

Chapter 4.09

PEDDLERS AND SOLICITORS*

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4.09.010 Definitions.

For the purposes of this chapter, certain words are defined as follows:

"Peddler" is any person or persons, firm, limited liability company, corporation or organization, either principal or agent, employer or employee who engages in the business of traveling from place to place, house to house, or in or along the streets, within the city of Lafayette, carrying, conveying, or transporting goods, wares, merchandise, or personal property of any nature, offering and exposing them for sale, or making sales and delivering articles of purchasers.

"Solicitor" is any person or persons, firm, limited liability company, corporation or organiza-

*Editor's note—Ord. No. 2013-17, § 1, adopted August 5, 2013, repealed the former Chapter 4.09, §§ 4.09.010—4.09.210 and 4.09.990, and enacted a new Chapter 4.09 as set out herein. The former Chapter 4.09 pertained to peddlers, transient vendors, solicitors and beggars and derived from the Code of 1971, §§ 13-1—13-13, 25-1—25-11, 19-4 and Amd. Ord. No. 81-36, adopted November 2, 1981.

tion, either principal or agent, employer or employee who engages in the business of traveling from place to place, house to house, or in or along the streets with the city of Lafayette, taking or attempting to take orders for the sale of goods, wares, merchants, or personal property of any nature, for future delivery, or for services to be performed in the future, whether or not such individual carries or exposes for sale a sample of the subject of the sale, or whether or not the vendor is collecting advance payment on the sales. (Ord. 2013-17, § 1, 8-5-13)

4.09.020 License required.

It is unlawful for any person to engage in the business of peddler or solicitor within the city of Lafayette, without having an unrevoked license from the city of Lafayette to do so, valid and in effect at the time. (Ord. 2013-17, § 1, 8-5-13)

4.09.030 Exemptions.

License requirements under this chapter shall not apply to:

- A. Any person selling or offering for sale goods, wares, merchandise, food, services or subscriptions in conjunction with a charitable or other civic non-profit club or organization having an office or chapter in Tippecanoe County or that regularly holds meetings in Tippecanoe County;
- B. Any person engaged in the soliciting or taking order exclusively from retail dealers for the delivery of goods, wares or merchandise by wholesale;
- C. Any person that has been granted direct marketing authority by the Indiana Utility Regulatory Commission pursuant to the provisions of Indiana Code § 8-1-34-30. As authorized by Indiana Code § 8-1-34-30(k), a person granted direct marketing authority is subject to the regulations set forth in Section 4.09.100.

(Ord. 2013-17, § 1, 8-5-13)

4.09.040 Application.

Applications for licenses by solicitors and peddlers shall be made to the City Controller and must contain the following information:

- A. Name of applicant;
- B. Home address and telephone number of applicant;
- C. Driver's license number or other state identification number;
- D. Name and address of any person, firm or corporation that the applicant represents;
- E. If a vehicle is to be used, a description of the vehicle, together with the license plate number or other means of identification;
- F. Location where the applicant intends to do business;
- G. The length of time for which the right to do business is desired;
- H. The type of wares, goods, merchandise or services the applicant intends to offer for sale;
- I. A list of all applicant's felony and/or misdemeanors convictions including the date of conviction and the city and state of all such convictions, if any; If none, it is to be so stated on the application;
- J. If the applicant will be using, handling, selling or distributing food, a copy of the Tippecanoe County Health Department permit must be attached to the application;
- K. The name, address and telephone number of the contact person who shall be available for a period of time of not less than sixty (60) days following the last date the applicant sells or offers to sell goods, wares, merchandise, food, services or subscriptions in the city who will be responsible for consumer complaints;
- L. Any other such information the Chief of Police, or his designee, deems necessary for the proper police protection of the city; and
- M. Verification that all of the information provided is truthful.

