

CITY OF BOONVILLE, INDIANA
APPLICATION FOR PERMISSION TO SOLICIT

NAME: _____

HOME ADDRESS: _____

HOME PHONE #: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

HEIGHT: _____ WEIGHT: _____ HAIR COLOR: _____ EYE COLOR: _____

EMPLOYER: _____

EMPLOYER ADDRESS: _____

EMPLOYER PHONE: _____

ITEMS TO BE SOLICITED: _____

DATES FOR SOLICITATION: _____

TIME FOR SOLICITATION: _____

(SIGNATURE)

(DATE)

ORDINANCE NO. 2004-3

AN ORDINANCE AMENDED 1994-19 AN ORDINANCE REGULATING PEDDLING AND SOLICITING

BE IT ORDAINED:

SECTION 1: PEDDLERS AND HAWKERS LICENSE REQUIRED

A. No person shall engage in the business of hawking or peddling, with or without a vehicle or handcart, on or about the streets, alleys, hotels, business houses, private dwellings, or an public or private place in the City, or offer for sale from house to house or door to door, any jewelry, cutlery, clocks, medicine, goods, wares, or merchandise of any kind, or any meats, fish, fruits, produce, ice-cream, or other articles or things, or take orders for such goods, wares, or other articles or things for immediate or future delivery, without first having obtained a license therefor as provided in this title.

B. Nothing in this section shall be construed to apply to any farmer, gardener, or fruit or vegetable grower engaged in selling the produce of his own farm, orchard, or vineyard, located in Warrick County, or such a person who sells or takes orders for goods to be sold and delivered to merchants, traders, or dealers who purchase the goods for the purpose of resale.

C. Nothing contained in this section shall be construed to apply to news carriers. No person under the full age of 14 years of age shall engage in the business of hawking or peddling under any circumstances, with the exception of news carriers.

D. No license shall be transferable or shall authorize any other person than the one named therein to sell thereunder.

E. The word "person" shall mean any human being, partnership, association or corporation.

SECTION 2: BADGE AND VEHICLE SIGN: DISPLAY

A. When any license is issued pursuant to this section, the person to whom the license is issued shall be supplied by the Zoning Administrator, without additional charge, with a badge stamped or marked "Licensed Peddler" and it shall be numbered. The peddler shall keep the badge plainly displayed on the outside of his/her coat or clothes when engaged in peddling and shall surrender it on the expiration of the license.

SECTION 3: SALES MADE FROM VEHICLE OR HANDCRAFT

No person engaged in the business of hawking or peddling, as herein defined, shall conduct the business from a vehicle or handcraft which is standing in one location, whether occupied or not, except temporarily and then only for the purpose of and while actually engaged in the transaction of a sale. Any structure remaining over five (5) days shall be connected to City water and sewer.

SECTION 4: SOLICITORS LICENSE REQUIRED

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

"Goods, Wares, Merchandise, and Services", includes, but is not limited to magazines, periodicals, printed matter, and advertising space in any publication.

"Registration", shall not be construed to be a permit to enter privately-policed areas.

SECTION 5: REGISTRATION REQUIREMENT

No person over 14 years of age shall solicit orders from door to door or on any street or public place within the City for the future delivery of any goods, wares, merchandise or services, without first registering as provided in this ordinance.

SECTION 6: APPLICATION FOR PERMISSION TO SOLICIT

A. An applicant for permission to solicit order hereunder shall complete an application blank provided by the Zoning Administrator. The application blank shall contain the following information.

1. The name, home address, and local address, if any, of the applicant. The applicant must provide the Zoning Administrator with a copy of a valid merchant certificate issued by the Indiana Department of Revenue to applicant.
2. A physical description of the applicant, setting forth the applicant's age, height, weight, and color of hair and eyes. (Example: Driver's License and/or other picture I.D.)
3. The name and address of the person, firm, or corporation for whom or through whom orders are to be solicited or cleared, including both the home address and the address of the office or branch out of which the applicant works.
4. The nature of the goods, wares, merchandise, or services for which orders are to be solicited.

5. Written permission from the property owner of the location where peddler will be set up.

6. A statement as to the period during which the applicant intends to solicit orders, which shall be not longer than until December 31 of the calendar year during which the application is made.

