

**APPLICATION FOR
PEDDLERS, SOLICITORS and TRANSIENT MERCHANTS**

NAME OR CORPORATION _____

ADDRESS _____

DATE OF INCORPORATION _____ **STATE** _____

PHONE # _____ **HOW MANY DAYS SELLING** _____

(If Corporation) OFFICER/HOLDER NAME _____

ADDRESS _____

NAME _____

ADDRESS _____

KIND OF BUSINESS _____

SALES MATERIAL TO BE USED _____

**IF PERMANENT OR MOBILE BUILDING IS TO BE TEMPORARILY USED
(LOCATION AND LENGTH OF TIME TO BE USED)**

DETAILED INVENTORY (description of goods to be sold) _____

NAMES & ADDRESSES OF PERSONS FROM WHOM GOODS WERE OBTAINED:

**ATTACH RECEIPT SHOWING THAT PERSONAL PROPERTY TAXES ON THE
MERCANDISE OR GOODS TO BE SOLD HAVE BEEN PAID FOR.**

NAME **ADDRESS** **CITY** **DRIVERS LICENSE #**

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

ADDITIONAL INFORMATION:

*****A VALID COPY OF DRIVERS LICENSE FOR EACH PEDDLER/SOLICITOR*****

AUTHORIZATION AND REQUEST FOR CRIMINAL RECORDS VERIFICATION AND FINGERPRINT INFORMATION

I, _____ hereby authorize _____ to obtain and/or request information about my criminal history and fingerprints from any entity chosen specifically for conducting this search, to release information regarding any record of charges or convictions contained in its files, or in any criminal file maintained on me, whether said file is a local, state, or national file, and including but not limited to accusations and convictions for crimes committed against minors, to the fullest extent permitted by city, county, state, and federal law. I do release said entities from all liability that may result from any such disclosure made in response to this request. I may revoke this request at any time, but that revocation must be in writing and give 30 days' notice of same.

Signature of Applicant: _____ Date: _____

Name (Last)	(First)	(Middle)
Address	City	State ZIP Code
Other names used by applicant (if any):		
Date of Birth	Place of Birth	Social Security Number
Driver's License No.	Issuing State	License expiration date

ORDINANCE 2011- 07

**AN ORDINANCE AMENDING ORDINANCE 2007-05
AN ORDINANCE REGULATING ALL TRANSIENT OR ITINERANT
MERCHANTS, COMMERCIAL SOLICITORS, PEDDLERS AND HAWKERS
BY REQUIRING LICENSES TO ENGAGE IN THE ACTIVITIES**

Section 1 Purpose

This Ordinance is enacted for the purpose of regulating all transient or itinerant merchants, commercial solicitors, peddlers and hawkers by requiring licenses to engage in the activities in order to prevent fraud, crime, undue annoyance and harassment and to protect the privacy, safety, health and welfare of the citizens of the Town.

Section 2 Definitions

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

PARENT ORGANIZATION. The person, firm, corporation, proprietorship or partnership that the vendor is representing and/or is employed by. This definition includes the principal manufacturer and distributor of goods and the primary supplier of services being sold or offered.

TRANSIENT VENDOR/ITINERANT MERCHANT. Any person traveling by foot, wagon, automobile or other type of conveyance within the Town from place to place, residence to residence, or street to street for the sale of goods, wares, personal property or other merchandise or services for immediate or future delivery, whether or not the vendor carries or presents the samples for sale.

Section 3 Exemptions.

(A) Members of religious or church organizations or nonprofit organizations are exempt from this Ordinance provided that they are pursuing legitimate religious activities, and provided that the activities are conducted in an orderly manner without annoyance or harassment to the persons solicited.

(B) Parochial, private or public school children within the Duneland school area, or members of a fraternal or veterans organization or a nonprofit organization, so long as that organization operates a post, lodge, camp or local organization within the Town, are exempt from this Ordinance only to the extent that they vend or solicit in conjunction with an authorized activity of the organization of which they are members or the schools they attend.

(C) Individuals selling newspaper.

Section 4 Waiver.

The Porter Town Council, upon written request and adequate proof that the transient vendor or itinerant merchant is involved in a charity or a charitable-type business operation, may waive requirements of this Ordinance or any portion thereof.

Section 5 License Requirement.

