of unincorporated enterprise, owned by 2 or more persons.

CONTRACTOR. Any business entity, or an officer, agent, representatives of such, who for compensation undertakes to, or submits bid to, or does himself or herself, or has done by others, construction repair, alteration, remodeling, addition to, subtraction from and improvement of structure and building, and/or manages all or any of the above items, and who is responsible for all contracting within the entire project.

LICENSE. A certificate issued by the city, through the Clerk-Treasurer's Office, which confers upon the holder the privilege to perform as a contractor or subcontractor within the City of Hobart.

MAINTENANCE PERSON. An individual who is employed on a permanent basis to keep the premises of a business establishment in good repair.

REGISTRATION. The act by which the city, through the Clerk-Treasurer's Office, confers upon a business entity the privilege to act as a plumbing contractor as herein defined, which registration shall be evidenced by a certificate of registration.

SPECIALTY CONTRACTOR OR SUB-CONTRACTOR. In addition to the foregoing, one who specializes in a particular branch of the building construction industry and who shall be licensed or registered and who shall be limited to the specific field of work practiced.
(Ord. 97-18, § 1-2)

§ 115.03 BOARD OF LICENSING AND REGISTRATION.

(A) *Generally.* One combined Board of Licensing and Registration is hereby created. This Board shall have general charge and responsibility of administering this chapter. The title of this Board is as follows: "City of Hobart Contractors Board of Licensing and Registration".
(Ord. 97-18, § 2-1)

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(B) *Duties and policies.*

(1) *Organization and meetings.*

(a) No later than January 21 of each year, the Board shall hold an organizational meeting at which time a monthly meeting date and time, not earlier than 5:00 p.m., shall be adopted.

(b) All meetings of the Board shall be held at the Hobart City Hall.

(c) The Board shall be subject to all provisions of I.C. 5-14-1.5, commonly known as the Indiana Open Door Law.

(2) *Duties.* The Board shall, upon the verified complaint in writing of the city's Building Commissioner setting forth specifically the alleged wrongful action or acts complained of, investigate any action or business transaction of a licensee or certificate of registration holder and shall have the power to suspend or the revocation of a license or certificate of registration issued under the provisions of this chapter, if after a hearing affording due process to the licensee or certificate of registration holder, it shall find the holder to have engaged in any of the following prohibited acts or conduct:

(a) Willful and deliberate disregard of the applicable construction codes and ordinances of the City of Hobart, State of Indiana, or any rules promulgated pursuant thereto;

(b) Aiding or abetting any unlicensed entity, or its designated agent or representative, to evade the provisions of this chapter or rules and regulations promulgated pursuant thereto;

(c) Knowingly combining or conspiring with an unlicensed or non-registered business entity or its duly authorized agent or representative with the intent to evade the provisions of the chapter or rules and regulations thereto;

(d) Acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth on the issued license;

(e) Diversion of funds or property received from prosecution or completion of a specified construction project or operation where, as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his or her obligations or contract;

(f) In the case of a contractor being adjudicated as bankrupt, or the making by a contractor of a composition with creditors, or the appointment of a receiver for the licensee's business;

(g) Paying compensation in money or other valuable consideration to any business entity or its duly authorized agent or representative other than a licensed or registered contractor for rendering services or doing any act required by this chapter to be performed by a licensed contractor holding a valid license or certificate of registration;

(h) No violation of any provisions of this chapter by an agent or employee of any licensed or registered contractor shall be grounds for the suspension or revocation of the license of the employer. For the purpose of the preceding sentence, a course of dealing shown to have

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been consistently followed by an employee shall constitute prima facie evidence of knowledge on the part of the employer;

(i) Any business entity or its designated agent or representative aggrieved by an action by the Board in suspending, revoking or failing to renew a license or certificate of registration may seek judicial review thereof;

(j) The record of the Board or a duly certified copy thereof shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant, licensee, or certificate of registration holder charged or under investigation is a party, and where the issues involved in the proceedings are pertinent to the inquiry before the Board and the verdict or judgment of the court in any proceeding in equity shall be prima facie evidence of the facts at issue in the proceedings and necessarily adjudicated therein;

