

CITY OF NEW BUFFALO
ORDINANCE NO. CXCIV
(CHAPTER 8 OF NEW BUFFALO CITY GENERAL ORDINANCES)

AN ORDINANCE OF THE CITY OF NEW BUFFALO REGULATING HAWKING AND PEDDLING IN THE CITY.

THE CITY OF NEW BUFFALO ORDAINS:

SECTION 8-1. Council approval required

No person shall engage in the business of hawking, peddling, or vending any goods, wares, hardware, toilet articles, patent medicines, merchandise, fruits, vegetables, or foodstuffs, or services from door to door, or from upon the streets, alleys, and public places unless specifically authorized by resolution of the City Council, or its designee.

SECTION 8-2. Application.

Any person desiring to obtain approval to engage in the business of hawking or peddling as provided in Section 8-1 shall make a written application thereof to the City Clerk. The application for approval under the provisions of this Chapter shall contain the following items, together with additional information as the City Clerk may require:

- A. Full name and business address of the organization filing the application.
- B. List and general description of the articles to be sold or offered for sale.
- C. Proposed methods of conduction of the sale, delivering products to buyers.
- D. Dates and times of operation for which approval is desired.

SECTION 8-3. Registration Process.

Upon City Council approving an application on or before the next regularly scheduled council meeting for a person or business to engage in the business of hawking or peddling as provided in Section 8-1, any and all individuals engaged in hawking and peddling under the approved application shall register with the City Clerk and provide the following information:

- A. A copy of their driver(s) license or comparable State Identification Card with photo identification.

SECTION 8-4. Restrictions.

No person engaged in the business of hawking or peddling shall begin their activities within the City of New Buffalo:

- A. Before 9:00 a.m. nor after 8:00 p.m.
- B. On any Sunday.
- C. At any location that is posted as prohibiting solicitation.

SECTION 8-5. Persons peddling, meats, fish, etc.; prohibited.

No person shall engage in the business of hawking or peddling or vending any frozen, fresh, or raw meats or poultry, salt or smoked or cured meats or poultry, fish, or other seafood for human consumption from door to door or from the streets, alleys, or public places for any purpose whatsoever. This Section shall not apply to any vendor offering prepared foods for consumption by any method as part of any festival or fair approved by the Council, provided said vendor is recognized and so permitted by the health department and approved by the organization conducting and sponsoring the festival or fair.

SECTION 8-6. Exemptions.

This Chapter shall not apply to any vendor offering goods or wares by any methods as part of any festival or fair approved by the Council, provided said vendor is recognized and approved by the organization conducting and sponsoring the festival or fair.

SECTION 8-7. Repeal.

All other ordinances, and/or parts of ordinances in conflict with the provisions of this ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 8-8. Severability.

If any section, subsection, clause, phrase, or portion of this ordinance, or any application thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion, or application thereof, shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 8-9. Savings Clause.

The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this Ordinance, as amended.

SECTION 8-10. Effective Date.

This ordinance shall take full force and effect immediately upon publication.