



**columbusindiana**  
unexpected.unforgettable.

Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING**

**CITY HALL**

**TUESDAY, AUGUST 6, 2013**

**6:00 O'CLOCK P.M.**

**I. Meeting Called to Order**

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

**II. Unfinished Business Requiring Council Action**

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2013, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE, BOARD OF PUBLIC WORKS AND SAFETY." Jeff Logston
- B. Second Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2013, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY." (Old Marr Road/Northbrook Vacation). Jeff Bergman.

**III. New Business Requiring Council Action**

- A. First Reading of an Ordinance entitled "ORDINANCE NO. \_\_\_\_\_, 2013, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 5.20 OF THE COLUMBUS CITY CODE, DOOR TO DOOR SOLICITATION." Jeff Logston

**IV. Other Business**

- A. Standing Committee and Liaison Reports
- B. Discussion Items: Budget Hearings
- C. Next regular meeting is scheduled for **Tuesday, August 20, 2013 at 6:00 o'clock P.M. in City Hall.**
- D. Adjournment.

ORDINANCE NO. \_\_\_\_\_, 2013

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,  
TO AMEND CHAPTER 2.50 OF THE COLUMBUS CITY CODE,  
BOARD OF PUBLIC WORKS AND SAFETY

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, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

WHEREAS, Indiana Code 36-4-9-8 gives the authority to the Mayor of the City to determine if the Board of Public Works and Safety is comprised of 3 or 5 members;

WHEREAS, pursuant to Indiana Code 36-4-9-8, the Mayor desires to expand the membership of the Board of Public Works and Safety from 3 to 5 members; and

WHEREAS, it is the desire of the Common Council to accurately reflect the current City administrative structure in the Columbus City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:**

**Section I.** Chapter 2, Article 50, Section B of the Columbus City Code, is hereby amended to read as follows:

B. The members of the Board of Public Works and Safety shall be the Mayor and ~~two~~ four voters of the city who shall be chosen by the Mayor in accordance with Indiana Code, 36-4-9-8, and who shall serve at the Mayor's pleasure.

**Section II.** All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

**Section III.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock P.M. by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

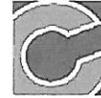
\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Luann Welmer  
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the \_\_\_\_ day of \_\_\_\_, 2013 at \_\_\_\_ o'clock P.M.

\_\_\_\_\_  
Kristen Brown  
Mayor, City of Columbus, Indiana



## MEMORANDUM

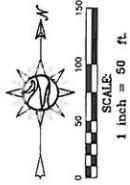
**TO:** Columbus City Council Members  
**FROM:** Jeff Bergman  
**DATE:** July 30, 2013  
**RE:** VAC 13-01: Old Marr Road / Northbrook Right-of-Way Vacation

Please recall that at your June 18, 2013 meeting the Council considered a request from Centra Credit Union to vacate a portion of the old Marr Road right-of-way adjacent to their proposed Northbrook Subdivision Section VI ("Bridge Pointe"). The Council placed the matter into proper channels and the applicant was instructed to proceed with the preparation of the subdivision drawings necessary to document the vacation. Centra intends to incorporate the vacation into the Section VI final plat.

A copy of the plat prepared by Centra is attached to this memo for your reference. The Planning Department has reviewed the plat and all technical comments have been addressed. This matter is therefore ready for its 2<sup>nd</sup> Reading.

Please feel free to contact me with any questions you may have.

# NORTHBROOK PHASE VI (BRIDGE POINTE) FINAL PLAT



## LEGEND

- 5/8"x3/8" REBAR AND CAP SET THIS SURVEY
- FOUND 5/8" REBAR W/E.R. CAP
- 5/8"x3/8" REBAR AND CAP SET AT ALL LOT CORNERS
- D DRAINAGE
- U UTILITY
- E EASEMENT
- (R) RECORD DIMENSION

ALL LOT AREAS SHOWN ARE SQUARE FEET UNLESS OTHERWISE NOTED

NOTES:  
1. LOT SMALL LINES A, D & U EASEMENT ON ALL SIDE LOT LINES AND REAR LOT LINES, UNLESS OTHERWISE NOTED.

