



TOWN OF DYER
APPLICATION FOR SOLICITOR / PEDDLERS PERMITS

COST AND FEES

Approved application fee:	\$10.00
Cost: (week/month/year):	\$ 5.00/\$10.00/\$50.00
Refundable Badge:	\$ 5.00 each
Vehicles (monthly/yearly):	\$ 5.00 / \$25.00

Procedure for Application of License:

- Application must include a valid Photo ID
- Application must include complete Insurance policy for each vehicle being used.
- Upon completion, application sent to Dyer Police Department for the necessary background check.
- Once approved, the applicant will be contacted with the results.
- Each Peddler is required to wear the provided badge indicating their name & business.
- Attached are copies of Town Ordinance #92-28 that are to be followed at all times.

APPLICANT INFORMATION:

NAME: _____ PHONE: (____) _____ DATE: _____

HOME ADDRESS: _____ CITY/STATE/ZIP _____

SS NUMBER: ____/____/____ DOB: ____/____/____ DL# _____

Have you ever been convicted of any crime including a DUI? If so explain:

BUSINESS INFORMATION:

BUSINESS NAME: _____ OWNERS NAME: _____ PHONE#: (____) _____

ADDRESS: _____ CITY/STATE/ZIP: _____

BRIEF DESCRIPTION OF GOODS TO BE SOLD: _____

GENERAL INFORMATION FOR PERMIT:

Length of Time requested: Weekly () Monthly () Yearly ()

Have you received a copy of the attached Ordinance: YES () Please Initial: _____

Proof of war veteran/serviceman (All Fee's Waived) YES () Please Initial: _____

VEHICLE INFORMATION:

If a vehicle is to be used, please provide the following along with vehicle **INSURANCE POLICY**

YEAR: _____ MAKE: _____ MODEL: _____

PLATE: _____ VIN # : _____

POLICE DEPARTMENT USE ONLY:

BACKGROUND CHECK COMPLETED: DATE: _____ CIRCLE ONE: APPROVED DENIED

REASON FOR DENIAL: _____

FOR CLERKS OFFICE USE ONLY:

APPLICATION FEE PAID: \$ 10.00

COST PER WK/MO/YR: \$ _____

BADGE FEE: \$ _____

VEHICLE COST MO/YR: \$ _____

PEDDLERS LIC ISSUE # _____

RECIEPT # _____

DATE: _____

CHIEF OF POLICE SIGNATURE

Division V. Dyer Sales Control Ordinance.⁶

Sec. 4-45 Statement of Policy.

It is declared to be the policy of the Town of Dyer in full recognition of the constitutional rights of freedom of speech and assembly, and in the furtherance of the public health, safety and general welfare to regulate solicitation, sales and the distribution of literature by persons, organizations, peddlers and transient merchants; to protect the citizenry from unauthorized solicitation at their homes to provide for maximum traffic safety on the streets and highways in the Town and to provide for the public health, safety and welfare of the citizens of the Town. (Ord. No. 92-28, § 1, 10-13-92)

Sec. 4-46 Definitions.⁶

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this Section, except where the context clearly indicated a different meaning:

Peddler means any person selling or offering for sale, barter or exchange, by sample or otherwise, any products, goods, wares or merchandise of any kind or description whatsoever, traveling by foot, vehicle or other conveyance, from place to place, from house to house, or in, about, along or upon any street, alley, or highway, or any grounds in the municipality. The word "**peddler**" shall include, but not be limited to, "hawkers" and "ice cream vendors".

Solicitor and/or canvasser means any person taking or attempting to take orders for sales or products, goods, wares and merchandise of any kind or description whatsoever, for future delivery or services to be furnished or performed in the future, whether or not the person has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment of such sales or not, traveling by foot or any type of conveyance from place to place within the corporate limits of the Town. "**Solicitor**" shall include, but not be limited to, those soliciting the taking of photographs. "**Solicitor**" shall also include any person requesting contributions for any person or organization or handing out any literature or flyers on behalf of any person or organization.

Transient merchant means any person, whether a resident or non-resident of the Town, who engages in a temporary business of selling or delivering goods or products of any kind within the Town, and who, in furtherance of said purpose, hires, leases, uses or occupies any building, for the exhibition and sale of products, goods, wares and merchandise. (Ord. No. 92-28, § 2, 10-13-92)

Sec. 4-47 Temporary Facilities for Transient Merchants.