(k) The verdict in any prosecution in a court of record of this or any state in which the applicant licensee, or certificate of registration holder shall have been the defendant, shall be conclusive as to the facts charged and at issue in the prosecution;

(l) After the revocation of any license or certificate of registration, no new license or certificate of registration shall be issued to the same licensee or certificate of registration holder within a period of at least 1 year subsequent to the date of revocation;

(m) Whenever a new license or certificate of registration is issued by the Board to any business entity whose license or certificate of registration has been previously revoked, the issuance shall be treated as an initial issuance and the applicant shall be required to pay the fee, and in the case of contractors, shall be required to submit to the examination required of all other applicants;

(n) When any business entity, or a duly authorized agent or representative of such, acts as a contractor without first obtaining a license as provided herein, or any individual who continues to act as a contractor after his or her license or certificate of registration has been suspended or revoked, the Building Commissioner or his or her duly appointed representative may in the name of the Hobart Building Department bring actions in the Circuit or Superior Courts of Lake County, Indiana, for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory injunctive relief may be jointed with an action to recover the penalties provided in this ordinance;

(o) Any person or entity violating any provision of this chapter or refusing a lawful order issued by the Building Commissioner, or his or her duly appointed representative, shall be fined in a sum not less than \$10, nor more than \$300. Each day of the unlawful activity shall constitute a separate offense;

(p) Any business entity or duly authorized agent or representative which fails to renew its license or certificate of registration and continues to act as a contractor after the same has expired shall be fined in accordance with the provisions set forth herein; and

(q) Any person who acts as a contractor without first obtaining a license, as provided herein, shall be fined in a sum not to exceed \$2,500, as determined by proceedings before the Hobart Contractors Board of Licensing and Registration.

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(3) *Findings of fact.* The Board shall make findings of fact regarding suspension or revocation of a license and shall have the power to revoke a contractors license by a majority vote of the Board.

(Ord. 97-18, § 2-2)

(C) *Board composition.* The Contractors Board of Licensing and Registration shall consist of 7 members to be appointed as follows:

(1) The city's Engineer of the city shall, by virtue of his or her position, serve as a voting member and as the Chairperson.

(2) The Hobart Common Council shall appoint 1 member from the Hobart Common Council to serve on this Board.

(3) The Chairperson of the Hobart Plan Commission shall by virtue of his or her position serve as member of the Board.

(4) Three citizen members, representative of the building construction industry and residents or business owners within the city, shall be appointed by the Common Council.

(5) One citizen member, representative of the building construction industry who is a resident or business owner within the city, shall be appointed by the Mayor.

(6) All Board members shall be entitled to vote on all matters properly before the Board, unless the member declares a conflict of interest.

(Ord. 97-18, § 2-3)

§ 115.04 LICENSE APPLICATION.

(A) Except as otherwise provided in this chapter, any business entity which seeks to conduct business in the city as a contractor or specialty (sub) contractor, including HVAC contractor, is required to be licensed and/or registered by the city. Each business entity which satisfies all requirements of this chapter shall be issued a license and/or certificate of registration by the city, through the Clerk-Treasurer's Office.

(B) A business entity seeking to be licensed and/or registered as a contractor or specialty (sub) contractor, including HVAC contractor, shall file a written application on a form to be provided by the city's Engineer's Office.

(C) The application shall be filed on behalf of the business entity and shall also contain the name of the individual owner, officer or employee who will manage the business. In the event that the named manager shall cease to act in that capacity, within 30 days the business entity must notify the city and submit an application that names another individual as the manager. Each additional individual owner, officer or employee of the business desiring to act as a contractor or specialty (sub)contractor on behalf of the business enterprise shall submit a separate application; but, shall not be required to pay an additional license or registration fee. In the event that the individual ceases to be associated with the business entity, his or her license or certificate of registration shall become null and void.

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(D) The application shall be signed by the applicant or its duly authorized officer.

