

ORDINANCE 2011 - 3

AN ORDINANCE REGULATING THE RULES REQUIRED TO BE ALLOWED TO PEDDLE GOODS & SERVICES IN THE TOWN OF FORT BRANCH

WHEREAS, The Town Council of the Town of Fort Branch, Indiana desires to authorize and regulate the rules that must be followed by a peddler to be able to solicit in the Town of Fort Branch.

WHEREFORE BE IT ORDAINED by the Town Council of the Town of Fort Branch as follows:

Section 1: **DEFINITION**

Transient merchants, peddlers, hawkers, and solicitors are individuals, associations or corporations acting for themselves or through their agents, or as agents of others, who go upon the public thoroughfares of the town calling at private homes for the purpose of selling, offering, or soliciting the sale of merchandise for immediate or later delivery; or who transact any temporary or transient business within the town in the way of selling goods, wares, or merchandise by sample or otherwise. This definition does not include commercial travelers selling to established resident merchants.

Section 2: **PERMITTED OPERATION**

No person shall engage in the business of peddler, solicitor or transient merchant inside the city limits of the Town of Ft. Branch without a permit issued by the Town Hall. The hours allowed for soliciting will be daily from 8:00 a.m. to one-half hour prior to sundown.

This ordinance shall not apply to the selling of personal property at wholesale to dealers of such articles: to newsboys; to merchants or their employees in delivering goods in the regular course of business; to vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes; or to farmers or truck gardeners who vend, sell, dispose of, or offer to sell, vend or dispose of products from farms or gardens occupied and cultivated by them. This ordinance does not prohibit any sale required by statute or by court order, or prohibit any auction sale conducted pursuant by law.

This ordinance also does not pertain to the Girl Scouts and Boy Scouts of America, religious organizations, students from South Gibson School Corporation or ice cream vendors.

Section 3: **REGISTRATION.**

Applicants for a permit under this ordinance shall file for a permit with the Town Hall in the Town of Ft. Branch. The hours to register for a permit are Monday-Friday 8:00 a.m. – 3:30 p.m. The application/permit will include a copy of his/her driver's license, address, phone number and whether or not they have been convicted of a felony or misdemeanor. If an applicant checks "Yes", that they have been convicted of a felony or misdemeanor, then they will be required to state the charge that was filed against them. Also, a description of the vehicle they are driving, license plate number, license plate state.

They will also be required to supply their business name, address, phone number and business license number. A brief description of the nature of the business and the goods to be sold and the dates they are requesting to solicit in the Town of Ft. Branch will also be required.

The applicant will be required to sign the application along with the police officer on duty and the clerk treasurer or a representative of the Town Hall. The application must have the clerk treasurer's seal on it for it to be valid.

Applicants must apply for a new permit each time they come to town.

Section 4: **FEE**

The applicant desiring to file an application with the town for a transient merchant permit shall pay to the town a permit fee of \$25 per day for each day or part thereof that he/she proposes to transact business within the town. In addition to the permit to be issued to the applicant, the applicant shall secure a permit for each agent, solicitor, and canvasser selling or offering for sale goods, wares and merchandise, or selling by coupon or contract within the town. The fee for the permit for each such agent, solicitor or canvasser shall be \$10 per day or any part thereof. A fifty cent charge for a full copy of this ordinance is required to ensure all rules are followed according to the ordinance. Any additional copies of said ordinance will be fifty cents each. All license fees will be deposited into the general fund.

Section 5: **REFUSING TO LEAVE**

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be guilty of a misdemeanor and will be requested to leave town and not return by the Fort Branch Police Department.

Section 6: **ENTRANCE TO PREMISES RESTRICTED**

No person shall enter or remain upon any public or private premises in the Town of Ft. Branch not having been requested or invited by the occupant for the purpose of soliciting when a "No Solicitors" or No Trespassing" sign is posted anywhere visible on the occupant's property.

No person shall return to any property uninvited for the purpose of soliciting once they have been removed from occupant's property.

No person shall remain upon, or in any manner fail or refuse to leave immediately, any privately owned and/or maintained property after being asked to leave by the owner or occupant of the private property.

