

ORDINANCE 2009 - 08

WARREN COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE PROVIDING FOR THE
LICENSING OF TRANSIENT MERCHANTS

WHEREAS, it is deemed advisable to provide for certain licensing requirements in order that the officials of Warren County, Indiana shall be aware of when itinerant merchants are in the County and to obtain certain information regarding said itinerant merchants in order to prevent fraud and to assure the safety of the citizens of Warren County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warren County, Indiana, that:

Section 1. Definitions

"Transient Merchant" shall be every person or firm who engage in, do, or transacts any temporary or transient business in this county, either in one (1) locality or in traveling from place to place, offering for sale or selling goods, wares or merchandise, and those who, for the purpose of carrying on such business hire, lease or occupy any room, building, vehicle, car, store, shop, vacant lot, parking lot, tent, or other structure for the exhibition and sale of goods, wares and merchandise.

Section 2. Exemptions

The provision of this ordinance shall not apply to persons or firms that grow and cultivate products on their farms or gardens or who make crafts or items by hand that are sold or offered for sale; auctioneers; a resident of the county who conducts a sale of tangible personal property for no more than four (4) days per calendar year; an organization exempt from Indiana gross retail tax under IC 6-2.5-5-26; a person who sells or offers to sell merchandise which sale is being conducted as part of an activity sponsored by a school or other non-profit organization; sheriffs or other public officers selling goods, wares, or merchandise for the benefit of creditors; merchants or their employees delivering goods in the usual course of business; and vendors of food products who distribute such to regular customers on established routes.

Section 3. License Required

It shall be unlawful for any transient merchant to engage in or transact any business as such in the County without first having obtained a license.

Section 4. License Application

Applicants for a license shall file with the County Auditor, on a form provided by him or her, a verified application in writing that shall give the following information:

- A. Name, residence and post office address of applicant.
- B. If applicant is a corporation or limited liability company, the date of incorporation or organization and the date qualified to transact business in Indiana.
- C. A brief description of the nature of the business.
- D. The length of time for which the right to do business is desired.
- E. The location of such proposed place of business if any permanent or mobile building, structure or real estate is to be used for exhibition.
- F. A detailed inventory and description of the goods, wares and merchandise to be offered for sale or sold, the manner in which the same is to be advertised for sale and the representations to be made in connection therewith, the persons from whom the goods, wares and merchandise were obtained, the date of receipt of such by the license applicant, the place from which the same were last taken and all details necessary to locate and identify all goods, wares and merchandise to be sold.
- G. Attached to the application shall be a receipt showing that all personal property taxes on the goods, wares and merchandise have been paid.
- H. Attached to the application shall be a copy of the notice required by IC 25-37-1-4(f).

Section 5. Waiting Period and Investigation

No license shall be issued until the passage of forty-eight (48) hours from the submission of the application to the Warren County Auditor. During such period, the application shall be referred to the Warren County Sheriff for investigation. If the Sheriff determines that the applicant's character is unsatisfactory or that the conduct of the license is sought will be contrary to the health, safety, or welfare of the public, no license will be issued.

Section 6. License Fee

A. The applicant shall pay to the Warren County Treasurer as a license fee the sum of twenty-five dollars (\$25.00) for a six (6) month period.

B. A surety bond as prescribed in IC 25-37-1-5 is hereby waived.

Section 7. License Requirements

A. The license shall show the date of issue, the activity licensed, and the term that the license covers. The County Auditor shall keep a record of all licenses issued.

B. Every licensee shall carry his or her license upon his or her person at all times when engaged in the activity for which the license was granted, except that where the activity is conducted at a fixed place or establishment, the license shall be exhibited in a conspicuous place in the place of business.

C. The licensee shall exhibit the license when applying for a renewal and upon demand of any law enforcement officer or person representing the County Auditor.

D. A transient merchant shall solicit or transact business only Monday through Friday from nine o'clock AM to seven o'clock PM excluding all county observed holidays.

E. Within ten (10) days after the license expires the holder shall file, in duplicate, a verified inventory of all goods, wares and merchandise sold and the price received therefore, and the Auditor shall forward a copy to the Indiana Department of Revenue.

Section 8. Revocation of License

Any license issued may be revoked by the Warren County Board of Commissioners for any of the following causes:

A. Fraud, misrepresentation or inaccurate statement contained in the application.

B. Actions unauthorized or beyond the scope of the license granted.

C. Violation of any provision of this ordinance applicable to the activity for which the license has been granted, or any application regulation or law of the state.

D. Failure to continuously comply with all conditions required as precedent to the approval of the license.


Section 9. Violation

Any person violating this ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for each violation.

This ordinance passed and adopted this 21st day of December, 2009.

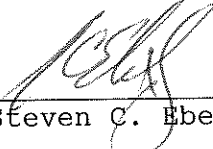
ATTEST:

BOARD OF COMMISSIONERS
WARREN COUNTY, INDIANA


Auditor of Warren County


Thomas A. Hetrick


Anton "Tony" Briles


Steven C. Eberly