It will be unlawful for any person within the jurisdiction of this Ordinance to act as a peddler, vendor or solicitor, as defined herein, without first obtaining a license therefore from the Town Clerk-Treasurer.

Section 6 Application; Contents.

An Application for vending or soliciting may be obtained from the Town Clerk-Treasurer and upon completion, be submitted to the Clerk-Treasurer with the appropriate processing fee. The application for an itinerant merchant's license shall include the following information:

- (A) Personal information shall be provided by the applicant including date of birth, driver's license number, state identification or military identification, permanent and local address and telephone number and a physical description including height, weight, color of hair and eyes;
- (B) The name(s) of the corporation(s), firm(s) or person(s) which the applicant proposes to represent and the name(s) of the person(s) managing or supervising the solicitors; the local and permanent addresses of the aforementioned person(s); and the telephone numbers at which the person(s) can be reached. Also include shall be where and when the parent organization was established or incorporated;
- (C) The applicant must supply credentials from the parent organization for which the applicant proposes to do business, authorizing the applicant to act as a representative;
- (D) Copies of any state or county licenses which are also required to operate or conduct activities proposed by the applicant must be attached to the application;
- (E) A description of the merchandise or services offered for sale;
- (F) Information as to whether the parent organization or the solicitor/itinerant merchant has ever been enjoined from soliciting;
- (G) Information as to whether the solicitor or parent organization named in the application has been convicted of a crime, the misdemeanor or violation of any municipal

ordinance involving moral turpitude, (an example of these crimes being theft, burglary, robbery, fraud, deceit or any crime of violence) and if so, a brief explanation;

(H) The names and identification information of all individuals who will be working for the applicant within the area. The identification information for these individuals shall include names, local and permanent addresses and phone numbers and a physical description including height, weight, hair and eye colors. Each of the individuals listed in this section are required to sign consent for the Town of Porter to conduct a criminal background check. Failure to sign the consent for a criminal background check could result in the application being denied.

(I) A photograph of the applicant who will sell or solicit is required and must have been taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner; and

(J) The applicant shall sign a disclaimer of Town liability relating to any action cause or charged against the applicant. All individuals soliciting or selling door-to-door or business-to-business must fill out applications for their individual license. The same application information as above must be completed and returned to the Clerk-Treasurer whereupon an investigation of the individual will occur. A decision will be rendered in relation to the information provided on the individual's application. However, no permit shall be issued until a processing period of up to five (5) working days has elapsed.

Section 7 Fees Required.

(A) At the time of filing the application, a non-refundable application fee of **\$15** to the Clerk-Treasurer shall be paid for each employee of the applicant to cover the cost in the administration of this Ordinance. The application fee must be paid with cash or certified funds.

(B) If the Chief of Police or his or her designee, after investigating the application, grants a license, the applicant who will be soliciting shall then obtain a license from the Clerk-Treasurer. The applicant must pay the fee at the time the license is issued. The license fee must be paid with cash or certified funds. The fees for the above-stated license shall be as follows:

- (1) A \$200 fee per year;
- (2) A \$120 fee every six months;
- (3) A \$50 fee per month; or
- (4) A \$25 fee per day.

Section 8 License Issuance; Contents and Application

(A) (1) If as a result of the investigation of the individual's application, the applicant character and business responsibility are found to be unsatisfactory by the Chief of Police or his or her designee, the application shall be denied and a license shall not be issued. If, as a result of the investigation, the applicant's character and business reputation appear to be satisfactory, the Chief of Police or his or her designee shall allow the Clerk-Treasurer to issue the requested permit.

(2) A license shall not be issued to any applicant where any of the following has been determined during the initial investigation and review of the application:

(a) If the applicant has been convicted of any felony, crime or misdemeanor.

(b) Any previous history relating to the manner in which the applicant made door-to-door sales which resulted in a violation of law.

(c) Providing false information on the application form.

(d) A failure to comply with any condition, standard or requirement of this Ordinance or any Town, county or state regulation.

(3) If an applicant is denied a permit, written notice of denial and the reasons therefore upon request shall be given to the applicant when the individual returns to the Clerk-Treasurer's office seeking the decision regarding the application.

(4) The Chief of Police shall have the authority to approve or deny any application for a license to be issued under this Ordinance. Any application which is denied by the Chief of Police may be appealed to the Town Council. The Town Council may accept or reject the decision of the Chief of Police. All appeals must be made by submitting a formal request of an appeal to the Clerk-Treasurer, together with a \$50 non-refundable processing fee.

