

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4312

REPEALING ARTICLE II IN CHAPTER 26 ENTITLED “ITINERANT VENDORS” OF THE MICHIGAN CITY MUNICIPAL CODE & CREATING ARTICLE II IN CHAPTER 26 ENTITLED “CANVASSERS, PEDDLERS, SOLICITORS; STREET VENDORS; TRANSIENT MERCHANTS; AND MOBILE FOOD VENDORS”

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CREATING ARTICLE III IN CHAPTER 26 ENTITLED “GARAGE SALES”

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AMENDING AND CREATING CERTAIN SECTIONS IN CHAPTER 50 OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH LICENSE FEES & FINES FOR CANVASSERS, PEDDLERS, SOLICITORS, STREET VENDORS, TRANSIENT MERCHANTS, AND MOBILE VENDORS

WHEREAS, pursuant to I.C 36-8-2-11, “*a unit may regulate solicitation by persons offering goods or services to the public or solicitation for charitable causes;*” and

WHEREAS, the Common Council desires to amend Article II entitled “Itinerant Vendors” in Chapter 26 to do the following:

- a. Require all canvassers, peddlers, solicitors, street vendors, transient merchants, and mobile food vendors obtain a City license; and
- b. Establish the rules and regulations for City licenses issued; and
- c. Establish a fee for each respective license; and
- d. Prescribe a fine for violations; and

WHEREAS, in addition, the Common Council desires to create Article III entitled “Garage Sales” to limit the amount of garage sales that may be conducted on a yearly basis and prescribe a fine for violations.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, as follows:

SECTION 1. Article II entitled “Itinerant Vendors” in Chapter 26 of the Michigan City Municipal Code shall be repealed in its entirety and replaced with the following:

ARTICLE II. CANVASSERS, PEDDLERS & SOLICITORS; STREET VENDORS; TRANSIENT MERCHANTS; and MOBILE FOOD VENDORS

DIVISION 1. LICENSE GENERALLY

Sec. 26-31. Definitions.

Canvasser. Every person who seeks opinions, preferences, or other information for commercial purposes.

Mobile Food Vendor. Every person who operates a self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service on or in public, private, or restricted spaces. Mobile food vendors planning to operate in Michigan City must first receive a food-handler permit from the LaPorte County Health Department.

Peddler. Every person who sells or offers for sale goods, wares, or merchandise directly by going from house-to-house, door-to-door, business-to-business, or any other place-to-place movement.

Person. An individual, corporation, or business, including any agent or employee thereof.

Required Identification. Suitable forms of photo identification to apply for a license include the following, which must be valid and unexpired: 1.) driver’s license; 2.)

state-issued identification; 3.) learner's permit, 4.) active U.S. military identification card; 5.) passport; 6.) U.S. Certificate of Naturalization; 7.) U.S. Permanent Resident Card; and 8.) U.S. Employment Authorization Card.

Solicitor. Every person not carrying goods, wares, or merchandise, but taking orders for future delivery of goods, wares, merchandise or services, or soliciting for money, or other things of monetary value by going house-to-house, door-to-door, business-to-business, or any other place-to-place movement.

Street Vendor. A person who sells, offers for sale, exposes for sale, solicits offers to purchase, or barter food, goods, or services in a street, alley, sidewalk, or other public place or right-of-way from a stand, pushcart, or by person.

Transient Merchant. Every person who engages in the sale of goods, wares, merchandise, or services in any place in the City on a temporary basis and does not anticipate becoming an established business merchant for a continuous period of 180 days or longer. A transient merchant includes any person who rents, erects, purchases, uses, or occupies any vehicle, room, building, structure, or lot, including but not limited to those located in or along parking lots, shopping centers, or other areas for the purpose of purchasing, selling, or offering for sale anything of value at such location without becoming an established business merchant. This definition excludes mobile food vendors.

A person so engaged as a transient merchant shall not be relieved from complying with the provisions of this Article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader, merchant, or auctioneer. Anyone conducting business as set forth in this definition within the City for a period of less than 180 days shall be deemed a transient merchant.

Sec. 26-32. License Required. No person may engage in the business of a canvasser, peddler, solicitor, street vendor, transient merchant, or mobile food vendor without first having obtained a license from the Office of the City Controller.