2. BEARING SYSTEM BASED ON "NORTHBROOK PHASE V, BRIDGE POINTE, PLAT BOOK 'R', PAGE '183C'.

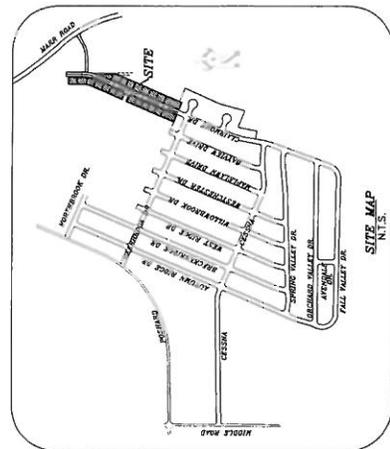
## ACREAGE TABLE

LOTS : 4.13 ACRES  
COMMON AREA "A": 0.19 ACRES  
TOTAL : 4.32 ACRES

CENTRA CREDIT UNION  
INSTR# 2009-15202

COLUMBUS PARK FOUNDATION, INC.  
NORTHBROOK PHASE III  
P.O. BOX 3938

TALPHEIT, LLC  
INSTR# 2005-14687



## CURVE TABLE

CURVE	BEARING	ARC LENGTH	CURVE LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE	TANGENT
C1	S 21°42'15" E	29.37	35.39	S 21°42'15" E	35.39	90°00'00"	25.00
C2	S 89°17'41" W	35.37	35.37	S 89°17'41" W	35.37	90°00'00"	25.00
C3	S 13°13'25" W	150.01	150.01	S 13°13'25" W	150.01	90°00'00"	52.83
C4	S 107°43'59" W	65.41	65.41	S 107°43'59" W	65.41	90°00'00"	25.27
C5	N 11°46'27" E	211.59	211.59	N 11°46'27" E	211.59	90°00'00"	102.88
C6	N 19°22'52" E	71.47	71.39	N 19°22'52" E	71.39	90°00'00"	25.39

**NORTHBROOK PHASE VI  
(BRIDGE POINTE)  
FINAL PLAT**

Columbus, Indiana

DATE: July 15, 2013  
DRAWN BY: N. GRAY  
CHECKED BY: E. HILL  
FILE NAME: 12215FP10



E.R. GRAY ASSOCIATES, INC.  
1775-55-010  
141-419-211-1111

SHEET 1  
OF 2  
12215

NO. DATE DESCRIPTION REVISIONS

# NORTHBROOK PHASE VI (BRIDGE POINTE) FINAL PLAT

## SHEET 2 OF 2

**PROPERTY DESCRIPTION:**  
PART OF THE SOUTHEAST QUARTER OF SECTION 9 NORTH, RANGE 6 EAST, TOWNSHIP 9 NORTH, RANGE 6 EAST, LYING IN COLUMBIUS TOWNSHIP, BARTHOLOMEW COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

**DESCRIPTION #1:**  
THE NORTHWEST CORNER 91.07' OF AN NORTHBROOK PHASE V BRIDGE POINTE AS RECORDED IN PLAT BOOK "P" PAGE "180C" IN THE BARTHOLOMEW COUNTY, INDIANA RECORDERS OFFICE.  
THENCE S 23°17'41" E A DISTANCE OF 570.00 FEET;  
THENCE S 89°27'19" E A DISTANCE OF 850.00 FEET;  
CHORD BEARING OF S 21°42'19" E, WITH A CHORD LENGTH OF 39.27', TO THE POINT OF BEGINNING.  
THENCE S 23°17'41" W A DISTANCE OF 545.00 FEET;  
THENCE S 23°17'41" W A DISTANCE OF 808.00 FEET;  
HAVING AN AREA OF 1.17 ACRES MORE OR LESS.

