

MEMORANDUM

TO: Zionsville Town Council
FROM: Heather D. Harris
DATE: August 14, 2023
SUBJECT: House-to-House Solicitation

The Zionsville Police Department and Councilor Melton have requested updates to the Town's existing House-to-House Solicitation Ordinance. Due to the timing of our project to update the entire Code of Ordinances, we determined it is efficient to rewrite this section of Code, review all relevant Indiana state statutes and to benchmark our current ordinance against surrounding communities.

The proposed draft does the following:

- Adds a definition of “corporate limits” to include the Town Service District and the Rural Service District of the Town to ensure the Town’s entire corporate limits are under the House-to-House Solicitation regulations.
- Adds a section for “exempt persons” which aligns with the exempted individuals under Indiana state statute.
- Redefine “solicitor” to “vendor solicitor” to mean “any individual licensed as a solicitor and employed by a Vendor and shall include both commercial and non-commercial solicitors.”
- Requires that a Vendor Solicitor must have a license issued by the Zionsville Police Department to engage in House-to-House solicitation.
- Adds additional requirements for the application for a license including:
 - Any vendor who desires to engage in House-to-House solicitation shall first obtain from the Zionsville Police Department a non-transferable House-to-House solicitation license permitting such activity by the Vendor and Vendor Solicitor, employees and agents; and
 - If the vendor intends to sell or offers to sell any type of food or beverages, the Zionsville Police Department shall refer the application to the Boone County Health Department for review and recommendation. The review shall include, at a minimum, an inspection of all refrigeration equipment used by the Vendor, Vendor Solicitor, employees and agents and shall ensure that minimum sanitation requirements established by state and local laws are met; and
 - The applicant will provide the application to the ZPD Chief of Police and/or his/her designee for review and approval.
- The proposed Ordinance raises the fees to \$50.00 for a 10 day permit and \$150.00 for a 120 day permit. The proposed Ordinance also includes a \$3.00 non-refundable license fee for each Vendor Solicitor applying.

- The proposed Ordinance states that all fees/funds shall be deposited into Fund 271 for use by the Zionsville Police Department to offset the cost of administering the program and enforcing the requirements of the Ordinance.
- The proposed Ordinance strengthens the application requirements and requires the following information to be provided to the Town:
 - The telephone number and address of, and the name under which, the business is to be conducted.
 - The name and address of the applicant.
 - A description of the business to be conducted, goods or property to be sold, or purpose of the non-commercial solicitation; and
 - The duration of the business or non-commercial solicitation to be conducted.
 - General information about the vendor, vendor's business and nature of vendor's proposed House-to-House solicitation. The application shall provide the following information:
 - The date of incorporation of the Vendor's company; and
 - The state of incorporation of Vendor's company; and
 - The date on which such incorporation was qualified to transact business as a foreign corporation in Indiana if Vendor's company was not incorporated in Indiana.
 - The Vendor and each Vendor Solicitor shall provide the following:
 - A valid government issued photo ID; and
 - A signed release authorizing the ZPD to run a national criminal history check report; and
 - If a Vendor or Vendor Solicitor has a criminal arrest record, the Chief of Police may require the Vendor or Vendor Solicitor to deliver an official copy of any records related to the arrest and/or conviction, and may include other documents required, including but not limited to, a police report, court records or protection order. The Chief of Police in his or her sole discretion may deny an application based on a record of arrest or conviction.
 - The name, address and telephone number of the contact person who will respond on behalf of the Vendor to consumer complaints and be available for a period of time not less than sixty days following the last date that the Vendor or Vendor Solicitor engages in House-to-House Solicitation.
 - Clarifies that the decision to approve or deny an application is made by the Chief of Police or his/her designee.
 - Strengthens the ability of the Chief of Police to deny an application or revoke an application.
 - The proposed ordinance strengthens the penalties for failing to comply.
 - Adds a new "No Solicitation List" which allows "any property owner in the Corporate Limits of the Town to register their property on the Town's No Solicitation List by December 1st annually. Such list of addresses shall be provided to any Vendor Solicitor. A Vendor Solicitor shall be prohibited from soliciting at any address on the list.