

ORDINANCE 22-2009

BUSINESS REGISTRATION

WHEREAS the Common Council of the City of Rensselaer ("City") is desirous of protecting public safety and the Municipal utilities, it is necessary to require the issuing of a Business registration prior to the operation of a business within the City of Rensselaer, and;

WHEREAS this ordinance is enacted for the purpose of regulating all businesses, including permanent, transient or itinerant merchants, commercial solicitors, peddlers, and hawkers by requiring each business to be registered prior to engaging in the business activities in order to prevent fraud, crime, undue annoyance, and harassment and to protect the privacy, safety, health, and welfare of the citizens of the City and its visitors.

IT IS THEREFORE ORDAINED by the Common Council of the City of Rensselaer, that this Ordinance shall be known as the "Business Registration Ordinance" and shall provide as follows:

SECTION 1. DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1.1 BUSINESS: The person, firm, corporation, proprietorship, or partnership that the applicant is representing and/or is employed by. This definition includes the principal manufacturer and distributor of goods and the primary supplier of services being sold or offered.

1.2 VENDOR/ITINERANT MERCHANT: Any person traveling by foot, wagon, automobile or other type of conveyance within the city from place to place, residence to residence, or street to street for the sale of goods, wares, personal property or other merchandise or services for immediate or future delivery, whether or not the vendor carries or presents the samples for sale.

1.3 PEDDLER: One who offers merchandise or goods for sale along the street or from door to door.

1.4 SOLICITOR: A person who seeks business or contributions from others; and advertiser or promoter.

1.5 PERMANENT BUSINESS: A business which is established within any building or occupying any given site for a period of time exceeding 30 days;

SECTION 2. BUSINESS REGISTRATION REQUIREMENT

It will be unlawful for any person within the jurisdiction of this chapter to act as a permanent business, peddler, vendor, itinerant merchant, or solicitor, as defined herein, without first registering with the City Building Commissioner ("Commissioner").

2.1 APPLICATION CONTENTS: PERMANENT BUSINESS

An application for Business Registration for all permanent business shall be obtained from the Building Department, and upon completion, be submitted to the Commissioner with the appropriate processing fee. The application for a business registration shall include the following information:

(A) The name(s) of the corporation(s), firm(s) or person(s) which the applicant proposes to represent and the name(s) of the person(s) managing or supervising the solicitors; the local and permanent addresses of the aforementioned person(s); and the telephone numbers at which the person(s) can be reached.

(B) The applicant must supply credentials from the parent organization for which the applicant proposes to do business, authorizing the applicant to act as a representative;

(C) Copies of any state or county licenses / registrations which are also required to operate or conduct activities proposed by the applicant must be attached to the application;

(D) A description of the merchandise or services offered for sale;

(E) The applicant shall sign a disclaimer of city liability relating to any action cause or charged against the applicant. All individuals soliciting or selling door-to-door or business-to-business must fill out applications for their individual license. The same application information as above must be completed and returned to the Commissioner whereupon an investigation of the individual will occur. A decision will be rendered in relation to the information provided on the individual's application.

2.2 APPLICATION CONTENTS: NON-PERMANENT BUSINESSES

Applications for all businesses other than permanent business shall be obtained from the Rensselaer Police Department ("Police Department") in accordance with Chapter 112 of the CODE OF ORDINANCES FOR THE CITY OF RENSSELAER as revised from time to time. All provisions of this Ordinance 22-2009 not in conflict therewith shall apply.

2.3 FEES REQUIRED

(A) At the time of filing the application, each individual applicant who proposes to establish a permanent business shall pay a non-refundable application fee of \$25.00 to the Building Department to cover costs in the administration of this chapter. The application fee must be paid with cash or certified funds.

(B) If the Commissioner or his or her designee, after investigating the application, grants a registration, each individual applicant shall then obtain a registration from the Commissioner. The registration or a certified copy thereof shall be prominently displayed in an area accessible to the public within the business. Each applicant must pay a registration fee at the time the registration is issued. The registration fee must be paid with cash or certified funds. The fees for the above-stated registration shall be as follows:

- (1) A \$100 fee for the life of the business;

(C) Any applicant which is not registering as a permanent business and who registers through the Police Department pursuant to Section 2.2 above is exempt from the fee requirements of this Section. Upon obtaining a license from the Police Department, the applicant shall present the same to the Commissioner for purposes of making a record of said license in the Building Department.