**DESCRIPTION #2:**  
ALSO COMMENCING AT THE NORTHWEST CORNER OF LOT 654 IN "NORTHBROOK PHASE V BRIDGE POINTE" AS RECORDED IN PLAT BOOK "P" PAGE "180C" IN THE BARTHOLOMEW COUNTY, INDIANA RECORDERS OFFICE.  
THENCE N 23°17'41" E A DISTANCE OF 620.00 FEET;  
THENCE N 23°17'41" E A DISTANCE OF 620.00 FEET;  
THENCE S 89°26'15" E A DISTANCE OF 180.00 FEET;  
THENCE S 89°26'15" E A DISTANCE OF 850.00 FEET;  
THENCE S 20°09'04" W A DISTANCE OF 142.96 FEET;  
THENCE S 20°09'04" W A DISTANCE OF 142.96 FEET;  
CHORD BEARING OF S 11°40'22" W, WITH A CHORD LENGTH OF 192.70', TO THE POINT OF BEGINNING.  
THENCE S 23°17'41" W A DISTANCE OF 300.76 FEET;  
THENCE S 23°17'41" W A DISTANCE OF 300.76 FEET;  
CHORD BEARING OF S 89°26'15" E, WITH A CHORD LENGTH OF 29.27', TO THE POINT OF BEGINNING.  
THENCE N 65°42'19" W A DISTANCE OF 650.00 FEET, TO THE POINT OF BEGINNING.  
HAVING AN AREA 1.29 ACRES MORE OR LESS.

**DESCRIPTION #3:**  
ALSO BEGINNING AT THE NORTHWEST CORNER OF LOT 343 IN "NORTHBROOK PHASE V BRIDGE POINTE" AS RECORDED IN PLAT BOOK "P" PAGE "180C" IN THE BARTHOLOMEW COUNTY, INDIANA RECORDERS OFFICE.  
THENCE S 89°26'15" E A DISTANCE OF 180.00 FEET;  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ANGLE OF 71.41', WITH A RADIUS OF 523.80', WITH A CHORD BEARING OF N 19°23'52" E, WITH A CHORD LENGTH OF 71.36'.  
THENCE S 20°09'04" W A DISTANCE OF 142.96 FEET;  
THENCE S 20°09'04" W A DISTANCE OF 142.96 FEET;  
THENCE N 65°42'19" W A DISTANCE OF 80.00 FEET, TO THE POINT OF BEGINNING.  
HAVING AN AREA OF 1.36 ACRES MORE OR LESS.

CONTAINING IN ALL 4.32 ACRES MORE OR LESS AND SUBJECT TO ALL APPLICABLE RIGHTS OF WAY AND EASEMENTS.  
BEARING SYSTEM BASED ON THE PLAT OF "NORTHBROOK PHASE V BRIDGE POINTE" AS RECORDED IN PLAT BOOK "P" PAGE "180C" IN THE BARTHOLOMEW COUNTY INDIANA RECORDERS OFFICE.

**OWNERS CERTIFICATE:**  
WE THE UNDERSIGNED, CENTRA CREDIT UNION, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE LAY OFF, PLAT AND SUBDIVIDE, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "NORTHBROOK PHASE VI (BRIDGE POINTE)", CONSISTING OF COMMON AREA "A" AND 21 LOTS NUMBERED LOTS 455-470 AND 555-559, CONTAINING 4.32 ACRES.

CLEAR TITLE TO THE LAND CONTAINED IN THIS SUBDIVISION IS GUARANTEED.

THE SETBACK LINES SHALL BE DETERMINED BY THE REGULATIONS OF THE COLUMBIUS, INDIANA ZONING ORDINANCE OF CURRENT ADOPTION.

THE PUBLIC STREETS AND ALLEYS SHOWN AND DESIGNATED AS SUCH AND NOT HERETOFORE HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED FOR THE PURPOSES DESIGNATED HEREON.

THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF THE UTILITY ON CITY TO INSTALL, REPAIR, MAINTAIN OR REPLACE ITS INSTALLATION.

