



ORDINANCE NO. 2012-07-03

AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY CODE OF WARSAW, INDIANA

- SECTION 1. Be it ordained by the Common Council of the City of Warsaw, Indiana, that the text of the Code of Laws of the City of Warsaw, Indiana is hereby amended as stated herein.
- SECTION 2. This ordinance revision was initiated by the Common Council of the City of Warsaw, which did on December 6, 2010, hold a legally advertised public hearing on said ordinance.
- SECTION 3. Chapter 18 of the Code of Laws of the City of Warsaw, Indiana, is amended to read as follows:

Article II. Itinerant Merchants, Mobile Merchants, and Peddlers. Sec. 18-31 is amended to read as follows.

(a) Definitions.

- (1) Itinerant Merchant: Merchants selling goods not out of a permanent building, on a property to which they have no ownership.
- (2) Peddler: Merchants selling goods on foot, door to door.
- (3) Mobile Merchant: Merchants selling goods out of a vehicle from multiple locations per day.

(b) Required; exceptions. It shall be unlawful for any peddler, itinerant merchant, or mobile merchant in goods, wares and merchandise or other articles of value, whether an individual or an association of persons, to sell or deliver any goods, wares and merchandise directly to a consumer within the limits of the city, without first obtaining a license therefor. The provisions of this section shall not apply to the sale of food items grown in the county, and/or any special events sponsored by the City of Warsaw to operate/take place within City Limits.

(c) Application. The fee for the license required by subsection (a) of this section shall be according to the fee schedule in subsection (d) directed to the City of Warsaw General Fund. The applicant is required to complete an application showing the following to the Building & Planning Department before license will be issued;

- (1) A valid photo identification card,
- (2) Proof of a valid Indiana Retail Merchants Certificate and/or a valid county health permit (where applicable,)

(3) Said application shall be verified.

(d) *Fee:* The fee shall be derived from the following table, paid either per day or per year.

Residency	Fee per Day per person	One Year Fee
Resident of the City of Warsaw	\$5	\$100
Resident of Kosciusko County	\$5	\$300
Resident of the State of Indiana	\$50	\$1,000
Resident outside State of Indiana	\$100	\$3,000

(e) *Issuance of License.* After the applicant has established full compliance with all the provisions of this Article, the Building & Planning Department shall issue to the applicant a license authorizing the said applicant to transact business as proposed in said application. The Department shall keep a record of such license in a book provided for that purpose, which shall at all times be open to public inspection.

(f) *Waiver.* (1) A veteran who holds an honorable discharge, and resides within Kosciusko County, from the armed forces of the United States is exempt from the payment of the license fee as referenced in I.C. 25-37-1-14. (2) Non-profit organizations temporarily operating as an itinerant merchant or peddler are exempt from the license fee. (3) The Board of Works for the City of Warsaw has the authority to waive the fee and license requirements if they deem it appropriate.

(g) *Duration.* A license shall be issued for one calendar year, beginning January 1st and expiring December 31st within the year issued, unless revoked prior to the expiration.

(h) *Zoning Ordinance.* Chapter 18 Article II of the City Code shall be subject to Article 13.10 of the Warsaw Zoning Ordinance

(i) *Vendors* shall provide a trash receptacle for each location.

(j) *Penalties.* The City of Warsaw reserves the right to revoke any issued license at any time, for violation(s) of any City Ordinance, and may impose a fine as outlined within Section 2-93 of the Warsaw Municipal Code.

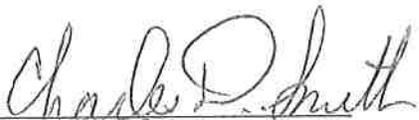
(k) *Authority.* This ordinance is authorized and empowered by IC 25-37-1-11 of the Indiana State Code.

(l) *Transfer.* Any license required by this section shall not be transferable.

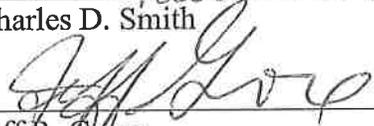
SECTION 4. That this Ordinance is to be in full force and effect from and after its passage.

Adopted this 20 day of August, 2012.

AYE



Charles D. Smith

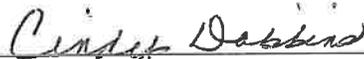


Jeff R. Grose

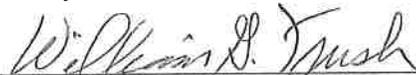


Diane Quance

Elaine Call



Cindy Dobbins



William G. Frush



Michael Klondaris

NAY

Charles D. Smith

Jeff R. Grose

Diane Quance

Elaine Call

Cindy Dobbins

William G. Frush

Michael Klondaris

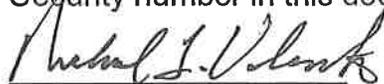
PRESENTED TO AND APPROVED by me on this 20 day of Aug, 2012.

ATTEST:


Lynne Christiansen, Clerk-Treasurer


Joseph M. Thallemer, Presiding Officer
Common Council, City of Warsaw

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



This instrument prepared by Michael L. Valentine, Attorney at Law