

TABLED

ORDINANCE NO. 73-40

AN ORDINANCE AMENDING CHAPTER 4.16 OF
THE BLOOMINGTON MUNICIPAL CODE ENTITLED,
"ITINERANT MERCHANTS AND SOLICITORS".

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
BLOOMINGTON, INDIANA:

SECTION 1. That Chapter 4.16 of the Bloomington Municipal
Code be amended to read as follows:

4.16.010 Itinerant Merchant Defined. The term
"itinerant merchant" is defined for the purpose
of this chapter, to be any transient person
who engages temporarily in the making or selling
of any kind of goods, wares or merchandise, in-
cluding the making and selling of photographs,
within the city, regardless of whether such goods,
wares or merchandise are peddled from house to
house, sold upon the streets or other public
places, or sold from any room, building, structure
or lot rented or leased for the purpose of carry-
ing on such business.

4.16.020 Itinerant Merchant-Registration-
Application. Any person desiring to engage in
the business of itinerant merchant, as defined
in Section 4.16.010 shall make an application
in writing to the Chief of Police at least seven
days before such applicant is authorized to
begin such business. Such application shall
state the name and residence of the applicant,
the place where such business is to be conducted,
the nature of the business, and the length of
time during which the applicant intends to con-
duct said business. Such application shall be
accompanied by a registration fee of five
(\$5.00) dollars to pay for the administrative
costs of said registration.

4.16.030 Payment of Registration Fee-Renewal.
The fee required in Section 4.16.020 shall be
paid in advance. If the registrant desires to
renew his registration beyond the date of the
expiration of the initial permit, he may do so
with the consent of the Chief of Police. The
fee shall be two (\$2.00) dollars for each renewal.

4.16.040 Solicitor-Defined. A "solicitor" is
any person who goes from house to house or from
place to place in the city, selling or taking
orders for, or offering to sell, or take orders
for goods, wares or merchandise or any other
article for future delivery.

4.16.050 Solicitor-Registration-Application.

Any person desiring to engage in the business of solicitor, as defined in Section 4.16.040, shall, before engaging in said business file with the Chief of Police an application containing his name and address, the firm that he represents and the nature of the business (including type of goods to be sold) to be conducted, and the length of time during which he desires to engage in said business. Said applicant shall pay a fee of five (\$5.00) dollars to pay for the costs of said registration.

4.16.060 Payment of Registration Fee-Renewal.

The registration fee required in Section 4.16.060 shall be paid in advance. If the registrant desires to renew his registration beyond the expiration of his initial permit, he may do so with the consent of Chief of Police. The fee shall be two (\$2.00) dollars for each renewal.

4.16.070 Solicitor-Duplicate Orders. All orders taken by solicitors within the city shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy of each of such orders shall be given to the purchaser.

4.16.080 Unsolicited Sales on Private Property.

The practice of being in and upon a private residence in the city, by solicitors and itinerant merchants, not having been requested or invited so to do by the owner or an occupant of the private residence, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hawking them is a nuisance and punishable as a misdemeanor.

4.16.090 Sales to Dealers by Commercial Travelers.

The provisions of this chapter shall not apply to sales to dealers by commercial travelers.

4.16.100 Sales Of Local Farm Produce by Producer.

The provisions of this chapter shall not apply to sales by the producer of farm produce raised in the city or the county.

4.16.110 Compliance With Provisions of Chapter.

It is unlawful for any person to engage in the business of an itinerant merchant or in the business of a solicitor as defined by this chapter within the city until the provisions of this chapter have been complied with.

Nothing in this chapter shall serve to exclude any person aggrieved by any action of an itinerant merchant or solicitor from seeking an appropriate remedy at law or equity.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage and promulgation in accordance with the law.

Passed and adopted by the Common Council of the City of Bloomington on the ____ day of May, 1973.

Charlotte T. Zietlow,
Council President

ATTEST:

Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington, upon the ____ day of May, 1973, at the hour of ____ o'clock ____ .m.

Grace E. Johnson, City Clerk

This ordinance approved and signed by me upon the ____ day of May, 1973, at the hour of ____ o'clock ____ .m.

Francis X. McCloskey, Mayor

INTRODUCED BY:

REFERRED TO COUNCIL COMMITTEE:

APPROVED AS TO LEGALITY: