

TITLE IV: BUSINESS AND COMMERCE

CHAPTER I: MERCHANDISING AND SOLICITING

ARTICLE I: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

SECTION 1. DEFINITIONS. The following words as used in this article shall have the definitions provided below:

1.1 "Peddler" means any person who on foot or by vehicle sells or offers for sale any goods, wares, merchandise or services directly to a consumer for immediate delivery or performance, either by going from house to house for the purpose of selling such goods or services or by selling such goods and services in any public place.

1.2 "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions, merchandise or services to be delivered or performed at a future date.

1.3 "Transient merchant" means any person, firm or corporation, both as principals and agents, who engage in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer or trader, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer or trader shall not exempt any person, firm or corporation from being considered a transient merchant. This section shall not be construed to include persons who conduct home "garage sales."

SECTION 2. LICENSE REQUIRED. No person shall be engaged as a peddler, solicitor or transient merchant within the Town limits without first obtaining a license pursuant to this article.

SECTION 3. EXEMPTIONS.

3.1 Any armed forces veteran as defined by Indiana Code 25-25-2-1, upon proof of possessing the license described in Indiana Code 25-25-2-1, shall be permitted to vend, hawk and peddle goods, wares, fruits and merchandise within the Town and is exempt from the requirement of any Town license, license fee or tax for doing so; provided, however, that such armed forces veteran shall be subject to all other regulatory provisions of this article.

3.2 Peddlers, solicitors and transient merchants engaged in interstate commerce shall be exempt from any license fee or tax in obtaining a license. Any person claiming this exemption shall file a verified statement disclosing the interstate nature of the business; the name and location of the company or firm for which orders are to be solicited or secured; the name and address of the nearest local or state manager, if any; the kind of goods or merchandise to be delivered; the place of shipment and method of delivery; and any other facts necessary to establish the claim of exemption. A copy of the order blank, contract, or other papers used by the applicant in taking orders for interstate goods shall be attached to the statement. If it appears to the Clerk-Treasurer that the applicant is entitled to an exemption, the requirement of a license fee shall be waived.

SECTION 4. APPLICATION FOR LICENSE. Application for any license required by this chapter shall be made in writing on forms furnished by the Clerk-Treasurer. No person shall

make a known misrepresentation or false statement on any application. The application shall be filed with the Clerk-Treasurer and shall include:

4.1 The applicant's full name and address, the address of his local business establishment, and the exact nature of his business;

4.2 The name or title of the proposed business, profession or occupation;

4.3 If the applicant is not the owner of the place in which the business is to be conducted, the name and address of the owner;

4.4 If the applicant is a partnership, corporation or other association, the names and addresses of all partners or principal officers;

4.5 If the applicant is acting as an agent or employee, the name and address of the principal or employer;

4.6 The attachment of a receipt from the Clerk-Treasurer showing the payment of the license fee.

SECTION 5. INVESTIGATION OF APPLICANT. Upon receipt of an application for a license, the Clerk-Treasurer shall forward it to the Town Marshal who shall conduct an investigation concerning the truth of the facts stated in the application, the character of the applicant, and the condition of the premises upon which the proposed licensed activity is to take place.

SECTION 6. ISSUANCE OF LICENSE--DENIAL. The Clerk-Treasurer shall approve the application for a license unless he finds that:

6.1 The applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business, profession or occupation for which the license is to be issued; or

6.2 The applicant has committed any act involving dishonesty, fraud or deceit with intent to substantially benefit himself or another, or substantially injure another; or

6.3 The applicant knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or

6.4 Issuance of the license would be inconsistent with public health, safety or general welfare.

SECTION 7. REQUIRED DISCLOSURES.

7.1 Each person engaged in peddling or soliciting for the sale of goods or services at the residence of a prospective buyer, shall at the outset disclose to the prospective buyer his name and the company or product he represents, and if requested to do so shall immediately leave the premises.

7.2 It is unlawful for any peddler or solicitor to misrepresent the purpose of his call, or to use any plan, scheme, or ruse which misrepresents such purpose.

SECTION 8. FALSE, DECEPTIVE OR MISLEADING STATEMENTS. It is unlawful for any peddler, solicitor or transient merchant to make or cause to be made, directly or indirectly,

for the purpose of selling or procuring any order for the sale of any goods, wares, merchandise, or services, any assertion, representation, or statement of fact which is untrue, deceptive or misleading.

