

Ordinance No. 2017-02

**TOWN OF HOMECROFT GENERAL ORDINANCE**

**A GENERAL ORDINANCE** amending the Code of Town Ordinances for the Town of Homecroft, Article 1, Chapter 5 regarding Town Peddlers' License within the Town of Homecroft.

**WHEREAS**, the Town Council of the Town of Homecroft now determines it to be in the best interest of the Town to establish guidelines for the registration of and issuance of registrations regulating the solicitation of town residents in their homes by persons and/or business within the Town; and

**WHEREAS**, the Town Council of the Town of Homecroft now determines it to be in the best interest of the Town residents to establish these guidelines for the registration of and regulating the solicitation of town residents in their homes by persons and/or business within the Town; and

**WHEREAS**, the Town Council of the Town of Homecroft now determines it to be in the best interests of the Town to amend the Municipal Code to establish these rules for solicitation of Town residents within their homes; and

**WHEREAS**, to accomplish this Code of Town Ordinances, Article 1 (Public Health), Chapter 5 (Town Peddlers' License), should be amended to delete Chapter 5 (Town Peddlers' License), in its entirety, and to add a revised Chapter 5 entitled DOOR-TO-DOOR SOLICITATION REGISTRATION to regulate the home solicitation of the residents of Homecroft within the Town; and

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE HOMECROFT TOWN COUNCIL THAT:**

That the Code of Town Ordinances of the Town of Homecroft shall be amended as follows:

By deleting Chapter 5 (Town Peddlers' License), in its entirety and replacing the current Chapter 5 with a new Chapter 5 entitled "DOOR-TO-DOOR SOLICITATION REGISTRATION" as follows:

**CHAPTER 5 - DOOR-TO-DOOR SOLICITATION REGISTRATION**

**Chapter 5. Section 1.** - Door-to-door solicitation.

All persons engaged in the practice of entering upon the premises of private residences in the town, without invitation, soliciting contributions, soliciting for services to be rendered or soliciting orders for goods to be delivered in the future must first register with the Clerk/Treasurer of the

town or the Clerk/Treasurer's designee. Each person or entity soliciting shall pay a registration fee of \$ 75.00 prior to commencement of any solicitation within the town.

A registration fee for any disabled American veteran shall be waived.

Persons and/or organizations exempt from this Chapter pursuant to Section 7 of this Chapter may register with the Clerk/Treasurer and any exempt person and/or organization electing to register with the Clerk/Treasurer shall not be required to pay any registration fee if they elect to so register.

**Chapter 5. Section 2.** - Registration procedures.

Each person seeking to engage in such solicitation shall provide the clerk-treasurer with the following information under oath or affirmation on duplicate forms to be prescribed and furnished by the clerk-treasurer:

1. The name, address and phone number of the corporation or other business, if any, on whose behalf the registrant is soliciting;
2. The name, address and phone number of the immediate supervisor of the registrant, if any, or, in the alternative, the responsible party the town should contact in the event of any question, issue, event or altercation occurring in the town or on the private property of a resident of the town;
3. The type of goods or services for which the registrant is soliciting orders (if applicable);
4. The geographic area(s) within the town that the registrant will be soliciting;
5. A copy of any business or commercial license which the registrant is required to have under Title IV of the Revised Code of the Consolidated City and County of Indianapolis, Indiana;
6. The time period that the registrant will be engaged in soliciting within the town; and
7. A valid government photo ID or driver's license.

**Chapter 5. Section 3.** - Organizational registration.

The clerk-treasurer may allow one person to file on behalf of all persons soliciting for one organization, corporation, or association. The registrant must provide a valid government photo ID, or driver's license of persons soliciting with the organization and supply the name(s) of the supervisor of the persons and the geographic area(s) each person will be soliciting. The registrant must amend the information provided to the clerk-treasurer to reflect changes that occur.

**Chapter 5. Section 4.** - Copy of registration to police.

The clerk-treasurer shall transmit a duplicate copy of each registration form to the Town Marshall, who shall also keep a file of such registration forms.

**Chapter 5. Section 5.** - Time restraint for door-to-door solicitation.

Solicitation may only occur between 9:00 a.m. and sunset.

**Chapter 5. Section 6.** - Duration of registration.

Each registration form is valid from the date of issue through December 31 of the year of issue. The registrant must then file another registration form, per person soliciting, with the clerk-treasurer in accordance with the provisions of this section and pay a registration fee of \$ 75.00.

**Chapter 5. Section 7.** - Exemptions.

This chapter shall not apply to the following:

1. The sale, soliciting of orders for the sale, or the delivery to any such premises of dairy products, vegetables, fruits, meat, poultry, eggs, groceries, bread or any other farm and garden produce and foods or liquid products, so long as such actions are not in violation of this Code or other town ordinances, the Revised Code of the Consolidated City and County of Indianapolis, Indiana, state of Indiana or federal laws, rules or regulations;
2. The delivery of any merchandise or other articles of any kind previously purchased or ordered by or for the owner or occupant of such premises;
3. Fund-raisers by or for any school district or church located within the town or within a mile of the corporate boundaries of the town;
4. Fund-raisers by or for any neighborhood association within the town or within a mile of the corporate boundaries of the town;
5. Fund-raisers by or for any municipal department of the town;
6. Fund-raisers by or for any service club having a national affiliation and located within the town; or
7. The distribution of non-commercial literature.
8. Any person or organization distributing political literature, campaigning or advocating for a political office or political cause.

**Chapter 5. Section 8.** - Restrictions on solicitation.

The following restrictions will be placed on each registrant solicitor:

1. Solicitors will supply themselves with I.D. cards identifying the corporation or other business on whose behalf the solicitor is soliciting and will wear them in a visible manner;
2. Solicitors will in no way express that the town, any government agency, or any organization other than their own is sponsoring and/or connected with their activities; and
3. Solicitors will not engage in any deliberate touching of unconsenting persons.

**Chapter 5. Section 9. - Penalty for violations.**

Any person, persons, firm, corporation, or organization violating this chapter shall be fined a sum of \$ 100.00 for each day of the violation.

**IT IS FURTHER ORDAINED BY THE HOMECROFT TOWN COUNCIL:**

1. The expressed or implied repeal or amendment by this ordinance of any other ordinance, or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinances as of this ordinance had not been adopted.

2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction and to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

3. This ordinance shall be in effect from an after its passage by the Council and compliance with Indiana Code 36-5- 2-10.

This Ordinance is hereby adopted at the duly noticed and regularly scheduled meeting of the Homecroft Town Council held this 27<sup>th</sup> day of July 2017.

AYE

NAY

Barbara K. Jones  
Timothy Kelly  
Susan B. Deek  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed and adopted this 27<sup>th</sup> day of July, 2017.

Barbara K. Jones  
Barbara K. Jones  
Council President

ATTEST:

[Signature]  
Kevin Kehlbeck  
Clerk-Treasurer