

Town of Kouts

210 South Main Street, P.O. Box 693

Kouts, IN 46347

219-766-3312/Fax: 219-766-3029

VENDOR REGISTRATION FOR LICENSE

Vendor Name: _____

Vehicle Description Year _____ Make _____ Model _____ Lic. Plate # _____

Business Location: _____

Food Vendors (**Only**) set-up location _____

Contact Phone: _____

Vendor Home Address: _____

Copy of Driver's License or State ID of vendor and all employees doing the soliciting.

Brief description of nature of business: _____

Product to be sold: _____

There is a \$ 50.00 non-refundable background check fee per vendor application payable to Town Hall for every license issued.

Vendor Fees:

_____ \$ 25.00 for one day
_____ \$ 40.00 for (2) two consecutive days
_____ \$ 50.00 for (3) three consecutive days
_____ \$ 100.00 for (1) one month
_____ \$ 250.00 for (1) one calendar year

A copy of Liability insurance in an amount of not less than \$100,000 and a copy of the Porter County Health Department Certification must be provided at time of application.

Merchants and vendors may operate from 9am until one hour before sunset Monday through Saturday.

I understand and have received a copy of Kouts Ordinance Chapter 110 Licensing provisions and Regulations Peddlers, Hawkers, Vendors, and Itinerant Merchants. _____ (Initials)

I understand failure to comply with all ordinance provisions will result in automatically terminate his or her vending license.
_____ (Initials)

VENDOR SIGNATURE

DATE

FOR OFFICIAL USE ONLY:

Officer: _____ Background Check: _____

Registered on: _____ Duration: _____ Expires: _____

Proof/Copy of Liability insurance in an amount of not less than \$100,000 _____ (Initials)

Food Vendors (ONLY) Copy of Porter County Health Depart Certification _____ (Initials)

Copy of Driver's License or State ID of vendor and all employees _____ (Initials)

ORDINANCE 2020-4

AN ORDINANCE AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 110: LICENSING PROVISIONS AND REGULATIONS PEDDLERS, HAWKERS, VENDORS AND ITINERANT MERCHANTS

WHEREAS, Indiana Code 36-1-3-2 confers upon all local units the powers they need for the effective operation of government as to local affairs, and

WHEREAS, the Town of Kouts, Porter County, Indiana finds it desirable and in the best interest of the citizens to set forth regulations concerning the license requirements of Transient Merchants within the Town limits.

WHEREAS, Indiana Code § 25-37-1-11 specifically grants Municipalities authority over transient merchants, and

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Kouts, Porter County, Indiana that Title XI: Business Regulations, Chapter 110, Licensing Provisions and Regulations Peddlers and Hawkers be hereby amended so that it hereinafter reads as follows:

TRANSIENT MERCHANTS

Section 110.100 Definition

Transient Merchants refers to any person or business entity who offers for sale within the town any merchandise, except for those exempt in 110.110, that (a) does not maintain a fixed and permanent established place of business within the town. Merchandise includes but is not limited to, any tangible personal property such as goods, wares or produce: any intangible property such as insurance policies, securities, service contracts, subscriptions, memberships, tickets, food vendors and the like: or any personal services of labor to be provided other than as an employee of the person solicited.

Section 110.101 License Required.

- (A) No Transient Merchants (wholesale or retail) in goods, wares, food services, or merchandise shall offer the same for sale in any vehicle or otherwise in the town or go from house to house in the town and offer for sale any goods, wares, food or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first obtained a license.
- (B) No Transient Merchants shall offer for sale on any street or public place within the town any goods, wares, food items or merchandise or by attracting persons to purchase any goods, wares, food items or merchandise by placards, or signs or otherwise, without first obtaining a license.

Section 110.102 Licensing Fee.

The License Fee shall be:

Twenty-five Dollars (\$25.00) for one day;
Forty Dollars (\$40.00) for two (2) consecutive days;
Fifty Dollars (\$50.00) for three (3) consecutive days;
One Hundred Dollars (\$100.00) for one (1) month;
Two Hundred Fifty Dollars (\$250.00) for one calendar (1) year.

