



# City of Fishers Solicitor Application

## **PART 1: Corporate Application**

Date of Application \_\_\_\_\_

We accept credit cards, checks or money orders, all payable to the **Fishers Police Department**

### **General Information**

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Corporate Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

Date of Incorporation: \_\_\_\_\_ State of Incorporation: \_\_\_\_\_

If not Indiana, date approved as foreign corporation with Indiana Sec. of State: \_\_\_\_\_

Name of Registered Agent with Indiana Sec. of State: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

**Local Contact Person Information** (Must be available for a period of time not less than sixty (60) days following the last date that the vendors sells or offers goods, wares, merchandise, food, services or subscriptions in the City)

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Questions – Circle the Appropriate Response:**

- Do you understand you have to pay for the license fee, once it is approved? **Yes / No**
- Has your company, or any of your employees or agents, been convicted of the felony or misdemeanor crime(s) of fraud, theft, burglary, robbery, and/or any other crime against another person within 15 years prior to the date of this application? **Yes / No**
- Do each of your solicitors have a valid, governmentally issued photo ID? **Yes / No**
- Are you aware each solicitor must complete a background check through a company approved by the Fishers Police Department? **Yes / No**
- Do you understand the signed release for the background check is a decision made by each person individually, the results of which cannot be released to you? **Yes / No**
- Do you understand we will only notify you on who is approved and who is not? **Yes / No**
- Do you understand that your employees or agents must properly display his/her identification card while engaged in door-to-door solicitation? **Yes / No**
- Do you understand that your license may be revoked if we receive two or more substantiated complaints regarding alleged untruthful or illegal conduct with your company, employees or agents during his/her door-to-door solicitation? **Yes / No**
- Do you understand that no application or license fee will be returned upon any denial or revocation of a license pursuant to the solicitation ordinance and all monies will be deemed forfeited? **Yes / No**
- Do you understand that if there are any substantial changes in fact, policy or method in your business, you must notify us in writing within 72 hours of the changes? **Yes / No**
- The City of Fishers has provided stickers to residents upon request that state “No Door-to Door Solicitation”. Do you understand that it is unlawful to solicit on any premises posted with a sign bearing the words “No Solicitors”? **Yes / No**
- Did you receive a copy of our ordinance with this application? **Yes / No**
- Do you understand the hours below you are permitted to solicit door-to-door? **Yes / No**
  - October 1 through April 30 – between 10:00 am and 6:00 pm on any day
  - May 1 through September 30 – between 10:00 am and 8:00 pm on any day
- Do you plan to train your solicitors on the rules of the Fishers ordinance provided? **Yes / No**
- Is your company a member of the Better Business Bureau? **Yes / No**
- Does the company applying have any active investigations into poor business practices or pending / past litigation regarding fraudulent activity? **Yes / No**
- If you are in the building trades, are you registered contractor with the Fishers? **Yes / No**
  - If no, please contact the Community Development Department at (317) 595-3120. You will need to be registered before your application will be approved.

All the information and answers on this permit application are true and accurate. I understand that any misrepresentation or omission of facts will result in the denial or revocation of the solicitor's license. If any information changes, I understand that I am responsible for promptly updating that information in writing to the Fishers Police Department.

Signed: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Please list the last 3 locations, city and state, your company has recently visited:

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**PART 2: License**

**Approved**

**OR**

**Denied**

Date \_\_\_\_\_

Chief's Signature \_\_\_\_\_

License Fee (circle one): 10 day = \$50 / 120 day = \$150 / one year = \$300

We accept credit cards, checks or money orders, all payable to the **Fishers Police Department**

(Office Use Only: Received: Y / N Amount: \$\_\_\_\_\_ Method: \_\_\_\_\_)

Receipt Number: \_\_\_\_\_

Print
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## Fishers Code of Ordinances

## CHAPTER 112: SOLICITATION

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## Section

### *General Provisions*

- 112.01 No soliciting signs or stickers or other means of notification
- 112.02 Enforcement

### *Door-to-Door Solicitation*

- 112.10 Definitions
- 112.11 Application, licensing, fees
- 112.12 Restrictions on license/door-to-door solicitation
- 112.13 License revocation or denial
  
- 112.99 Penalty

## GENERAL PROVISIONS

### **§ 112.01 NO SOLICITING SIGNS OR STICKERS OR OTHER MEANS OF NOTIFICATION.**

The Fishers Police Department is hereby directed to obtain a supply of "No soliciting" signs or stickers or other means of notification for free distribution to any resident of the city upon the request of such citizen.

