

ORDINANCE NO. 9540 22-07

**AN ORDINANCE TO AMEND ORDINANCES 4872, AM. ORD. 8715, 8717, 9133, 9494
ALSO KNOWN AS CHAPTER 122 OF TITLE XI OF THE HAMMOND MUNICIPAL
CODE AS IT PERTAINS TO TEMPORARY NON-FOOD VENDOR LICENSING IN
THE CITY**

WHEREAS, Indiana Codes § 36-8-2-10, § 36-8-2-11, and § 25-37-1-11 grant a local government authority to regulate the operation of professions, including peddlers, pop-up vendors, and temporary non-food vendors; and

WHEREAS, the City of Hammond regulates these professions through a licensing process codified in Chapter 122 of Title XI of the Hammond Municipal Code (HMC); and

WHEREAS, on February 8, 2021, the Common Council of the City of Hammond adopted and approved Ordinance No. 9494 updating the processes and procedures in HMC 122 for pop-up vendors and peddlers; and

WHEREAS, to maintain uniformity within the licensing rules and regulations and to ensure the health, safety, and general welfare of the public, HMC Ch. 122 must be amended to include a licensing requirement for Temporary Non-Food Vendors within the City of Hammond; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that Sections §122.01, §122.03, §122.15, and §122.17 of Chapter 122 of Title XI of the HMC be amended and adopted as follows (Sections of Ch. 122 not listed within this Ordinance remain UNCHANGED):

§ 122.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER.

Peddler is defined as:

- A. Any individual, whether a resident of the city or not, traveling either by foot, bicycle, motorized vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, property, or services, offering and exposing the items for sale or selling and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the items for sale from a bicycle, cart, motorized vehicle, or any other type of conveyance;**
- B. Any individual, whether a resident of the city or not, who takes orders for sale of goods, wares, merchandise, property of any nature whatsoever for future delivery, or for services to be furnished or performed currently or in the future; and**
- C. Any individual, whether a resident of the city or not, who engages in a temporary business of selling or delivering goods, wares, merchandise, property, or services, and who, in furtherance of this purpose, hires, leases, uses, or occupies any building, structure, motorized vehicle, or boat.**
- D. PEDDLER shall also include, but is not limited to, terms formerly defined as CANVASSER, HAWKER, HUCKSTER, ITINERANT MERCHANT, ITINERANT VENDOR, SOLICITOR, and TRANSIENT MERCHANT.**
- E. An individual shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting a transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.**

POP-UP VENDORS. Any individual, whether a resident of the city or not, who erects, places, or stands in the city an open-air booth, shed, tent, trailer, container, stand, or other structure for the purpose of selling, bartering, receiving for future sale or use, distributing, or exchanging on or from such place any goods, wares, merchandise, property, or services.

TEMPORARY NON-FOOD VENDOR. A non-food and/or beverage provider operating for the temporary period in connection with an outdoor food or farmers market, fair, carnival, circus, public exhibition, or similar gathering.

§ 122.03 ENFORCEMENT.

It shall be the duty of any police officer of the city to require any peddler, pop-up vendor, or temporary non-food vendor and who is not known by the officer to be duly licensed, to produce his or her license and to enforce the provisions of this chapter against any individual found to be violating this chapter.

(Prior Code, § 122.03) Penalty, see § 10.99

LICENSES

§ 122.15 REQUIRED; APPLICATION.

- A. It shall be unlawful for any individual to engage in the business of peddler, pop-up vendor, or temporary non-food vendor as defined in § 122.01, within the city without first obtaining a license therefor, as provided in this subchapter.**

§ 122.17 LICENSE FEES.

- A. A license shall be issued by the Controller to a successful applicant under this chapter after payment of a license fee of \$100 and a processing fee of \$5. The license shall be for a term of no more than one year. Regardless of the date issued, the license shall expire on December 31 of the year issued.**
- B. A temporary non-food vendor, unless excepted under §122.02(F), shall pay a fee of \$25 per outdoor food market, farmers market, fair, carnival, circus, public exhibition, or other similar gathering.**

(Prior Code, § 122.12)

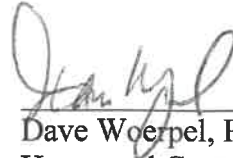
THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

BE IT FURTHER ORDAINED this Ordinance shall be considered as amending Ordinance Numbers 4872, AM. ORD. 8715, 8717, 9133, 9494 and if there be any conflict therewith, this ordinance shall take precedence.

BE IT FURTHER ORDAINED by the Common Council, that this Ordinance shall be in full force and effect upon signing by the President of the Common Council and approval by the Mayor, and Publication as provided by law.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana this

28th day of February, 2022 .



Dave Woerpel, President
Hammond Common Council

ATTEST:



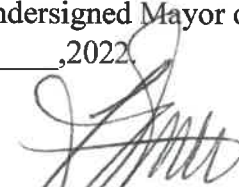
Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 1st day of March, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Ordinance No. 9540 consisting of four (4) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana on this 2nd day of MARCH, 2022.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 28th day of February, 2022 and Approved by the Mayor on the 2nd day of MARCH, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana