

AN ORDINANCE GOVERNING COMMERCIAL DOOR-TO-DOOR SOLICITATION
IN FLOYD COUNTY, INDIANA

I. 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 unincorporated County of Floyd by and through the uninvited in-person solicitation of county 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.

II. APPLICATION, LICENSING, FEES.

(A) Any vendor who desires to engage in door-to-door solicitation shall first obtain from the Floyd County Commissioners 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 Floyd County Commissioners shall refer the application to the Floyd 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 Floyd County Commissioners shall provide to any person, upon request, a door-to-door vendor application form ("application") to be completed by a vendor and submitted to the Floyd County Commissioners for review and approval by the Floyd County Commissioners. The application shall require the following:

(1) General information about the vendor including but not limited to, vendor's business and the nature of vendor's proposed door-to-door solicitation. The applicant shall state 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.

(2) Each employee and agent involved in door-to-door solicitation, pursuant to a license issued to the vendor under this section, shall provide a valid government issued photo ID and a signed release authorizing the Floyd County Commissioners or their designee to run a

nationwide criminal history report. Juvenile employees and agents are also required to provide a copy of a work permit issued by the State of Indiana. If any vendor, its employee or agent who is named in the application has a criminal arrest record, the Floyd County Commissioners may require the vendor, employee or agent to deliver an official copy of any records related to the arrest and/or conviction, and may include other documents, such as a police report, court records, or protection order.

(3) 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 vendor(s) sells or offers goods, wares, merchandise, food, services or subscriptions in the county.

(4) An application fee, as determined by the Floyd County Commissioners.

(5) A license fee as determined by the Floyd County Commissioners.

(6) An Identification card fee as determined by the Floyd County Commissioners.

(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 Floyd County Commissioners in writing, of the change within 72 hours after such change. If the applicant or licensee fails to notify the Floyd County Commissioners, any license issued to the applicant or vendor shall be suspended.

(E) A license and a non-transferable identification card shall be issued to a vendor by the Floyd County Commissioners upon such vendor's completion of an application, confirmation that such vendor and all employees and agents who will be involved in door-to-door solicitation have no felony or misdemeanor conviction(s) within 15 years of the application date for a crime of, fraud, theft, burglary, robbery, and/or any other crime against another person, and such vendor has paid a license fee as set forth in this Ordinance or revised by Resolution.

(F) The vendor shall pay the Floyd County Commissioners license fee of:

10 day license \$50

120 day license \$150

1 year license \$300

for each employee and agent involved with door-to-door solicitation listed on the application.

The fee shall not be returned or refunded upon denial of employee or agent, and all such monies shall be deemed forfeited. The license fee may be changed by a Resolution passed by the Floyd County Commissioners.

(G) The Application processing fee is \$250.00. The Application processing fee may be changed by a Resolution passed by the Floyd County Commissioners.

(H) The identification card fee is \$20 per card. The identification card fee may be changed by a Resolution passed by the Floyd County Commissioners.

(I) The decision as to whether an application is approved or denied shall be made by the Floyd County Commissioners within 20 days from the date the application is submitted to the Floyd County Commissioners for processing.

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

III. 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 or one year, as applicable, from the date the license or identification card was issued, and shall thereafter immediately expire and become null and void. Vendor or vendor's employee(s) shall return the expired identification card to the Floyd County Commissioners.
- (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.
- (E) It is unlawful to solicit without a permit.

IV. LICENSE REVOCATION OR DENIAL.

(A) If the Floyd County Commissioners, determines that one or more of the following apply to a vendor and/or to any employee or agent of vendor who applies for a license or who is involved in door-to-door solicitation, then the Floyd County Commissioners shall deny the application and/or revoke an issued license and/or identification card(s) relating thereto, whichever action is applicable under the circumstances:

- (1) Vendor submitted an application that contains materially false or misleading information;
- (2) Vendor or any of vendor's employees or agents was, within 15 years prior to the date of vendor's application, convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person;
- (3) Vendor or any of vendor's employees or agents has violated this section or has been charged with or convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person after the issuance of but prior to the expiration date of such person's license and/or identification card;
- (4) Vendor or any of vendor's employees or agents has failed to properly display his/her identification card while engaged in door-to-door solicitation; or

(5) Two or more written and verified complaints have been delivered to the Floyd County Commissioners regarding allegedly untruthful, illegal, or harassing conduct concerning vendor or vendor's employees or agents during his/her door-to-door solicitation. Harassing conduct includes aggressive pressure, intimidation, or not leaving the property upon request.