Sec. 26-33. General Procedure. All applications for licenses shall be submitted to the City Controller's Office before commencing any activity covered by this Article and shall be verified under oath, notarized, and set forth the following information:

- (a.) The name under which the business is to be conducted.
- (b.) The applicant's name, address, telephone number, fax number, email, date of birth, and required identification.
- (c.) The legal name of the business and/or doing-business-as name; permanent business address, business telephone number, fax number, and email address; and sales tax number.
- (d.) The name, address, phone number, fax number, email, date of birth, required identification for each employee or agent who will be transacting business for applicant.
- (e.) Whether applicant or any employee or agent who will be transacting business for applicant has ever been convicted of a felony, convicted of a misdemeanor or violation of any ordinance within the past five (5) years, and the date of the conviction, the nature of the offense, and the punishment therefor.
- (f.) Location(s) where applicant intends to transact business, including common address, and, if applicable, a detailed site configuration, street access location(s) and/or amount of parking spaces to be utilized.
- (g.) Dates and hours during which applicant intends to transact business.
- (h.) Detailed description of business applicant intends to transact.
- (i.) Detailed description of signage, if any, that will be utilized.
- (j.) Copy of required identification for applicant and all employees conducting business for applicant pursuant to license sought.
- (k.) Copy of charter or Articles of Incorporation and current listing of all directors, partners, and principals.
- (l.) If applicable, copy of Food Handler's Permit from LaPorte County Health Department.

- (m.) If applicable, written permission to locate on private property from property owner.
- (n.) If applicable, copy of vehicle insurance for vehicle used in transaction of business.
- (o.) If applicable, a valid certificate signed by the Sealer of Weights and Measures that all scales and measures to be used by the applicant in his business have been tested and approved at the time of making the application.
- (p.) If applicable, a statement of the nature, character, and quality of the item or service to be sold by applicant in City. Copies of all advertising, including, but not limited to, handbills, circulars, and newspaper advertising, shall be attached to application.
- (q.) If applicable, applicant's Indiana State Retailer License Number.
- (r.) Phone number of the manager or supervisor of the applicant's business who will be available during hours solicitation or other business is being transacted.
- (s.) Provisions that the applicant agrees to release, hold harmless, and indemnify the City for any claims that may arise out of applicant's conduct or be related to the issuance of a license by the City.

Sec. 26-34. Review and Recommendation.

- (a.) Upon receipt of the application, the City Controller's Office will determine if the application is complete. An application is complete if all required information is provided and the application is signed by the applicant. If the City Controller's Office determines the application is incomplete, the City Controller shall inform the applicant of the required, necessary information that is missing.
- (b.) The City Controller's Office shall forward a completed application to the Board of Public Works & Safety for review and recommendation. The applicant shall appear at the next regularly scheduled meeting of the Board of Public Works & Safety to answer any questions or concerns the Board may have regarding said application. If the applicant is unable or fails to appear at the next regularly scheduled meeting of the Board, the Board may table the application to a future meeting date for applicant's appearance or proceed in the absence of the applicant.
- (b.) The Board of Public Works & Safety may refer the application to a City Department(s) for their review and recommendation. The applicant shall assist the City Department and make themselves available to answer any questions or concerns the City Department(s) may have regarding their application.
- (c.) The Board of Public Works & Safety shall consider the recommendation of a City Department(s), and all information provided with or in support of or opposition to the application in determining whether the application should be granted or denied.
- (d.) Upon approval of the application by the Board of Public Works & Safety, the City Controller's Office shall issue the license and identification badge upon payment of the license fee by the applicant.

Sec. 26-35. License Ineligibility. The following may be grounds for denying a license under this Article:

- (a.) The failure of an applicant to truthfully provide any information reasonably requested by the City as part of the application process.
- (b.) Granting of said application would violate state, federal, or local law, including, but not limited to, the City's zoning code.
- (c.) A conviction within the past five (5) years of the date of the application for any violation of any state, federal, or local law, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest, and legal manner. Such violations shall include, but are not limited to, burglary, theft, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- (d.) The revocation within the last year of any license issued to an applicant for the purposes of conducting business pursuant to this Article.
- (e.) Evidence of a bad business reputation, which shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with

the Better Business Bureau, the Office of the Indiana Attorney General, or the Michigan City Police Department within the preceding twelve (12) months.

(f.) Issuance of a license would create a public health or safety hazard.