Section 7: **MISREPRESENTATION**

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of their goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Section 8: **PERMIT REQUIRED**

It shall be unlawful for any person to engage in business as a peddler within the Town of Ft. Branch city limits without first obtaining a permit to do so. The solicitor will be required to carry with him/her at all times a permit that will be bright yellow in color and it will have on it the same details on the application including the clerk treasurer seal.

Section 9: **FALSE INFORMATION**

It shall be unlawful for any person to give any false or misleading information in connection with his/her application for a permit.

Section 10: **ISSUANCE**

No permit shall be issued under the provisions of this subchapter until the applicant shall have complied with all the provisions and requirement of this chapter.

Section 11: **LIMITATION**

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the city limits shall be required to have a permit whether acting for him/herself or as an agent or representative of another.

Section 12: **DISPLAY**

Every peddler having a permit issued under the provisions of this subchapter and doing business within the city limits shall display his/her permit upon request of any person and failure to do so shall be deemed an ordinance violation.

Section 13: **DURATION**

Every permit issued under the provisions of this subchapter shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of one week. The Town of Ft. Branch has the right to refuse to issue any applicant a permit.

Section 14: **PENALTY**

Any permit issued under the provisions of this subchapter may be revoked for the violation by the permitted of any applicable provision of this code, any other ordinances of the town or state law. Upon such revocation, the permit shall immediately be surrendered to the police department and the operations must cease and peddler must leave town and failure to do so shall be an ordinance violation.

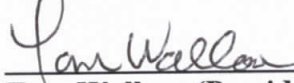
Any transient merchant, either as principal or agent, who shall transact business without having first obtained the permit as provided in this chapter, or who shall knowingly advertise, offer for sale, or sell any goods, wares or merchandise, or solicit or canvass for orders for merchandise for future delivery contrary to the provisions of this chapter shall be fined not more than \$100 per offense. A separate offense shall be deemed committed each time that a violation occurs or continues. All ordinance violation fines will be deposited into the general fund.

Section 15: **EFFECTIVE DATE**

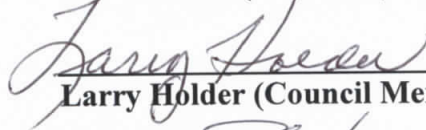
This Ordinance shall be come effective upon passage by the Town Council of the Town of Fort Branch, attested by the Clerk /Treasurer and published as required by Indiana Code 5-3-1-2.

Passed and Adopted by the Town Council of the Town of Fort Branch, Gibson County, Indiana on the 10th day of Aug 2011.

Fort Branch Town Council



Tom Wallace (President)

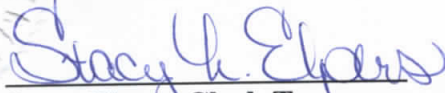


Larry Holder (Council Member)



Adam Bledsoe (Council Member)

Attested TC:


Stacy Elpers Clerk Treasurer



TOWN OF FORT BRANCH
PEDDLER/TRANSIENT MERCHANT APPLICATION/PERMIT
ABSOLUTLY NO SOLICITING BEFORE 8:00 a.m. OR ONE HALF
HOUR BEFORE SUN DOWN

ADDRESS: _____ PHONE: _____
(IF DIFFERENT THAN LICENSE ABOVE)

DESCRIPTION OF VEHICLE: (YR, MAKE, COLOR) _____

LICENSE PLATE # _____ LICENSE PLATE STATE: _____

BUSINESS NAME: _____

BUS. ADDRESS: _____

BUSINESS LICENSE #: _____ BUSINESS PHONE #: _____

DESCRIPTION OF GOODS SOLD: _____

HAVE YOU BEEN CONVICTED OF A MISDEMEANOR ___ YES ___ NO OR FELONY ___ YES ___ NO

DATES PERMITTED TO SOLICIT IN FORT BRANCH: _____

APPLICANTS SIGNATURE: _____

PRINTED NAME: _____

POLICE DEPT SIGNATURE: _____

CLERK TREASURER SIGNATURE: _____ BY: _____

PD REG FEE \$25: ___ CA ___ CK _____ CK# PD ADDNL PED FEE \$10: ___ CA ___ CK _____ CK#

DATE ISSUED: _____ DATE EXPIRED: _____

ONLY VALID WITH CLERK TREASURER'S SEAL
ABSOLUTLY NO SOLICITING BEFORE 8:00 A.M. OR ONE-HALF HOUR BEFORE SUNDOWN IN FORT
BRANCH