ALL DRAINAGE EASEMENTS ON THE PLAT ARE SPECIFICALLY AUTHORIZED TO BE USED FOR DRAINAGE PURPOSES. ALL GRADES SHALL BE MAINTAINED AS CONSTRUCTED. ADDITIONAL CUT AND FILL WORK WITHIN DRAINAGE EASEMENT AREAS IS PROHIBITED UNLESS AUTHORIZED BY THE ENGINEERING DEPARTMENT.

THE LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED IN INSTRUMENT NUMBER \_\_\_\_\_.

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CENTRA CREDIT UNION, CHIEF SALES AND MARKETING OFFICER

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE OF INDIANA, PERSONALLY APPEARED BRAD M. DAVIS, WHO ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_ COUNTY OF RESIDENCE \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_



I, ENOCH R. GRAY, BEING A STATE THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, KNOW TO THE BEST OF MY KNOWLEDGE, SUPERVISION, AND IN CHARGE OF THE SURVEY, THAT ANY CHANGES FROM THE LAST SURVEY OR INSTRUMENT, IN THIS PLAT, HAVE BEEN MADE AND THAT THE INSTRUMENT SHOWS THE ACTUAL FACTS ON THE GROUND AS THEY EXIST. I HAVE MADE NO UNLAWFUL CONCESSIONS OR IMPLICATIONS AS TO THE SUFFICIENCY OF THE REAL ESTATE FOR THE CONSTRUCTION OF INSTRUMENTS.

ENOCH R. GRAY, III \_\_\_\_\_ DATE \_\_\_\_\_

PRIMARY APPROVAL  
THIS PLAT WAS GIVEN PRIMARY APPROVAL BY THE ZONING DEPARTMENT AT A MEETING HELD JULY 16, 2014.

SECONDARY APPROVAL  
ALL CONDITIONS OF PRIMARY APPROVAL HAVE BEEN MET AND THIS PLAT IS GRANTED SECONDARY APPROVAL APPROVED BY THE PLANNING DEPARTMENT ON \_\_\_\_\_, 20\_\_\_\_.

JEFFREY R. BERGMAN, ACP, PLANNING DIRECTOR  
VOID UNLESS RECORDED BY \_\_\_\_\_, 20\_\_\_\_.

BARBARA J. WOODMAN, BARTHOLOMEW COUNTY AUDITOR  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AUDITORS CERTIFICATE  
THE REAL PROPERTY HAS BEEN FULLY VERIFIED FOR TAXATION AND TRANSFERRED ON THE RECORDS OF THE OFFICE OF BARTHOLOMEW COUNTY.

RECORDED IN PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

INSTRUMENT NO. \_\_\_\_\_, FEB 1940 \_\_\_\_\_.

ANTAL KOLE, BARTHOLOMEW COUNTY RECORDER

SURVEYORS REPORT: RECORDED IN INSTRUMENT # \_\_\_\_\_

NOTE: IN ACCORDANCE WITH INDIANA REGULATION OF TALL STRUCTURES ACT AND NOISE SENSITIVE AREA (IC 8-21-10-3(B)), LOT OWNERS MUST COMPLY WITH NOISE SENSITIVE PERMIT AS RECORDED IN INSTRUMENT NUMBER 2012-1307 IN THE OFFICE OF THE BARTHOLOMEW COUNTY RECORDER AND ANY APPLICABLE LAW, ORDINANCE, OR REGULATION OF ANY FEDERAL, STATE OR LOCAL GOVERNMENT BODY.