(B) The license shall bear the date it is issued, the name of the parent organization, the expiration date of the permit and a statement that the license does not constitute an endorsement by the Town of the purpose or products involved or of the persons or of the parent organization conducting the solicitation. Licenses shall be signed by the Clerk-Treasurer.

(C) Once the merchant has been approved and all criminal background checks have been conducted on all employees, each approved employee must go to the Porter Police Department where they will be issued a photo I.D.

(D) All licenses hereunder shall expire in accordance with the license fee schedule of **Section 7(B)**.

Section 9 Restrictions On Merchants And Vendors.

(A) While carrying on solicitations, an itinerant merchant shall display the License issued by the Town under this Ordinance so that it shall be visible to any person dealing with the merchant. In addition, all employees of the merchant or vendor must wear the photo identification issued by the Town. If the photo identification is not visible, the person(s) may be asked to leave and maybe subject to fines as the ordinance allows.

(B) Any license issued under this Ordinance shall be non-transferable and may not be given to any other individual for the purpose of soliciting.

(C) No person shall represent that a granting of a license under this Ordinance is an endorsement by the Town and any representation of this kind is hereby declared to be a misrepresentation of fact, a violation of this Ordinance and subject to revocation of the license.

(D) Licenses issued under this Ordinance may be revoked by the Clerk-Treasurer after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or any false statement made in the course of carrying on business as an itinerant merchant;

(2) Fraud, misrepresentation or false statement contained in the application for a license;

(3) Any violation of this Ordinance;

(4) Conviction of any felony, crime or misdemeanor; and/or

(5) Conducting the business of an itinerant merchant in an unlawful manner or in a manner so as to constitute a menace to the health, safety or general welfare of the public.

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

Section 10 Regulation of Merchants and Vendors.

(A) Once a license has been issued, an itinerant merchant must report any material changes of information previously provided in the application to the Clerk-Treasurer within seven calendar days.

(B) No itinerant merchant may remain on private property after the lawful occupant of the premises directs the merchant to leave the premises.

(C) An itinerant merchant shall not, without permission, accost, interfere with or touch any member of the public in any manner, nor shall the merchant interfere with traffic.

(D) A license under this Ordinance shall not be used or represented in any manner as an endorsement by the Town or by any department, officer or employee thereof.

(E) No fraudulent or misleading representations to any person shall be made in connection with any sale or solicitation, including but not limited to any misleading representation concerning the true product or service involved, the name of the itinerant merchant, the trade name and the nature of the parent organization.

(F) Unless invited by the lawful occupant, an itinerant merchant may not sell or solicit door-to-door where "No Solicitors," "No Trespassing," or other similar notice is posted.

Section 11 Records.

(A) The Clerk-Treasurer shall keep a record of the application, the determination thereon and of all licenses issued pursuant to this Ordinance. The record shall contain the name and residence of the individual licensed and the amount of licenses that have been revoked.

(B) The Clerk-Treasurer shall submit a copy of this record to the Chief of Police.

(C) When an itinerant merchant obtains a conviction for violating this Ordinance, the Chief of Police shall report the same to the Clerk-Treasurer, and the Clerk-Treasurer shall maintain a record for each permit issued and reports of violations.

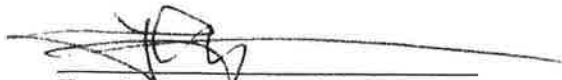
Section 12 Permitted Hours of Solicitation.

Itinerant merchants may operate only from 9:00 a.m. until sunset, Monday through Saturday.

Section 13 Violations.

All violations of this Ordinance shall be punishable by a fine not to exceed **Two Thousand Dollars (\$2,000)**. If the itinerant merchant fails to pay the fine, the right to solicit or sell merchandise or services door-to-door will automatically terminate.

Passed and adopted this 14 day of June 14, 2011




Trevin Fowler, President



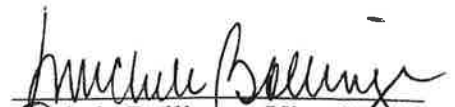
Jon Granat




Toda Martin

ATTEST: 

Carol Pomeroy, Clerk Treasurer



Michele Bollinger, Vice President



David Babcock