(a) All persons, merchants or transient merchants licensed under the provisions of this Chapter, or subject to being licensed under the provisions of this chapter, except peddlers or solicitors, shall conduct their business within the town in a permanent structure enclosing an area of not less than five hundred (500) square feet on one level. Said structure shall be serviced by sanitary facilities, sewers, drains, power and utilities, including running water, and said structure shall otherwise be built in conformity with the building Code of the Town applicable to commercial buildings.

(b) No license shall be issued to a person subject to the provisions of subsection (a) until the applicant demonstrates that the intended use of the facilities is permitted under the applicable provisions of the Dyer Zoning Ordinance or produces documentation from the proper Town body that the use is a similar use or that a special exception use has been granted. (Ord. No. 92-28, § 3, 10-13-92).

Sec. 4-48 Door to Door Solicitation—License Required.

(a) No person shall contact or approach any residence or place of business within the Town with the intent or purpose of soliciting without having a license authorizing solicitation in his possession. No license shall be in the possession of any person other than the one to whom it was issued.

(b) No person shall occupy or use any portion of a public street, sidewalk, park or other public property within the limits of the municipality for the purpose of selling merchandise, or for the taking of photographs, pictures, or motion pictures with the intent or purpose of selling, or offering the picture for sale, without first obtaining a license.

(c) No person shall engage in house-to-house selling, peddling, soliciting, canvassing, hawking, acting as a transient merchant or any similar activity within the Town without first registering and obtaining a license. (Ord. No. 92-28, § 4, 10-13-92)

Sec. 4-49 Application and Issuance of License.

(a) Any person or organization required to obtain a license under the provisions of this ordinance must file a sworn written application (in duplicate) with the Clerk-Treasurer the application giving the following information:

- (1) Name and address of applicant and, if a group, the names and addresses of all persons who will be soliciting;
- (2) A brief description of the nature of the business and the goods to be sold;
- (3) If employed, name and address of the employer, together with the credentials establishing the exact relationship;
- (4) Length of time for which the right to do business is desired;

- (5) If a vehicle is to be used, a description of the vehicle, together with license number or other means of identification;
- (6) Photograph of the applicant on a valid state photo identification card or a valid driver's license (if applicable);
- (7) Social security number and a statement as to whether or not the applicant has been convicted of any crime, (if applicable).

(b) At the time of filing application, a non-refundable fee of ten dollars (\$10.00) shall be paid to the Clerk-Treasurer covering the cost of investigation. Upon receipt of such application, the original shall be referred to the Chief of Police who may cause an investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public. If the applicant's character and responsibility are found unsatisfactory, the Chief of Police shall endorse his disapproval and his reason for same on the application, returning the application to the Clerk-Treasurer who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If the applicant's character and responsibility are found to be satisfactory, the Chief of Police shall endorse his approval on the application, returning the application to the Clerk-Treasurer, who shall, upon payment of the prescribed fee, issue a license and deliver it to the applicant. The license shall contain the signature of the Clerk-Treasurer, the name and address of said licensee, class of license issued and kinds of goods to be sold thereunder, and the expiration date. The Clerk-Treasurer shall keep a permanent record of all licenses issued. (Ord. No. 92-28, § 5, 10-13-92)

Sec. 4-50 License Fee.

A license fee in the amount of five dollars (\$5.00) per week, or ten dollars (\$10.00) per month, or fifty dollars (\$50.00) per year shall be paid to the Clerk-Treasurer for a license required by this article. None of the license fees provided for by this Section shall be applied so as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Town Council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. (Sec. 92-28, § 6, 10-13-92)

Sec. 4-51 Free Licenses to Veterans. ⁷

The Clerk-Treasurer shall issue a free license pursuant to this Division to an approved applicant who has been a war veteran or serviceman. (Ord. No. 92-28, § 7, 10-13-92)

Sec. 4-52 Special Provisions for Vehicles.

For each vehicle used, a licensed applicant shall file a certificate of insurance with the Clerk-Treasurer, establishing that liability insurance in minimum amounts of one hundred thousand dollars (\$100,000.00) and three hundred thousand dollars (\$300,000.00) bodily injury and fifty thousand dollars (\$50,000.00) property damage is in effect. Each vehicle so used shall have displayed upon each side thereof, in plain print, legible at twenty (20) feet, the name and address of owner and kind of goods for sale. A fee for each vehicle used in the amount of five dollars (\$5.00) per month or twenty-five dollars (\$25.00) per year shall be paid to the Clerk-Treasurer. (Ord. No. 92-28, § 8, 10-13-92)

Sec. 4-53 Term of Licenses.

