



**TOWN OF POSEYVILLE
ORDINANCE NO. 2017-08-09-02**

**AN ORDINANCE AMENDING ORDINANCE NO. 1988-2-1
AN ORDINANCE TO LICENSE DOOR-TO-DOOR SOLICITORS IN THE TOWN OF POSEYVILLE**

WHEREAS, the Common Council of the Town of Poseyville, Indiana has heretofore adopted Ordinance No. 1988-2-1, an Ordinance to License Door-to-Door Solicitors in the Town of Poseyville; and

WHEREAS, the Common Council of the Town of Poseyville believes it to be in the best interest of the health, safety and welfare of the citizens of the Town of Poseyville, Indiana, as well as the efficient governing of the Town of Poseyville, to amend Ordinance 1988-2-1;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Poseyville, Indiana, that Ordinance 1988-2-1 be amended in its entirety, as follows:

SECTION I. REGISTRATION REQUIRED:

- A. No person or entity shall sell or take orders for any goods, wares, merchandise, or services within the Town of Poseyville without first applying for and being issued a registration certificate.
- B. An application for a registration certificate shall execute an application form at the office of the Clerk/Treasurer prior to engaging in any soliciting within the Town of Poseyville, which form shall require:
 1. Applicant's name, home address and local address, if any;
 2. A copy of Applicant's photo identification;
 3. The name and address of the principal office of the company or organization for whom the Applicant is authorized to conduct such activity solely on Applicant's own behalf; and
 4. A brief description of the type or goods or services to be sold and a statement whether the delivery of such goods or services is to be immediate or in the future.
- C. Such application shall be a continuing application and if, after the issuance of the registration certificate, the information in the application shall become inaccurate for any reason, and the holder of the registration certificate intends to continue his/her activities, then notice of such change and the correct information shall be furnished to the office of the Clerk/Treasurer within 24 hours.
- D. The registration certificate shall be in effect for a period of three (3) months from the date of issuance and shall expire on the date specified in the certificate. Upon expiration of the certificate, the vendor shall either reapply for a registration certificate with the Clerk/Treasurer or cease his/her activity immediately.

SECTION II. CONDITIONS OF CERTIFICATE

- A. The holder of the certificate shall openly display upon his/her person while engaging in door-to-door sales activity the registration certificate issued by the Clerk/Treasurer and shall exhibit the same at any time upon request by any police officer or by an individual.
- B. The holder shall not enter into or upon any house, building or other structure or upon any land or other property, without the prior consent of the owner thereof.
- C. The holder of a certificate shall be restricted to conducting door-to-door activities between the daytime hours of 9:00 a.m. and 7:00 p.m. during any weekday and Saturday, and from noon until 7:00 p.m. on Sunday.
- D. The holder is prohibited from door-to-door activities at a residence or neighborhood if a sign has been posted by the property owner or landowners association at either the front door of the residence or other conspicuous place that reads, "No Soliciting."

- E. The holder of a certificate shall make no false statement or misrepresentation of fact in the course of carrying on the activity for which the certificate is granted, and shall conduct himself/herself at all times in an orderly and lawful manner.
- F. The holder of a certificate who takes orders for the future delivery of any time of good or service shall give written receipt to the purchaser, which shall be signed by the holder and set forth a brief description of the goods or services ordered; the name, address, telephone number, FAX number and email address of the entity with whom the purchaser may communicate regarding the status of any such order; the total purchase price and the amount of payment, if any, received by the holder from the purchaser.

SECTION III. REVOCATION OF CERTIFICATE

Any certificate issued may be revoked by the Clerk/Treasurer after notice of hearing for any fraud, misrepresentation or false statements contained in the application, or for failure to observe the conditions of the certificate set forth in Section II hereinabove. Notice of the hearing for revocation of a certificate shall be in writing, stating the reason for the hearing, along with the time and place thereof. Notice shall be given to the holder at least three (3) days, if by personal service, and at least five (5) days if by mail, addressed to holder's last known local address, or, if none, then to his/her home address, prior to the date of such hearing.

