

ORDINANCE 2018- 04

**AN ORDINANCE REGULATING THE RULES REQUIRED TO BE ALLOWED TO
PEDDLE GOODS AND SERVICES, INCLUDING ORGANIZATIONS ACTIVE IN
DISASTERS IN GIBSON COUNTY, INDIANA**

WHEREAS, The Gibson County Board of Commissioners in Gibson County, Indiana desire to authorize and regulate the rules that shall be followed by a Transient Merchant and that is to supplement the provisions of I.C. 25-37-1. Additionally, require volunteers active in natural disasters or recovery response to register with Emergency Management Agency of Gibson County.

Section 1: DEFINITIONS

For the purposes of this Ordinance I.C. 25-37-1, the following definitions apply: "Transient merchant", when used in this chapter, includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1) locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and 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 or sale of such goods, wares, or merchandise. The term does not include the following:

- (1) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;
- (2) a person who makes crafts or items by hand and sells them or offers them for sale;
- (3) an auctioneer who is licensed under IC 25-6.1;
- (4) a resident of the county in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;
- (5) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;
- (6) a person who:
 - (A) sells merchandise;
 - (B) offers to sell merchandise; and
 - (C) provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (5);
- (7) a person who:
 - (A) organizes;
 - (B) sells merchandise at;
 - (C) offers to sell merchandise at; or

(D) exhibits at;
a trade show or convention;

(8) except as provided in section 15 of this chapter, a person who holds a registered retail merchant's certificate under IC 6-2.5-8.

For the purposes of this Ordinance the following definitions apply:

"Affiliated Volunteers" are attached to a recognized voluntary or nonprofit organization and are trained for specific disaster response activities. Their relationship with the organization precedes the immediate disaster, and they are invited by that organization to become involved in a particular aspect of emergency management. These Volunteer Organizations are recognized and vetted through Indiana/National VOAD (Volunteer Organizations Active Disaster).

"Unaffiliated Volunteers", also known as Spontaneous, Emergent, and/or Convergent Volunteers, are individuals who offer to help or self-deploy to assist without fully coordinating their activities. They are considered "unaffiliated" in that they are acting independently outside of the recognized coordination system of the impacted jurisdiction(s).

"Convergent Groups" include individuals that may have distinguishable identity, organizational structure and a collective desire to assist. These groups do not have an affiliation, are acting independently outside the recognized coordination system of the impacted jurisdiction(s).

Section 2: PERMIT REQUIRED FOR TRANSIENT MERCHANT/PERMITTED OPERATION

(A) It shall be unlawful for any person to transact business as a Transient Merchant in Gibson County, Indiana without first obtaining a permit from the Gibson County Clerk and complying with the requirements of IC 25-37-1 and the requirements of this Ordinance, except as exempted by the provisions of IC 25-37-1-2.

(B) The solicitor will be required to carry with him/her at all times a permit that will have on it the same details on the application including the Gibson County Clerk's seal.

(C) The hours allowed for soliciting will be daily from 8:00 A.M. CST to one-half hour prior to sundown. If permit is requested during time of natural disaster or emergency declarations outside of normal county operational hours, transient merchant shall register with staff member of Emergency Management Agency of Gibson County and follow-up with Gibson County Clerk for official permit.

(D) In addition to those exempt under IC 25-37-1-2, this ordinance shall not apply to the selling of personal property at wholesale to dealers of such articles to newsmen; merchants or their employee in delivering goods in the regular course of business, to or to farmers or truck gardeners who vend, sell, dispose of, or offer to sell, vend or dispose of products

from farms or gardens occupied and cultivated by them. The ordinance does not prohibit any sale required by statute or by court order, or prohibit any auction sale conducted pursuant by law.

(E) This ordinance also does not pertain to the Girl Scouts or Boy Scouts of American, religious organizations, or students from Gibson County School Corporations.

Section 3: **REGISTRATION**

(A) Applicants for a **Transient Merchant Permit** under this ordinance shall file for a permit with the Gibson County Clerk. The hours to register for a permit are Monday – Friday 8:00 A.M. – 3:30 P.M. The application/permit will include a copy of his/her driver's license, address, phone number and whether or not they have been convicted of a felony or misdemeanor. If an applicant checks "Yes", that they have been convicted of a felony or misdemeanor, then they will be required to state the charge that was filed against them. A description of the vehicle they are driving, license plate number, license plate state, and include other persons in attendance with merchant. Each individual person engaging in the business as Transient Merchant in Gibson County shall be required to have a permit whether acting for him/herself or as an agent or representative of another.

- a. The applicant shall also be required to supply their business name address, phone number and business license number. A brief description of the nature of the business and the goods to be sold and the dates they are requesting to solicit in Gibson County.
- b. The applicant shall be required to sign the application and the County Clerk or representative. The application must have the County Clerk's seal on it to be valid.

(B) As stated in Section 1, all "**Volunteers**" responding during times of disaster or emergency declarations shall register with the Emergency Management Agency of Gibson County prior to entering affected area(s). All volunteers shall be given times and locations in which they may be allowed during the initial response phase.

