

ORDINANCE 2014-18__
Amending and Replacing Ordinance 1998-15
(AN ORDINANCE PROVIDING FOR THE REGULATION OF SOLICITORS,
PEDDLERS, AND ITINERANT MERCHANTS WITHIN THE CITY OF
GREENSBURG, INDINA.)

§ 114.01: PURPOSE

The purpose of this Ordinance is to ensure the safety, peace, and well-being of all citizens of the City of Greensburg through the regulation and delineation of appropriate methods and means of door-to-door contact with citizens at their residences located within the city limits of the City of Greensburg. This purpose is in the public interest and for the betterment of the community and this Ordinance, crafted with input by the public and affected merchants, is narrowly tailored to meet those purposes.

§ 114.02: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section:

- A. CITY – The City of Greensburg, Indiana.
- B. ITINERANT MERCHANT – Any person or business lacking a formal and authorized U.S. mailing address located within Decatur County or a contiguous county who engages in a temporary business of selling and delivering unsolicited goods, wares, merchandise, or other commodities within the City, and who in furtherance of such purpose leases, uses, or occupies any building, vehicle, trailer, tent, railroad car, hotel room or other place in the City for the exhibition and sale of such goods, wares, merchandise, or other commodities.
- C. PEDDLER - Any person, except those selling newspapers, Bibles, or religious tracts, who goes from house to house, living unit to living unit, or within any residential area , conveying or transporting goods, wares, or merchandise or other commodities or offering or exposing the same for sale throughout different parts of the City for commercial gain.
- D. SOLICITOR – Any person who goes from house to house, living unit to living unit, or within any residential area for the purposes of taking unsolicited orders for sales of goods, wares, or merchandise of a commercial nature or content for immediate or future delivery, or for services to be performed immediately or in the future for commercial gain. Such definition includes any person who, for himself or another, leases, uses or occupies any building, vehicle, trailer, tent, railroad care, hotel room, or other place in the City for the primary purposes of exhibiting samples and taking orders for future delivery.

§ 114.03: PROHIBITION ON SOLICITATION FOR COMMERCIAL PURPOSE

- (A) Except as exempted by § 114.05, Itinerant Merchants, Solicitors, and Peddlers are prohibited from distributing or causing to be distributed to residential areas in the

City of Greensburg, handbills or other commercial advertising matter of any kind by placing or causing the same to be placed in any automobile, yard, porch, or mailbox in the City not in the possession or under the control of the person so distributing.

- (B) Except as exempted by § 114.05, no Peddler, Solicitor, or Itinerant Merchant will be permitted to solicit for commercial purposes door-to-door in residential areas through the City or from house to house to sell, expose, or offer for sale in any of the streets or alleys of the City any goods, wares, or merchandise.
- (C) Any person or business soliciting pursuant to certificate of registration as set forth in § 114.04, shall be limited to the placement and leaving of advertisement, handbills, or other commercial marketing materials.

§ 114.04: REGISTRATION FOR PERMITTED SOLICITATION

- (A) Any person or business that does not meet the definition of an Itinerant Merchant, Solicitor, or Peddler desiring to engage in soliciting at a residence in the City shall apply to the City for a monthly certificate of registration. The certificate, issued by the City Clerk-Treasurer or his / her designee, shall be maintained by the City Clerk and legible copy shall be carried by the registrant at all times while soliciting. Upon request for inspection by an occupant of a residence or a police officer or other City official or designee, while the registrant is engaged in his business or seeking to transact his business at any residence, the registrant shall produce and show a copy of this certificate. Failure to produce a valid registration shall result in forfeiture of the registration and other applicable fines, levies, or punishments.
- (B) The City shall provide a standard form for use for registration. The applicant shall state in writing upon his or her oath or affirmation that the information is truthfully provided to the best of his or her knowledge or belief. The applicant shall provide the following information:
 - a. Applicant's true, correct and legal name and the name of the organization for which he/ she is soliciting
 - b. Address and phone number of applicant's place of business.
 - c. A description of the applicant's anticipated mode of transportation, including make, model, and license plate number of any motor vehicle.
 - d. The purpose for which soliciting is being done.
 - e. A brief description of the anticipated method of solicitation
 - f. A statement as to whether or not the applicant has ever been convicted of a felony or misdemeanor against person or property.
 - g. A statement documenting that the applicant is authorized to solicit on behalf of the organization
 - h. A passport size photo of the applicant.
 - i. A copy of the applicant's driver's license, identification card, passport, or some other form of validly issued photo identification.
- (C) All certificates shall be valid for a period of thirty (30) days from the date of issuance and shall immediately expire thereafter.