SECTION 9. HOURS. It is unlawful for any person to peddle or solicit before the hour of nine a.m. of any day, or after the hour of eight p.m. of any day without the specific prior consent of the prospective buyer.

SECTION 10. OBSTRUCTION OF PUBLIC PLACES PROHIBITED. It is unlawful for any person, either selling, or offering for sale, any article or service by peddling or soliciting in any place, to obstruct or cause to be obstructed, the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article or service is being sold or offered for sale.

SECTION 11. NO-PEDDLING SIGNS. It is unlawful for any peddler or solicitor to ring the bell, or knock on the door or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or apartment at which a sign bearing the words "No Peddlers or Solicitors" or words of similar import indicating that peddlers or solicitors are not wanted on the premises, is painted, affixed or otherwise exposed to public view; provided, that this section shall not apply to any peddler or solicitor who rings the bell, knocks on the door or otherwise attempts to gain admittance to such residence, dwelling or apartment at the invitation or with the consent of the occupant thereof.

SECTION 12. SUSPENSION OR REVOCATION. License issued under this chapter may be suspended or revoked by the President of the Town Council pursuant to the notice and hearing procedure set forth in Indiana Code 36-4-5-5. A license shall be revoked or suspended if there is a finding that the person complained of has:

12.1 Willfully violated a term or condition of his license;

12.2 Willfully done or permitted to be done an act in violation of a statute or town ordinance relating to the business, profession or occupation licensed; or

12.3 Conducted the licensed business, profession or occupation in such a manner as to constitute a threat to the public health, safety, or general welfare.

ARTICLE II: CHARITABLE SOLICITATIONS

SECTION 1. DEFINITIONS. The following words as used in this article shall have the definitions provided below unless a different meaning clearly appears from the context:

1.1 "Charitable" means and includes any activity or pursuit which has as its object, or which purports to have as its object, a benevolent, educational, patriotic, religious, philanthropic, civic, fraternal or social welfare purpose.

1.2 "Contribution" means any donation of food, clothing, money, property, subscription or pledge, or any other thing of tangible value.

1.3 "Professional promoter" means a person who, for compensation, plans, promotes, conducts, manages or carries on, or attempts to plan, promote, conduct, manage or carry on any drive or campaign for the purpose of soliciting contributions for or on behalf of any charitable purpose. A bond fide officer or regular employee of a charitable organization shall not be deemed a professional promoter by reason of his participation in charitable solicitations made by or on behalf of his employer.

1.4 "Professional solicitor" means any person employed for compensation by any person or charitable organization to make solicitations on behalf of any charitable purpose. A bona fide officer or regular employee of a charitable organization shall not be deemed a professional solicitor by reason of his participation in charitable solicitations made by or on behalf of his employer.

1.5 "Solicit" and "Solicitation" means the request, directly or indirectly, for money, credit, property, financial assistance or other things of value on the representation that such money, credit, property, financial assistance or other things of value will be used for a charitable purpose. These words shall also mean and include the following methods of securing such money, credit, property, financial assistance or other things of value:

1.5.1. Any oral or written request;

1.5.2. The making of any announcement to the local press, or on the radio or television, or by telephone or telegraph concerning a local appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;

1.5.3. The distribution, circulation, posting or publishing of any handbill, written advertisement or other local publication which directly or by implication seeks to obtain public support;

1.5.4. The sale of, or offer or attempt to sell, any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for charitable purpose, or where the name of any charitable agency is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where, in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

SECTION 2. LICENSE REQUIRED. No person shall solicit contribution within the Town for any charitable purpose without having a Charitable Solicitation License issued in accordance with this chapter; provided, however, that when a license has been issued to any applicant, the individual agents or solicitors for such licensee shall not be required to obtain individual solicitation licenses; provided further, that any application for a Charitable Solicitation License in accordance with this article shall be exempt from payment of license fees.

SECTION 3. EXEMPTIONS. The provisions of this chapter shall not apply to the following:

3.1 Solicitations made upon premises owned or occupied by the organization on whose behalf such solicitation is made;

3.2 Any religious organization or corporation or association soliciting contributions solely from persons who are members thereof at the time of such solicitation;

3.3 Solicitations by persons requesting any contribution for the relief of named individuals other than the solicitor when all of the contributions collected, except for the actual cost of a social gathering to collect contributions, are delivered to the named beneficiaries;