(Ord. 071502, passed 7-15-02; Am. Ord. 050510, passed 5-5-10; Am. Ord. 091514A, passed 11-17-14)

### **§ 112.02 ENFORCEMENT.**

The Fishers Police Department is urged to provided prompt response to any call for assistance to a resident upon whose private property a trespass has occurred after warning by sign or other notification reasonably intended to advise a person or persons to remove themselves from such private property.

(Ord. 071502, passed 7-15-02)

## DOOR-TO-DOOR SOLICITATION

### § 112.10 DEFINITIONS.

Whenever used in this subchapter, the following words and phrases shall be defined as herein stated below:

**DOOR-TO-DOOR SOLICITATION.** Shall include all methods and means of soliciting funds and/or of selling commercial products, services or property within the corporate limits of the City of Fishers, by and through the uninvited in-person solicitation of city residents on private property.

**EXEMPT PERSONS.** Shall include the following:

- (1) An individual while and to the extent he or she is engaged in protected political speech or activity;
- (2) An individual while and to the extent he or she is engaged in protected religious speech or activity;
- (3) An individual engaged in the solicitation of funds and/or the sale of cookies, candies, paper products or similar sundries for and on behalf of a not-for-profit or nonprofit organization or association that is exempt from the Indiana Gross Retail Tax;
- (4) An individual who, due to the preemption of applicable federal or state law, is exempt from local licensing requirements.

**VENDOR.** A person, partnership, corporation, company, organization or entity who is not an exempt person and who is engaged in the selling, peddling, merchandising or brokering of products, services or property to the general public for a commercial purpose and/or who is engaged in the solicitation of funds.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14)

### § 112.11 APPLICATION, LICENSING, FEES.

(A) Any vendor who desires to engage in door-to-door solicitation shall first obtain from the Police Department a non-transferable door-to-door solicitation license (“license”) permitting such activity by vendor and/or by vendor’s employees and agents.

(B) If the vendor intends to sell or offers to sell any type of food or beverage, the Police Department shall refer the application to the Hamilton County Health Department for review and recommendation. The review shall include an inspection of all refrigeration equipment to be used by the vendor and shall insure that minimum sanitation requirements established by state and local law are met.

(C) The Police Department shall provide to any person, upon request, a door-to-door vendor application form (“application”) to be completed by a vendor and submitted to the Police Department for review and approval by the Chief of Police, or his designee. The application shall require the following:

- (1) General information about the vendor, vendor’s business and the nature of vendor’s proposed door-to-door solicitation. The applicant shall state relevant information about the vendor’s company

such as: date of incorporation; state of incorporation and if the corporation is formed outside of the State of Indiana; the date on which such corporation was qualified to transact business as a foreign corporation in Indiana.

(2) Each employee and agent involved in door-to-door solicitation, pursuant to a license issued to the vendor under this section, to provide a valid government issued photo ID and a signed release authorizing the Police Department to run a nationwide criminal history report. Juvenile employees and agents are also required to provide a copy of a work permit issued by the State of Indiana. If any vendor, its employee or agent who is named in the application has a criminal arrest record, the Chief of Police may require the vendor, employee or agent to deliver an official copy of any records related to the arrest and/or conviction, and may include other documents, such as a police report, court records, or protection order.

(3) The name, address and telephone number of the contact person who will respond to consumer complaints who shall be available for a period of time not less than 60 days following the last date that the vendors sells or offers goods, wares, merchandise, food, services or subscriptions in the city.

(4) An application fee, as determined by the Chief of Police, or his or her designee.

(5) A license fee, in accordance with § 112.11(F).

(D) If, while any application is pending, or during the term of any license granted thereon, there is any substantial change in fact, policy or method that would materially alter the information given in the application, the applicant shall notify the Police Department, in writing, of the change within 72 hours after such change. If the applicant or licensee fails to so notify the Police Department, any license issued to the applicant or vendor shall be suspended pursuant to § 112.13.

(E) A license and a non-transferable identification card shall be issued to a vendor by the Police Department upon such vendor's completion of an application, confirmation that such vendor and all employees and agents who will be involved in door-to-door solicitation have no felony or misdemeanor conviction within 15 years of the application date for a crime of, fraud, theft, burglary, robbery, and/or any other crime against another person, and such vendor has paid a license fee as set forth in § 112.11 (F).

(F) The vendor shall pay the Police Department license fee of:

10 day license	\$50
120 day license	\$150
1 year license	\$300

for each employee and agent involved with door-to-door solicitation listed on the application. The fee shall not be returned or refunded upon denial of employee or agent, and all such monies shall be deemed forfeited.