(E) The application shall be accompanied by 2 recent photographs of the applicant (size 1-1/2 inches x 2 inches).

(F) Upon the filing of the application, the city's Engineer may investigate (or direct the investigation by his or her staff) the information on the application and, in the event any false information has been knowingly or willfully stated, may refuse to examine, and may direct the Clerk-Treasurer to refuse to register the applicant.

(G) Except as provided in this chapter, all applicants shall pass a written examination regarding matters pertinent to the category of license requested.

(H) (1) Before a license or certificate of registration is issued by the Clerk-Treasurer to any applicant, the Board shall require the applicant to show proof he or she has obtained a unified license bond as provided in I.C. 22-11-3.1-2.

(2) This unified license bond is in lieu of any other bond for this type of work required by the City of Hobart and the bond must be in an amount equal to \$5,000.

(3) The unified license bond shall be held for compliance with the ordinances, statutes and regulations governing business in the City of Hobart and the State of Indiana.

(4) The unified license bond shall be filed with the county's Recorder.

(I) Whenever any contractor's license or certificate of registration issued under the provisions of this chapter is revoked by the Board, the Clerk-Treasurer shall deliver the bond of the offending licensee to the city's Attorney of the City of Hobart, Indiana, who shall institute proceedings to forfeit the bond.

(J) All licenses are for a term beginning January 1 and ending December 31 of the same calendar year. A license issued by the City of Hobart is valid until the contractor to whom the license was issued fails to perform any work under that license for a period of 5 years in which case the license expires. However, a contractor may not perform any work under a license in a subsequent calendar year prior to payment of the annual renewal fee in accordance with division (N) below.

(K) If a contractor who is issued a license by this city allows his or her license to expire, he or she will be required by the city to reapply for a new license.

(L) Upon receipt of an application for renewal by an applicant, who during the preceding licensed or registered period has violated any of the provisions of this chapter or any rules promulgated by the Board, the Board shall make such investigation as it deems necessary to determine the fitness of the applicant for renewal of his or her license or certificate of registration. In the event the Board determines after the investigation that a question exists as to whether the application hereunder consideration should be renewed, they shall so advise the applicant and he or she shall, thereafter, within 30 days show cause to the Board why his or her license or certificate of registration should be renewed, they shall so notify the applicant and the applicant thereafter may seek remedies under the laws of the State of Indiana.

(M) No license or certificate of registration shall be renewed during any period a licensee or

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registrant is under citation by the Board for violation of any of the provisions of this chapter; however, the Board, at its discretion, may temporarily extend the, applicant's current license or registration for a period, or periods of time, not to exceed 30 days, or until the act complained of shall be heard by the Board, and during any period of appeal provided for by this chapter.

(N) The fees to charged by and paid to the Clerk-Treasurer by licensees or registrants for all licenses and certificates of registrations and renewals thereof shall be as set out in the Fee Schedule of this code.

(O) All fees assessed by the Common Council shall be paid in the Clerk-Treasurer's office, City of Hobart, Indiana, and shall be credited to the city's General Fund.

(P) (1) In the event a licensee or certificate holder shall have been convicted in this state or any other state of obtaining money under false pretenses, extortion, forgery, embezzlement or criminal conspiracy to defraud, or other like offenses, and a duly certified or exemplified copy of the record in the proceeding is filed with the Board, the Board shall vote to revoke the license or certificate of registration issued to the licensee/registrant holder.

(2) In the event of the revocation or suspension of the license issued to any member of a co-partnership, association or corporation, or an employee thereof, the license issued to the other co-partner, member or members of the firm, association or corporation shall be revoked unless within the time fixed by the Board, where a co-partnership or association, the connection of the member or employee whose license has been suspended (or revoked) shall be severed and his or her interest in the co-partnership or association, or his or her employment, thereby, in the case of an employee, be terminated, and his or her share in its activities brought to an end, or where a corporation, the offending officer or employee shall be discharged and shall have no further participation in the corporate activities.

