

ORDINANCE 2017-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE, INDIANA
SETTING LICENSURE REQUIREMENTS ON THE ACTS OF PEDDLING AND ITINERANT
VENDING AND SETTING STANDARDS FOR CANVASSERS AND SOLICITORS.

WHEREAS, the Town of Cloverdale ("Town") desires to regulate the acts of Peddling and Itinerant Vending within Town limits;

WHEREAS, the Town desires to provide guidance on the acts of Canvassing and Soliciting within Town limits;

WHEREAS, the Town seeks to protect the interests of its citizens and businesses by setting standards on certain types of conduct within Town limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE, INDIANA, as follows:

Definitions.

- a. *Peddler* - A peddler is a transient person who temporarily engages in the making or selling of goods, wares or merchandise of any kind whatsoever. Such items, goods, wares or merchandise can be peddled from door to door, sold or hawked upon the streets or other public places. Delivery of said goods, wares or merchandise occurs at the time the sale is consummated.
- b. *Itinerant Vendor* - a person or business entity that sells goods, wares or merchandise from a vehicle, building, structure, or lot with the intent of remaining at that location for a limited period of time.
- c. *Solicitor* - a person who goes door to door to obtain orders for goods or services that will be delivered or fulfilled at a later time.
- d. *Canvasser* - A person, group, or organization that goes door to door for the purposes of disseminating religious, political, social or other ideological beliefs, and includes any person who canvasses or distributes pamphlets or other written materials intended for non-commercial purposes. Requests for donations to directly support the non-commercial purpose of disseminating religious, political, social or other ideological beliefs and which are incidental to such advocacy shall be considered non-commercial solicitation.
- e. *Growing Season* - May 1 through November 1.
- f. *Time of Business* - All Peddlers or Itinerant Vendors may engage in business from the hours of 9:00 a.m. through 6:00 p.m. during the days Sunday through Saturday, inclusive, from October 31 to April 30, inclusive, and to the hours of 9:00 a.m. through 10:00 p.m. during the days Sunday through Saturday, inclusive, from May 1 to November 1, inclusive.
- g. *Week* - any seven consecutive days.

License required.

It shall be unlawful for any Peddler or Itinerant Vendor to operate within the Town without having first obtained a license in compliance with the provisions of this Ordinance.

Exceptions.

This Ordinance shall not apply to:

- a. Sales made to dealers by Solicitors, commercial travelers, or selling agents in the usual course of business;
- b. Sales made by Sheriffs, administrators, guardians, receivers or other properly elected and qualified officers;
- c. Sales made by producers of farm or dairy products where such produce was raised or produced on the premises of the seller;
- d. Sales of newspapers by one who has a regular and established route for sale of the same; or
- e. Sales by unpaid agents or members of a nonprofit or community organization engaged in such activities for the purpose of raising money to be used solely for charitable, community service, nonprofit recreational or religious purposes, consistent with the organization or group's charter or organizational purposes (this does not include temporary vendors selling goods or items at community organization sponsored events);
- f. Canvassers going door to door for the purposes of disseminating religious, political, social or other ideological beliefs, distributing pamphlets or other written materials intended for non-commercial purposes, or requests for donations to directly support the non-commercial purpose of disseminating religious, political, social or other ideological beliefs of which are incidental to such advocacy; or
- g. Any veteran, pursuant to the provisions of Indiana Code 25-25-2-1, who holds an honorable discharge issued by proper authorities.

Non-Transferability.

- a. All licenses are non-transferable.

Expiration of License.

- a. All licenses issued pursuant to this Ordinance shall expire December 31st of the calendar year that the license was issued.

Licensure.

No license shall be valid for more than one (1) year. Fee for licensure is:

- a. \$5.00 per day.
- b. \$20.00 per week.
- c. \$30.00 per month.
- d. \$60.00 per season.
- e. \$120.00 per year.

All fees collected shall be deposited into the Town's General account.

Procedure for Application.

Not less than *three* days prior to the issuance of any license by the Clerk-Treasurer, an applicant for a license, as a condition precedent to the issuance of such license, shall, in writing and on forms provided by the Clerk-Treasurer, file with the Clerk-Treasurer a sworn application,

- a. A valid photo identification card;
- b. Permanent home address and full local address of the applicant;
- c. A brief description of the nature of the business and the goods to be sold by applicant;
- d. If employed, the name and the address of the employer, together with credentials establishing the exact relationship;
- e. Proof of a valid Indiana Retail Merchant's Certificate and/or a valid county health permit (if applicable);
- f. The length of time for which the right to do business is desired;
- g. The manufacturer or producer of the goods or products proposed to be sold, the address of the principal place of business, and point of manufacture or production of such goods or products and the proposed method of delivery (if applicable);
- h. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

Display of License.

All Peddlers or Itinerant Vendors shall display the license when requested to do so by any person when offering to sell any goods, wares, or merchandise, or to any police officer of this Town, County, or State when so requested.

Revocation of License.

Licenses issued may be revoked by the Town Council after notice and hearing, for any of the following causes:

- a. Fraud, misrepresentation or false statement contained in the application;
- b. Fraud, misrepresentation or false statement made in the course of carrying on business as an Itinerant Vendor or Peddler;
- c. Any violation of this Ordinance;
- d. Selling of counterfeit goods or merchandise;
- e. Conviction of any crime or misdemeanor involving moral turpitude;
- f. Non-compliance with Time of Business requirements;
- g. Conducting the business of Itinerant Vending or Peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Notice of Hearing for Revocation of License.

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five (5) days prior to the date set for hearing.

Grounds for Revocation.

The Town Council may revoke or suspend any license if it finds, after proper notice and hearing, that the person has willfully violated a term or condition of licensure, or has willfully done or permitted to be done an act in violation of a statute or provision of this Code. The Town Council shall file a copy of its findings and determination with the Clerk-Treasurer within twenty-four (24) hours after they are made.

Compliance with Prohibitory Requests.

Peddlers and Itinerant Vendors shall comply with all prohibitory requests made by business or home owner. Requests may be in signage posted by business or home owner, conversation between Peddler or Itinerant Vendor and business or home owner, or any other method of communication.

Fines.

Any person found to have violated this can be fined in the sum of not less than twenty-five dollars (\$25.00) nor more than Three Hundred (\$300.00) dollars for each violation thereof. Each separate act of attempted or accomplished Peddling or Itinerant Vending without a license shall constitute a separate offense.

Requirements on Canvassers and Solicitors.

Canvassers or Solicitors may operate within the Town from the hours of 8:00 a.m. through 8:00 p.m. during the days Sunday through Saturday, inclusive, from October 31 to April 30, inclusive, and from the hours of 8:00 a.m. through 10:00 p.m. during the days Sunday through Saturday, inclusive, from May 1 to November 1, inclusive.

Canvassers or Solicitors are not required to apply for licensure.

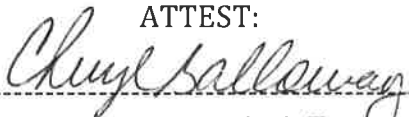
Canvassers or Solicitors shall comply with all Town Ordinances and all State and Federal laws and regulations.

Canvassing or Soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public is prohibited.


Canvassers and Solicitors shall comply with all prohibitory requests made by business or home owner. Requests may be in signage posted by business or home owner, conversation between Canvasser or Solicitor and business or home owner, or any other method of communication.

Dated this day Dec 1ST 2017

ATTEST:



Cheryl Calloway, Clerk Treasurer



Coweta Patton, Council President

I affirm, under penalties, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

This Document was created by Daniel Hofmann Attorney