

**AN ORDINANCE SETTING FORTH THE PARAMETERS
FOR SOLICITATIONS, PEDDLING, AND FOOD TRUCK VENDORS
FOR THE TOWN OF FRANCESVILLE, INDIANA**

Ordinance No. 3 of 2021

WHEREAS, the Town Council of the Town of Francesville, Indiana (the "**Town Council**"), is responsible for the performance of various functions for the Town of Francesville (the "**Town**"); and

WHEREAS, a number of citizens of the Town of Francesville have concerns about unregulated solicitation of goods and services in the Town of Francesville; and

WHEREAS, peddlers have been approaching residences at all hours of the day and night around the Town; and

WHEREAS, it is in the public interest to establish reasonable rules for the safe and responsible activity of soliciting goods and services; and

WHEREAS, Indiana Code 36-1-3-6 allows the Town Council to establish such an ordinance extending to and applying to any area in Francesville, Indiana, where the Town Council, the Francesville Police Department and the Pulaski County Sheriff have jurisdiction.

SECTION I

"Definitions"

1. ***Town Hall Building or Office:*** Any building or office owned or leased by the Town of Francesville, State of Indiana.

2. ***Canvasser:*** A person who attempts to support for or against a particular religion, philosophy, ideology, political party, issue or candidate; OR

Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service.

3. ***Peddler:*** A person who attempts to make personal contact with a resident of the Town of Francesville at his or her residence without prior specific invitation from the resident, with the primary purpose of attempting to sell or solicit a good or service, whether or not the goods or services are actually delivered at the time of the sale. This term includes solicitors and those collecting information for commercial purposes.

4. ***Peddling:*** The activity of any person in traveling from office to office, residence to residence or from place to place carrying or conveying goods, wares, merchandise, food, beverages or produce, offering and exposing same for sale, or making sales and delivering articles to pw-chasers.

5. ***Food Truck Vendor:*** The activity of any person selling food items from a traveling vehicle.

"Registration Required"

1. No person shall be engaged as a peddler or food truck vendor in the Town of Francesville, Indiana, without first complying with the requirements of this Ordinance and registering, in person, with the Clerk-Treasurer's Office with the Town of Francesville.
2. Registration is not required for canvassers.
3. Registration is good for one (1) year.
4. Each person engaging in peddling activities or food truck vendors, whether individually or as a representative of a company, shall complete a registration.
5. Registrations are non-transferrable. No person shall believe they have been registered unless, they personally, have registered with the Clerk-Treasurer's Office of the Town of Francesville.

"Registration Form"

Peddlers seeking to register must file at the Clerk-Treasurer's Office of the Town of Francesville during normal business hours. The form provided by that Office shall give the following information:

1. Proof of age, address, and identification of registrant, to be provided by presenting the registrant's driver's license, state identification card, passport, or other United States government-issued identification card;
2. A brief description of the nature of the business and the goods to be sold;
3. Name and address of the company represented by the registrant;
4. The motor vehicle make, model, year, color, and state license plate number of any vehicle, which will be used by each person.

"Prohibition"

1. No person or group shall:
 - A. With or without a registration, enter upon private property where any form of sticker or sign is clearly displayed advising that the occupant does not wish to be called upon by peddlers, canvassers, and/or solicitors, such as, but not limited to, a "No Soliciting" sign or a "No Trespassing" sign;
 - B. With or without a registration, remain on private property after being asked by the occupant to leave;
 - C. With or without a registration, remove any sign or sticker that gives notice by the occupant to not be called upon;
 - D. With or without a registration, damage private property.

2. No person shall:

A. Engage in peddling activities or food truck vendors as defined above without first registering with the Clerk-Treasurer's Office of the Town of Francesville;

B. Once registered as a peddler or food truck vendor, the registrant may only operate between the hours of 9:00 A.M. and 8:00 P.M.

C. No person or persons, for themselves or for or on behalf of any other person or persons or for or on behalf of any organization or organizations, shall solicit contributions of money or other items of value or offer items for sale or in exchange for or in consideration of contributions or payment within the incorporated areas of the Town of Francesville on or in any public street, road, right of way, median or sidewalk.

D. Enter any Town building for the purpose of canvassing or peddling without the prior written consent of;

i. The Francesville Town Council, if such activity is to be conducted in any building owned by the Town of Francesville; or

ii. The department head or highest officer in charge, if such activity is to be conducted in or on the premises of any other Town building; and, provided further, that such activity may be conducted if the prior written invitation of the Francesville Town Council is furnished or exhibited.

E. No person, organization, corporation, or business entity to instruct, direct, command, order, organize or otherwise arrange for any person to engage in any violation of this Ordinance.

"Fees"

The Clerk-Treasurer of the Town of Francesville shall collect an annual fee for said peddler or food vendor truck in the amount of Fifty Dollars (\$50.00). One day fee of \$25.00 for temporary food truck permit. The annual term for said fee shall be from date of registration.

"Penalty"

Any person violating the provisions of this Ordinance shall be punished by the following fines: a fine of One Hundred Dollars (\$100.00) for the first offense, a fine of Two Hundred Fifty Dollars (\$250.00) for a second offense and Five Hundred Dollars (\$500.00) for a third and subsequent offense(s). Multiple citations may be issued on the same day, if more than one offense occurs. Nothing contained in this Ordinance shall prohibit the proper law enforcement authority from assessing criminal fines or charges, for any violation of state or federal law.

"Exception to Ordinance"

This Ordinance, and any prohibitions and penalties hereunder, shall not apply to the annual Francesville Fall Festival attendees, licensees, vendors, or participants. Separate rules shall be promulgated by the appropriate Francesville Fall Festival governing board, as to all attendees, licensees, vendors and participants.

"Severability"

If any section, provision, or part of this Ordinance is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any portion thereof not adjudged invalid or unconstitutional.

SECTION II.

"Effective Date and Duration"


This Ordinance shall become effective immediately upon its passage, and shall remain in effect until further ordered by the Town Council for the Town of Francesville, Indiana.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE, INDIANA, THIS 21 DAY OF JUNE, 2021.

THE FRANCESVILLE, INDIANA TOWN COUNCIL

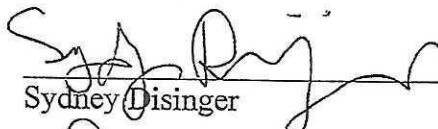
APPROVED:

OPPOSED:



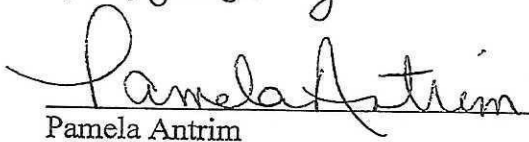
Lynn Johns, President

Lynn Johns, President



Sydney Disinger

Sydney Disinger



Pamela Antrim

Pamela Antrim

ATTEST:



Cathy Elston, Clerk/Treasurer