

Print

Fishers Code of Ordinances

CHAPTER 112: SOLICITATION

Section

General Provisions

112.01 No soliciting signs or stickers or other means of notification

112.02 Enforcement

Door-to-Door Solicitation

112.10 Definitions

112.11 Application, licensing, fees

112.12 Restrictions on license/door-to-door solicitation

112.13 License revocation or denial

112.99 Penalty

GENERAL PROVISIONS

§ 112.01 NO SOLICITING SIGNS OR STICKERS OR OTHER MEANS OF NOTIFICATION.

The Fishers Police Department is hereby directed to obtain a supply of "No soliciting" signs or stickers or other means of notification for free distribution to any resident of the city upon the request of such citizen.

(Ord. 071502, passed 7-15-02; Am. Ord. 050510, passed 5-5-10; Am. Ord. 091514A, passed 11-17-14)

§ 112.02 ENFORCEMENT.

The Fishers Police Department is urged to provided prompt response to any call for assistance to a resident upon whose private property a trespass has occurred after warning by sign or other notification reasonably intended to advise a person or persons to remove themselves from such private property.

(Ord. 071502, passed 7-15-02)

DOOR-TO-DOOR SOLICITATION

§ 112.10 DEFINITIONS.

Whenever used in this subchapter, the following words and phrases shall be defined as herein stated below:

DOOR-TO-DOOR SOLICITATION. Shall include all methods and means of soliciting funds and/or of selling commercial products, services or property within the corporate limits of the City of Fishers, by and through the uninvited in-person solicitation of city residents on private property.

EXEMPT PERSONS. Shall include the following:

- (1) An individual while and to the extent he or she is engaged in protected political speech or activity;
- (2) An individual while and to the extent he or she is engaged in protected religious speech or activity;
- (3) An individual engaged in the solicitation of funds and/or the sale of cookies, candies, paper products or similar sundries for and on behalf of a not-for-profit or nonprofit organization or association that is exempt from the Indiana Gross Retail Tax;
- (4) An individual who, due to the preemption of applicable federal or state law, is exempt from local licensing requirements.

VENDOR. A person, partnership, corporation, company, organization or entity who is not an exempt person and who is engaged in the selling, peddling, merchandising or brokering of products, services or property to the general public for a commercial purpose and/or who is engaged in the solicitation of funds.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14)

§ 112.11 APPLICATION, LICENSING, FEES.

(A) Any vendor who desires to engage in door-to-door solicitation shall first obtain from the Police Department a non-transferable door-to-door solicitation license ("license") permitting such activity by vendor and/or by vendor's employees and agents.

(B) If the vendor intends to sell or offers to sell any type of food or beverage, the Police Department shall refer the application to the Hamilton County Health Department for review and recommendation. The review shall include an inspection of all refrigeration equipment to be used by the vendor and shall insure that minimum sanitation requirements established by state and local law are met.

(C) The Police Department shall provide to any person, upon request, a door-to-door vendor application form ("application") to be completed by a vendor and submitted to the Police Department for review and approval by the Chief of Police, or his designee. The application shall require the following:

(1) General information about the vendor, vendor's business and the nature of vendor's proposed door-to-door solicitation. The applicant shall state relevant information about the vendor's company such as: date of incorporation; state of incorporation and if the corporation is formed outside of the State of Indiana; the date on which such corporation was qualified to transact business as a foreign corporation in Indiana.

(2) Each employee and agent involved in door-to-door solicitation, pursuant to a license issued to the vendor under this section, to provide a valid government issued photo ID and a signed release authorizing the Police Department to run a nationwide criminal history report. Juvenile employees and agents are also required to provide a copy of a work permit issued by the State of Indiana. If any vendor, its employee or agent who is named in the application has a criminal arrest record, the Chief of Police may require the vendor, employee or agent to deliver an official copy of any records related to the arrest and/or conviction, and may include other documents, such as a police report, court records, or protection order.

(3) The name, address and telephone number of the contact person who will respond to consumer complaints who shall be available for a period of time not less than 60 days following the last date that the vendors sells or offers goods, wares, merchandise, food, services or subscriptions in the city.

(4) An application fee, as determined by the Chief of Police, or his or her designee.

(5) A license fee, in accordance with § 112.11(F).

(D) If, while any application is pending, or during the term of any license granted thereon, there is any substantial change in fact, policy or method that would materially alter the information given in the application, the applicant shall notify the Police Department, in writing, of the change within 72 hours after such change. If the applicant or licensee fails to so notify the Police Department, any license issued to the applicant or vendor shall be suspended pursuant to § 112.13.

(E) A license and a non-transferable identification card shall be issued to a vendor by the Police Department upon such vendor's completion of an application, confirmation that such vendor and all employees and agents who will be involved in door-to-door solicitation have no felony or misdemeanor conviction within 15 years of the application date for a crime of, fraud, theft, burglary, robbery, and/or any other crime against another person, and such vendor has paid a license fee as set forth in § 112.11(F).