(G) The decision as to whether an application is approved or denied shall be made by the Chief of Police, or his designee, within 20 days from the date the application is submitted to the Police Department for processing.

(H) Vendor, and each of vendor's employees and agents, shall openly display upon his or her person an identification card issued by the Police Department whenever engaging in door-to-door solicitation.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117B, passed 8-21-17) Penalty, see § 112.99

### **§ 112.12 RESTRICTIONS ON LICENSE/DOOR-TO-DOOR SOLICITATION.**

(A) Door-to-door solicitation by vendors may be conducted between the following hours:

(1) October 1 through April 30 - between 10:00 a.m. and 6:00 p.m. of any day.

(2) May 1 through September 30 - between 10:00 a.m. and 8:00 p.m. of any day.

(B) Subject to earlier revocation, pursuant to this section, a license, as well as any identification card (s) issued therewith, shall be valid for exactly ten or 120 days, as applicable, from the date the license or identification card was issued, and shall thereafter immediately expire and become null and void.

(C) Vendor, and vendor's employees and agents, shall comply with all applicable federal, state and local laws and regulations while engaging in door-to-door solicitation.

(D) Unlawful to solicit on posted premises. It is unlawful for any vendor 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 place of business at which a sign bearing the words "No Solicitors" (or words of similar import indicating that solicitors are not wanted on said 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 or dwelling at the invitation or with the consent of the occupant thereof.

(Ord. 060208, passed 6-2-08) Penalty, see § 112.99

### **§ 112.13 LICENSE REVOCATION OR DENIAL.**

(A) If the Chief of Police or his or her designee, determines that one or more of the following apply to a vendor and/or to any employee or agent of vendor who applies for a license or who is involved in door-to-door solicitation, then the Chief of Police shall deny the application and/or revoke an issued license and/or identification card(s) relating thereto, whichever action is applicable under the circumstances:

(1) Vendor submitted an application that contains materially false or misleading information;

(2) Vendor or any of vendor's employees or agents was, within 15 years prior to the date of vendor's application, convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person;

(3) Vendor or any of vendor's employees or agents has violated this section or has been charged with or convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person after the issuance of but prior to the expiration date of such person's license and/or identification card;

(4) Vendor or any of vendor's employees or agents has failed to properly display his/her identification card while engaged in door-to-door solicitation; or



(5) Two or more written and verified complaints have been delivered to the Police Department regarding allegedly untruthful or illegal conduct concerning vendor or vendor's employees or agents during his/her door-to-door solicitation.

(B) All license and/or identification card denials/revocations shall be in writing, shall state thereon the effective date of the denial/revocation and the reason for same, and shall be served by U.S. certified mail or by personal service on vendor. A copy of the report used for denial will be provided to the affected person upon request.

(C) Any vendor, within 20 days from the date on which notice of such license and/or identification card denial or revocation notice is served thereon, may by written request made and delivered to the Chief of Police, or his designee, within such time period, appeal such action to the Metropolitan Police Commission ("Commission"). If a timely appeal is not made, the decision of the Chief of Police is final. If a timely appeal is made, the Commission shall hear the appeal at a public hearing which shall begin no more than 20 days from the date of the receipt of the appeal request by the Chief of Police. The Commission shall issue its written decision on the appeal no more than ten days from the ending date of the hearing thereon, which Commission decision shall be final.

(D) No application, license or identification card fees shall be returned or refunded upon the revocation of a license and/or identification card issued pursuant to this section, all such monies being deemed forfeited.

(Ord. 060208, passed 6-2-08; Am. Ord. 082117B, passed 8-21-17)

#### **§ 112.99 PENALTY.**

(A) Any vendor and/or any employee or agent of vendor who engages in door-to-door solicitation in violation of this chapter shall be subject to a fine of \$100 for each separate offense during which the same engages in such conduct, with a maximum penalty of up to \$1,000 per day. A vendor and/or employee or agent of a vendor who commits a violation under this chapter is subject to the enforcement procedures provided in IC 34-28-5-1 and the city's Ordinance Violations Bureau.

(B) The city may seek a temporary and/or permanent restraining order against any vendor and/or any employee or agent thereof in any court of competent jurisdiction.

(C) The city's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this section or otherwise.

(D) Willful or intentional disregard of this section shall, to the full extent permitted by law, entitle the city to collect from the violator the city's attorney fees, court costs, litigation expenses, and all other reasonable costs and expenses incurred in obtaining a restraining order and/or any other enforcement remedies against same.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117B, passed 8-21-17)