Section 4: **FEE**

The amount of permit/license fee to be required for a license as provided in I.C. 25-37-1-6 and 25-37-1-6.5 in the amount of Twenty-Five Dollars (\$25.00) per day for each day or part thereof that he/she proposes to transact business within Gibson County. Fee shall be paid to the Gibson County Clerk. In addition to the permit to be issued to the applicant, the applicant shall secure a permit for each agent, solicitor, and canvasser selling or offer for sale goods, wares and merchandise, or selling by coupon or contract within Gibson County. The fee for the permit for each such agent, solicitor or canvasser shall be Ten Dollars (\$10.00) per day or any part thereof.

All permit/license fees will be deposited into the general fund.

The permit/license may be waived, in part or in whole, by the Gibson County Board of Commissioners upon request and upon the showing that the applicant is transacting business for a charitable or philanthropic purpose.

Section 5: DURATION

Every transient merchant having a permit issued under this ordinance and doing business within Gibson County shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of one week. Gibson County has the right to refuse to issue any applicant a permit.

Volunteers having been register during initial response phase, and allowed to remain after said specified period of time, shall communicate extended time period with property owner and Emergency Management Agency of Gibson County.

Section 6: VIOLATIONS AND PENALTIES

Penalties for violation of the permitting/licensing provisions of I.C. 25-37-1 and the supplemental provisions of this ordinance shall be consistent with the provisions of I.C. 25-37-1-9. Any transient merchant who enters upon premises owned, leased, or rented by another and refuses to leave such premises after begin notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises may be guilty of a misdemeanor. Permit shall be surrendered and the operations shall cease.

No person shall remain upon, or in any manner fail or refuse to leave immediately, any privately owned and/or maintained property after being asked to leave by the owner or occupant of the private property.

It shall be unlawful for any person to give false or misleading information in connection with his/her application for a permit.

Additionally, Law Enforcement Agencies, Gibson County Board of Commissions, and Emergency Management Agency of Gibson County shall have authority to limit, refuse, and/or maintain control of transient merchants and volunteers.

Section 7: EFFECTIVE DATE

This Ordinance shall become effective upon passage by the Gibson County Board of Commissioners, attested by the Gibson County Auditor and published as required by I.C. 5-3-1-2.

PASSED AND ADOPTED by the Gibson County Board of Commissioners, Gibson County, Indiana on this 3rd day of April 2018.


GIBSON COUNTY BOARD OF COMMISSIONERS


ALAN DOUGLAS, PRESIDENT


STEPHEN E. BOTTOMS, VICE-PRESIDENT


GERALD BLEDSOE, COMMISSIONER

ATTESTED:


SHERRI SMITH, AUDITOR,
GIBSON COUNTY, INDIANA



I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document unless required by law.

Name 

GIBSON COUNTY BOARD OF COMMISSIONERS

ALAN DOUGLAS, PRESIDENT

STEPHEN L. BOTTOMS, VICE PRESIDENT

GERALD BLEDSOE, COMMISSIONER



ATTESTED:

GIBSON COUNTY, INDIANA
SHERRI SMITH, AUDITOR

[Handwritten signature]

I affirm under the penalties for perjury,
that the foregoing is a true and correct copy
of the original as the same appears in the
records of the Board of Commissioners.

Name _____

GIBSON COUNTY, INDIANA
PEDDLER/ TRANSIENT MERCHANT APPLICATION/PERMIT
ABSOLUTELY NO SOLICITING BEFORE 8:00 a.m. central time OR ONE HALF HOUR BEFORE SUN DOWN

(COPY OF DRIVERS LICENSE OR ATTACH WITH PERMIT)

ADDRESS: _____
(IF DIFFERENT THAN LICENSE ABOVE)

CELL PHONE: _____

DESCRIPTION OF VEHICLE: (YR, MAKE, COLOR) _____

LICENSE PLATE # _____ LICENSE PLATE STATE: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS LICENSE #: _____ BUSINESS PHONE: _____

DESCRIPTION OF GOODS SOLD: _____

HAVE YOU EVER BEEN CONVICTED OF MISDEMEANOR: _____ YES _____ NO / FELONY: _____ YES _____ NO

DATES PERMITTED TO SOLICIT IN GIBSON COUNTY: _____
(NOT TO EXCEED ONE WEEK)

APPLICANTS SIGNATURE: _____

PRINTED NAME: _____

CLERK/TREASURER OR REPRESENTATIVE: _____

PD REG FEE \$25 _____ CA _____ CK _____ CK# PD ADD'L PED FEE \$10 _____ CA _____ CK _____ CK#

DATE ISSUED: _____ DATE EXPIRES: _____

ONLY VALID WITH CLERK'S SEAL
ABSOLUTELY NO SOLICITING BEFORE 8:00 a.m. central time OR ONE-HALF HOUR BEFORE SUNDOWN IN GIBSON
COUNTY