

ORDINANCE NO. 10-02 3

**AN ORDINANCE TO AMEND ORDINANCE 05-07 A SOLICITATION
REGISTRATION SECTION OF THE WHITELAND MUNICIPAL CODE**

WHEREAS, the Town of Whiteland, Indiana (the "Town"), has determined it necessary to regulate door-to-door soliciting within the Town;

WHEREAS, the Town desires to protect its citizens from crime and undue annoyance by regulating door-to-door soliciting; and

WHEREAS, the Town previously adopted Ordinance 05-07 on January 9, 2006, adding a door-to-door solicitation section as Chapter IX of the Whiteland Municipal Code; and

WHEREAS, the Town now desires to amend Chapter IX of the Whiteland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Town of Whiteland that Chapter IX of the Whiteland Municipal Code is amended to read as follows:

Section 1. Door-to-Door Solicitation. The method of vending products or property by solicitation of sales, contributions, support, endorsements, or other benefits, from Town of Whiteland residents, occupants, or tenants, by entering upon private residences in the Town and seeking such benefits without having been invited to do so.

Section 2. Public Fora Solicitation. The method of vending products or property by solicitation of sales, contributions, support, endorsements, or other benefits, from Town of Whiteland residents, occupants, or tenants, by performing such act upon public sidewalks, parks or any other public forum.

Section 3. Solicitation Registration. All persons engaged in the practice of door-to-door or public fora solicitation in the Town must first register with the Clerk-Treasurer of the Town (the "Clerk-Treasurer").

Section 4. Registration Procedures. 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.

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.

Registration Fee. Each registrant shall pay a one hundred fifty dollar (\$150.00) fee for each event or period of solicitation. Each person listed on an application must pay a five dollar (\$5.00) fee for each set of fingerprints required below for each event or period of solicitation.

Copy of Registration to Police. The Clerk-Treasurer must transmit a duplicate copy of each registration form to the Police Chief on 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.

Bond. Each registrant must obtain and attach thereto a cash or surety bond in the penal sum of Five Hundred Dollars (\$500.00) 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.

Section 5. Time Restraint for Door-to-Door Solicitation. Solicitation must only occur during daylight hours.

Section 6. Duration of Registration. Each registration form is valid for a duration of ninety (90) days. The registrant must then file another registration form with the Clerk-Treasurer in accordance with the provisions of this Section.

Section 7. Exemptions. This Ordinance does not apply to the following:

1. 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
2. the delivery of any merchandise or other articles of any kind previously purchased or ordered by or for the owner or occupant of such premises.
3. 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 Ordinance relative to registration.
4. Whiteland resident minors and any not-for-profit organizations which are exempt from the Indiana Gross Retail Tax under Indiana Code §6-2.5-5-26, as amended from time to time.

Section 8. Restrictions on Solicitation. The following restrictions will be placed on each solicitor:

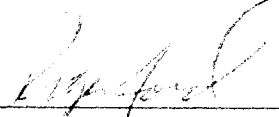
1. Solicitors will wear I.D. cards in a visible manner,
2. Solicitors will in no way express that the Town, any government agency, or any organization other than their own is sponsoring and/or connected with their activities; and
3. Solicitors will not engage in any deliberate touching of unconsenting persons.
4. 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.

Section 9. Penalty for Violations. Any person, persons, firm, corporation, or organization violating this Chapter shall be fined a sum of One Hundred Dollars (\$100.00) for each day of the violation of this Ordinance up to a maximum of \$2500 for the first violation. For each subsequent violation of this Ordinance, the maximum will be up to \$7500.

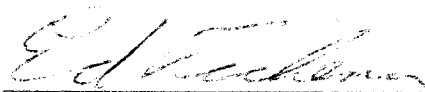
Section 10. Conflicting Provisions. If any of the provisions of this Ordinance is in conflict with provisions with other provisions of other ordinances, the provisions in this Ordinance will control.

PASSED AND ADOPTED on the 12th day of July, 2010.

TOWN COUNCIL OF THE TOWN OF
WHITELAND, INDIANA




Roger Ford, President



Ed Tichenor, Vice-President

David Kelsay, Member




Julie Dwire, Member



Alan Whitaker, Member

ATTEST:



Michelle Gabehart, Clerk-Treasurer

WHITELAND, INDIANA
TOWN COUNCIL

KENT BEESON
PRESIDENT

JAMES KLENNER
VICE PRESIDENT



DAVID HAWKINS
MEMBER

ANDY BROCK
MEMBER

SCOT FORD
MEMBER

SOLICITATION APPLICATION

Clerk-Treasurer's Office

Debra L. Hendrickson

Date of application: _____

Registration Fee \$150.00 + \$5.00 per set of fingerprints (fingerprints are required for Indiana State Police Criminal Check)

Name and Address of Applicant: _____
Phone Number _____

Name and Address of Business: _____
Phone Number _____

Name, Address, and Phone Number of Immediate Supervisor or Responsible Party

-How many people? _____ List Names and Addresses on back

-Type of goods soliciting: _____

-Ice Cream Trucks will need to give a description of vehicle:

-Time period soliciting (90-day max): _____ / _____ / _____ to _____ / _____ / _____

APPLICANTS MUST PROVIDE THE FOLLOWING: (TOWN OFFICE WILL CHECK OFF AS RECEIVED)

- _____ Copy of Drivers License and/or Photo ID
- _____ **Original** Bond (\$500.00 Cash or Surety Bond)
- _____ Copy of Current Registered Retail Merchants Certificate
- _____ Copy of all written information which is intended for distribution to the public
- _____ **Original** Criminal History Record from Indiana State Police within last 30 days (info attached)
- _____ \$150.00 Registration Fee + Fingerprint Charges

APPLICANT WILL RECEIVE THESE AS THE I.D.

