

ORDINANCE 17-1994

AN ORDINANCE OF THE CIVIL TOWN OF
MOORESVILLE, INDIANA TO REGULATE
THE BUSINESS OF ITINERANT MERCHANTS
AND SOLICITORS WITHIN THE CORPORATE
LIMITS OF THE CIVIL TOWN OF MOORESVILLE,
INDIANA, AND PROVIDING PENALTIES
FOR VIOLATION THEREOF.

SECTION I

BE IT ORDAINED by the Town Council of the Town of Mooresville, Indiana, that it shall be unlawful for a person, business organization or corporation to engage in the solicitation of business as an itinerant merchant or as a solicitor as hereinafter defined in this ordinance within the corporate limits of the Town of Mooresville, until the provisions of this ordinance shall have first been complied with.

SECTION II

The term itinerant merchant is hereby defined to be any person, or other legal entity who engages temporarily in the making or selling of any kind of goods, wares or merchandise, including but not limited to the making and selling of photographs, the growing of fruits or vegetables, dry goods, or any other type of material offered for retail sale or distribution within the Town of Mooresville, Indiana, regardless of whether such goods, wares or merchandise are peddled from house to house, sold upon the public streets or other public places, or sold from any room, building or structure, or lot rented or leased for the purpose of carrying on such business, or from any type of motor home.

The term solicitor is hereby defined to be any person who

goes from house to house, or from place to place within the corporate limits of the Town of Mooresville, Indiana, selling or taking orders for goods, wares or merchandise or any article for future delivery, or who solicits information.

SECTION III

This ordinance shall not apply and specifically excepts the following persons, business organizations or corporations:

- (1) Solicitors selling for local merchants or local manufacturers which have their primary place of business within the corporate limits within the Town of Mooresville.
- (2) Civic and charitable organizations actively functioning within the corporate limits of the Town of Mooresville.
- (3) Students and other school personnel of any public or private school within the corporate limits of the Civil Town of Mooresville, Indiana.
- (4) Sales to dealers by commercial business representatives.
- (5) Sales by producers of farm or dairy products.

SECTION IV

Any person, business organization or corporation not specifically herein excluded, desiring to engage in the business of an itinerant merchant or solicitor, as herein defined, shall make application in writing to the Clerk-Treasurer of said town for a license at such times as the office of the Clerk-Treasurer is open for business. Such application shall state the name of the applicant; the organization he represents; residence of the applicant; the place where such business is to be conducted; the kind of goods to be sold; the length of time for which the license is desired; and the price to be charged for any item or items offered for sale. Upon the filing of such application, the

following license fee shall be charged by the Clerk-Treasurer:

- A. For one day but not more than six (6) days \$5.00 per day
- B. For more than seven (7) days, but less than thirty-one (31) days -- \$30.00 per week and an additional \$25.00 for any fractional week after the first seven days.

All such license fees shall be paid in advance as well as any renewal thereof.

SECTION V

Solicitation by an itinerant merchant and/or solicitor for himself, the business firm or the corporation he represents shall be limited to the hours of 9:00 a.m., through 7:00 p.m., for each calendar day.

SECTION VI

Any person exempted by the laws of the State of Indiana from the payment of license fees shall, before beginning such business, present to the Clerk-Treasurer of said Town, credentials and identification showing that such person is entitled to such exemption, if any.

SECTION VII

Violations of this ordinance are punishable by a fine of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00). Each day during which any person, business firm or corporation engaged in the business of an itinerant merchant or solicitor operating in violation of the provisions of this ordinance shall constitute a separate offense.

SECTION VIII

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby specifically repealed.

SECTION IX

WHEREAS, an emergency exists, this ordinance is declared to be in full force and effect. On passage of the same, the Clerk-Treasurer is directed to publish said ordinance for two consecutive weeks.

SAID ORDINANCE PASSED AND ADOPTED THIS 7 DAY OF

December, 1994.

MOORESVILLE TOWN COUNCIL

Patricia J. Overholser
Patricia J. Overholser, President

Stephen A. Edwards
Stephen A. Edwards

Steven W. Ballard
Steven W. Ballard

Richard E. Heald
Richard E. Heald

Timothy C. Viles
Timothy C. Viles

Attest:

Ann A. Whaley
Ann A. Whaley, Clerk-Treasurer