- (D) The cost of the registration shall be set at Twenty-Five (\$25) Dollars and is subject to change as necessary by the Mayor.
- (E) All certificates are non-transferrable and a separate registration must be made for each person intending to solicit.

§ 114.05: EXEMPTIONS

The provisions of this Ordinance shall not be construed to apply to:

- (A) Persons making solicitation solely for a church, religious organization or charitable organization, including any unincorporated association or corporation under the supervision of any church, charitable organization or religious organization exempted under the tax provisions of the United States Internal Revenue Code.
- (B) Any organization exempted under the tax provisions of the United States Internal Revenue Code or applicable laws, statutes, and codes of the State of Indiana.
- (C) Students soliciting contribution to finance extracurricular, academic, social, athletic, artistic, scientific, or cultural programs, provided that the solicitation has been approved by the principal, school board, or an educator or administrator within the school corporation.
- (D) Persons canvassing for the purpose of distributing political literature or materials on behalf of a political party, candidate or public issue or introducing themselves as a supporter of a candidate, political party, cause or issue.
- (E) Persons making solicitations solely for a nationally recognized youth organization such as YMCA, YWCA, Boy Scouts, Girl Scouts, or similarly recognizable boys' and girls' clubs.
- (F) Persons or business participating in a festival, block party, or other street party type event that has been authorized and approved by the Board of Works for the City of Greensburg;
- (G) Any newspaper or any publication printing news of a general nature, and keeping advertising space therein open to the public and the publishing of general advertising matter.
- (H) Any business entity that has been permitted, authorized, or requested to solicit at a residence by the citizen owning the residence or any citizen occupying the residence as a tenant in possession.

§ 114.06: PENALTY AND ENFORCEMENT:

An individual or business performing the above actions in violation of this Ordinance shall be penalized a minimum of \$500 per day, but not more than \$1,000 per day nor more than \$2,500 per violation for unauthorized solicitation. A separate offense shall be deemed committed on each day a violation occurs or continues.

The Greensburg Police Department shall be authorized and will issue any citations for violations of this Ordinance. The citation would contain the designated dollar amount of the fine, the ordinance number of the violation, and that any fines are paid to the Clerk-Treasurer's Office. The City Attorney would then only file a civil suit if the citation is not paid within 72 hours of issuance.

Any person or business found to have violated this Ordinance and being issues a citation that is not paid within seven (7) business days of issuance shall be barred from ever receiving another certificate under § 114.03 without first obtaining written approval from the Board of Works of the City of Greensburg.

§ 114.07: “NO SOLICITING” NOTICES.

- (A) Any occupant of a residence or occupants of a multi-family dwelling who desire(s) not to have any solicitation call on said residence(s) shall give notice of this desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the private property and not within the public right-of-way.
- (B) Residents of a residential subdivision, acting through an authorized home owner’s association or other applicable corporate entity, may elect and indicate their desire not to have solicitors call on any residences in that subdivision by giving notice of the desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the residential subdivision and not within the public right-of-way.
- (C) Any commercial entity or business operating within the City of Greensburg may elect to post “No Soliciting” signs that meet or exceed the requirements set forth in subsection (A) of this provision. Posting of this sign shall give notice to refuse solicitors in conjunction with this Ordinance.
- (D) All “no soliciting” signs must comply with the applicable provisions of the ordinances of the City.
- (E) Any person found to solicit at a residence that has posted a “no soliciting” notice shall be in violation of this ordinance and subject to penalty as set forth herein.

§ 114.08: PANHANDLING PROHIBITED

Panhandling, as that term is defined by Indiana Code § 35-45-17-1, is prohibited within the City of Greensburg.

ADOPTED AND PASSED by the Common Council of the City of Greensburg, Indiana, this ____ day of _____, 2015.

AYES

NAYS

Council Members

Council Members

Presented by me to the Mayor of the City of Greensburg, Indiana on this _____
day of _____, 2015.

Bridgett Weber, Clerk-Treasurer

Approved and signed by me, the Mayor of the City of Greensburg this
_____ day of _____, 2015 at the hour of _____ pm.

Gary Herbert, Mayor