3.4 Solicitations by radio stations, television stations or newspapers.

SECTION 4. APPLICATION FOR LICENSE. Any person or organization desiring to obtain a license to solicit contributions for a charitable purpose shall submit an application in writing on forms furnished by the Clerk-Treasurer. No person shall make a known misrepresentation or false statement on the application. The application shall be filed with the Clerk-Treasurer and shall contain the following information:

4.1 The name of the charitable organization or purpose under which contributions are solicited;

4.2 The names and addresses of applicant and, if appropriate, the applicant's principal officers;

4.3 The names and addresses of all of the applicant's chapters, branches and affiliates within the Town;

4.4 The approximate amount of funds proposed to be raised and the estimated cost of the solicitation, including the amount of wages, fees, commissions, expenses, or emoluments to be paid to any person other than applicant's regular employees, including the names and addresses of any professional promoters or professional solicitors who shall act on behalf of the applicant and the terms arranged for their compensation. If there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Clerk-Treasurer in writing within twenty-four hours, exclusive of weekends and holidays;

4.5 The purpose of the solicitation, with a specific statement, supported by facts and figures, if any, showing the need for the solicited funds and where and how the solicited funds will be spent;

4.6 The method or methods to be used in conducting the solicitation;

4.7 The dates of the commencement and termination of the solicitation period;

4.8 A financial statement of any funds collected for charitable purposes by the applicant during its last charitable solicitation period, stating the amount of contributions raised, the cost of distribution, and final distribution of the balance.

SECTION 5. ISSUANCE OF LICENSE. A Charitable Solicitation License shall be issued by the Clerk-Treasurer only if he/she finds that the following facts exist:

5.1 That the application is complete, and that all of the statements made in the application are true;

5.2 That the charitable organization is not connected in any way, either directly or indirectly, with a professional promoter or a professional solicitor who has within the past ten years:

5.2.1. Been convicted of a crime involving solicitations for or on behalf of any charitable organization or charitable purpose, or

5.2.2. Been convicted of any crime involving misrepresentation, deceit, or fraud, or

5.2.3. Been found in any civil or administrative proceedings to have committed any act of misrepresentation, deceit, or fraud;

5.3 That neither the charitable organization nor any of its officers, trustees, directors, or principals have within the past ten years;

5.3.1. Been convicted of any crime involving solicitations for or on behalf of a charitable organization of charitable purpose, or

5.3.2. Been convicted of any crime involving misrepresentation, deceit, or fraud, or

5.3.3. Been found in any civil or administrative proceeding to have committed any act of misrepresentation, deceit, or fraud.

SECTION 6. NOTICE OF DENIAL--HEARING. The Clerk-Treasurer shall either issue or deny the license within fifteen days of his/her receipt of the application for the license. If the license is denied, written notice thereof shall be sent to the applicant by certified mail, which applicant may, within ten days of the mailing of the notice, request a hearing on the denial before the Town Council. The hearing shall be held as soon as possible, but in no case later than thirty (30) days after the receipt of the request for hearing. If no request for hearing is made within the ten-day period, the Clerk-Treasurer's decision shall be final.

SECTION 7. SUSPENSION OR REVOCATION. Licenses issued under this chapter may be suspended or revoked by the Clerk-Treasurer pursuant to the notice and hearing procedures set forth in Indiana Code 36-4-5-5. A license shall be revoked or suspended if there is a finding that the person complained of has:

7.1 Willfully violated a term or condition of his license;

7.2 Willfully done or permitted to be done any act in violation of a statute or Town Ordinance relating to charitable solicitations; or

7.3 Been convicted of a crime involving moral turpitude or an intent to defraud.

SECTION 8. IDENTIFICATION CARD REQUIREMENTS.

8.1 All charitable organizations to whom charitable solicitation licenses have been issued shall furnish an identification card to each of their agents and solicitors, which card is required to be in the possession of the agents and solicitors when soliciting. Such identification cards shall include the name of the charitable organization, its charitable solicitation license number, date of expiration of the license, the name and signature of the agent or solicitor, and the signature of an appropriate official of the organization.

8.2 It is unlawful for any person soliciting contributions for any charitable purpose to fail to have in his possession the identification card required in this section, or alternatively the license issued under this chapter, or to refuse to display such card of license upon the request of any Town official or person solicited.

SECTION 9. TRANSFER OF LICENSE PROHIBITED. No license identification card issued under this chapter shall be transferable or assignable.

SECTION 10. ENDORSEMENT DISCLAIMER. Issuance of a Charitable Solicitation License does not constitute endorsement or approval by the Town of any charitable organization.