Sec. 26-36. Sales on Street, Sidewalk, or other Public Places. No person shall sell or offer to sell any goods, wares, merchandise, or services of any nature on any street, alley, sidewalk, or other public place or right-of-way without prior approval of the Board of Public Works & Safety. The Board may limit the hours or days of sale and attach any reasonable conditions or requirements to its approval for the conduct of any sale.

Sec. 26-37. Condition on Issuance of License. As a condition of issuing a license, a manager or supervisor of the applicant's business shall be available by phone at the number listed in the application during the hours that business may be conducted.

Sec. 26-38. Restrictions on Issuance of License.

(a.) It shall be unlawful for a person granted a license under this Article to engage in business activity in such a manner as to:

(1.) Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists on any street, alley, sidewalk or right of way;

(2.) Create an unsafe condition or situation; or

(3.) Generate litter by the licensee or the licensee's customers that is not promptly removed by the licensee.

(b.) The Board of Public Works & Safety may impose other reasonable restrictions on the activity of the applicant by stating the restrictions on the license.

Sec. 26-39. General Location Requirements.

(a.) No more than one street vendor, transient merchant, or mobile food vendor shall occupy each side of a City block face.

(b.) No street vendor, transient merchant, or mobile food vendor shall offer for sale his goods, wares, merchandise, or service if more than 50% of such products are in direct competition with a permanent business, which is in existence at the time the application is submitted to the City, within 300 feet of the location where the same product or service is being offered for sale or display. For purposes of this Section, permanent business means a business which is established within any building for a period of time exceeding 30 days.

(c.) There shall be a five-foot setback from the curb of a street where no merchandise, goods, wares, or services shall be displayed or sold or within which no street vendor, transient merchant, or mobile food vendor may stand or sell such merchandise, goods, wares, or services.

(d.) There shall be a triangular area on each corner where two city streets intersect where no wares, merchandise, or services shall be sold or displayed, to create an unobstructed corner. An unobstructed corner means a triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property lines when extended.

(e.) If applicable, a street vendor, transient merchant, and a mobile food vendor must provide receptacles for waste disposal and is responsible for the removal of the waste from said location, and shall not obstruct storefronts or entrances thereto.

(f.) If a licensee has been granted permission to utilize public property, the City reserves the right to move a licensee to a nearby location if the approved location needs to be used for emergency purposes, snow removal, construction, or other public benefit.

Sec. 26-40. Display of Identification Badge and Required Identification. The City Controller shall issue an identification badge to the applicant and each employee or agent of the applicant identified in the application indicating his license number and date(s) that said license is valid. The identification badge shall be displayed on the person of the canvasser, peddler, solicitor, and street vendor at all times said person is transacting

business in accordance with said license. The identification badge shall be made available to view upon request. In addition to the identification badge, the applicant and each employee or agent of the applicant shall carry on his person required identification at all times while transacting business pursuant to the license.

Each applicant shall be given one (1) identification badge for each license issued at no additional charge. Thereafter, for each identification badge issued to an employee or agent of the applicant, the applicant shall be charged a fee as set forth in Sec. 50-162.

Sec. 26-41. License; Transfer of License Prohibited.

- (a.) No license shall be good for more than one person, corporation, or business.
- (b.) A license issued under this Article is non-transferable.

Sec. 26-42. Misrepresentations. It shall be unlawful for any canvasser, peddler, solicitor, transient merchant, street vendor, or mobile food vendor to misrepresent the goods, wares, merchandise, or services which he is selling.

Sec. 26-43. Noise Control. A person issued a license pursuant to this Article is subject to the loud noise provisions contained in Chapter 46 of the Michigan City Municipal Code.

Sec. 26-44. Refusal to Issue License; Suspense & Revocation of License.

- (a.) A license issued pursuant to this Article may be revoked by the Board of Public Works and Safety, after notice and hearing, for the following:
 - (1) Fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, merchandise, or services, or information to be conveyed or the application therefor;
 - (2) Any violation of this Article;
 - (3) Conviction of the licensee of any felony or misdemeanor involving moral turpitude; or
 - (4) vision in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.
- (b.) Notice of a hearing for suspension and revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed with postage paid to the licensee at his address provided within his application at least five days prior to the date set for such hearing. If the Mayor determines that an imminent risk of harm to the health or safety of the public may occur because of the actions of an individual licensed under this Article, the Mayor may immediately suspend the person's license and provide notice of the right to a hearing as provided above.
- (c.) Any person who has had a license suspended or revoked according to this section shall not be permitted to obtain another license in the City for a period of one year after the suspension or revocation, whether that license is requested to be issued to the person, a partnership in which the person is a partner, or a corporation in which the person owns more than one percent of the stock. The suspension or revocation of any license issued under this Article for purposes of authorizing multiple persons to conduct business on behalf of the licensee shall serve as a revocation of each authorized person's authority to conduct business on behalf of the licensee whose license is suspended or revoked.
- (d.) Any action taken by the Board of Public Works & Safety denying an application for a license, suspending a license, or revoking a license shall be final administrative action for purposes of judicial review.

