

AN ORDINANCE AMENDING TITLE 4, "BUSINESS LICENSES AND REGULATIONS", OF THE BLOOMINGTON MUNICIPAL CODE

WHEREAS, the Common Council Attorney and Legal Department have reviewed Bloomington Municipal Code Title 4, "Business Licenses and Regulations", and recommended these changes;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 4.04.020 Display shall be amended to read "title" in lieu of "chapter" whenever such appears in the section and to add the following underlined portion:

4.04.020 Display Any person transacting any business or engaging in any activity requiring a license under the provision of this title shall exhibit the same, whenever requested to do so by any peace officer, patrolman, inspector, city officer or any patron or prospective patron. Any person exempt from the licensing requirements of this title may apply for an exemption certificate from the city controller's office.

SECTION II. Section 4.04.030 Charitable organizations excepted shall be amended to read "title" in lieu of "chapter" whenever such appears in the section.

SECTION III. Section 4.16.020 Seller of goods or services for simultaneous or later delivery--License required shall be amended to delete the following underlined portion:

Any person, firm, or corporation who engages in or transacts any temporary or transient business for profit in this city, either in one locality or in traveling from place to place offering for sale or selling goods, wares, merchandise or services, except those sellers who are supervised sellers at commercial malls or similar facilities with on-site management of such sellers and a permit application process requiring information equivalent to that required in this chapter, including those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs and price lists, and who accepts or intends to accept payment for such goods either upon simultaneous or later delivery to the buyer, violates this chapter and is subject to the penalties provided by Section 1.10.130 of this code unless licensed and bonded or exempted from licensing or bonding as provided by this chapter.

SECTION IV. Section 4.16.090 Exemption shall be repealed and reenacted to read as follows:

Section 4.16.090 Exemptions "Itinerant merchant" when used in this chapter does not include:

- (1) Any person, individual, copartner, or corporation which grows the goods, wares, or merchandise that is sold or is offered for sale;
- (2) A person who makes crafts or items by hand and sells them or offers them for sale;
- (3) An organization or individual selling under the auspices of an organization defined in 4.04.030;
- (4) A person who sells merchandise, offers to sell merchandise, or exhibits at a trade show, public show, or convention;
- (5) Supervised sellers at commercial malls or similar facilities with on-site management of such sellers and a permit application process requiring information substantially equivalent to that required in this chapter;
- (6) Sales made to dealers by commercial travelers or selling agents in the usual course of business or to sheriffs, constables, or other public officers selling goods, wares and merchandise according to law;
- (7) Bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors; or
- (8) A person who holds a registered retail merchant's certificate under IC 6-2.5-8.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2 day of August, 1989.


JAMES C. REGISTER, Council President
Bloomington Common Council

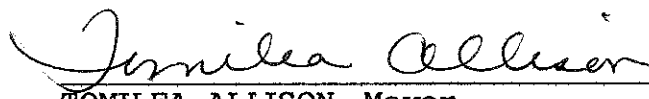
ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3 day of August, 1989.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 3 day of August, 1989.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 4, "Business Licenses and Regulations". The changes, recommended by the Common Council Attorney and the City Legal department, are mainly organizational changes. The "Itinerant Merchant" definition is clarified and the exemptions from Chapter 4.16, regarding itinerant merchants, are expanded to reflect state law and set out in a numbered sequence.

Signed copies to:

Auditor
County Attorney
City Legal
Comptroller
BMC file
Police