7. A certificate of insurance in the sum of five hundred thousand dollars (\$500,000.00) shall be provided to the Zoning Administrator.

8. The applicant, at the time of executing the application blank, shall also submit identification satisfactory to the Zoning Administrator, which shall contain a specimen of the applicant's signature and a recent photograph of the applicant small enough to be attached to his/her application blank or card.

SECTION 7: FEES

The Zoning Administrator shall issue a license for peddling and soliciting upon the payment of fees as follows:

1. The applicant has tendered to the Zoning Administrator the sum of thirty dollars (\$30.00) for a period not to exceed one (1) week-end from Friday through Sunday; or

2. The applicant has tendered to the Zoning Administrator the sum of one hundred dollars (\$100.00) for a period not to exceed one (1) month; or

3. The applicant has tendered to the Zoning Administrator the sum of one thousand dollars (\$1,000.00) for a period not to exceed one (1) year.

4. All licenses shall terminate on December 31st at 12:00 A.M. in the year of issue.

SECTION 8: APPROVAL:

Upon compliance by the applicant with the provisions of this section, the Zoning Administrator shall stamp approval on the application blank submitted by the applicant.

SECTION 9: STAMPED CREDENTIALS NON-TRANSFERABLE

Stamped credential shall be non-transferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the City for the purchase of the merchandise specified in his/her application; however, the holder shall have his/her stamped

credentials in his/her possession at all times while soliciting orders and shall exhibit them at any time upon request by any law enforcement officer of the City or any purchaser or prospective purchaser. All food vendors are required to have approval and permit from the Warrick County Health Department.

SECTION 10: EXCEPTIONS

This ordinance shall not apply to:

- A. Salesmen selling goods to retail or wholesale stores for resale.
- B. Any person who has, and has had for the preceding twelve (12) months a regular place of business within the City.
- C. Any person employed by or soliciting for any person who has, or has had for the preceding twelve (12) months, a regular place of business within the City.
- D. Solicitation for or on behalf of churches, schools, or Indiana not-for-profit corporations.
- E. Mail order and catalog sales.

SECTION 11: REVOCATION OF LICENSE

A license issued pursuant to this ordinance may be revoked by the Zoning Administrator after notice and a hearing before the Board of Zoning Administration, for any of the following causes:

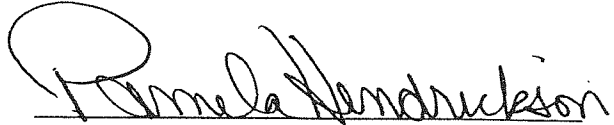
- A. Any fraud, misrepresentation, or false statements contained in the application for the license.
- B. Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise.
- C. Any violation of this ordinance; or
- D. Conducting the business licensed under this Chapter 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.

SECTION 12: PENALTY

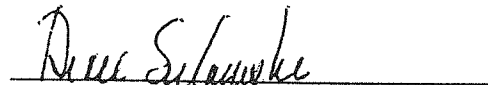
Any person violating any of the provisions of this ordinance shall be subject to a civil penalty as follows:

- A. \$250.00 for the first offense;
- B. \$500.00 for the second and each subsequent offense. Each days continued violation shall constitute a separate offense.


Adopted this 4th day of MARCH, 2004.


Pamela Hendrickson, Mayor

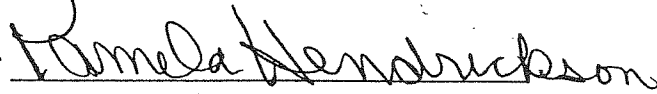
ATTEST:


Dixie Sulawske, Clerk-Treasurer

I HEREIN CERTIFY that an Ordinance 2004-3 was presented to the Mayor of the City of Boonville at 5:30 o'clock P M., on the 4th day of MARCH, 2004, for her consideration.


Dixie Sulawske, Clerk/Treasurer

BE IT REMEMBERED that an Ordinance 2004-3 was presented on the 4th day of March, 2004, for my consideration. Whereupon, after due deliberation, I herewith approved said ordinance.


Pamela Hendrickson,
Mayor, City of Boonville