SECTION IV. USE OF PUBLIC PROPERTY/ROADWAY

It shall be unlawful for a pedestrian to sit, stand or move within or upon a roadway, or a median between two roadways, for the purpose of or while engaging in soliciting, peddling, selling advertising, donating, distributing any product, property or service, including, but not limited to tickets, handbills, newspapers, or other printed material, to or from an occupant of a vehicle in the roadway; or, conversation or discourse with an occupant of a vehicle in the roadway unless noted in SECTION VI. EXCEPTIONS.

SECTION V. OUTDOOR FOOD VENDOR

- A. Any person, firm or corporation desiring to engage in the business of soliciting or constituting an itinerant merchant who desires to sell food products, non-prepackaged food products, ice or other foodstuffs other than items exempted in SECTION VI. EXCEPTIONS must obtain a registration certificate.
- B. All persons engaged in the conduct of selling or soliciting food items must:
 - 1. Comply with the State and County Board of Health Standards and Regulations;
 - 2. Obtain all required State and County Board of Health certificates, which certificates must be displayed in plain view. Additionally, a copy of such certificates shall be filed with the Clerk/Treasurer's office upon requesting a registration certificate;
 - 3. Maintain a minimum of 100 feet distance from any other licensed vendor and from any other existing dining establishment;
 - 4. Comply with the use of public property/roadways as set out in Section IV hereinabove.
- C. All persons engaged in the conduct of selling or soliciting food items are prohibited from operating in a town park or on city property unless otherwise approved by the Common Council of the Town of Poseyville.

SECTION VI. EXCEPTIONS

The following are exempt from the provisions of this Ordinance:

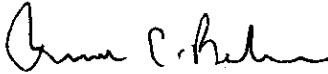
- A. Persons engaged in the sale of newspapers;
- B. Persons who sell farm or dairy products or other foodstuffs of their own raising or produced by him/her or by members of his/her immediate family;
- C. Persons who have established permanent places of business with the town limits and bona fide salesmen selling at wholesale to such resident merchants;
- D. Sales of non-profit service or civic organizations having an office, chapter or lodge and scout troops within the limits of Posey County;
- E. Members of public safety departments while engaged in a fundraising activity;
- F. Persons engaged in sales during the Poseyville Autumnfest who have registered with and paid a fee to the sponsorship committee of the Poseyville Autumnfest, presently the Poseyville Kiwanis Chapter.

SECTION VII. PENALTY

- A. Any person who violates any part of the provisions of this Ordinance shall, upon conviction, be fined not less than \$50 and no more than \$500 for each offense.
- B. Any person discovered by law enforcement to be selling, taking orders for goods, wares, merchandise or services without proper registration shall be issued a citation of violation, which shall further contain a prohibition against any further solicitation, sale, order taking or any other action contemplated by this Ordinance until such time as they are in compliance with all provisions of this Ordinance.
- C. If a person having received a registration certificate pursuant to the provisions of this Ordinance by a member of law enforcement, they shall immediately be issued a citation establishing the date and time that they are to appear before the Clerk/Treasurer of the Town of Poseyville, Indiana, to answer as to the alleged violation, and their registration certificate shall be immediately confiscated, suspended and held until such time as a ruling is made by the Clerk/Treasurer.
- D. All fines issued pursuant to this Ordinance shall be collected by the Clerk/Treasurer with the assistance of the City Attorney, if needed.

PASSED AND ADOPTED BY THE POSEYVILLE TOWN COUNCIL THIS 9th DAY OF AUGUST, 2017

TOWN COUNCIL OF POSEYVILLE, INDIANA

By: 
Bruce C. Baker, President

By: 
Steven J. Ahrens, Member

By: 
Ronald G. Fallowfield, Member

ATTEST:


Julie Mayo, Clerk/Treasurer
Town of Poseyville, Indiana