It is unlawful for any person or charitable organization to claim, or imply, directly or indirectly, any such endorsement or approval by reason of having obtained a Charitable Solicitation License from the Town.

SECTION 11. HOURS. No person shall solicit contributions for any charitable purpose from residences by phone or door-to-door between the hours of eight (8:00) p.m. and nine (9:00) a.m.

SECTION 12. PROHIBITED SOLICITATION METHODS.

12.1 No person soliciting contributions for any charitable purpose shall use advertising that contains false, misleading or deceptive statements; or make or perpetrate any other misstatement, misrepresentation, deception or fraud in connection with such solicitation.

12.2 No charitable organization or professional promoter, soliciting contributions, shall use a name, symbol or statement so closely related or similar to that used by another charitable organization or governmental agency that its use would tend to confuse or mislead the public.

12.3 No person shall solicit contributions by the use of statements or materials that would indicate that such funds were being raised for an organization, agency or person, in the absence of proper and valid authorization from that organization, agency or person.

ARTICLE III: HANDBILLS, ADVERTISING

SECTION 1. It shall be unlawful for any person, firm or corporation to display, distribute, pass and/or place in vehicles on the streets and/or in or upon any portion of any residence within the corporate limits of the Town of North Manchester, handbills without having first obtained a permit from the Clerk-Treasurer of said Town to do so.

SECTION 2. The Clerk-Treasurer shall issue such a permit to any person, firm or corporation to so distribute advertising matter upon payment of the sum of ten dollars (\$10.00) for an annual license, which shall be issued for a calendar year and shall expire at the end of the year without reference to the date on which said license is issued.

SECTION 3. This section shall not apply to the distribution of news in any sheet, pamphlet, or paper wherein the major portion of said sheet, pamphlet, or paper is devoted to the dissemination of news or information of a general nature, such as meets the rules and regulations of the United States Postal Department as to the distribution of newsprint under newsprint rates.

TITLE I: BUSINESS AND COMMERCE

CHAPTER II: PUBLIC CONVEYANCE

ARTICLE I: TAXICAB

SECTION 1. DEFINITIONS. For the purpose of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

1.1 "Taxicab" means any motor vehicle designed and constructed to transport passengers, no more than six in number, not including the driver, which is used to transport passengers for pay, which is not operated over any definite and designated route within the Town limits, and the destination of which is designated by the passenger at the time of transportation.

1.2 "Taxicab business" means the owning or managing of taxicabs for financial profit.

SECTION 2. LICENSE REQUIRED.

No person shall engage in the operation of a taxicab business within the Town without first obtaining a Master Taxicab License Certificate.

SECTION 3. APPLICATION FOR LICENSE. Every person engaging in the operation of a taxicab business shall apply for a Master Taxicab License Certificate on a form provided by the Clerk-Treasurer. In addition to any other information deemed necessary by the Clerk-Treasurer, the application, shall contain the following information:

3.1 The number of taxicabs for which the applicant seeks a license;

3.2 The make, model, serial number, motor number and state license plate number of each taxicab;

3.3 A description of the distinguishing color or identification scheme of the taxicabs; and

3.4 Proof of financial responsibility as required by Section 4 of this article.

SECTION 4. PROOF OF FINANCIAL RESPONSIBILITY. No taxicab license shall be issued unless the applicant files with the Clerk-Treasurer written proof of his ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use of each taxicab, in the amounts required by Indiana Code 9-2-1-15.

SECTION 5. INVESTIGATION OF APPLICANT. Upon receipt of an application for a license, the Clerk-Treasurer shall forward it to the Town Marshal who shall conduct an investigation concerning the truth of the facts stated in the application, the character of the applicant, the condition of the premises upon which the proposed licensed activity is to take place, and whether the taxicabs to be licensed conform to applicable state and local vehicle requirements.

SECTION 6. ISSUANCE OF LICENSE--DENIAL. In determining whether to grant or deny an application, the Clerk-Treasurer shall consider the public need for the service; the financial responsibility of the applicant; the number, kind and type of equipment; and the effect of the proposed service on the use of Town streets and alleys. The Clerk-Treasurer shall approve the license application unless he finds that:

6.1 The applicant has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business, profession or occupation for which the license is to be issued; or

6.2 The applicant has committed any act involving dishonesty, fraud or deceit with intent to substantially benefit himself or another, or substantially injure another; or

6.3 The applicant knowingly made a false statement of fact required to be revealed in the application for the license, or in any amendment or report to be made thereunder; or

6.4 Issuance of the license would be inconsistent with public health, safety or general welfare.

SECTION 7. LICENSE CONTENTS--TRANSFER PROHIBITED.