Section 110.103 License Issuance; Contents and Application.

The Clerk-Treasurer or his or her designee(s) shall make out all licenses granted to Transient Merchants.

Section 110.104 License Period.

No license shall be issued under this subchapter for less than one day, nor for a longer period than one year.

Section 110.105 Application Requirements

Applicants for a license under this article must file with the clerk-treasurer a sworn application in writing, in duplicate, which shall give the following information:

- (1) Name, address, and driver's license or State I.D. of all employees doing the soliciting;
- (2) A brief description of the nature of the business and the goods to be sold;
- (3) If employed, the name and address of the employers, together with the credentials establishing the exact relationship;
- (4) The length of time for which the right to do business is required;
- (5) If a vehicle is to be used, a description of the vehicle, together with the license number or other means of identification;
- (6) At the time of filing the application, a non-refundable fee of \$50.00 shall be paid to the clerk-treasurer to cover the cost of investigation;
- (7) No bond shall be required pursuant to IC§ 25-37-1-5.5; and
- (8) All applicants must provide proof of liability insurance in an amount of not less than \$100,000.
- (9) All food vendors are required to have a copy of their Porter County Health Certificate on file with the Town.

Section 110.106 Investigation of Applicant.

Upon receipt of such application, the original shall be referred to the Chief of Police (Town Marshal), or his designee, who shall cause such investigation of the applicant's business and good character to be made as he deems necessary for the protection of the public.

Section 110.107 Disapproval.

If the applicant's character and responsibility is found to be unsatisfactory, the Chief of Police (Town Marshal) shall endorse on such application his disapproval and his reason for disapproval, and return the application to the Clerk-Treasurer, who shall notify the applicant that his application is disapproved and that no license will be issued.

Section 110-108 Approval, Issuance; Contents of License; Record of Issuances.

If the character and responsibility of the applicant are found to be satisfactory, the Chief of

Police shall endorse on the application his approval and return the application to the Clerk-Treasurer who shall, upon payment of the prescribed fee, issue a license and deliver it to the applicant. Such license shall contain signature of the Clerk-Treasurer and show the name, address, and photograph of the licensee, class of license issued, and kind of goods to be sold thereunder, and the expiration date. The Clerk-Treasurer shall keep a permanent record of all licenses issued.

Section 110.109 License to Be Displayed.

No Transient Merchants shall refuse to show his or her license when requested to do so by any person to whom he or she shall offer to sell any goods, wares, food items or merchandise or to any Kouts Official. Failure to do so will automatically terminate his or her license.

Section 110.110 License Exceptions.

- (A) Nothing in this subchapter shall be so construed as to be applied to the sale of farm or garden produce, to persons representing not-for-profit corporations, nor to fund raising activities of town school children organization and other community-based organizations including fund raisers for Police and Fire Departments.
- (B) The provisions of this subsection shall not apply to religious witnessing, proselytizing, political speech, poll taking, gathering of signatures on petitions, not for profit organizations, sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sales of goods, the sale of farm or garden produce, or persons or organizations that are non for profit nor for local school children's organizations.
- (C) Persons claiming exception to the license requirements of this section shall upon demand furnish evidence or proof of status entitling them to such exception. Failure to provide good and sufficient proof or evidence of such status shall disqualify them for such exception.
- (D) Even though an individual or organization is exempt from the licensing requirements, a vendor license application must be filled out and on file with the town.

Section 110.111 Permitted Hours of Solicitation.

Transient Merchants may operate from 9:00 am until one hour before sunset, Monday through Saturday. If there is a "No Soliciting" or a "No Trespassing" sign on the door of a residence or business all Transient shall not approach the property.

Section 110.112 Violation.

- (A) Each day any portion of this subchapter is violated shall constitute a separate offense.
- (B) Whoever shall violate any provisions of this chapter is subject to a fine of five hundred (\$500.00) dollars for the first offense, one thousand (\$1000.00) dollars for the second offense; and two thousand five hundred (\$2500.00) dollars for each

offense thereafter.