

**AN ORDINANCE TO REGULATE DOOR-TO-DOOR
SOLICITATIONS WITHIN THE TOWN OF
MONROE, STATE OF INDIANA**

WHEREAS, Indiana Code §36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, Indiana Code §36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the town;

WHEREAS, the Town Board desires to adopt an ordinance restricting the hours and days in which persons may conduct door-to-door solicitations within the Town of Monroe;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROE, INDIANA, AS FOLLOWS:

Section 1. Definitions.

- A. "*Door-to-Door Solicitation*" is defined as all methods, including, but not by way of limitation, ringing the doorbells, knocking on the doors, or otherwise attempting to gain admittance to a commercial or residential property as a means of soliciting funds and/or of selling commercial products, services or property within the limits of the Town of Monroe, by and through uninvited personal solicitation of Town residents on private property.
- B. "*Posted No Solicitation Signs*" shall mean signs posted on commercial or residential property that state or imply that solicitation at that property is not desired.
- C. "*Time of Solicitation*" is defined as 12:00 NOON until 7:00 PM, Eastern Daylight Savings Time.
- D. "*Days of Solicitation*" are defined as the following days: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

Section 2. Restrictions on Door-to-Door Solicitation. Door-to-Door Solicitation by vendors may occur within the Town of Monroe on Days of Solicitation within the Time of Solicitation. On Days of Solicitation that coincide with federal or

state holidays Door-to-Door Solicitation shall be prohibited at all times, including Time of Solicitation.

Section 3. Unlawful Activity.

- A. *Soliciting Posted No Solicitation Signs.* It shall be unlawful for any person, vendor, agent, employee or independent contractor to ring the bell, knock on the door, or otherwise attempt to gain admittance to a commercial or residential property that has Posted No Solicitation Signs for purposes of peddling, soliciting or selling at any properties that have the Posted No Solicitation Signs.
- B. *Soliciting Prohibited.* It shall be unlawful for any person, vendor, agency, employee or independent contractor to conduct Door-to-Door Solicitation within the Town of Monroe other than on the Days of Solicitation and Time of Solicitation defined herein.

Section 4. Enforcement. The Town Board shall be responsible for the enforcement of this ordinance and shall issue citations to any person, vendor, agency, employee or independent contractor who violates this ordinance.

Section 5. Penalties.

- A. *Fines.* The Town Board may fine any person, vendor, agent, employee or independent contractor who engages in Door-to-Door Solicitation in violation of this ordinance in the amount of One Hundred and 00/100 Dollars (\$100.00) for each separate offense during which the same engages in such conduct, with a maximum penalty of up to One Thousand and 00/100 Dollars (\$1,000.00) per day. A person, vendor, agent, employee or independent contractor who commits a violation of this ordinance is subject to enforcement pursuant to the procedures provided in Indiana Code § 34-28-5-1.
- B. *Restraining Orders.* The Town Board may seek a temporary and/or permanent restraining order against any person, vendor, agent, employee or independent contractor in any court of competent jurisdiction.
- C. *Cumulative Remedies.* The Town Board's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this ordinance.
- D. *Willful and Intentional Disregard.* Any person, vendor, agent, employee or independent contractor who willfully or intentionally violates this ordinance shall, to the extent permitted by law, be liable to the Town Board to collect from the offender reasonable attorney fees, court costs, litigation expenses, and all other reasonable costs and expenses incurred in the enforcement of this ordinance and in obtaining a restraining order and any other enforcement remedies against the offender.

Section 6. Effectiveness. This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED, by the Town of Board for the Town of Monroe, State of Indiana, this 2nd day of June, 2016 at _____ PM by a vote of ____ ayes and ____ nays.

TOWN BOARD FOR THE TOWN OF
MONROE, STATE OF INDIANA

Debra S. Giessler, President

Mike Geels

Jeffrey L. Johnson

ATTESTED: _____
Rachel Burkhart, Clerk/Treasurer