(F) The vendor shall pay the Police Department license fee of:

10 day license	\$50
120 day license	\$150
1 year license	\$300

for each employee and agent involved with door-to-door solicitation listed on the application. The fee shall not be returned or refunded upon denial of employee or agent, and all such monies shall be deemed forfeited.

(G) The decision as to whether an application is approved or denied shall be made by the Chief of Police, or his designee, within 20 days from the date the application is submitted to the Police Department for processing.

(H) Vendor, and each of vendor's employees and agents, shall openly display upon his or her person an identification card issued by the Police Department whenever engaging in door-to-door solicitation.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117B, passed 8-21-17) Penalty, see § 112.99

§ 112.12 RESTRICTIONS ON LICENSE/DOOR-TO-DOOR SOLICITATION.

(A) Door-to-door solicitation by vendors may be conducted between the following hours:

- (1) October 1 through April 30 - between 10:00 a.m. and 6:00 p.m. of any day.
- (2) May 1 through September 30 - between 10:00 a.m. and 8:00 p.m. of any day.

(B) Subject to earlier revocation, pursuant to this section, a license, as well as any identification card(s) issued therewith, shall be valid for exactly ten or 120 days, as applicable, from the date the license or identification card was issued, and shall thereafter immediately expire and become null and void.

(C) Vendor, and vendor's employees and agents, shall comply with all applicable federal, state and local laws and regulations while engaging in door-to-door solicitation.

(D) Unlawful to solicit on posted premises. It is unlawful for any vendor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or place of business at which a sign bearing the words "No Solicitors" (or words of similar import indicating that solicitors are not wanted on said premises) is painted, affixed, or otherwise exposed to public view; provided, that this section shall not apply to any peddler or solicitor who rings the bell, knocks on the door, or otherwise attempts to gain admittance to such residence or dwelling at the invitation or with the consent of the occupant thereof.

(Ord. 060208, passed 6-2-08) Penalty, see § 112.99

§ 112.13 LICENSE REVOCATION OR DENIAL.

(A) If the Chief of Police or his or her designee, determines that one or more of the following apply to a vendor and/or to any employee or agent of vendor who applies for a license or who is involved in door-to-door solicitation, then the Chief of Police shall deny the application and/or revoke an issued license and/or identification card(s) relating thereto, whichever action is applicable under the circumstances:

(1) Vendor submitted an application that contains materially false or misleading information;

(2) Vendor or any of vendor's employees or agents was, within 15 years prior to the date of vendor's application, convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person;

(3) Vendor or any of vendor's employees or agents has violated this section or has been charged with or convicted of a felony or misdemeanor crime of, fraud, theft, burglary, robbery, and/or any other crime against another person after the issuance of but prior to the expiration date of such person's license and/or identification card;

(4) Vendor or any of vendor's employees or agents has failed to properly display his/her identification card while engaged in door-to-door solicitation; or

(5) Two or more written and verified complaints have been delivered to the Police Department regarding allegedly untruthful or illegal conduct concerning vendor or vendor's employees or agents during his/her door-to-door solicitation.

(B) All license and/or identification card denials/revocations shall be in writing, shall state thereon the effective date of the denial/revocation and the reason for same, and shall be served by U.S. certified mail or by personal service on vendor. A copy of the report used for denial will be provided to the affected person upon request.

(C) Any vendor, within 20 days from the date on which notice of such license and/or identification card denial or revocation notice is served thereon, may by written request made and delivered to the Chief of Police, or his designee, within such time period, appeal such action to the Metropolitan Police Commission ("Commission"). If a timely appeal is not made, the decision of the Chief of Police is final. If a timely appeal is made, the Commission shall hear the appeal at a public hearing which shall begin no more than 20 days from the date of the receipt of the appeal request by the Chief of Police. The Commission shall issue its written decision on the appeal no more than ten days from the ending date of the hearing thereon, which Commission decision shall be final.

(D) No application, license or identification card fees shall be returned or refunded upon the revocation of a license and/or identification card issued pursuant to this section, all such monies being deemed forfeited.

(Ord. 060208, passed 6-2-08; Am. Ord. 082117B, passed 8-21-17)

§ 112.99 PENALTY.

(A) Citations for violation of this chapter may be issued by the Fishers Police Department. Each violator of the restrictions and provisions of this chapter shall pay a fine to the city's Ordinance Violations Bureau in the sum and amount set forth in § 36.08. If the violation is not paid, an enforcement action may be filed by the City Attorney's office in the Fishers City Court.

(B) The city may seek a temporary and/or permanent restraining order against any vendor and/or any employee or agent thereof in any court of competent jurisdiction.

(C) The city's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this section or otherwise.

(Ord. 060208, passed 6-2-08; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117B, passed 8-21-17; Am. Ord. 111918D, passed 11-19-18)

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT. (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates.	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	b. Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357

<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25 A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box # 11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Protection Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357</p>

For more information in Spanish, visit www.consumerfinance.gov/learnmore or escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.
- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT. (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates.	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	b. Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357