

DOOR-TO-DOOR SOLICITATION

§ 112.10 DEFINITIONS.

Whenever used in this subchapter, the following words and phrases shall be defined as herein stated below:

DOOR-TO-DOOR SOLICITATION. Shall include all methods and means of soliciting funds and/or of selling commercial products, services or property within the corporate limits of the Town of Fishers, by and through the uninvited in-person solicitation of town residents on private property.

EXEMPT PERSONS. Shall include the following:

- (1) An individual while and to the extent he or she is engaged in protected political speech or activity;
- (2) An individual while and to the extent he or she is engaged in protected religious speech or activity;
- (3) An individual engaged in the solicitation of funds and/or the sale of cookies, candies, paper products or similar sundries for and on behalf of a not-for-profit or nonprofit organization or association that is exempt from the Indiana Gross Retail Tax;
- (4) An individual who, due to the preemption of applicable federal or state law, is exempt from local licensing requirements.

VENDOR. A person, partnership, corporation, company, organization or entity who is not an exempt person and who is engaged in the selling, peddling, merchandising or brokering of products, services or property to the general public for a commercial purpose and/or who is engaged in the solicitation of funds.

(Ord. 060208, passed 6-2-08)

§ 112.11 LICENSING.

(A) Any vendor who desires to engage in door-to-door solicitation shall first obtain from the Police Department a non-transferable door-to-door solicitation license ("license") permitting such activity by vendor and/or by vendor's employees and agents.

(B) If the vendor intends to sell or offers to sell any type of food or beverage, the Police Department shall refer the application to the Hamilton County Health Department for review and recommendation. The review shall include an inspection of all refrigeration equipment to be used by the vendor and shall insure that minimum sanitation requirements established by state and local law are met.

(C) The Police Department shall provide to any person, upon request, a door-to-door vendor application form ("application") to be completed by a vendor and processed by the Police Department. The application shall seek general information about the vendor, vendor's business and the nature of vendor's proposed door-to-door solicitation. The application shall seek relevant information about the vendor's company such as: date of incorporation; state of incorporation and if the corporation is formed outside of the State of Indiana; the date on which such corporation was qualified to transact business as a foreign corporation in Indiana. The application shall also require a vendor to list the name of every employee and agent who will be involved in door-to-door solicitation pursuant to a license issued to the vendor under this section, and to obtain from the Indiana State Police Department and attach to the application a copy of the limited criminal history of the vendor and of each employee and agent of same who will be involved in door-to-door solicitation. The application shall require the vendor to state the name, address and telephone number of the contact person who will respond to consumer complaints who shall be available for a period of time not less than 60 days following the last date that the vendors sells or offers goods, wares, merchandise, food, services or subscriptions in the town. All completed applications shall be submitted to the Police Department for review by the Chief of Police, or his designee.

(D) If, while any application is pending, or during the term of any license granted thereon, there is any substantial change in fact, policy or method that would materially alter the information given in the application, the applicant shall notify the Police Department, in writing, of the change within 72 hours after such change. If the applicant or licensee fails to so notify the Police Department, any license issued to the applicant or vendor shall be suspended pursuant to a hearing set forth in § [112.13](#).

(E) A license and a non-transferable identification card shall be issued to a vendor by the Chief of Police upon such vendor's completion of an application, confirmation that such vendor has **no felony or misdemeanor conviction within 15 years** of the application date for a crime of dishonesty, fraud, theft and/or moral turpitude, and such vendor has paid a **license fee of \$15 for a 10-day license or \$90 for a 120-day license**. Upon receipt of a license, a vendor must also purchase from the Police Department, at the cost of \$3 each, non-transferable identification cards for each employee and agent of vendor listed on vendor's application and for whom the Chief of Police has confirmed has **no felony or misdemeanor conviction within 15 years of vendor's application date for a crime of dishonesty, fraud, theft and/or moral turpitude**.

(F) The decision as to whether an application is approved or denied shall be made by the Chief of Police within 20 days from the date the application is submitted to the Police Department for processing.

(G) **Vendor, and each of vendor's employees and agents, shall openly display upon his or her person an identification card issued by the Police Department whenever engaging in door-to-door solicitation.**

(Ord. 060208, passed 6-2-08) [Penalty, see § 112.99](#)

§ 112.12 RESTRICTIONS ON LICENSE/DOOR-TO-DOOR SOLICITATION.

(A) Door-to-door solicitation by vendors may be conducted between the following hours:

- (1) October 1 through April 30 - between 10:00 a.m. and 6:00 p.m. of any day.
- (2) May 1 through September 30 - between 10:00 a.m. and 8:00 p.m. of any day.

(B) Subject to earlier revocation, pursuant to this section, a license, as well as any identification card(s) issued therewith, shall be valid for exactly ten or 120 days, as applicable, from the date the license or identification card was issued, and shall thereafter immediately expire and become null and void.

(C) Vendor, and vendor's employees and agents, shall comply with all applicable federal, state and local laws and regulations while engaging in door-to-door solicitation.

(D) **Unlawful to solicit on posted premises.** It is unlawful for any vendor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or place of business at which a sign bearing the words "**No Solicitors**" (or words of similar import indicating that solicitors are not wanted on said premises) is painted, affixed, or otherwise exposed to public view; provided, that this section shall not apply to any peddler or solicitor who rings the bell, knocks on the door, or otherwise attempts to gain admittance to such residence or dwelling at the invitation or with the consent of the occupant thereof.

(Ord. 060208, passed 6-2-08) [Penalty, see § 112.99](#)

112.99 PENALTY.

(A) Any vendor and/or any employee or agent of vendor who engages in door-to-door solicitation in violation of §§ [112.10](#) through [112.13](#) shall be subject to a **fine of \$100 for each separate offense during which the same engages in such conduct, with a maximum penalty of up to \$1,000 per day.** A vendor and/or employee or agent of a vendor who commits a violation under this chapter is subject to the enforcement procedures provided in IC 34-28-5-1 and the town's Ordinance Violations Bureau.

(B) The town may seek a temporary and/or permanent restraining order against any vendor and/or any employee or agent thereof in any court of competent jurisdiction.

(C) The town's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this section or otherwise.

(D) Willful or intentional disregard of this section shall, to the full extent permitted by law, entitle the town to collect from the violator the town's attorney fees, court costs,

litigation expenses, and all other reasonable costs and expenses incurred in obtaining a restraining order and/or any other enforcement remedies against same.

(Ord. 060208, passed 6-2-08)