(Ord. 97-18, § 3-1)

§ 115.05 TESTING PROCEDURES.

(A) The city's Engineer, with input from the Board, within 10 days of the date of final passage and adoption of this chapter, shall prepare and submit a draft of a test in each of the following classifications. The test shall include the substantive areas and cover material contained in the code specified herein:

- (1) General contractor license:
 - (a) Based on state building codes; and
 - (b) Covers:
 1. State building codes;
 2. Management and labor requirements;
 3. Safety requirements; and
 4. Legal requirements.

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- (2) Residential contractor license:
 - (a) Based on state’s One and Two Family Building Code; and
 - (b) Covers:
 - 1. One and Two Family Building Code;
 - 2. Management and labor requirements;
 - 3. Safety requirements; and
 - 4. Legal requirements.

- (3) Specialty (sub)contractor license, including HVAC contractor license:
 - (a) Based on applicable local and state codes; and
 - (b) Covers:
 - 1. State and local codes;
 - 2. Management and labor requirements;
 - 3. Safety requirements; and
 - 4. Legal requirements.

(B) The City Engineer shall review and revise the draft tests as he or she deems necessary to accomplish the stated intent of the provisions of this chapter. The city’s Engineer’s determination of the appropriateness of the test shall be conclusive.

(C) The test shall be administered in the city’s Engineer’s office each business day, upon receipt of a complete application. The city’s Engineer shall grade each test and notify the applicant in writing within 5 business days whether the test was passed. Any applicant who fails to qualify for a license as a contractor or specialty contractor shall not be eligible for re-examination for a period of 30 days. Any applicant who fails the second attempt shall not be eligible for re-examination for 1 year subsequent to the date of the last failure.
(Ord. 97-18, § 3-2)

§ 115.06 EXCEPTIONS; EXCLUSIONS.

This chapter does not apply to the following:

- (A) An authorized employee of the United States, the State of Indiana, County of Lake or any political subdivision thereof, so long as the employee does not hold himself or herself out for hire and is acting within the scope of his or her employment;

- (B) Public utilities, where construction, maintenance and development work performed by their own forces and incidental to their business;

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(C) The owner-occupant of a dwelling of 2 or less residential units when the owner-occupant is installing, altering or repairing the residential unit;

(D) Any construction, alteration, improvement or repair of improvements located on any site and project where state and federal law supersedes this chapter; and

(E) Any individual who is employed or acts as a maintenance person and provides maintenance work only at his or her place of employment.
(Ord. 97-18, § 4-1)

§ 115.07 REGISTRATION; ENFORCEMENT.

(A) Nothing in this chapter shall limit the power of a political subdivision to regulate the quality and the character of work performed by contractors through the enforcement of building codes and inspections.

(B) State licensed plumbers and well diggers shall be required by the City of Hobart to pay a fee as prescribed by this chapter for a certificate of registration empowering the aforementioned contractors to perform work in the City of Hobart, Indiana, license shall only be renewed in person with verification of identification.
(Ord. 97-18, § 5-1)

§ 115.08 IDENTIFICATION.

Every contractor's license shall be displayed at the contractor's principal business office or place of employment. All licensed contractor vehicles used in the City of Hobart shall be clearly identified with the name of the contractor's firm or corporation on the vehicle.
(Ord. 97-18, § 6-1)

§ 115.09 LEGAL PROCEEDINGS.

During any proceeding before the Board, should any contractor or witness fail or refuse to attend a request issued by the Board or should any representative appearing, refuse to provide any information or data, the production of which is called for by the Board shall constitute grounds for the Board, by majority vote, to revoke the license.
(Ord. 97-18, § 7-1)

§ 115.10 INSURANCE.

Property damage and personal injury insurance forms shall be filed with the Hobart Clerk-Treasurer's Office by the licensed contractor. The limits for such policies are \$500,000 per occurrence with a yearly aggregate coverage of \$1,000,000.
(Ord. 97-18, § 9-1)

§ 115.11 RIGHT TO APPEAL.