(B) All license and/or identification card denials/revocations shall be in writing, shall state thereon the effective date of the denial/revocation and the reason for same, and shall be served by U.S. certified mail or by personal service on vendor. A copy of the report used for denial will be provided to the affected person upon request unless the complainant requests otherwise.

(C) No application, license or identification card fees shall be returned or refunded upon the revocation of a license and/or identification card issued pursuant to this section, all such monies being deemed forfeited. The County will charge an additional application fee, license fee, and identification card fees for any license that has been suspended, revoked, or denied.

V. PENALTY.

(A) Any vendor and/or any employee or agent of vendor who engages in door-to-door solicitation in violation of this chapter 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 by Indiana law and this ordinance.

(B) The Floyd County Commissioners 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 county'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 county to collect from the violator the county'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.

VI. VALIDITY, EFFECTIVE DATE, AND CONFLICT CLAUSES

- a) Validity. Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.
- b) Effective Date. This ordinance shall be in full force and effect upon adoption by the Floyd County Commissioners.
- c) Conflict. That any Ordinance of Floyd County, Indiana which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Any Ordinance or portion of Ordinance which is not in conflict with this Ordinance shall remain in full force and effect.
- d) FCO-2024-21 is hereby dissolved and replaced upon passage of this ordinance.

Adopted and passed this 3rd day of September, 2024.

BOARD OF COMMISSIONERS,
COUNTY OF FLOYD


Al Knable, President


John Schellenberger, Commissioner



Jason Sharp, Commissioner

Attest:



Diana Topping, Auditor



Solicitor Application

PART 1: Corporate Application

Date of Application _____

We accept checks or money orders, all payable to the Floyd County, Indiana

General Information

Business Name: _____

Phone: _____

Address: _____

City _____ State: _____ Zip: _____

Corporate Contact Name: _____

Email: _____

Date of Incorporation: _____

State of Incorporation: _____

If not Indiana, date approved as foreign corporation with Indiana Sec. of State:

Name of Registered Agent with Indiana Sec. of State:

Nature of Business: _____

Local Contact Person Information (Must be available for a period of time not less than sixty (60) days following the last date that the vendor sells or offers goods, wares, merchandise, food, services, or subscriptions in the County)

Name: _____

Position: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Cell Phone: _____

Email Address:



Questions – Circle the Appropriate Response:

- Do you understand you must pay the license fee once approved?

Yes / No

- Has your company, or any of your employees or agents, been convicted of the felony or misdemeanor crime(s) of fraud, theft, burglary, robbery, and/or any other crime against another person within 15 years before the date of this application?

Yes / No

- Do each of your solicitors have a valid, governmentally issued photo ID?

Yes / No

- Are you aware each solicitor must complete a background check through a company approved by the Floyd County Commissioners?

Yes / No

- Do you understand the signed release for the background check is a decision made by each person individually, the results of which cannot be released to you?

Yes / No

- Do you understand we will only notify you on who is approved and who is not?

Yes / No

- Do you understand that your employees or agents must properly display his/her identification card while engaged in door-to-door solicitation?

Yes / No

- Do you understand that your license may be revoked if we receive two or more substantiated complaints regarding alleged untruthful or illegal conduct with your company, employees or agents during his/her door-to-door solicitation?

Yes / No



- Do you understand that no application or license fee will be returned upon any denial or revocation of a license pursuant to the solicitation ordinance, and all monies will be deemed forfeited?

Yes / No

- Do you understand that if there are any substantial changes in fact, policy, or method in your business, you must notify us in writing within 72 hours of the changes?

Yes / No

- The Floyd County Commissioners have a “no solicit list” of residents upon their request that states “No Door-to Door Solicitation.” Do you understand that it is unlawful to solicit on any premises posted with a sign bearing the words “No Solicitors” or residents on the no solicit list?

Yes / No

- Did you receive a copy of our ordinance with this application?

Yes / No

- Do you understand the hours below you are permitted to solicit door-to-door?

Yes / No

- 10/01 through 04/30– between 10:00 am and 6:00 pm on any day
- 05/01 through 09/30 – between 10:00 am and 8:00 pm on any day

- Do you plan to train your solicitors on the rules of the Floyd County ordinance provided?

Yes / No

- Is your company a member of the Better Business Bureau?

Yes / No

- Has the company applying had any active investigations into poor business practices or pending / past litigation regarding fraudulent activity?

Yes / No



All the information and answers on this permit application are true and accurate. I understand that any misrepresentation or omission of facts will result in the denial or revocation of the solicitor's license. If any information changes, I understand that I am responsible for promptly updating that information in writing to the Floyd County Commissioners

Signed: _____ Printed: _____
Title: _____
Date: _____

Please list the last 3 locations, city and state, your company has recently visited

1. _____
2. _____
3. _____

You are encouraged to give each employee or agent of your company a copy of the Floyd County, Indiana Ordinance.

Employees and agents

Please provide the Names, Addresses, cell phone numbers:

1. _____
2. _____
3. _____



PART 2: License

☐ **Approved** ☐ **Denied**

Date _____

Commissioner Signature _____

License Fee for each solicitor (circle one):

10 day = \$50 120 day = \$150 one year = \$300

We accept checks or money orders, all payable to the Floyd County, Indiana

(Office Use Only)

Applicant Completed and Received: Y / N

Amount:

Payment Method:

Receipt Number:

Application Processing Fee: \$250

Solicitor Application

Please Read Carefully Before Signing the Authorization

NOTICE REGARDING BACKGROUND INVESTIGATION

A consumer report (background screening report) and/or an investigative consumer report which may include information obtained through personal interviews concerning your character, employment history, general reputation, personal characteristics, police record, education, qualifications, motor vehicle record, mode of living, will be obtained in connection with your Solicitor Application. Upon written request made within a reasonable time after receipt of this notice, you have the right to request disclosure of the nature and scope of any investigative consumer report. In addition, the Floyd County Commissioners or its designee may obtain a criminal background check.

AUTHORIZATION

By signing below, I _____ hereby voluntarily authorize the Floyd County Commissioners or its designee to obtain either a consumer and/or investigative consumer report from a consumer reporting agency and to consider this information when making decisions regarding my Solicitor Application. I understand that I have rights under the Fair Credit Reporting Act, including the rights discussed above, and have received a Summary of My Rights Under the FCRA. This report may be delivered in either written or electronic form.

Print Name (last, first, middle)

Signature

Date

Personal Data

Print Name (last, first, middle)

Any other names I have been known by:

Street Address

City

State

Zip

Phone Number

Social Security Number

Date of Birth (MM/DD/YYYY)

Driver's License Number

Driver's License State

Employer

Background Questions

Have you ever been convicted, pleaded guilty, or had no contest before a court for any federal, state, or municipal criminal offense, such as a misdemeanor/felony, regardless of the age of conviction? Yes _____ No ____

Please include any felony or misdemeanor driving offenses, such as Driving While Suspended, DWI (Driving Under the Influence), or OWI (Operating a Vehicle Under the Influence). Traffic infractions (e.g., speeding or parking tickets) are not required for disclosure.

Have you ever received probation or community supervision for federal, state, or municipal criminal offenses? Yes ____ No ____

Have you ever been convicted of any criminal offense in a country outside the jurisdiction of the United States? Yes ____ No ____

Do you currently have any pending charges against you? Yes _____ No ____

I affirm under the penalties of perjury that the information provided to Floyd County is true to the best of my knowledge.

Signature

Print Name

Date: _____