

ORDINANCE NO. 2006 BCC- 35

AN ORDINANCE OF THE HOWARD COUNTY BOARD OF COMMISSIONERS  
REGULATING PEDDLERS AND SOLICITORS IN HOWARD COUNTY

WHEREAS, under Indiana Code 36-8-2-10, Howard County has the power to regulate business conducted within the County in order to protect the citizens of Howard County; and

WHEREAS, under Indiana Code 36-1-3-8, Howard County has the power to impose a license fee and prescribe penalties for violation of a County Ordinance; and

WHEREAS, this Board deems it necessary and in the best interest of the citizens of Howard County to license and regulate peddlers and solicitors who seek to conduct business in Howard County, excluding persons, firms or organizations who solicit funds or sell goods or services for the purpose of raising revenue on behalf of not-for-profit organizations.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THIS BOARD AS FOLLOWS:

SECTION I. JURISDICTION.

This Ordinance shall apply to all of Howard County, except for the City of Kokomo and the Town of Greentown which have enacted similar Ordinances.

SECTION II. DEFINITIONS.

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

"BUSINESS". The business carried on by any person who is a peddler or solicitor.

"GOODS". Merchandise of any description whatsoever, and includes, but is not restricted to, books, magazines, wares and foodstuffs.

"COUNTY" shall mean all of Howard County, except for the City of Kokomo and the Town of Greentown.

"PEDDLER". Any person who travels from house to house by any means carrying goods for sale, or making sales, or making deliveries; or any person who, without traveling from house to house, sells or offers goods for sale from any public place within the County; provided, that the term shall not include a transient merchant under IC 25-37-1-2, et seq.

"SOLICITOR". Any person who travels by any means from house to house taking or attempting to take orders for sale of goods delivered in the future or for services or repairs to be performed presently or in the future.

- (8) The applicant's date of birth, social security number and a current picture of applicant.
- (9) A description of any vehicle proposed to be used in the business, including its registration number, if any.
- (10) A consent for the Sheriff to perform a criminal background check on the applicant.

(C) In addition, all applicants for licenses required by this Ordinance shall attach to their license application the following:

- (1) Two letters of recommendation from any person residing or doing business in the County certifying the applicant's good moral character and business responsibility or, in lieu of such letters, other evidence may be used by the Howard County Sheriff to satisfy his duties under Section VIII below.
- (2) If required by the Sheriff, copies of all printed advertising proposed to be used in connection with the applicant's business.
- (3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to all other attachments, a statement from a licensed physician, dated not more than ten (10) calendar days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

#### SECTION V. LICENSE FEE.

A fee reflecting the actual cost of processing an application and issuing a license shall be charged by the Sheriff. The fee shall be in the amount of \$50.00 for the first application filed under Section IV in any given calendar year, and \$20.00 for a second application in the same calendar year.

#### SECTION VI. INVESTIGATION OF APPLICANT.

On receipt of an application for a license required by this Ordinance, the Howard County Sheriff shall cause an investigation of the applicant's business reputation, moral character and criminal background.

**SECTION X. TERM OF LICENSE.**

All licenses issued under this Ordinance shall automatically expire sixty (60) calendar days after the date of the issuance thereof.

**SECTION XI. TRANSFERABILITY OF LICENSE.**

No license issued under the provisions of this Ordinance shall be transferable.

**SECTION XII. EXHIBITION OF REGISTRATION.**

(A) The Sheriff shall issue a registration receipt to each peddler or solicitor licensed under this Ordinance. The registration shall contain the words "licensed peddler" or "licensed solicitor", the licensee's picture, the expiration date of the license, and the number of the license.

(B) All peddlers or solicitors shall exhibit their registration at the request of any person.

**SECTION XIII. HOURS OF SOLICITING OR PEDDLING.**

It shall be unlawful for any person to peddle or solicit goods or services from house to house at any time other than between 9:00 a.m. and 6:00 p.m.

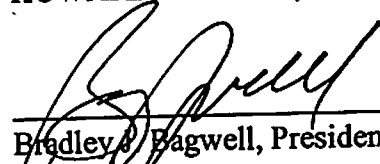
**SECTION XIV. GROUNDS FOR LICENSE REVOCATION.**


A license granted under this Ordinance may be revoked for:

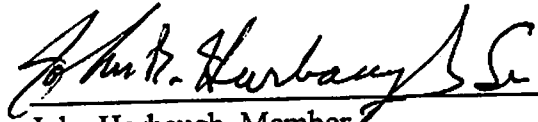
- (A) Any fraud or misrepresentation contained in the license application.
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license.
- (C) Any violation of this Ordinance.
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude.
- (E) The licensee conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

READ AND ADOPTED THIS 21 DAY OF AUGUST, 2006.

BOARD OF COMMISSIONERS OF  
HOWARD COUNTY, INDIANA

  
\_\_\_\_\_  
Bradley B. Bagwell, President

  
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Paul J. Raver, Vice President

  
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John Harbaugh, Member

ATTEST:

  
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Ann Wells, Auditor

This Ordinance prepared by Lawrence R. Murrell, Howard County Attorney.

Publish 2 consecutive weeks in Kokomo Tribune and Kokomo Herald.