

ORDINANCE NO. 10-01 3

**AN ORDINANCE TO AMEND ORDINANCE 05-07 A SOLICITATION
REGISTRATION SECTION OF THE WHITELAND MUNICIPAL CODE**

WHEREAS, the Town of Whiteland, Indiana (the "Town"), has determined it necessary to regulate door-to-door soliciting within the Town;

WHEREAS, the Town desires to protect its citizens from crime and undue annoyance by regulating door-to-door soliciting; and

WHEREAS, the Town previously adopted Ordinance 05-07 on January 9, 2006, adding a door-to-door solicitation section as Chapter IX of the Whiteland Municipal Code; and

WHEREAS, the Town now desires to amend Chapter IX of the Whiteland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Town of Whiteland that Chapter IX of the Whiteland Municipal Code is amended to read as follows:

Section 1. Door-to-Door Solicitation. The method of vending products or property by solicitation of sales, contributions, support, endorsements, or other benefits, from Town of Whiteland residents, occupants, or tenants, by entering upon private residences in the Town and seeking such benefits without having been invited to do so.

Section 2. Public Fora Solicitation. The method of vending products or property by solicitation of sales, contributions, support, endorsements, or other benefits, from Town of Whiteland residents, occupants, or tenants, by performing such act upon public sidewalks, parks or any other public forum.

Section 3. Solicitation Registration. All persons engaged in the practice of door-to-door or public fora solicitation in the Town must first register with the Clerk-Treasurer of the Town (the "Clerk-Treasurer").

Section 4. Registration Procedures. Each person seeking to engage in such solicitation must provide the Clerk-Treasurer with the following information under oath or affirmation on duplicate forms to be prescribed and furnished by the Clerk-Treasurer:

1. the name, address and phone number of the registrant and the corporation or other business, if any, on whose behalf the registrant is soliciting;
2. the name, address and phone number of the immediate supervisor of the registrant, if any, or, in the alternative, the responsible party the Town should contact in the event of

- any question, issue, event or altercation occurring in the Town or on the private property of a resident of the Town;
3. the type of goods for which the registrant is soliciting orders (if applicable);
 4. the geographic area(s) within the Town that the registrant will be soliciting;
 5. the time period that the registrant will be engaged in soliciting within the Town; and
 6. copy of the Indiana Retail Merchants Certificate.

Organizational Registration. The Clerk-Treasurer may allow one person to file on behalf of all persons soliciting for one organization, corporation, or association. The registrant must provide the name(s) of the supervisor of the persons and the geographic area(s) each person will be soliciting. The registrant must amend the information provided to the Clerk-Treasurer to reflect changes that occur.

Registration Fee. Each registrant shall pay a one hundred fifty dollar (\$150.00) fee for each event or period of solicitation. Each person listed on an application must pay a five dollar (\$5.00) fee for each set of fingerprints required below for each event or period of solicitation.

Copy of Registration to Police. The Clerk-Treasurer must transmit a duplicate copy of each registration form to the Police Chief on the town, who must also keep a file of such registration form and will then take fingerprints for each person listed on the application. When completing the check applicant will need to indicate this check is for a 'review challenge'. Indiana State Police procedures will be provided to applicant and must be completed.

Bond. Each registrant must obtain and attach thereto a cash or surety bond in the penal sum of Five Hundred Dollars (\$500.00) from a surety company approved by the Town. The bond will ensure and guarantee that all goods, wares, merchandise and the like sold by the Vendor will be as represented and that a refund in full will be promptly given for any goods, wares, merchandise and the like sold by the Vendor will be as represented by the Vendor. Any person aggrieved by the Vendor's actions or inactions may petition the Town Council for recovery on the bond as appropriate.

Section 5. Time Restraint for Door-to-Door Solicitation. Solicitation must only occur during daylight hours.

Section 6. Duration of Registration. Each registration form is valid for a duration of ninety (90) days. The registrant must then file another registration form with the Clerk-Treasurer in accordance with the provisions of this Section.

Section 7. Exemptions. This Ordinance does not apply to the following:

1. the sale, soliciting of orders for the sale, or the delivery to any such premises of dairy products, vegetables, fruits, meat, poultry, eggs, groceries, bread or any other farm and garden produce and foods or liquid products, so long as such actions are not in violation of this Code or other Town, State of Indiana or Federal laws, rules or regulations; or
2. the delivery of any merchandise or other articles of any kind previously purchased or ordered by or for the owner or occupant of such premises.
3. Religious, political, and other protected First Amendment speech that does not involve “door-to-door” selling, soliciting, canvassing, peddling, merchandising, promoting, or the brokering of products or property is not subject to provisions of this Ordinance relative to registration.
4. Whiteland resident minors and any not-for-profit organizations which are exempt from the Indiana Gross Retail Tax under Indiana Code §6-2.5-5-26, as amended from time to time.

Section 8. Restrictions on Solicitation. The following restrictions will be placed on each solicitor:

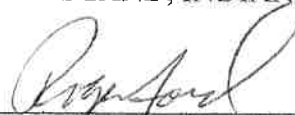
1. Solicitors will wear I.D. cards in a visible manner;
2. Solicitors will in no way express that the Town, any government agency, or any organization other than their own is sponsoring and/or connected with their activities; and
3. Solicitors will not engage in any deliberate touching of unconsenting persons.
4. No person shall be upon or go upon any street or roadway or shall be upon or go upon any shoulder of street or roadway for the purpose of soliciting employment, business, or charitable contributions of any kind from the occupant of any vehicle.

Section 9. Penalty for Violations. Any person, persons, firm, corporation, or organization violating this Chapter shall be fined a sum of One Hundred Dollars (\$100.00) for each day of the violation of this Ordinance up to a maximum of \$2500 for the first violation. For each subsequent violation of this Ordinance, the maximum will be up to \$7500.


Section 10. Conflicting Provisions. If any of the provisions of this Ordinance is in conflict with provisions with other provisions of other ordinances, the provisions in this Ordinance will control.

PASSED AND ADOPTED on the 12th day of July, 2010.

TOWN COUNCIL OF THE TOWN OF
WHITELAND, INDIANA

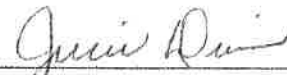


Roger Ford, President



Ed Tichenor, Vice-President

David Kelsay, Member




Julie Dwire, Member



Alan Whitaker, Member

ATTEST:



Michelle Gabehart, Clerk-Treasurer