

April

BILL NO. _____

ORDINANCE NO. FCO-2012-VI

FLOYD COUNTY INDIANA
ORDINANCE NUMBER FCO-2012-VI
ORDINANCE GOVERNING COMMERCIAL DOOR TO DOOR
SOLICITATION IN FLOYD COUNTY, INDIANA

BE IT ORDAINED, by the Commissioners of Floyd County, Indiana, that:

- Section 1. Definitions
- Section 2. Licensing requirement
- Section 3. County No-Knock List
- Section 4. Required Identification
- Section 5. Prohibited acts
- Section 6. Penalty
- Section 7. Civil remedy
- Section 8. Construction with other laws

121.01. Definitions:

For the purpose of this ordinance,

- A. Solicit means to knock, ring a doorbell, or otherwise summon or attract the attention of a resident of the Floyd County at their home or place of business. A solicitor is someone who solicits. Solicitation is the act of soliciting.
- B. The County No-Knock List is the list of names and addresses of residents of the Floyd County who have indicated that they do not wish to receive solicitors.
- C. Commercial purpose is any purpose that proposes a commercial transaction.
- D. Commercial transaction is any transaction involving the exchange of money, goods, or services.
- E. Employer means a person who pays a solicitor any salary, wage, or commission; and any organisation, corporation, or corporate group in whose name or under whose auspices solicitation is done.
- F. A No Soliciting Sign is a sign placed on or near a resident's door facing the street, that indicates that solicitors are unwanted.
- G. Non-commercial purpose means any purpose that would qualify as charitable, educational, religious, or non-profit for the purpose of income tax exemption under the Internal Revenue Code of the United States, as it exists now or as amended.
- H. Political purpose is any purpose having to do with candidates for public office, public issues, or other matters of public concern,

provided that it does not involve a solicitor's proposing a commercial transaction to the resident.

121.02. Licensing requirement:

- A. A person who wishes to solicit for a commercial purpose within the Floyd County must obtain a licence from the Commissioners' office.
- B. Applications for licenses as direct sellers, solicitors or canvassers shall be made to the Floyd County Commissioner's Office. The applicant shall give:
 - 1. His or her complete identification;
 - 2. His or her signature;
 - 3. The name of any employers;
 - 4. The nature of the product or services in which he is interested,
 - 5. The names of the manufacturers of the products or of the organisation he or she is representing and the proposed method of operation in the county.
 - 6. The description and the number of vehicles, if any, intended to be operated, in direct selling, soliciting or canvassing in the county.
 - 7. This data shall be kept by the Floyd County Commissioners and made available for public inspection.
- C. The Floyd County Commissioners may charge a reasonable license fee for the licence. This fee shall be sufficient to cover the costs of administration of the County No-Knock List and the licensing programme under this ordinance.
- D. Upon proper application and payment of the licensing fee, each solicitor will be provided with a written license, a copy of the County No-Knock List, and a copy of this ordinance.

121.03. County No-Knock List:

- A. Any resident of Floyd County may add their name and address to the County No-Knock List by providing this information to the Floyd County Board of Commissioners. The purpose of the No-Knock List is to inform solicitors that they do not wish to be called upon.
- B. This information will be collected by the Floyd County Commissioners and made available to solicitors in a readable, tabular form, indexed by the names of the resident and by the names of the streets.

121.04. Required Identification:

Solicitors for a commercial purpose must display, on demand, to any officer of the County or any resident whom they have solicited:

- A. Their licence;

- B. The name, address, and telephone number of their employer, and of any organisation on behalf of whom they are working.
- C. Photographic identification sufficient to establish that they are in fact the person to whom the licence has been granted.

121.05. Prohibited acts:

- A. A person who solicits for a commercial purpose without having obtained the licence required by this ordinance shall be subject to the penalty provided herein.
- B. A person who solicits for a commercial purpose at an address that:
 - 1. Is on the County No-Knock List; or
 - 2. Displays a no soliciting sign;shall be subject to the penalty provided herein.
- C. A solicitor who fails to display, on demand, their licence, the name and address of any organisation the solicitor is soliciting for, and photographic identification, to any resident or any County officer of Floyd County, Indiana, or the State of Indiana, shall be subject to the penalty provided herein.
- D. A person who submits any false or misleading information on the application for the licence required by this ordinance shall be subject to the penalty provided herein.

121.06. Penalty

- A. A person who commits any prohibited act under this ordinance shall be fined:
 - 1. Not more than \$100.00 for the first offence;
 - 2. Not more than \$250.00 for the second offence;
 - 3. Not more than \$500.00 for the third and any subsequent offence.
- B. In addition to these fines, the license issued pursuant to this Ordinance to any offender may be suspended or revoked.
- C. For the purpose of this ordinance, each address at which a solicitation occurs constitutes a separate offence.

121.07. Civil remedy

- A. A resident who is on the County No-Knock List or who displays a no-soliciting sign may recover civil damages against the solicitor who violates this ordinance, against the solicitor's employer, and against any organisation on whose behalf the solicitor was soliciting, jointly and severally, of \$1,000.00 per incident, in addition to any further damages the resident has sustained, plus court costs and a reasonable attorney's fee.

121.08. Construction with other laws

- A. Nothing in this ordinance shall be construed as excusing the duty to comply with any other applicable laws.

- B. Nothing in this ordinance shall be construed as prohibiting any act of solicitation for a non-commercial purpose or a political purpose.
- C. Nothing in this ordinance shall be construed in such a manner as conflicts with the freedom of speech and religion guaranteed under the U. S. Constitution and the constitution of the State of Indiana.
- D. If any provision or section of this ordinance or the enforcement of any such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision. .

DULY ADOPTED THIS 3rd ^{April} DAY OF JANUARY, 2012.

BOARD OF COMMISSIONERS

Paul A. Burt
PRESIDENT

Bob Mck
MEMBER

Charles A. Lieberger
MEMBER

ATTEST:
D. C. [Signature]
FLOYD COUNTY AUDITOR