Any person or contractor shall have the right to appeal any order of the Board, first to the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana, in accordance with the provisions of I.C. 22-13-2-7 and I.C.4-21.5-3-7. (Ord. 97-18, § 10-1)

§ 115.12 EFFECTIVE DATE.

These provisions shall become effective 10 days after their final passage and adoption. (Ord. 97-18, § 11-1)

Rental Property Registration

§ 115.20 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

(A) No person shall maintain a rental housing property or a rental unit within the City unless in accordance with the provisions of this chapter.

(B) This chapter applies to all real property in the City, which real property is used as rental housing, for all or part of any year.

§ 115.21 REQUIRED REGISTRATION FOR RENTAL HOUSING.

(A) Any owner of real property used as rental housing in the City shall be required to register all such properties with the City Building Department on an annual basis by July 15 of each year. The registration shall be effected by furnishing to the Building Department, upon an annual registration form, the following information:

- (1) Name of the owner and its designated representative, if any;
- (2) Address, telephone number, and e-mail address of the owner and its designated representative, if any; and
- (3) Address of rental units subject to this article;
- (4) Other information as designated by the Building Department.

(B) No registration or renewal will be accepted by the Building Department without a showing of full liability, fire or other insurance equal to the value of the property insured, including the cost of demolition of the property insured. Personal information provided for this purpose will be kept confidential by the Building Department. Alternatively, a bond or letter of credit from a federally insured financial institution may be filed with the Building Department in an amount equal to the value of the property insured or \$25,000, whichever is greater, which will be used to cover the cost of demolition should the property be damaged by fire, accident, natural disaster or lack of maintenance by the owner.

(C) There shall be a \$5.00 registration fee assessed for each apartment, rental dwelling or

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rental unit, at the time the rental property is initially registered with the City. Rental units that are part of a rental community shall be imposed a \$5.00 registration fee for the rental community. If a rental unit is not part of a rental community, the registration fee shall be imposed for each separate parcel of real property on which a rental unit is located. There shall be an annual renewal fee of \$5.00 after the initial registration for rental properties properly registered pursuant to this chapter. A new registration form and payment of the annual renewal fee must be completed each year no later than July 15. If a property is purchased after July 15 of the current calendar year, the registration and the fee shall be completed within 30 days of the effective date of purchase or obtaining title to the real property. A late fee of \$100.00 shall be assessed for rental property that is not registered by July 15, or if the property is purchased after July 15 of the current calendar year, within 30 days of the effective date of purchase or obtaining title to the real property, or for rental property registration renewals, not registered annually by July 15. Falsification of this information invalidates the registration and it is the property owner's duty to notify the City immediately should the information change. Nothing in this section explicitly or by implication permits any rental housing owner or landlord to rent an uninhabitable, unsafe, or other dangerous unit and no rental registration refund shall be made for such units.

(D) Failure to register any or all real property or unit as rental housing with the City shall constitute a violation of this subchapter and shall subject the owner to a fine up to \$2,500 per unit, per day of violation, with second and subsequent violations punishable by up to \$7,500 per unit, per day pursuant to the general penalty provisions of §10.99.

(E) Fraud in the application process or intentionally failing to provide correct information will invalidate the registration for that year, and the property owner will have the rental registration for that unit revoked. Initial registration is required by July 15 of the current calendar year, or if the rental property is acquired after July 15, within 30 days of the effective date of purchase or obtaining title to the real property which will be used as a rental. Any owner that removes the property from rental use, sells or otherwise transfers the property must contact the Building Department within 30 days of the transfer or the property owner will be found to be in violation of this section.

(F) A late fee of \$100.00 shall be assessed for rental property that is not registered by July 15 of the calendar year, or if the rental property is purchased after July 15, within 30 days of the effective date of purchase or obtaining title to the real property. For rental property registration renewals, the late fee of \$100.00 shall be assessed for rental property not registered annually by July 15.