2.4 RECORDS

(A) The Commissioner shall keep a record of the application, the determination thereon and of all registrations issued pursuant to this chapter. The record shall contain the name and residence of the individual(s) registered and the number of licenses that have been revoked.

(B) The Commissioner shall submit a copy of this record to the Chief of Police, and City Utility Manager.

(C) When an itinerant merchant is charged with a violation of this ordinance or of any of the provisions contained in Chapter 112, the Chief of Police shall report the same to the Commissioner, and the Commissioner shall maintain a record for each permit issued and reports of violations thereon.

2.5 EXEMPTIONS

The following are exempt from the requirements of this chapter:

(A) Members of religious or church organizations or nonprofit organizations are exempt from this chapter provided that they are pursuing legitimate religious activities, and provided that the activities are conducted in an orderly manner without annoyance or harassment to the persons solicited.

(B) Parochial, private or public school children attending school within the city, or members of a fraternal or veterans organization or a nonprofit organization, so long as that organization operates a chapter, post lodge, camp or local organization within the city are exempt from this chapter only to the extent that they vend or solicit in conjunction with an authorized activity of the organization of which they are members or the schools they attend.

SECTION 3. STREET VENDING

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

UNOBSTRUCTED CORNER: A triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines when extended.

(B) If the business of the applicant is to be carried on by selling goods, wares and merchandise on or from a city sidewalk, street location, or parking lot, the following provisions shall be complied with in addition to the other provisions contained in this chapter:

(1) There shall be a five-foot setback from the curb of a street wherein no merchandise, goods or wares shall be displayed or sold or within which no transient vendor or itinerant merchant may stand or sell the goods, wares or merchandise;

(2) No wares or merchandise shall be sold or displayed within any area defined as an unobstructed corner; and

(3) Street vendors must provide receptacles for waste disposal and shall not obstruct storefronts or entrances thereto.

SECTION 4. BUSINESS REGISTRATION FUND

(A) The enforcement authority shall establish in its operating budget a fund designated as the Business Registration fund. Any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(B) Money for the Business Registration fund may be received from any source, including appropriations by local, state, or federal governments, and donations.

(C) Money in the Business Registration Fund may be used for the expenses incurred in carrying out the purposes of this chapter, including:

(1) The cost of obtaining reliable information about the identity and location of each person who owns a Business interest or Corporation.

(2) The cost of an examination of a Business interest or Corporation

(3) The cost of mailings and or brochure printings.

SECTION 5. ZONING REGULATIONS

The terms and provisions of the Rensselaer Code of Ordinances, Chapter 28: The City of Rensselaer Revised Zoning Code, 2008 ("Zoning Ordinance"), shall be applicable in all cases. Nothing contained herein shall relieve an owner, applicant, business operator or others from

compliance with said provisions, including provisions on temporary uses. In the event of conflicting provisions, the terms of the Zoning Ordinance shall control.

SECTION 6. VIOLATIONS

(A) Any person violating the provisions of this ordinance or making false statements or misrepresentations of fact for the purposes of obtaining a license or permit pursuant to the provisions of this ordinance shall be fined up to \$2500 for a first offense and up to \$7500 for subsequent offenses as provided by I.C. 36-1-3-8(b)(10). The City shall collect all costs of enforcement, including reasonable attorney's fees, resulting from a violation.

(B) In the alternative, any person cited with a violation may admit the same before the violations clerk and pay a fine directly to the City of Rensselaer in accordance with the schedule provided for in the Ordinance Violations Bureau schedule of fines, as revised from time to time.

This Ordinance shall be effective after passage and publication in accordance with Indiana law.

PASSED AND ADOPTED by the Common Council of the City of Rensselaer, Indiana on this 26th day of October, 2009.

AYE

NAY

S/Rick Williams

S/William Hollerman

S/Carole Beaver

S/Carole Beaver

Common Council

Common Council

S/Herbert H Arihood

Herbert H. Arihood, Mayor

ATTEST:

S/Frieda Bretzinger

Frieda Bretzinger, Clerk Treasurer