NO.	DATE	REVISIONS

**NORTHBROOK PHASE VI  
(BRIDGE POINTE)**  
Columbus, Indiana  
FINAL PLAT

DATE: July 15, 2013  
CHECKED BY: E. R. G.  
DRAWN BY: N. GRAY  
CERTIFIED BY: \_\_\_\_\_

FILE PATH: 12215FP10  
SHEET 2 OF 2  
12215

**ORDINANCE NO. \_\_\_\_\_, 2013**  
**AN ORDINANCE OF THE COMMON COUNCIL OF**  
**THE CITY OF COLUMBUS, INDIANA,**  
**TO AMEND CHAPTER 5.20 OF THE COLUMBUS CITY CODE,**  
**DOOR TO DOOR SOLICITATION**

**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**, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana (the "Council") to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

**WHEREAS**, previously the Council adopted Chapter 5.20 of its City Code to address door to door solicitation;

**WHEREAS**, there have been statutory amendments to the underlying legislation which require Chapter 5.20 to be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:**

**Section I.** Chapter 5, Article 20 of the Columbus City Code, is hereby amended to read in its entirety as follows:

**Chapter 5.20**  
**DOOR-TO-DOOR SOLICITATION**

Sections:

- 5.20.010 Definitions.
- 5.20.020 Licensing.
- 5.20.030 Restrictions on license/door-to-door solicitation.
- 5.20.040 License revocation or denial.
- 5.20.050 Penalties.

**5.20.010 Definitions.**

As used in this chapter, 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

Columbus, Indiana ("city"), by and through the uninvited personal solicitation of city residents on residential 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 who, due to the preemption of applicable federal or state law, is exempt from local licensing requirements;
4. An individual who holds a license from the Indiana Professional Licensing;-
5. An individual holding a certificate issued by the Indiana Utility Regulatory Commission (IURC) allowing the person to have direct marketing authority for cable service including video programming, pursuant to the provisions of Indiana Code 8-1-34-30, and any amendments thereto, unless the person elects to follow the provisions under this Ordinance instead.

"Vendor" means 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.

#### **5.20.020 Licensing.**

A. Any vendor who desires to engage in door-to-door solicitation shall first obtain from the Columbus police department a non-transferable door-to-door solicitation license ("license") permitting such activity by vendor and/or by vendor's employees and agents. Said license shall be requested by the vendor and obtained from the Columbus police department on weekdays (Monday - Friday), not including holidays, between the hours of 9:00 a.m. and 5:00 p.m.

B. If the vendor intends to sell or offers to sell any type of food or beverage, unless pre-packaged, the Columbus police department shall refer the application to the Bartholomew 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 Columbus police department shall provide to any person, upon request, a door-to-door vendor application form ("application") to be completed by a vendor and processed by the Columbus police department. The application shall seek general information about the vendor, vendor's business and the nature of vendor's proposed door-to-door solicitation. The application shall seek and shall be subject to the verification of 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 and the applicant's status with the Indiana Better Business Bureau, or the Better Business Bureau of the state of incorporation and/or the home state of the corporation. The application shall also require a vendor to list the name of every employee and agent who will be involved in door-to-door solicitation pursuant to a license issued to the vendor under this section, and to obtain from the Indiana State Police Department and attach to the application a copy of the limited criminal history of the vendor and of each employee and agent of same who will be involved in door-to-door solicitation. The application shall require the vendor to state 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 sixty days following the last date that the vendors sells or offers goods, wares, merchandise, food, services or subscriptions in the city. All completed applications shall be submitted to the Columbus police department for review by the chief of police, or his designee.

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 seventy-two 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 a hearing set forth in Section 5.20.040 below.

E. A license and a non-transferable identification card shall be issued to a vendor by the chief of police upon such vendor's completion of an application, confirmation that such vendor has no felony or misdemeanor conviction within fifteen years of the application date for a crime of dishonesty, fraud, theft and/or moral turpitude, and such vendor has paid a license fee of fifteen dollars for a ten-day license or ninety dollars for a one-year license. Upon receipt of a license, a vendor must also purchase from the Columbus police department, at the cost of three dollars each, non-transferable identification cards for each adult employee and/or agent of vendor listed on vendor's application and for whom the chief of police or his/her designee has confirmed has no felony or misdemeanor conviction within fifteen years of vendor's application date for a crime of dishonesty, fraud, theft and/or moral turpitude. If a vendor's employee and/or agent is a minor, each minor employee and/or agent shall carry with him/her a copy of the vendor's license at all times while engaged in the act of door-to-door solicitation. In the event the vendor is a federally recognized 501(c)(3) entity, not-for-profit, nonprofit, charitable organization or any other organization exempt from Indiana gross retail tax, as identified and determined by the City of Columbus police department, said licensing fees shall be waived.

