

CHAPTER 112: SOLICITATION REGISTRATION

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§ 112.01 DOOR-TO-DOOR SOLICITATION.

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

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10)

§ 112.02 PUBLIC FORA SOLICITATION.

The method of vending products or property by solicitation of sales, contributions, support, endorsements or other benefits from town residents, occupants or tenants by performing such act upon public sidewalks, parks or any other public forum.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10)

§ 112.03 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.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10) Penalty, see § 112.99

§ 112.04 REGISTRATION PROCEDURES.

(A) 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.

(B) *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.

(C) *Registration fee.* Each registrant shall pay a \$150 fee for each event or period of solicitation. Each person listed on an application must submit a confirmation of fingerprints from a law enforcement agency for each event or period of solicitation for each individual conducting the event or solicitation.

(D) *Copy of registration to police.* The Clerk-Treasurer must transmit a duplicate copy of each registration form to the Police Chief 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.

(E) *Bond.* Each registrant must obtain and attach thereto a cash or surety bond in the penal sum of \$500 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.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10; Am. Ord. 2013-07, passed 5-13-13)
Penalty, see § 112.99

§ 112.05 TIME RESTRAINT FOR DOOR-TO-DOOR SOLICITATION.

Solicitation must only occur during daylight hours.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10) Penalty, see § 112.99

§ 112.06 DURATION OF REGISTRATION.

Each registration form is valid for a duration of 90 days. The registrant must then file another registration form with the Clerk-Treasurer in accordance with the provisions of this chapter.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10)

§ 112.07 EXEMPTIONS.

This chapter does not apply to the following:

(A) The sale, soliciting of orders for the sale, or 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 or federal laws, rules or regulations.

(B) 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.

(C) 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 chapter relative to registration.

(D) Town resident minors and any not-for-profit organizations which are exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26, as amended from time to time.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10)

§ 112.08 RESTRICTIONS ON SOLICITATION.

(A) Solicitors will wear I.D. cards in a visible manner.

(B) 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.

(C) Solicitors will not engage in any deliberate touching of unconsenting persons.

(D) 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.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10) Penalty, see § 112.99

§ 112.99 PENALTY.

Any person, persons, firm, corporation or organization violating this chapter shall be fined a sum of \$100 for each day of the violation of this chapter up to a maximum of \$2,500 for the first violation. For each subsequent violation of this chapter, the maximum will be up to \$7,500.

(Ord. 05-07, passed 1-9-06; Am. Ord. 10-03, passed 7-12-10)