Sec. 26-45. Violation. Any person who violates this Article, may be fined in an amount as set forth in Sec. 50-163. In addition to any fines imposed, any licensee who operates in violation of this Article may have his license suspended or revoked.

Sec. 26-46. Effect of Not Beginning Business, Cessation of Business, or Suspension or Revocation of License. No deduction or refund shall be allowed from the fee for a license issued pursuant to this Article for any reason.

Secs. 26-47—26-60. Reserved.

DIVISION 2. CANVASSER, PEDDLER & SOLICITOR

Sec. 26-61 License Fee. The license fee for a canvasser, peddler, or solicitor is set forth in Sec. 50-161.

The following are exempt from payment of the license fee:

- (a.) Indiana not-for-profit fraternal organizations;
- (b.) Indiana not-for-profit organizations tax exempt under the Internal Revenue Code Section 501(c)(3); and
- (c.) Indiana not-for profit veterans' organizations.

Sec. 26-62. Exceptions. Under this Article, the following are not considered canvassers, peddlers, or solicitors:

- (a.) Any person engaged in delivering previously ordered merchandise or materials to and from any store, fixed place of business, or residence;
- (b.) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler;
- (c.) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (d.) Persons delivering newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (e.) Persons engaged in canvassing who promote or solicit support for social, political, religious, or other lawful causes; and
- (f.) Persons, age 17 and under, selling merchandise, services, or seeking donations on behalf of a school, church, sports, Boys & Girls Clubs, or scouting organization.

Sec. 26-63. Failure to Leave Premises. It shall be unlawful for any canvasser, peddler, or solicitor to refuse to promptly leave the premises of any resident of the City when the resident has requested the same.

Sec. 26-64. Home solicitation; hours permitted. Home solicitation by any canvasser, peddler, or solicitor shall be conducted between the hours of 9:00 a.m. and 7:00 p.m. A canvasser, peddler, or solicitor shall not disturb a home or business displaying a sign stating no solicitation.

Secs. 26-65—26-70. Reserved.

DIVISION 3. STREET VENDOR

Sec. 26-71 License Fee. The license fee for a street vendor is set forth in Sec. 50-161.

The following are exempt from payment of the license fee:

- (a.) Indiana not-for-profit fraternal organizations;
- (b.) Indiana not-for-profit organizations tax exempt under the Internal Revenue Code Section 501(c)(3);
- (c.) Indiana not-for profit veterans' organizations; and
- (d.) Persons, age 17 and under, selling merchandise, services, or seeking donations on behalf of a school, church, sports, Boys & Girls Clubs, or scouting organization.

Sec. 26-72 Exceptions. A license is not required for a street vendor included by agreement with the City in an event which is sponsored by the City or which has been authorized by the City by lease, agreement, or other entitlements issued by the City.

Sec. 26-73. Proof of Insurance Coverage. Prior to the issuance of a street vendor license as provided for in this Article, proof of liability insurance coverage in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for destruction of property as a result of any one occurrence, and general liability coverage for bodily injury, including death, to any member of the public in an amount of not less than Three

Hundred Thousand Dollars (\$300,000.00) for any one occurrence, must be filed with the City Controller.

The certificate of insurance filed with the City Controller must also contain the following provision: *“The City through the Office of the City Controller will be given fifteen (15) days’ notice prior to the effective date of the cancellation, expiration, or a material change to this policy.”*

The Board of Public Works & Safety may require the applicant to list the City as an additional insured as a term and condition of granting the license.

Secs. 26-74—26-80. Reserved.

DIVISION 4. TRANSIENT MERCHANT.

Sec. 26-81. License Fee. The license fee for a transient merchant is set forth in Sec. 50-161.