(G) No landlord or property owner shall allow, assist, permit, aid, or consent to ignore obvious illegal activity or conduct occurring on his or her property in the City. The use of rental property in the City for illegal activity is grounds for revocation of the registration for that location. No owner or landlord shall permit a nuisance to occur at the property once notified of said nuisance, and shall inform the tenant that he or she is responsible for following all City ordinances and state laws while residing at that location. An owner or landlord, whose rental registration is up for revocation, may request a hearing before the City of Hobart Board of Public Works and Safety, should the City commence a revocation action and the decision of the Board of Public Works and Safety may be appealed to the Superior Court as provided by law.

(Ord. 2020-35)

BUSINESS LICENSING

§ 115.31 PURPOSE.

The purpose of this article is to ensure that, in the conduct of certain businesses and occupations designated in this article, the public health, safety and welfare is maintained. The provisions of this article shall be applicable to all business licenses issued by the City unless otherwise stated.

§ 115.32 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES OR BUSINESSES

(A) A license shall be required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, and any person shall be subject to the requirement if by himself/herself or through an agent, employee or partner, he/she holds himself forth as being engaged in the business or occupation; or solicits patronage of such business or occupation within the City limits of the City of Hobart, Lake County, Indiana.

(B) No person shall engage in any trade or business for which a City license is required without first applying for and obtaining a license from the City of Hobart Building Department or other identified duly authorized issuing authority.

(C) A license shall not be issued unless all applicable inspections have been complied with as required in CHAPTER 93: FIRE PROTECTION.

(D) Notwithstanding anything aforesaid to the contrary, any owner of real property subject to the terms of §115.20 RENTAL REGISTRATIONS shall be exempt from this section.

(E) Organizations supported by the State of Indiana property taxes and faith-based institutions are exempt from the licensing fees in § 115.40. These organizations *are* required to submit the standard application forms.

§ 115.33 SEPARATE LICENSE REQUIRED FOR EACH PLACE OF BUSINESS.

Every person engaging in an activity required to be licensed shall obtain a license for each separate office or place of business conducted by such person.

§ 115.34 CONTENTS OF LICENSE.

(A) Applications for all licenses required by an ordinance of the City shall be made in writing to the City of Hobart Building Department in the absence of provisions to the contrary. Each application shall state the following information:

(1) Full name, permanent residence and address of the applicant; and

(2) The name of the firm or corporation represented, if any, together with the address of the central or district office of such firm or corporation, and a real estate contact at the central office; and

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- (3) A description of the goods and/or services to be offered; and
- (4) Number of employees, hours of operation, zoning classification, status of occupancy (deed owner, lessee, etc.); and
- (5) Internal site diagram including square footage of the business location(s), its layout and design and external access points; and
- (6) Certificate of Insurance; and
- (7) Such additional information as may be needed for the proper guidance of City officials in the issuance of the license applied for and for emergency matters. (The license application fee is nonrefundable.)

(B) Foreign Corporations. Any foreign corporation doing business in the City shall furnish a copy of its certificate of authority from the secretary of state's office, in addition to all other documents required by this chapter, prior to the issuance of a business license by the City.

(C) Each business located within the boundaries of the City of Hobart, upon being licensed/permitted or obtaining any renewal thereof, shall provide as part of its submission a plan describing how its solid waste will be managed.

(D) Strip malls, business complexes, multiple use business facilities, and other like properties containing more than one business type on the premises can jointly file a plan to be referenced by each business in the facility, complex, association, and/or mall. Said combined solid waste plan shall be approved by the owner of the property, facility, complex, association, and/or mall prior to submittal to the City by any one or more of the entities in the facility or on the property.

(E) It shall be unlawful to knowingly make any false statement or representation in the license application.

§ 115.35 STANDARDS; INVESTIGATIONS; ISSUANCE OF LICENSE.

(A) Forms for all licenses required by ordinance of the City, and application therefore, shall be prepared and kept on file by the City of Hobart Building Department.

(B) Upon such application for a license to the Building Department, accompanied by the proper fee, if approval by another officer or department is not required, the Clerk-Treasurer shall forthwith deposit the fee in the General Fund of the City and issue to the applicant a proper certificate signed by the Clerk-Treasurer and any other appropriate city official.

(C) Upon the receipt of an application for a license where an ordinance of the City necessitates an inspection or investigation before the issuance of such license, the Building Department shall refer such application to the proper office for making such inspection or investigation, at the discretion of the Building Department or other relevant City Department, it is determined an inspection is necessary. All new businesses in the City of Hobart, as part of the Business License application, are required to comply with all applicable provisions of CHAPTER 93: FIRE PROTECTION and any other provision of the City of Hobart Code for the purposes of

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ensuring that all City of Hobart codes and regulations are being followed. A license will not be issued until such inspections have occurred. The officer charged with the duty of making an inspection or investigation shall make a report thereon, favorable or otherwise, within twenty (20) working days after receiving the application or a copy thereof. All other investigations, except where otherwise provided, shall be made by the City official designated by the Common Council of the City of Hobart.

(D) In the initial year of the implementation this ordinance (2025), a license may be issued prior to the completion of all the required inspections if an occupancy permit has been issued. The inspection schedule shall be determined by the Fire Department based on the size of the location of the business, delineated as follows: Tier 1 – Small Buildings (less than 2000 sq ft); Tier 2 – Small to Medium Buildings (2000 to 10,000 sq ft); Tier 3 – Large Buildings (50,000 to 200,000 sq ft); Tier 4 – Very Large Buildings and High-Risk Facilities (over 200,000 sq ft and high-risk facilities such as hospitals, industrial facilities with hazardous materials, high-rise buildings, etc.) The City shall have the authority to revoke any pre-inspection license issued to a business which fails any required inspection.

The following restrictions and procedures govern the issuance and renewal of a business license:

(1) There shall be a mandatory five-day (business days) hold period on all new Business License applications submitted.

(2) The Building Department may elect to hold the license for an additional twenty-day period to conduct any research or gather information related to the Business License request.

(3) Following either the five-day (business days) or twenty-day (business days) hold period, the Building Department and the Fire Inspector shall present the findings to the City of Hobart Clerk-Treasurer who must rule in favor or denial of the Business License application.

(4) The Clerk-Treasurer shall not renew an existing Business License in the event that the business has one or more delinquent fines for false alarms.

(5) If a denial is made by the Clerk-Treasurer the business applicant shall have the right to appeal the decision to the Mayor. The Mayor shall have ten (10) days (business days) to rule in favor or denial on the initial decision of the Clerk-Treasurer.

(6) If the Mayor elects to uphold the Business License application denial from the Clerk-Treasurer, the applicant will not be permitted to resubmit the application for one month.

(7) If the application is denied a second time by the Clerk-Treasurer, and if the denial is subsequently upheld by the Mayor, then the applicant shall not be permitted to submit a new Business License application for an additional six (6) months.

§ 115.36 BOND AND INSURANCE.

Whenever the designated officer receives an application for a license or permit which, upon investigation, is a business in which the citizens of the City are or may be exposed to personal injury or property damage, the officer shall require that the applicant provide a bond and evidence of insurance. The amount and form of the bond and insurance shall be approved by the Clerk-

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Treasurer, and no license or permit shall be issued until the bond and insurance so required have been approved. This section shall comply with the terms of Ind. Code § 36-1-4-2.

§ 115.37 DATE AND DURATION OF LICENSE.

(A) The term of renewal for a Business License within the City shall be for a period of one year commencing January 1 and ending December 31. A license shall not extend beyond December 31 of the year issued. However, at any time after December 1, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issuance of the license.

(B) Receipting of required fees by the Clerk-Treasurer in no way presupposes or acts as an issuance of a Business License. If it is found that the business applicant is in violation of the City of Hobart regulations, laws, and or codes; and is subsequently denied a Business License, the required fees paid at the time of application will be kept by the City of Hobart for costs associated from the inspections and application process.

§ 115.38 BUILDINGS AND PREMISES TO COMPLY WITH CITY REGULATIONS.

