

TRANSIENT MERCHANT

An ordinance regulating solicitation by transient merchants in the Town of Swayzee.

SECTION 1: DEFINITIONS

IC 25-37-1-2 "Transient merchant" defined

"Transient merchant", when used in this chapter, includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1) locality or in traveling from place to place in this state, 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 permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term does not include the following:

- (1) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;
- (2) a person who makes crafts or items by hand and sells them or offers them for sale;
- (3) an auctioneer who is licensed under IC 25-6.1;
- (4) a resident of the county in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;
- (5) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;
- (6) a person who:
 - (A) sells merchandise;
 - (B) offers to sell merchandise; and
 - (C) provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (5);
- (7) a person who:
 - (A) organizes;
 - (B) sells merchandise at;
 - (C) offers to sell merchandise at; or
 - (D) exhibits at;a trade show or convention;

(8) except as provided in section 15 of this chapter, a person who holds a registered retail merchant's certificate under IC 6-2.5-8.

SECTION 2: ORDINANCE

The Town of Swayzee hereby taxes, licenses, and regulates transient merchants and charges a fee for the transaction of business by transient merchants within the town limits of Swayzee, Indiana and provides for the punishment of persons violating this ordinance.

Each transient merchant shall obtain a permit from the town clerk-treasurer's office prior to engaging in business by paying a licensing fee in the amount of \$25 per week. (A week shall consist of seven consecutive calendar days commencing on the day of issuance of the license). This fee shall be paid in full prior to the issuance of the license. Such fee shall be deposited into the town's general fund account.

No person shall accompany a transient merchant during the transaction of business unless that person has obtained a permit under this ordinance.

All transient merchants and solicitors shall display on their person identification which clearly states their name and the organization in which they belong and are affiliated in the transaction of business.

No transient merchant shall enter upon property in the Town of Swayzee on which a sign or notice stating "NO SOLICITORS" or any words reflecting the nature.

All transient merchant applicants shall provide valid and current identification to which the town clerk/treasurer shall keep a copy with the application. Honored forms of identification shall include: state driver's license, state identification card or passport.

Transient merchants are prohibited from soliciting within the Town of Swayzee on Sundays and Holidays.

Holidays are to include the following:

New Years Day, Martin Luther King Jr. Day, President's Day, Valentines Day, Thanksgiving Day, Christmas Eve, and Christmas Day.

The permitted hours for transient merchants with a permit shall only consist of the following:

Between 10am – 5pm local time.

SECTION 3: PENALTY

Any person or persons who are in violation of this above ordinance shall, upon conviction, be guilty of an ordinance violation and be fined a sum of \$100 each day that a violation occurs.
