

CHAPTER 122
PEDDLERS, SOLICITORS AND TRANSIENT
MERCHANTS

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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, stand 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. Any person, firm, partnership, corporation or association not exempt from the application of the chapter shall file an application in writing with the Police Chief for a license under this chapter. A non-refundable application fee of ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein. The application shall contain the following information:

1. Applicant’s name, permanent and local address and local phone number;
2. Applicant’s date of birth and physical description;
3. Applicant’s employer, if any, and the employer’s address;

4. A place for the applicant to indicate whether or not the applicant has an Iowa retailer's sales tax permit and, if so, the applicant's sales tax permit number;
5. Applicant's motor vehicle description;
6. The nature of the applicant's business;
7. Last three places of such business; and
8. Length of time to be covered by the license.

Applicants must also furnish photo identification and criminal history data from the Department of Criminal Investigation updated within one year from license/permit request.

(Ord. 10-115 – Aug. 09 Supp.)

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

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| 1. | Non-refundable application fee | \$ 10.00 |
| 2. | One day license | \$ 50.00 |
| 3. | One week | \$ 150.00 |
| 4. | Six months | \$ 500.00 |
| 3. | One year or major part thereof | \$1,000.00 |

(Ord. 10-115 – Aug. 09 Supp.)

122.06 BOND/LICENSE REQUIRED.

1. Transient Merchants. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Police Chief evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.
2. Peddlers. Before a license under this chapter is issued to a peddler who is engaged in selling food items as a mobile food unit, an applicant shall provide to the Police Chief evidence that the applicant possesses a State of Iowa Mobile Food License as required by Section 137F.4 of the Code of Iowa.

(Ord. 10-115 – Aug. 09 Supp.)

122.07 LICENSE ISSUED. If the Police Chief 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 issuance of license, the Police Chief shall provide a copy to the City Clerk and Chamber of Commerce.

(Ord. 10-115 – Aug. 09 Supp.)

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.

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 sunrise and sunset.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Police Chief 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.
(Ord. 10-115 – Aug. 09 Supp.)

122.12 NOTICE. The Police Chief shall send a notice to the licensee at the licensee's local address or hand deliver the notice, 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. *(Ord. 10-115 – Aug. 09 Supp.)*

122.13 HEARING. The Police Chief 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 Police Chief may proceed to a determination of the complaint.
(Ord. 10-115 – Aug. 09 Supp.)

122.14 RECORD AND DETERMINATION. The Police Chief 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 Police Chief finds clear and convincing evidence of substantial violation of this chapter or State law.
(Ord. 10-115 – Aug. 09 Supp.)

122.15 APPEAL. If the Police Chief revokes or refuses to issue a license, the Police Chief 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 Police Chief by a majority vote of the Council members present and the Police Chief shall carry out the decision of the Council.
(Ord. 10-115 – Aug. 09 Supp.)

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. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one-half (½) of the original fee shall be retained by the City to cover administrative costs.

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 products for sale. *(Ord. 10-115 – Aug. 09 Supp.)*
4. Students. Students representing schools located in Union County, Iowa, conducting projects sponsored by organizations recognized by the school. *(Ord. 08-107 – Mar. 08 Supp.)*
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales (i.e. Schwans, Avon). *(Ord. 10-115 – Aug. 09 Supp.)*
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations which have a place of business in Union County, Iowa, 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, 122.05 and 122.06. All such organizations are required to submit in writing to the Police Chief 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 Police Chief finds that the organization is a bona fide charity or nonprofit organization, the Police Chief shall issue, free of charge, a license containing the above information to the applicant. In the event the Police Chief 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. *(Ord. 10-115 – Aug. 09 Supp.)*