- _____ Copy of Town of Whiteland Vendor License
- _____ Copy of Application (Applicant will need to carry a valid ID while soliciting)



Request for Limited Adult Criminal History Information

(317) 233-5424

| |
|-------------------|
| ID Billing Number |
|-------------------|

Please type or print all information

RECORD CHECK ON:

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Last Name

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First Name

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Date of Birth MMDDYYYY

M = Male
F = Female

Sex

A = Asian / Pacific I = American Indian / Alaskan
W = White B = Black
U = Unknown M = Multi Racial

Race

| |
|-----------------------------------|
| REQUESTER |
| <input type="checkbox"/> AGENCY |
| <input type="checkbox"/> SELF |
| <input type="checkbox"/> ADOPTION |

()

Daytime Phone Number

Name

Mailing Address: (where this response will be sent)

City, State, Zip Code

ATTENTION:

Limited Criminal History Information – Reason For Request

The cost is \$7.00. Mark an "X" in one box below for this request.

Certified check or money order must be enclosed if request is mailed.

Cash will be accepted only in person. [Correct Change]

- (1) Has applied for employment with a non-criminal justice organization or individual;
- (2) Has applied for a license and criminal history data as required by law to be provided in connection with the license;
- (3) Employment with a state or local governmental entity.
- (4) Is a candidate for public office or a public official;
- (5) Is in the process of being apprehended by a law enforcement agency;
- (6) Is placed under arrest for the alleged commission of a crime;
- (7) Has charged that his rights have been abused repeatedly by criminal justice agencies;
- (8) Is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (9) Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency, or a nonprofit corporation;
- (10) Is employed by an entity that seeks to enter into a contract with a public school (as defined in IC 20-10.1-1-2) or a non-public school (as defined in IC 20-10.1-1-3), if the subject of the request is expected to have direct, ongoing contact with school children within the scope of the subject's employment;
- (11) Has volunteered services at a public school (as defined in IC 20-10.1-1-2) or non-public school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school; Student Teacher IC 5-2-5-5.
- (12) Is being investigated for welfare fraud by an investigator of the Division of Family and Children or a county office of family and children;
- (13) Is being sought by the parent locator service of the Child Support Bureau of the Division of Family and Children;
- (14) Is or was required to register as a sex and violent offender under IC 5-2-12; or
- (15) Has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Possession of child pornography (IC 35-42-4-4(c)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).

(continued on next page)

- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a *Class A or Class B* felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

NO FEE

Mark an "X" in one box below for this request.

PER IC 10-13-3-36

- A. Program has been in existence for 10 years, and has a primary purpose of providing an individual relationship for a child with an adult volunteer, if the request is made as part of a background investigation of a prospective adult volunteer for the organizations; (i.e. Big Brothers & Big Sisters)
- B. Home Health Agency (Copy of license has been issued and on file with Indiana State Police).
- C. Department of Public Welfare Day Care/Foster Home Licensing or license.
- D. School Corporation, Non-Public School or Special Education Cooperative (Kindergarten through Grade 12).
- E. Community mental retardation and other developmental disabilities centers, for purposes of IC 12-29.
- F. Group living facility licensed under IC 12-28-5.
- G. An area agency on aging designated under IC 12-10-1.
- H. Community action agency (as defined in IC 12-14-23-2).
- I. Owner operator of a hospice program licensed under IC 16-25-3.
- J. Community mental health center (as defined in IC-7-2-38).

(Before checking above box read the defined Indiana Code)

\$10.00 () Mark an (X) here for this request

REVIEW CHALLENGE

Any person may challenge the information contained in the person's **criminal history data file** 10-13-3-31. An individual requesting a **Review Challenge** of their criminal history on themselves may obtain the information two (2) different ways.

1. Request in person – come to our office (address below)
 - a. Must have picture ID, or social security card, or birth certificate.
 - b. \$10.00 cash or money order or certified check.
2. Request by mail – please submit the following:
 - a. This form, or a simple letter requesting, "full criminal history information."
 - b. A complete set of fingerprints taken by a law enforcement agency.
 - c. \$10.00 certified check or money order to State of Indiana (**NO CASH OR PERSONAL CHECKS**).

WARNING PENALTY FOR MISUSE

A non-criminal justice organization or individual receiving a limited criminal history may not utilize it for purposes other than those stated in the request or which deny the subject any civil right to which the subject is entitled. IC 10-13-3-27: Any person who uses limited criminal history for any purpose not specified in the request commits a Class A misdemeanor offense.

I affirm, under penalty of perjury, that the Limited Criminal History Information requested will be used as specified.

PRINT Name of Requester

Signature of Requester

Date

**Certified check or money order only - made payable to the STATE OF INDIANA.
Cash will be accepted only if request is in person. "NO" personal checks**

Mail request to:
Indiana State Police, Central Repository
100 North Senate Avenue, Room N302
Indianapolis, Indiana 46204-2259