Sec. 26-82. Claim for Exception; Bond.

- (a.) Every person engaging in the sale of goods, wares, merchandise, and services in the City in any location or place who has not been in business for 180 days shall be presumed to be a transient merchant and his place of business shall be presumed to be a temporary store or place of business. This presumption may be overcome by furnishing proof satisfactory to the City Controller that the person is not a transient merchant within the meaning of this Article.
- (b.) A claim for exemption shall be set forth in an affidavit form and filed with the City Controller. The City Controller may require the claimant to file a bond in the amount set forth in this Section, as security for the principal and surety paying all license fees under this Article if the person carries on business in the City for a period less than 180 days. However, no liability shall be incurred on the bond while the persons responsible under the provisions of this Article for the payment of license fee(s) hold themselves available at a given address where they can be found in the City for a period of 180 days after engaging in business, to answer the complaint of the City for the violation of this Article.
- (c.) The amount of the bond shall not exceed \$1,500.00. The bond may be either a personal bond or a surety bond, but no personal surety shall be accepted unless it shows the applicant’s ownership in fee of the property, the value of which shall be, over and above all encumbrances, twice the amount of the bond. No surety company shall be accepted as surety unless it is duly authorized to execute bonds of this nature within the State of Indiana as shown by the statement of the agent thereof. Nothing in this section shall limit the license fees or the liability for nonpayment of them under this Article.

Sec. 26-83. Exceptions.

A license is not required of the following:

- (a.) Any transient merchant included by agreement with the City in an event which is sponsored by the City or which has been authorized by the City by lease, agreement, or other entitlements issued by the City.
- (b.) Any person conducting the type of sale commonly known as a garage sale, rummage sale, or estate sale.

Sec. 26-84. Proof of Insurance Coverage. Prior to the issuance of a transient merchant license as provided for in this Article, proof of liability insurance coverage in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for destruction of or damage to property as a result of any one occurrence, and general liability coverage for bodily injury, including death, to any member of the public in an amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for any one occurrence, must be filed with the City Controller.

The certificate of insurance filed with the City Controller must also contain the following provision: *“The City through the Office of the City Controller will be given fifteen (15) days’ notice prior to the effective date of the cancellation, expiration, or a material change to this policy.”*

The Board of Public Works & Safety may require the applicant to list the City as an additional insured as a term and condition of granting the license if the licensee intends to transact business on City-owned property or right-of-way.

Sec. 26-85. Display of License.

- (a.) Anyone issued a transient merchant license must display said license and the name, address, and telephone number of the contact person for consumer complaints in a conspicuous location near the entry of the facility or premises used for the sale.
- (b.) Said documents must remain posted throughout the duration of the transient merchant activity within the City.

Secs. 26-86—26-90. Reserved.

DIVISION 5. MOBILE FOOD VENDOR.

Sec. 26-91. License Fee. The license fee for a mobile food vendor is set forth in Sec. 50-161.

The following are exempt from payment of the license fee:

- (a.) Indiana not-for-profit fraternal organizations;
- (b.) Indiana not-for-profit organizations tax exempt under the Internal Revenue Code Section 501(c)(3);
- (c.) Indiana not-for-profit veterans' organizations; and
- (d.) Persons, age 17 and under, selling merchandise, services, or seeking donations on behalf of a school, church, sports, Boys & Girls Clubs, or scouting organization.

Sec. 26-92. Exceptions. Any mobile food vendor included by agreement with the City in an event which is sponsored by the City or which has been authorized by the City by lease, agreement, or other entitlements issued by the City.

Sec. 26-93. Proof of Insurance Coverage. Prior to the issuance of a mobile food vendor license as provided in this Article, proof of liability insurance coverage in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) for damage to or destruction of property as a result of any one occurrence, and general liability coverage for bodily injury, including death, to any member of the public in an amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for any one occurrence, must be filed with the City Controller.

The certificate of insurance filed with the City Controller must also contain the following provision: "*The City through the Office of the City Controller will be given fifteen (15) days' notice prior to the effective date of the cancellation, expiration, or a material change to this policy.*"

The Board of Public Works & Safety may require the applicant to list the City as an additional insured as a term and condition of granting the license if licensee intends to transact business on City-owned property or right-of-way.

Sec. 26-94. Additional Rules & Regulations.

