



Town of New Whiteland

Door-to-Door Vendor Application

(Must be printed legibly)

Instructions: The required information must be filled out on each person seeking a permit. An Indiana State Police Criminal History must be provided for each person; the criminal history cannot be more than thirty (30) days old. A solicitor identification will be issued to each person and must be openly carried by that person when going door-to-door. The identification is not transferrable. There is a \$1.00 charge for each identification card issued. Failure of any solicitor to comply with the Door-to-Door Ordinance guidelines is grounds to revoke the permit. Any complainants of forcible sales tactics, refusal to leave a premise when asked or illegal behavior is grounds to revoke the permit. The ordinance is available to read if requested.

Solicitation hours are from: 10:00 a.m. until 7:00 p.m.

General License Information:

Company/Organization Information:

Name: _____

Name of Supervisor in Charge: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Business Telephone: _____ Mobile Telephone: _____

Goods or Services Offered: _____

Application Submission Date: _____

Permit Requested: 10-day ☐ \$15.00 120-day ☐ \$90.00

Permit Issue Date: _____ Permit Expiration Date: _____

Surety Bond? Yes ☐ No ☐

Approval:

Approved ☐ Disapproved ☐

Chief of Police

Date

Solicitor Information:

Sales Person 1:

Name: _____ Male ☐ Female ☐

Street Address: _____ City: _____ State: _____ Zip: _____

Date of Birth: _____ Age: _____ Height: _____ Weight: _____ Eye Color: _____

Hair Color: _____ Driver's License No. _____ State: _____

Have you ever been convicted of a criminal offense: Yes ☐ No ☐ (If yes, explain)

I affirm under penalty of perjury that the foregoing representations are true to the best of my knowledge.

Signature

Date

Sales Person 2:

Name: _____ Male ☐ Female ☐

Street Address: _____ City: _____ State: _____ Zip: _____

Date of Birth: _____ Age: _____ Height: _____ Weight: _____ Eye Color: _____

Hair Color: _____ Driver's License No. _____ State: _____

Have you ever been convicted of a criminal offense: Yes ☐ No ☐ (If yes, explain)

I affirm under penalty of perjury that the foregoing representations are true to the best of my knowledge.

Signature

Date

Sales Person 3:

Name: _____ Male ☐ Female ☐
Street Address: _____ City: _____ State: _____ Zip: _____
Date of Birth: _____ Age: _____ Height: _____ Weight: _____ Eye Color: _____
Hair Color: _____ Driver's License No. _____ State: _____
Have you ever been convicted of a criminal offense: Yes ☐ No ☐ (If yes, explain)

I affirm under penalty of perjury that the foregoing representations are true to the best of my knowledge.

Signature

Date

Sales Person 4:

Name: _____ Male ☐ Female ☐
Street Address: _____ City: _____ State: _____ Zip: _____
Date of Birth: _____ Age: _____ Height: _____ Weight: _____ Eye Color: _____
Hair Color: _____ Driver's License No. _____ State: _____
Have you ever been convicted of a criminal offense: Yes ☐ No ☐ (If yes, explain)

I affirm under penalty of perjury that the foregoing representations are true to the best of my knowledge.

Signature

Date

Limited Criminal History Requests

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the state of Indiana. Completeness of this information is based upon proper submission of arrest records by counties. A form can be obtained online from the Indiana State Police website; this form and a set fee can be mailed or delivered to State Police Headquarters in Indianapolis. If the form is mailed, a response will be sent to the address provided by the requestor. A Limited Criminal History Request can also be made online and an instant result will be received. A fee is charged by the Indiana State Police for online transactions.

Visit <http://www.in.gov/isp> and click on the tab for "Limited Criminal History" or call the ISP Records Division at 317-232-8262 for additional information.

The effectiveness of these types of criminal history reports is limited to the applicant being honest on an application about their identifying information. An enhanced method of conducting a criminal history search is to utilize fingerprint identification.

New Whiteland - General Provisions

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS

DOOR-TO-DOOR VENDORS

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS / § 110.01 DEFINITIONS.

§ 110.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

DOOR-TO-DOOR. All methods and means of soliciting funds from and/or selling commercial products, services or property to residents and other persons on private property within the corporate limits of the town by way of uninvited in-person solicitation.

EXEMPT PERSON. Includes the following:

- (1) An individual while and to the extent he or she is engaged in protected political speech or protected religious speech;
- (2) 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 non-for-profit or non-profit organization or association that is exempt from the state's gross retail tax; and
- (3) 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. 2015, passed 12-20-2005)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS / § 110.02 LICENSE REQUIRED; APPLICATION.