7.1 Upon approval of the application, the Clerk-Treasurer shall issue to the applicant a Master License Certificate and Individual Taxicab Licenses for each taxicab to be licensed. The Master Taxicab License Certificate shall state the date of issuance, the term of the license, and the information stated in the application. The Individual Taxicab License shall be identical to the Master Taxicab License Certificate except that it shall be of a size convenient for display in the taxicab and in addition shall state the motor number, state license plate number, and passenger seating capacity of the taxicab for which it is issued.

7.2 The Master Taxicab License Certificate and the Individual Taxicab Licenses shall be nontransferable and nonassignable.

SECTION 8. SUSPENSION OR REVOCATION. Licenses issued under this chapter may be suspended or revoked by the President of the Town Council pursuant to the notice and hearing procedure set forth at Indiana Code 36-4-5-5. A license shall be revoked or suspended if there is a finding that the person complained of has:

8.1 Willfully violated a term or condition of his license;

8.2 Willfully done or permitted to be done an act in violation of a statute or Town Ordinance relating to the business, profession or occupation licensed; or

8.3 Conducted the licensed business, profession or occupation in such a manner as to constitute a threat to public health, safety, or general welfare.

SECTION 9. RATES. The Town Council shall adopt by resolution a uniform rate schedule to taxicab services. No person engaging in the operation of a taxicab business or driving a taxicab within the Town limits shall charge rates which differ from the uniform rate schedule adopted by the Town Council.

SECTION 10. DISPLAY OF LICENSE AND RATES. Every taxicab licensed pursuant to this article shall display within the taxicab in plain view of its passengers the Individual Taxicab License provided for in Section 7 of this article and the uniform rate schedule provided for in Section 9 of this article.

SECTION 11. TAXIMETER REQUIREMENTS. Every taxicab licensed pursuant to this chapter shall be equipped with a taximeter which shall be kept operating at all times within such standards of accuracy as may be prescribed by the Town Marshal and which shall be installed in such a manner as to permit the passenger to see the amount of the fare as registered.

SECTION 12. TAXICAB INSPECTIONS. The Town Marshal shall inspect periodically each licensed taxicab. The inspection shall include a check of the condition and accuracy of the taximeter and timing devices in each taxicab. The Town Marshal shall also have the authority to perform spot checks on all taxicabs at any reasonable time to determine compliance with the requirements of this article.

SECTION 13. RECEIPTS. Each driver of a taxicab shall provide a passenger with a receipt when requested. The receipt shall include complete and accurate information in legible form as follows:

13.1 The name and signature of the driver and the Individual Taxicab License number;

13.2 Date, time and place of trip origin and dismissal;

13.3 Itemized listing of charges and total fare paid or charged.

SECTION 14. RESTRICTION ON NUMBER OF PASSENGERS. No driver shall permit more passengers to be carried in a taxicab than the rated seating capacity of each taxicab as fixed by the Clerk-Treasurer and set out in the Individual Taxicab License.

SECTION 15. EXCLUSIVE USE BY CUSTOMER. When a taxicab is engaged by a customer, that customer shall have the exclusive right to the full and free use of the passenger compartment from the time of engaging such taxicab until said customer is delivered to the designated destination, and no driver of said taxicab shall solicit or carry additional customers therein without the expressed consent of the original customer.

SECTION 16. DUTY TO CARRY. No taxicab driver shall refuse or neglect to convey any orderly person who agrees to pay the proper fare unless he is previously engaged with an exclusive-ride customer.

TITLE IV: BUSINESS AND COMMERCE

CHAPTER III: COMMUNICATIONS

ARTICLE I: IMPEDING COMMUNICATION SIGNALS

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate any instrument or device or permit any wiring to be in such a condition as to produce or emanate electrical impulses or waves so as to cause impedance to radio and television signal reception.

SECTION 2. In order to enforce the provisions of Section 1, it is further ordained that any person, firm, or corporation shall, upon reasonable proof being presented to the Town Marshal that said person, firm, or corporation is violating Section 1 of this ordinance and that upon written notice by said Marshal to said person, firm, or corporation, it shall be unlawful to continue to operate said device or permit the continuance of the use of any such wiring described in said notice without first installing or attaching suitable apparatus or device which will trap or ground electrical impulses or waves causing impedance and interference as herein described.