All annual licenses issued under this Division shall expire on the thirty-first (31st) day of December in the year when issued, and all other licenses shall expire on the date specified on the license. (Ord. No. 92-28, § 9, 10-13-92)

Sec. 4-54 Badge Required.

Any person procuring a license under this Division shall wear a badge conspicuously upon his person, as such badge reflects his permission and license, such badge to be furnished by the Town and to be non-transferable.

A deposit of five dollars (\$5.00) for the badge shall be required of all such persons, the deposit being returned to the depositor upon the return of the badge to the Clerk-Treasurer within five (5) days of expiration of said license. (Ord. No. 92-28, § 10, 10-13-92)

Sec. 4-55 Hours of Solicitations.

No house-to-house solicitor and/or canvasser shall use other than the front door when making calls at residences, and all such soliciting and/or canvassing shall be done between the hours of 9:00 a.m. and 5:00 p.m. Solicitation or canvassing on Sundays and holidays is prohibited. (Ord. No. 92-28, § 11, 10-13-92)

Sec. 4-56 Sidewalk Contribution Solicitation - Permit Required.

(a) No person shall solicit contributions or distribute any literature or flyers on any sidewalk in the Town, without having first obtained a sidewalk contribution permit.

(b) The Clerk-Treasurer may issue a sidewalk contribution permit for the solicitation of contributions from the general public, or the distribution of literature or flyers, by duly authorized persons on any sidewalk, for the benefit of recognized charities, for fraternal and veterans organizations and for political, civic, social, educational and religious groups. The permit shall expire on December 31st after the date of issuance of that calendar year.

(c) It shall be unlawful at all times, except with a sidewalk contribution permit and when so acting in compliance with this section, for any person or organization to solicit, collect or use for any purpose any funds so obtained on the public streets or places of the town.

(d) The provisions of this Section shall not apply and no permit shall issue for the commercial sale of merchandise, unless such sale is for the purpose of supporting the organizations referred to in (b) herein.

(e) Any person or organization desiring to obtain a sidewalk contribution permit shall make application to the Clerk-Treasurer which application shall give the following information:

- (1) Name and address of applicant and, if a group, the names and addresses of all persons who will be soliciting;
- (2) A brief description of the nature of the organization and the goods to be sold (if applicable);
- (3) The dates requested for the solicitation;
- (4) If vehicles are to be used, a description of the vehicles, together with license numbers or other means of identification;

(f) All requests for sidewalk contribution permits must be received by the Clerk-Treasurer no later than ten (10) working days prior to the requested solicitation dates, and the Clerk-Treasurer shall have the right, in the interest of the public health, safety and welfare to grant the permit for a date other than that requested.

(g) There shall be no fee for the issuance of a sidewalk contribution.

(h) All persons obtaining sidewalk contribution permits under this section shall be required to wear a visible identification tag identifying both the individual and the organization they represent. (Ord. No. 92-28, § 12, 10-13-92)

 **Sec. 4-57 Application of Division.**

This Division shall not apply to:

- (a) Persons representing a *bona fide* wholesale establishment selling to retail merchants.
- (b) The acts of retail merchants or their employees conducting business in the Town of Dyer in taking orders or delivering goods in the houses of their customers for goods or services. (Ord. No. 92-28, § 13, 10-13-92)

 **Sec. 4-58 No Street Solicitation.**

To maintain the public health, safety, and welfare, this ordinance does not provide for street solicitation, which shall be illegal in the Town of Dyer, Indiana. (Ord. No. 92-28, § 14, 10-13-92)

 **Sec. 4-59 Penalty.** ⁸

Any person who shall violate any provision of this Chapter shall be fined fifty dollars (\$50.00) for the first violation payable to the Ordinance Violation Bureau, and in a sum not to exceed two thousand five hundred dollars (\$2,500.00) thereafter and each day that any person shall violate any of the provisions or Sections of this Division shall be deemed to commit a separate offense. (Ord. No. 92-28, § 15, 10-13-92)