- (a.) No mobile food vendor shall park, stand, or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate.
- (b.) The issuance of a license does not grant or entitle the licensee to the exclusive use of the service route, in whole or in part, other than during the time and at the place approved by the terms of the license.
- (c.) No mobile vendor shall provide or allow any dining area for its customers, including, but not limited to, tables, chairs, booths, bar stools, benches, stand-up counters, unless a proposal for such seating or table arrangements is submitted with the license application and approved by the Board of Public Works & Safety.
- (d.) A mobile food vendor operating without a valid license shall be deemed to be a public safety hazard and a public nuisance and may be fined pursuant to

this Article and the vehicle by which the activity is being conducted impounded.

Secs. 26-95—26-100. Reserved.

SECTION 2. Article III shall be created in Chapter 26 of the Michigan City Municipal Code and shall read as follows:

ARTICLE III. GARAGE SALES

Sec. 26-101. Definitions.

Garage Sale. A public or private sale conducted on a premise in an area within the City where commercial activity is not permitted under the applicable zoning, whether the sale is conducted within a residence, garage, other accessory building(s), or in an open space, and which sale consists of selling or trading of personal property, including but not limited to clothing, furniture, household items, dishes, antiques, or similar goods or merchandise owned by the person by whom or for whom the sale is being conducted. This shall include rummage sales and estate sales.

Sec. 26-102. Garage sale limits.

- (a) It shall be unlawful for any person to hold or conduct a garage sale for more than three (3) consecutive days at the same location or more frequently than four (4) garage sales per calendar year at any one (1) location.
- (b) A garage sale shall be conducted only between sunrise and sunset.
- (c) Any person who desires to conduct a garage sale must obtain a permit from the Controller's Office and pay the permit fee prescribed by Sec. 50-166.
- (d) The permit shall be displayed in a conspicuous area on the date of the garage sale throughout the duration of the sale.

Sec. 26-103. Removal of sale items and equipment. All personal property exhibited for sale and any display tables or other sales equipment outside any structure or on any lot during the garage sale shall be removed from public view and from adjacent property immediately following the end of the sale on the last day of the sale. Items covered by a tarpaulin, or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible. All signs posted or erected for the garage sale shall be removed before sunset on the day following the last day of the garage sale.

Sec. 26-104. Violation. Any person who shall hold or conduct any garage sale in violation of this Section, or otherwise fails to comply with this Section, shall be subject to a fine in the amount of established by Sec. 50-165.

Secs. 26-105—26-299. Reserved.

SECTION 3. Section 50-161 in Chapter 50 of the Michigan City Municipal Code shall be amended to read as follows:

Sec. 50-161. License Fee for Canvasser, Peddler, Solicitor, Street Vendor, Transient Merchant, or Mobile Food Vendor

A license fee is established as follows:

Canvasser, Peddler, Solicitor:	\$10.00 (day); \$25.00 (week); \$50.00 (month); \$250.00 (year).
Street Vendor:	\$10.00 (day); \$25.00 (week); \$50.00 (month); \$250.00 (year).
Transient Merchant:	\$125.00 (license valid only 180 days).

Mobile Food Vendor: \$125.00 (6 months); \$250.00 (year).

SECTION 4. Sections 50-162, 50-163, and 50-165 in Chapter 50 of the Michigan City Municipal Code shall be created to read as follows:

Sec. 50-162. Additional Identification Badge; Replacement Costs.

The charge required by Sec. 26-40 for each additional identification badge issued to a licensee shall be \$10.00. The City shall charge a \$20.00 replacement fee for each identification badge or ticket that is lost, stolen, or misplaced.

Sec. 50-163. Fine for Violation of Article II (Canvasser, Peddler, Solicitor, Street vendor, Transient Merchant, or Mobile Food Vendor)

The fine required by Sec. 26-45 shall be \$100.00.

Sec. 50-165. Fine for Violation of Article III (Garage Sales)

The fine required by Sec. 26-104 shall be \$100.00.

Sec. 50-166. Permit Fee for Garage Sale.

The permit fee for each garage sale required by Sec. 26-102 is \$5.00.

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 3rd day of March, 2015 by a vote of 8 to 0.

/s/ Chris Schwanke, President
Michigan City Common Council

Approved by me, this 4th day of March, 2015.

/s/ Ron Meer, Mayor
City of Michigan City

ATTEST:

/s/Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by City Attorney's Office Upon Request