

CHAPTER 122**PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

122.01 Purpose	122.12 Notice
122.02 Definitions	122.13 Hearing
122.03 License Required	122.14 Record and Determination
122.04 Application for License	122.15 Appeal
122.05 License Fees	122.16 Effect of Revocation
122.06 Bond Required	122.17 Rebates
122.07 License Issued	122.18 License Exemptions
122.08 Display of License	122.19 Charitable and Nonprofit Organizations
122.09 License Not Transferable	122.20 Multiple Vendors; Special Events
122.10 Time Restriction	122.21 Enforcement
122.11 Revocation of License	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The applicant shall also provide a valid photo identification card for each person that will be transacting business. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of twenty-five dollars (\$25.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. The applicant shall also include a copy of the applicant's state sales tax license. Any peddler, solicitor, or transient merchant as defined herein, desiring a permit shall also file with the Clerk a complete Iowa criminal history record, furnished through the Iowa Division of Criminal Investigation (D.C.I.), for the applicant.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of two-hundred fifty dollars (\$250.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day.....\$10.00
 - B. For one week.....\$20.00
 - C. For up to six (6) months.....\$50.00
 - D. For one year or major part thereof.....\$100.00
3. Special Event License.....\$75.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately. Upon receiving an application for a peddler's, solicitor's, or transient merchant's license, the Clerk shall forward the application to the Police Chief, who shall investigate, or cause to be investigated, the reputation and character of the applicant. Up to a maximum of ten (10) days will be allowed for the completion of this investigation. The Police Chief shall disapprove the application if the applicant has been convicted of a crime of moral turpitude. If, upon completion of such investigation the Police Chief is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and has met all of the permit requirements contained in this chapter, the Police Chief shall so advise the Clerk in writing and the Clerk shall issue to the applicant a permit as a peddler, solicitor, or

transient merchant upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application. Such permit shall be valid only for the period of time and at the location and place described therein.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business. The license must be displayed upon any request by a police officer.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. <blank>

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Iowa Valley Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
7. Religious and/or political advocacy.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

122.20 MULTIPLE VENDORS; SPECIAL EVENTS. If a single group, organization, club, business, or agency is sponsoring an event wherein multiple peddlers, solicitors, and/or transient merchants/vendors will be selling goods, merchandise, or services at a single location and/or under one roof, the sponsor may apply for a single, special event license. The sponsor will be responsible for collecting the names, addresses, and phone numbers of each of the peddlers, solicitors, and/or transient merchants/vendors who will be selling at the special event. This information shall be furnished to the Clerk along with the application for the special event so that any reference or background checks that are deemed necessary can be conducted prior to approval of the license. This information shall also be retained by the sponsor so that customers will have access to contact persons at each company in the event of any questions, comments, complaints, or concerns regarding any goods, merchandise, or services purchased at the special event. Each license will be valid for a maximum of seven (7) days. The special event license described in this section will be in lieu of the permits normally required for individual peddlers, solicitors and/or transient merchants.

122.21 ENFORCEMENT. Police officers may issue citations to person in violation of the provision of this chapter. The City Attorney may seek an injunction from a court of competent jurisdiction in order to prohibit sales by a peddler, solicitor, or transient merchant who is in violation of this chapter, or may pursue the matter as a municipal infraction. Each sale made in violation of the provisions hereof shall be considered a separate offense.