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§ 110.02 LICENSE REQUIRED; APPLICATION.

(A) The Town 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 Town Police Department. The application shall seek general information about the vendor, vendor's business and the nature of the vendor's proposed door-to-door solicitation. 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 histories of the vendor and of each employee and agent of that vendor who will be involved in door-to-door solicitation. All completed applications shall be submitted to the town's Police Department for review.

(B) A license and a non-transferable identification card shall be issued to a vendor upon 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 ten-day license or \$90 for a 120-day license. Upon receipt of a license, a vendor must also purchase from the town's Police Department, at the cost of \$1 each, non-transferable identification cards for each employee and agent of vendor listed on vendor's application and for whom the town's Police Department has confirmed has no felony or misdemeanor conviction within 15 years of the vendor's application date for a crime of dishonesty, fraud, theft and/or moral turpitude.

(C) The decision as to whether an application is approved or denied shall be made by the town's Police Department within 20 days from the date the application is submitted.

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

(Ord. 2015, passed 12-20-2005)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS / § 110.03 RESTRICTIONS ON LICENSE AND DOOR-TO-DOOR SOLICITATION.

§ 110.03 RESTRICTIONS ON LICENSE AND DOOR-TO-DOOR SOLICITATION.

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(A) Door-to-door solicitation may be conducted between the hours of 10:00 a.m. and 7:00 p.m. local time only.

(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 days or exactly 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) The vendor, and the vendor's employees and agents, shall comply with all applicable federal, state and local laws and regulations while engaging in door-to-door solicitation. The issuance of a license and identification card does not empower a vendor or any of vendor's employees and agents to ignore "no-solicitation" signs or other lawful requests to not trespass on private property.

(Ord. 2015, passed 12-20-2005) Penalty, see § 110.99

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS / § 110.04 SUSPENSION AND REVOCATION OF LICENSE; NOTICE.

§ 110.04 SUSPENSION AND REVOCATION OF LICENSE; NOTICE.

(A) If the Town Police Department determines that one or more of the following apply to a vendor and/or to any employee or agent of a vendor who applies for a license or who is involved in door-to-door solicitation, then the Town Police Department shall deny the application and/or revoke an issued license and/or the 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 dishonesty, fraud, theft and/or moral turpitude;

(3) The vendor, or any of the vendor's employees or agents, has violated this subchapter or has been charged with or convicted of a felony or misdemeanor crime of dishonesty, fraud, theft and/or moral turpitude after the issuance of, but prior to, the expiration date of such person's license and/or identification card;

(4) The vendor, or any of the vendor's employees or agents, has failed to

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properly display his or her identification card while engaged in door-to-door solicitation; and/or

(5) Two or more written and sworn complaints have been delivered to the town's Police Department regarding allegedly untruthful or illegal conduct concerning the vendor, or the vendor's employees or agents, during his or her door-to-door solicitation.

(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 the vendor at the vendor's address as contained in the application.

(C) (1) Any vendor, within 20 days from the date of notice on which it receives notice of denial or revocation of a license, may, by written request delivered upon the town's Police Department, within such time period, appeal the denial revocation to the Town Council. If a timely appeal is not made, the denial or revocation becomes final.

(2) If a timely appeal is made, the Council shall hear the appeal at a public hearing which shall begin no more than 20 days from the date of the receipt of the appeal request by the Town Marshal. The Council shall issue its written decision on the appeal no more than ten days from the ending date of the hearing thereon, which Council decision shall be final.

(D) 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 moneys being deemed forfeited.

(Ord. 2015, passed 12-20-2005)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION / DOOR-TO-DOOR VENDORS / § 110.05 EFFECT AND SCOPE; ENDORSEMENT.

§ 110.05 EFFECT AND SCOPE; ENDORSEMENT.

The adoption of this subchapter by the town, and the licensing of any vendor hereunder, shall not constitute an endorsement or approval of the cause, goods, property and/or services represented or provided by, nor the conduct of, any person while engaged in door-to-door solicitation.

(Ord. 2015, passed 12-20-2005)

TITLE XI: BUSINESS REGULATIONS / CHAPTER 110: SOLICITATION /

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DOOR-TO-DOOR VENDORS / § 110.99 PENALTY.

§ 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 of this code of ordinances.

(B) Any vendor and/or any employee or agent of a vendor who engages in door-to-door solicitation in violation of §§ 110.01 through 110.05 of this chapter shall be subject to a fine of \$50 for each day (or portion thereof) during which the violation exists.

(Ord. 2015, passed 12-20-2005)