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Trafalgar, IN Code of Ordinances

CHAPTER 110: BUSINESS LICENSING

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LICENSES AND PERMITS**§ 110.01 SALES OF LIQUOR AT RETAIL.**

(A) It shall hereafter be unlawful for any person, firm or corporation to engage in the sale of spirituous, vinous, malt and other intoxicating liquors without first having obtained from the Town Clerk Treasurer a license to so engage in the sale.

(B) For each license to engage in the sale of said spirituous, vinous, malt and other intoxicating liquors, each person, firm or corporation shall, before opening for business, procure from the Town Clerk Treasurer a license to so operate, which said license fee shall be \$250, which said license fee

is for the period of one year from the date of the issuance thereof.

(C) Should it be ascertained by the proper officers of the town, that the management of said business engaged in the sale of said spirituous, vinous, malt and other intoxicating liquors is permitting minors to purchase said liquors, or is permitting disorderly conduct or gambling in the same, the Town Council members shall have the power to revoke the license granted to the owners or managers of said business.

(D) This section shall be in full force and effect from and after its passage, approval by the Town Council and publication according to law.

(E) Pursuant to I.C. 7.1-3-9-3 consent is hereby given that liquor retailer's permits may be issued to applicants in respect to premises located within the corporate boundaries of the town.

(Ord. 71-1, passed - -1971; Ord. 88-7, passed 6-6-1988) Penalty, see § 110.99

CONTRACTORS

§ 110.15 LISTING OF CONTRACTORS ADOPTED.

(A) Johnson County Ordinance 95-24, entitled "An Ordinance Creating a Comprehensive Listing of Contractors Operating Within the Jurisdiction of Johnson County, Indiana," and being part of the Johnson County Code, Chapter 103, "Contractors Listing Ordinance," is hereby adopted by reference.

(B) All provisions of Johnson County Ordinance 95-24, being a part of the Johnson County Code, Chapter 103, entitled "Contractors Listings Ordinance" shall apply to the Town of Trafalgar, and the provisions of said ordinance shall be in full force and effect upon the passage of this section.

(C) Should any part of this section or Ordinance 95-24 of Johnson County and/or Johnson County Code Chapter 103 be held invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue in full force and effect.

(D) This section shall be in full force and effect from and after its passage, approval and publication according to law.

(Ord. 1997-0014, passed 12-8-1997; Ord. 1997-0020, passed 12-8-1997)

SOLICITATION

§ 110.30 DOOR-TO-DOOR SOLICITATION.

The method of vending products or property by solicitation of sales, contributions, support, endorsements, or other benefits, from Town of Trafalgar residents, occupants or tenants, by entering upon private residences in the town and seeking such benefits without having been invited to do so.

(Ord. 2014-002, passed 2-20-2014)

§ 110.31 PUBLIC FOR A SOLICITATION.

The method of vending products or property by solicitation of sales, contributions, support, endorsements or other benefits, from Town of Trafalgar residents, occupants or tenants, by performing such act upon public sidewalks, parks or any other public forum.

(Ord. 2014-002, passed 2-20-2014)

§ 110.32 SOLICITATION REGISTRATION.

All persons engaged in the practice of door-to-door or public for a solicitation in the town must first register with the Clerk-Treasurer of the Town (the "Clerk-Treasurer").

(Ord. 2014-002, passed 2-20-2014)

§ 110.33 REGISTRATION PROCEDURES.

(A) Each person seeking to engage in such solicitation must 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 registrant and 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 for which the registrant is soliciting orders (if applicable);
- (4) The geographic area(s) within the town that the registrant will be soliciting;
- (5) The time period that the registrant will be engaged in soliciting within the town; and
- (6) copy of the Indiana Retail Merchants Certificate.

(B) *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 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.

(C) *Registration fee.* Each registrant shall pay a \$150 fee for each event or period of solicitation. Each person listed on an application must pay a \$5 fee for each set of fingerprints required below for each event or period of solicitation.

(D) *Copy of registration to police.* The Clerk-Treasurer must transmit a duplicate copy of each registration form to the police chief of the town, who must also keep a file of such registration form and will then take fingerprints for each person listed on the application. When completing the check applicant will need to indicate this check is for a “review challenge”. Indiana State Police procedures will be provided to applicant and must be completed.

(E) *Bond.* Each registrant must obtain and attach thereto a cash or surety bond in the penal sum of \$500 from a surety company approved by the town. The bond will ensure and guarantee that all goods, wares, merchandise and the like sold by the vendor will be as represented and that a refund in full will be promptly given for any goods, wares, merchandise and the like sold by the vendor will be as represented by the vendor. Any person aggrieved by the vendor’s actions or inactions may petition the Town Council for recovery on the bond as appropriate.

(Ord. 2014-002, passed 2-20-2014)

§ 110.34 TIME RESTRAINT FOR DOOR-TO-DOOR SOLICITATION.

Solicitation must only occur during daylight hours.

(Ord. 2014-002, passed 2-20-2014) Penalty, see § 110.99

§ 110.35 DURATION OF REGISTRATION.

Each registration form is valid for a duration of 90 days. The registrant must then file another registration form with the Clerk-Treasurer in accordance with the provisions of this subchapter.

(Ord. 2014-002, passed 2-20-2014)

§ 110.36 EXEMPTIONS.

This subchapter does not apply to the following:

(A) 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, State of Indiana or federal laws, rules or regulations; or

(B) Delivery of any merchandise or other articles of any kind previously purchased or ordered by or for the owner or occupant of such premises.

(C) Religious, political and other protected First Amendment speech that does not involve “door-to-door” selling, soliciting, canvassing, peddling, merchandising, promoting, or the brokering of products or property is not subject to provisions of this subchapter relative to registration.

(D) Trafalgar resident minors and any not-for-profit organizations which are exempt from the Indiana Gross Retail Tax under I.C. 6-2.5-5-26, as amended from time to time.

(E) Cable television providers who have registered with the Indiana Utility Regulatory Commission (IURC) pursuant to state law. While such cable companies are exempt from complying with the town's registration requirement set forth above all other provisions of this subchapter apply.

(Ord. 2014-002, passed 2-20-2014)

§ 110.37 RESTRICTIONS ON SOLICITATION.

The following restrictions will be placed on each solicitor:

- (A) Solicitors will wear I.D. cards in a visible manner;
- (B) 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
- (C) Solicitors will not engage in any deliberate touching of unconsenting persons.
- (D) No person shall be upon or go upon any street or roadway or shall be upon or go upon any shoulder of street or roadway for the purpose of soliciting employment, business or charitable contributions of any kind from the occupant of any vehicle.

(Ord. 2014-002, passed 2-20-2014) Penalty, see § 110.99

§ 110.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) The violation of any provision of § 110.01 shall constitute a misdemeanor and any person, firm or corporation, shall on conviction be fined in the sum of \$250.
- (C) Any person, persons, firm, corporation, or organization violating §§ 110.30 through 110.37 shall be fined a sum of \$100 for each day of the violation of §§ 110.30 through 110.37 up to a maximum of \$2,500 for the first violation. For each subsequent violation of §§ 110.30 through 110.37, the maximum will be up to \$7,500.

(Ord. 2, passed 5-1-1948; Ord. 71-1, passed - -1971; Ord. 88-7, passed 6-6-1988; Ord. 2014-002, passed 2-20-2014)