No license shall be issued for the conduct of any business if the premises and building to be used for the purpose do not fully comply with the requirements of the City.

§ 115.39 ISSUANCE FOR UNLAWFUL ACTIVITIES PROHIBITED.

No license shall be issued for the conduct of any business or performance of any act which is in violation or which would involve a violation of any ordinance of the City or law, rule or regulation of the state or of the United States.

§ 115.40 BUSINESS LICENSE FEES.

(A) Any person maintaining, operating or conducting any business or establishment, or doing business, or engaging in any activity or occupation in the City shall pay the following fees:

- (1) New Business License Fee (100.00).
- (2) Annual renewal Business License fee: Seventy-Five dollars (\$75.00).
- (3) Late renewal fee after February 1: Fifty Dollars (\$50.00). There shall be no late fees charged in the initial year of implementation (2025).

§ 115.41 LICENSE NOT TRANSFERABLE

Every license shall be issued to a real party in interest in the trade or business; and, unless otherwise provided, no license shall be assigned or transferred.

§ 115.42 LICENSE CERTIFICATE TO BE DISPLAYED

Every licensee carrying on a trade or business at a fixed location shall keep the license certificate posted in a prominent place upon the licensed premises. Other licensees shall carry their license on their person while conducting their trade or business.

§ 115.43 REVOCATION, SUSPENSION—GROUNDS

(A) Any license required by City ordinances may be suspended or revoked by the City of Hobart Board of Public Works and Safety for any one or more of the following reasons:

- (1) Violation by the licensee of an ordinance of the City;
- (2) Violation by the licensee of any law, rule or regulation of the state or of the United States, or any department or division thereof;
- (3) Misrepresentation or falsification of statements in the application for a license;
- (4) Just cause.

(B) Following three (3) official negative citations/incidents to the Hobart Police Department and/or Code Enforcement, exempting citations resulting from CHAPTER 97: PRIVATE EMERGENCY ALARM SYSTEMS, the Mayor may elect for an immediate investigation into the activities of the business. Following this investigation, the Mayor may revoke the Business License in accordance with the established procedures.

§ 115.44 PROCEDURE

A) *Notice to correct violations.* In the event the enforcement officer designated by the City of Hobart Board of Public Works and Safety has reason to believe that a violation as described in § 115.43 by the licensee can be corrected, the enforcement officer shall serve written notice upon the licensee setting forth the violations, and the licensee shall have not less than five (5) nor more than thirty (30) days, as set by the enforcement officer, to correct the violation and to submit evidence of the correction to the enforcement officer.

(B) *Mayors Authority.* The Mayor may suspend or revoke any license for one or more of the reasons set forth in § 115.43.

(C) *Hearings.* Before the suspension or revocation of any license, the Mayor or the code enforcement officer shall give written notice to the licensee of the violation and set forth therein a date for hearing for the purpose of suspending or revoking such license. Such hearing for suspension or revocation shall be held not less than ten (10) days after the personal service of or the mailing of the written notice; however, in the event the Mayor believes that immediate and irreparable harm or damage to person or property may occur by reason of the violation, the hearing may be held after twenty-four (24) hours following the personal service of or the mailing of the written notice.

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(D) *Effect of revocation or suspension.* The suspension or revocation shall be supplementary to any other proceedings provided by this article and shall not stay any other enforcement provisions of this article.

(E) *Reapplication restricted.* Any licensee whose license has been revoked shall have the right to reapply for a license upon application and payment of all fees.

(F) *Authority to deny upon reapplication.* The Mayor may deny a license to any applicant who has had a license issued by the City revoked.

(G) *Right of appeal.* In the event that a Business License is suspended or revoked by the Mayor, the business has the right to appeal to the City of Hobart Board of Public Works and Safety within five (5) working days of the time of appeal.

§ 115.45 PENALTY

Any business failing to comply with any provision of this article shall be subject to the general penalty provisions of § 10.99. A separate offense shall be deemed committed on each day in which a violation occurs or continues.

(Ord. 2025-02)

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