

AN ORDINANCE AMENDING TITLE XI,  
BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF  
THE CITY OF COLUMBIA CITY, INDIANA

WHEREAS, the Common Council of the City of Columbia City, Indiana, after full investigation, deems it in the best interests of the citizens of Columbia City and to preserve their public safety and welfare to add a Chapter 120 to Title XI of the Code of Ordinances of the City of Columbia City, for the purpose of regulating itinerant merchants within the City of Columbia City.

NOW, THEREFORE, BE IT ORDAINED, ORDERED, AND ESTABLISHED by the Common Council of the City of Columbia City, Indiana, as follows:

Section 1. Title XI of the Code of Ordinances of the City of Columbia City, Indiana, is hereby amended to add Chapter 120, Itinerant Merchants.

Section 2. Chapter 120, Itinerant Merchants, is hereby set forth as follows:

**GENERAL PROVISIONS**

**§ 120.01 DEFINITIONS.**

*For the purpose of this chapter, the following shall have the following meaning:*

*"ITINERANT MERCHANT." Any transient person who shall engage temporarily in the selling of any kind of goods, wares, or merchandise, within the city, regardless of whether such goods, wares, or merchandise are sold upon the streets or other public places, or sold from any tent or other non-permanent structure, or lot, rented or leased for the purpose of carrying on such business, and shall include any person who does not have a regularly established place of business in the city.*

**§ 120.02 ITINERANT MERCHANTS; PERMIT REQUIRED.**

*It shall be unlawful for any person, firm, or corporation to engage in the business of itinerant merchant, as defined in § 120.01, within the city, without first obtaining a permit as hereinafter provided.*

**§ 120.03 EXEMPTION.**

*The provisions of this chapter shall not apply to sales to dealers by commercial travelers nor to sales by producers of farm or dairy products un-prepared food products (which the latter may be subject to Whitley County Health Department oversight); however, any person who shall sell or offer to sell any farm or dairy products which were not actually raised or produced by him or by members of his immediate family or who shall not have an established place of business in the city shall be classed as an itinerant merchant.*

**§ 120.04 APPLICATION FOR PERMIT; ISSUANCE.**

*(A) Any person, firm, or corporation desiring to engage in the business of itinerant merchant, as herein defined, within the city, shall make application in writing to the clerk-treasurer for a permit to do so, which application shall be filed with the clerk-treasurer at least 3 days before the applicant shall be authorized to begin the business. The application shall state the name and residence of the applicant, the place where the business is to be conducted, the kind of goods to be sold, the length of time for which the permit is desired, proper insurance coverage required by the city, and shall provide any other information the city deems relevant and important for the issuance of the permit. In addition, the applicant shall agree to hold the city harmless for any and all activities and products being sold.*

(B)

*(1) Upon the filing of such application and agreement to hold harmless, and the approval of such application by the city, a permit shall be issued by the clerk-treasurer to the applicant to begin business not less than 3 days after the date of the filing of the application, upon the payment of a permit fee in accordance with the schedule maintained in the city's clerk-treasurer's office, which may be amended by the Board of Works from time to time. Permit fees apply to all itinerant merchant locations, regardless if on public or private property. Permits are for a consecutive period of time and are valid only between January 1<sup>st</sup> and December 31<sup>st</sup> of each applicable year. No deductions shall be allowed from the fee for a permit issued pursuant to this Chapter for any part of the term of which the itinerant merchant does not engage in transacting business.*

*(2) All such permit fees must be paid in advance and if any such permittee desires to continue in business after the expiration of such permit, a new permit must be secured in the same manner and upon the same terms as the original permit.*

*(C) Any person exempted by the laws of this state from the payment of the permit fees, shall, before beginning the business, present to the clerk-treasurer the applicant's credentials, showing that the applicant is entitled to the exemption, and shall execute and file the hold harmless agreement as above required, and upon approval by the city, the applicant shall then receive a certificate from the clerk-treasurer authorizing the applicant to engage in the business of itinerant merchant within the city for any period not longer than one year. If at the end of such period the person desires to continue in the business, another certificate must be procured from the city clerk-treasurer.*

**§ 120.99 PENALTY.**

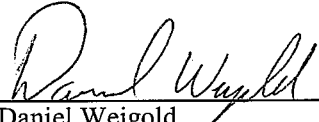
*Whoever violates any of the provisions of this sub-chapter for which no other penalty is provided shall be fined in any amount of \$100. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.*

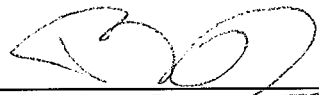
Section 3. If any section, sentence or provision of this Ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this Ordinance in which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

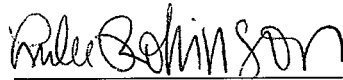
Section 4. This Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

10 PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this  
day of Sept, 2024.

COMMON COUNCIL OF THE CITY OF  
COLUMBIA CITY, INDIANA, BY:

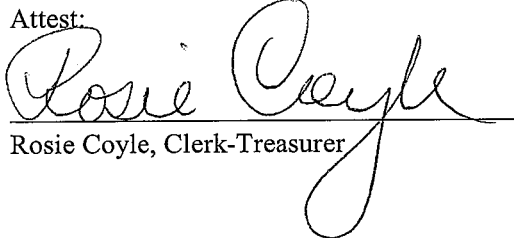
  
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Daniel Weigold

  
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Theodore J. Varga, Jr.

  
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Leslee Robinson

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Jennifer B. Zartman-Romano

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Jennifer Middleton

Attest:  
  
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Rosie Coyle, Clerk-Treasurer

Approved this 10 day of Sept, 2024.

  
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Ryan L. Daniel, Mayor