F. The decision as to whether an application is approved or denied shall be made by the chief of police within twenty days from the date the application is submitted to the Columbus police department for processing.

G. Vendor, and each of vendor's employees and agents, shall openly display upon his or her person an identification card issued by the Columbus police department whenever engaging in door-to-door solicitation. Vendors who received a certificate from the IURC shall have the certificate upon their person whenever engaging in door-to-door solicitation.

#### **5.20.030 Restrictions on license/door-to-door solicitation.**

A. Door-to-door solicitation by vendors, including those who hold a certificate issued by the IURC, may be conducted between the following hours: October 1 through April 30 between 8:00 a.m. and 6:00 p.m. of any day; and May 1 through September 30 between 8:00 a.m. and 9:00 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 one hundred twenty 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, and vendor who holds a certificate issued by the IURC, 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, including those who hold a certificate issued by the IURC, 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.

#### **5.20.040 License revocation or denial.**

A. If the chief of police or his 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 fifteen years prior to the date of vendor's application, convicted of a felony or misdemeanor crime of dishonesty, fraud, theft and/or moral turpitude;

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 dishonesty, fraud, theft and/or moral turpitude 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;

5. Two or more written and sworn complaints have been delivered to the Columbus police department and verified, under oath, regarding allegedly untruthful or illegal conduct concerning vendor or vendor's employees or agents during his/her door-to-door solicitation;

6. Two or more complaints have been filed and verified with the Indiana Better Business Bureau.

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 at vendor's address as contained in the application.

C. Any vendor, within twenty 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 Columbus police department administrative board ("administration"). If a timely appeal is not made, the decision of the chief of police is final. The administration shall issue its written decision on the appeal no more than ten days from the ending date of the filing of the appeal. Should the police administrative board deny the applicant's appeal, said applicant may appeal to the Columbus city board of public works and safety in writing within ten days of the administration's denial. If a timely appeal is made to the Columbus city board of public works and safety, said Board shall hear the appeal at a public hearing, which shall begin no more than twenty days from the date of the receipt of the appeal by the board.

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.

#### **5.20.050 Penalties.**

A. Any vendor and/or any employee or agent of vendor who engages in door-to-door solicitation in violation of this section shall be subject to a fine of one hundred dollars for each separate offense during which the same engages in such conduct, with a maximum penalty of up to one thousand dollars per day. A vendor and/or employee or agent of a vendor who commits a violation under this chapter is subject to the enforcement procedures provided in Indiana Code 34-28-5-1.

B. Any vendor who is issued a certificate by the IURC and engages in door-to-door solicitation in violation of sections 5.20.030(A), (B), or (D), shall be subject to a fine of one hundred dollars for each separate offense during which the same engages in such conduct, with a maximum penalty of up to one thousand dollars per day. A violation under this section is subject to the enforcement procedures set forth in Indiana Code 34-28-5-1.

BC. 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.

CD. 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.

DE. Willful or intentional disregard of this section shall, to the full extent permitted by law, entitle the city to collect from the violator the reasonable attorney fees, court costs, litigation expenses, and all other reasonable costs and expenses incurred in obtaining a restraining order and/or any other enforcement remedies against same.

**Section II.** All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

**Section III.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**ADOPTED**, by the Common Council of the City of Columbus, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ o'clock P.M. by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Luann Welmer  
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the \_\_\_\_ day of \_\_\_\_, 2013 at \_\_\_\_ o'clock P.M.

\_\_\_\_\_  
Kristen Brown  
Mayor, City of Columbus, Indiana