MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4316

AMENDING CERTAIN SECTIONS IN CHAPTER 10 OF THE MICHIGAN
CITY MUNICIPAL CODE REGARDING LICENSING OF CARNIVALS, FESTIVALS
AND FAIRS

& AMENDING CERTAIN SECTIONS IN CHAPTER 26 OF THE MICHIGAN
CITY MUNICIPAL CODE TO AMEND THE DEFINITION OF TRANSIENT
MERCHANT AND TO ESTABLISH EXEMPTIONS FROM LICENSING
REQUIREMENTS FOR TRANSIENT MERCHANTS AND MOBILE FOOD VENDORS
PARTICIPATING IN CARNIVALS, FESTIVALS & FAIRS

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, recently, the Common Council enacted Ordinance No. 4312 creating a new
Article II in Chapter 26 of the Michigan City Municipal Code entitled “Street Vendors; Transient
Merchants; and Mobile Food Vendors;” and

WHEREAS, since the passage of this Ordinance, the Common Council reasonably
believes certain amendments should be made and more specifically;

a. With regard to church festivals, street festivals, and amusement events, which require
an amusement license per Chapter 10 of the Michigan City Municipal Code, transient
merchants and mobile food vendors should be exempt from each of their respective
individual licensing requirements under Chapter 26 and shall be included in the
amusement license; and

b. Certain fundraising events, such as carwashes and port-a-pit chickens, should be
exempt from the transient merchant licensing requirements for Indiana fraternal not-
for-profit organizations, 501(c)(3) organizations, and Indiana not-for-profit veterans
organizations, and children under 17 years of age performing such event for their
respective organizations.

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

SECTION 1: The following sections in Chapter 10 of the Michigan City Municipal Code shall
be amended to read as follows:

Sec. 10-121. - Required.
(a) No person shall operate a public hall or theater, or conduct or participate in a
circus, carnival, sideshow, street fair, festival or amusement rides for which
money or reward is demanded or received, without first obtaining a license and
paying the fees as provided in this division.

(b) The applicant for a license to conduct a circus, carnival, sideshow, street fair,
festival or amusement rides shall give at least one month’s notice in writing to
the city clerk, stating the dates of the performances or operation and the
proposed location.

Sec. 10-124. - Fee.
(a) The annual license fees which shall be paid to the city for the licenses required
by the provisions of this division shall be as provided in section 50-72.

(b) The board of public works and safety may waive payment of the fee required to
conduct a circus, carnival, sideshow, street fair, festival or amusement rides
where the performance or operation is fostered and supervised by religious,
charitable or civic groups or purposes.

SECTION 2: Sec. 26-83 and Sec. 26-92 in Chapter 26 of the Michigan City Municipal Code
shall be amended to read as follows:

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.

(c.) Any transient merchant included by agreement with a person who has been granted a license by the Board of Public Works and Safety under Chapter 10 (Amusement and Entertainment) of the Michigan City Municipal Code. The licensee shall be responsible to insure that every transient merchant operating under its license complies with all provisions of the Code and the Board of Works must be provided a fully executed copy of the agreement(s).

(d.) Indiana not-for-profit fraternal organizations, Indiana not-for-profit organizations tax exempt under the Internal Revenue Code Section 501(c)(3), and Indiana not-for-profit veterans’ organizations temporarily selling merchandise, services, or seeking donations or fundraising on behalf of their respective organization; and

(e.) Persons, age 17 and under, temporarily selling merchandise, services, or seeking donations or fundraising on behalf of a school, church, sport, Boys & Girls Clubs, or scouting organization.

Sec. 26-92. Exceptions.
A license is not required of the following:

(a.) 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.

(b.) Any mobile food vendor included by agreement with a person who has been granted a license by the Board of Public Works and Safety under Chapter 10 (Amusement and Entertainment) of the Michigan City Municipal Code. The licensee shall be responsible to insure that every transient merchant operating under its license complies with all provisions of the Code and the Board of Works must be provided a fully executed copy of the agreement(s).

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

INTRODUCED BY: /s/ Ron Hamilton, Member
Michigan City Common Council

/s/ Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 6th day of May, 2015.

/s/ Chris Schwanke, President
Michigan City Common Council

Approved by me, this 7th day of May, 2015.

/s/ Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

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

Prepared by Corporation Counsel Upon Request.