The applicant must submit two photographs of the applicant, two inches by two inches, taken within sixty (60) days prior to the application. The photograph must show the head and shoulders of the applicant. (Ord. 2013-17, § 1, 8-5-13)

4.09.050 Review of application by Police Department.

The Police Department shall conduct an investigation of each applicant and make a recommendation to the City Controller as to whether the license should be granted. In making this recommendation, the Police Department shall consider the criminal history of the applicant. Any of the following shall make an applicant ineligible for a license:

- A. The applicant has been convicted of a felony within the seven years immediately preceding the date of the application; or
- B. The applicant has been convicted of a misdemeanor involving fraud, deceit or dishonesty; battery as a misdemeanor or two or more misdemeanors involving the illegal use of alcohol and/or the illegal sale, use or possession of a controlled substance within the five years immediately preceding the date of the application.

(Ord. 2013-17, § 1, 8-5-13)

4.09.060 Insurance.

If the application provides for the use of a motor vehicle by the applicant, the applicant shall file a certificate of insurance with the application establishing liability insurance in the minimum amounts of one hundred thousand dollars (\$100,000.00) for personal injuries or death to one person, three hundred thousand dollars (\$300,000.00) for personal injuries or death to two or more persons in any one occurrence and one hundred thousand dollars (\$100,000.00) for property damage. (Ord. 2013-17, § 1, 8-5-13)

4.09.070 License fee.

The license fee for a peddler or solicitor license shall be two hundred dollars (\$200.00). (Ord. 2013-17, § 1, 8-5-13)

4.09.080 Issuance of license—Length of term.

After consideration of the application and all information and data obtained relative thereto, the City Controller shall issue the license to the applicant if he/she determines that the applicant has the qualifications and meets the requirements of this chapter and all other applicable laws, ordinances and policies; if not, the application shall be denied and the applicant shall not engage in or carry out any business as a peddler or solicitor. A license issued by the Controller expires one hundred eighty (180) days after issuance. (Ord. 2013-17, § 1, 8-5-13)

4.09.090 License to be carried.

Every peddler or solicitor, at all times while engaged in peddling or soliciting, shall carry the license issued to him or her under this chapter and shall produce such license upon request of the Police Department or a potential customer. (Ord. 2013-17, § 1, 8-5-13)

4.09.100 Regulation.

It shall be a violation of this chapter for anyone licensed under this chapter to:

- A. Make in-person door to door sales or attempt to sell to prospective customers before eight a.m. or after eight p.m.;
- B. To ring the bell or knock at any door of any building when a sign has been posted on the building stating "No solicitors or peddlers" or words to that affect;
- C. Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists on any street, alley, sidewalk or right of way;
- D. Sell or attempt to sell goods, wares, merchandise, food, services or subscriptions to a person(s) in or on any motorized vehicle;
- E. Use a device to amplify sound or attempt to sell or attract attention to the goods, wares, merchandise or services;

- F. Act in any unlawful or disorderly manner; or
- G. Engage in any other activity that poses a threat to public health, safety or general welfare.

(Ord. 2013-17, § 1, 8-5-13)

4.09.110 Suspension of revocation of license.

Licenses issued under this chapter may be suspended or revoked by the City Controller for any of the following reasons:

- A. Fraudulently obtaining the license by giving false information on any substantial matter in the application for the license;
- B. Any violation of the provisions of this chapter;
- C. Conviction of the license holder of any felony; or
- D. Conducting the solicitation or peddling in any unlawful manner or in such manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of Lafayette.

(Ord. 2013-17, § 1, 8-5-13)

4.09.120 Right to appeal following suspension or revocation.

Any license having been denied or revoked under this chapter may be appealed to the Board of Public Works and Safety. Such appeal shall be taken by filing with the City Clerk a written statement of the ground for appeal within seven days after notice of the denial or revocation.

The Board of Public Works and Safety shall set the time and place for hearing such appeal and notice of the time and place shall be given at least seven days prior to the date set for the hearing. (Ord. 2013-17, § 1, 8-5-13)

4.09.990 Penalty.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than one thousand dollars (\$1,000.00). A separate offense shall be deemed

committed on each day that a violation occurs or continues. (Ord. 2013-17, § 1, 8-5-13)