

TITLE III COMMUNITY PROTECTION

CHAPTER 7 LICENSING AND REGULATING PEDDLERS

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3-7-1 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. The term “peddler” shall mean 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. The term “solicitor” shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
3. The term “transient merchant” shall mean any person, firm or corporation 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. 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 shall not exempt any person, firm or corporation from being considered a transient merchant.

3-7-2 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in this City without first obtaining a license as herein provided shall be in violation of this Chapter.

3-7-3 EXEMPTIONS. Persons engaged in the following described activities are exempt from obtaining a peddler, solicitor or transient merchant license:

1. Persons selling at wholesale to merchants for the purpose of resale or persons selling tangible personal property or services to business establishments.

2. Persons selling or distributing newspapers.
3. Persons who are selling insurance or real estate who are licensed by the State of Iowa, when engaged in selling insurance and real estate.
4. Persons selling or distributing fresh fruit or vegetables cultivated by such persons.
5. Persons selling tangible personal property at a garage, basement or yard sale held at one of the persons' premises.
6. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved and such sales are made on the premises where the event is to be conducted.
7. Religious, charitable, and non-profit organizations, which meet the requirements for exempt status under the Internal Revenue Code.
8. Salespersons who have been invited by the Buyer shall be exempt from the provisions of this Chapter.
9. Persons selling merchandise at the Jackson County Fair.

3-7-4 APPLICATION FOR LICENSE. An application for a peddler, solicitor or a transient merchant license shall give the following information:

1. The name or names of the persons or person having the management or supervision of applicant's business during the time that it is proposed it will be carried on in the City; the local address or addresses of such person or persons while engaged in such business.
2. The permanent address or addresses of such person or persons; whether such person will act as proprietor, agent, consignee or employee, and the credentials establishing such relationship; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what states the same is incorporated.
3. The place or places in the City where it is proposed to carry on applicant's business and the length of time during which it is proposed that said business shall be conducted.
4. A statement of the nature and character of the tangible personal property or service to be sold or offered for sale by the applicant in the City; whether the goods are new, damaged or rejects; whether the same are proposed to be sold from stock in possession or by sample, or at auction by direct sale or by taking

orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

5. Whether or not the person having management or supervision of the applicant's business has been convicted of a felony within the five years immediately preceding the date of said application or of the violation of any law or ordinance relating to the same or similar business to be conducted by applicant, the nature of such offense and the punishment therefor.

6. Whether the applicant has ever applied for a license under this Ordinance, which has been denied.

7. Whether the applicant has ever held a license under this Ordinance, which has been revoked.

3-7-5 ISSUANCE OF LICENSE. If the application contains a complete statement of the information required and all material required to be submitted therewith is filed with the City Manager, the Manager, subject to the provisions of this Chapter shall issue within five (5) working days a license and charge a fee therefor determined by Section 6 of this Ordinance. The license issued shall not be transferable. There shall be no refund of the license fee.

3-7-6 FEES. Before a license shall be issued, the applicant shall pay an annual \$75.00 license fee. (ORD. 853, 4-17-95)

3-7-7 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in Section 3-7-5 of this Chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Chapter. Each transient merchant shall display publicly his license in his place of business.

3-7-8 DENIAL OR REVOCATION OF LICENSE.

1. Denial of License - The City Manager may deny within five (5) working days a license to any applicant who has:

A. Held a license under this Ordinance that has been revoked within two years of the date of the present application.

B. Failed to make a complete application.

C. During the past two years has made fraudulent applications for similar licenses or has been convicted of a felony.

2. Revocation of License - The City Manager may revoke any license issued under the provisions of this Ordinance by sending a Notice of Revocation by certified mail to the license holder at his last known address, return receipt requested, or by personal service on the license holder or its officers for any of the following causes:

- A. Information showing that the license was erroneously issued initially.
- B. For any violation of the provisions of this Ordinance.
- C. For any violation of any City or State law regulating the sales activities of the license holder.

3. The license shall stand denied or revoked unless within five days after denial or receipt of the Notice of Revocation from the City Manager the license applicant or holder files a written request for a public hearing on the City Manager's action. Public hearing shall be conducted before the Public Safety's Committee of the City Council, who shall forward to the full City Council a recommendation on whether a license should be denied, reinstated or revoked, as the case may be. The City Council may order the license issued or reinstated either conditionally or unconditionally, or revoke the license.

Ten (10) days' notice of the time and place of the public hearing shall be given to the license holder, who shall have an opportunity to appear before the Committee and present any evidence or arguments he may have why the action taken by the City Manager should not be approved by the City Council.

3-7-9 EXPIRATION OF LICENSE. All licenses granted under this Ordinance shall expire at 6:00 p.m. of the last day for which the license is issued.

3-7-10 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law requiring a notice of cancellation be given in duplicate, properly filled out, to each buyer to which he sells a product or service, and, comply with the other requirements of the law.

3-7-11 SALES REGULATIONS.

- 1. No person shall engage in activities regulated under this Ordinance on public property without first procuring special authorization from the City Council.
- 2. No person licensed under this Chapter shall shout or use any sound device upon any of the public places of the City or upon any private premises in said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard from the public places, for the purpose of attracting attention to many goods, wares, merchandise or services which such person proposes to sell.

3. No person shall engage in business as a transient merchant in defiance of any notice exhibited at a residence or business indicating that peddlers or solicitors are not welcome or not invited.

4. No person shall engage in the activities regulated under this Ordinance from door to door prior to 9:00 a.m. or after 6:00 p.m. of any weekday or at any time on a Sunday or on a State or national holiday. (Ord 620, 05-21-83)

Section 2. Penalty. Any peddler, solicitor or transient merchant who fails to obtain a license under this Chapter shall be guilty of a misdemeanor.