
CHAPTER 122
PEDDLERS AND TRANSIENT MERCHANTS

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122.01 PURPOSE.

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

122.02 DEFINITIONS.

- "Peddler" means any person, whether a resident of the City or not, traveling by foot, motor vehicle or other type of conveyance, from place to place, from house to house, or from street to street, offering and exposing goods, wares, merchandise, products or services for sale, or taking or soliciting orders for goods, wares, products, merchandise or services for future delivery, whether the person collects advance payments for such sales, or not, provided that such definition shall not include any individual who calls upon or solicits business establishments, professional offices or institutions, exclusively, or persons who call on customers by appointment only.
- "Transient merchant" means any person, whether a resident of the City or not, who engages in the business of selling goods, wares, merchandise or services from any fixed or temporary location, which is temporarily maintained, within the City, or when such a business is intermittently carried on and there is no intention to conduct the same permanently within the City, and in addition to the foregoing, the term applies to any person who temporarily locates in the City and engages in the taking of orders for merchandise or services on its own account, whether for immediate or future delivery.

122.03 LICENSE REQUIRED.

No peddler or transient merchant shall engage in business in the City without having first obtained a license under this chapter.

122.04 APPLICATION FOR LICENSE.

An application in writing shall be filed with the City Clerk for a license under this chapter and shall contain the following:

- Name, permanent and local address and phone number of the applicant;
- The name, local and permanent address and phone number of the person or business that the applicant represents;
- Description of the goods, wares, merchandise or services applicant wishes to sell within the City;
- The last three places of business, including, in the case of transient merchants, the complete addresses from which the business was conducted;
- The length of time the applicant wishes to engage in business within the City;
- Applicant's supervisor or manager, and his/her local address;
- A list of all convictions for criminal offenses (excluding traffic offenses) during the five (5) years prior to application, including any pending charges;
- An Iowa State Division of Criminal Investigation criminal history report to be supplied by the applicant, which is dated no more than thirty (30) days prior to the application;

9. A recent photograph of the applicant.

122.05 LICENSE FEES.

A nonrefundable license fee shall be paid prior to the issuance of any license. The schedule of fees shall be set by resolution of the City Council.

122.06 ISSUANCE OF LICENSE.

The City Clerk, upon review of said license application by the Police Department, Building Official and any other appropriate department, shall determine whether the license shall be issued to the applicant. A waiting period of not less than three (3) working days from the date of application shall be required to allow the City Clerk to determine whether the license shall be issued. In making his/her decision, the City Clerk shall consider the following factors:

1. Whether the information in the application is found to be correct.
2. The required bond is on file and the license fee is paid.
3. The applicant has not, during the immediately preceding five (5) years, been convicted of an offense involving sexual abuse and/or a crime requiring sex offender registration or theft or fraud.
4. Whether the proposed use would violate any other provision of this Code of Ordinances.

In the case of transient merchants, the Police Chief or Building Official may attach additional provisions to the license to promote the public health, safety and welfare.

122.07 DENIAL OF LICENSE.

Any applicant denied a license under this chapter may appeal the decision to deny the license to the City Council by filing written notice of appeal with the City Clerk within five (5) business days of the denial. The appeal will be held at the date of the next regularly scheduled City Council meeting.

122.08 BONDS REQUIRED.

1. At the time of application, the applicant shall file with the City Clerk a personal surety bond in the amount of one thousand dollars (\$1,000.00) conditioned that the applicant shall comply fully with all ordinances of the City and the laws of the State regulating peddlers and transient merchants, guaranteeing attendance at all scheduled hearings and court appearances, and guaranteeing to any resident of the City that all money paid as a down payment will be accounted for and applied according to the representations of the licensee. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given. Said bond shall provide an expiration period of not less than twelve (12) months from the date of the application for a license.
2. Before a license under this chapter is issued to a transient merchant, an applicant shall also 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*.

122.09 DISPLAY OF LICENSE.

Each licensee under the provisions of this chapter shall at all times while doing business in the City keep in his/her possession the license provided for in this chapter, and shall, upon request of prospective customers, exhibit the license as evidence of compliance with this chapter. Each transient merchant shall display publicly the license in his/her place of business.

122.10 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.

122.11 TIME RESTRICTION.

All licensees shall only conduct business within the City between the hours of 8:00 a.m. and 7:00 p.m., Monday through Saturday. A licensee shall have violated the terms of the license by conducting business outside of said time frame.

122.12 UNLAWFUL ACTS.

1. Fraudulent Misrepresentation; Harassment. No licensee shall falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sell any unwholesome or tainted food or foodstuffs. No licensee shall harass, intimidate, coerce or threaten any individual to induce a sale.

2. **Soliciting From Persons Situated in Motor Vehicles.** No person shall solicit money or any other items from persons situated in motor vehicles situated upon a public street, alley or duly approved private street.
3. **Conducting Business without a License.** It is unlawful to peddle, solicit or conduct transient merchandising as defined in this chapter without a valid license or permit.
4. **Prohibited Soliciting.** No solicitor or peddler shall do business or attempt to do business upon any property on which is posted a notice that peddling and/or soliciting is prohibited.
5. **Failure to Conduct Business in Accordance with Terms of License.** It is unlawful for the licensee to conduct business in the City except in strict compliance with this chapter and the terms of the license.

122.13 REVOCATION OF LICENSE.

After notice and hearing, the City Administrator 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, violated the terms of the license, or otherwise has conducted business in an unlawful manner.
3. **Endangered Public Health, Safety or Welfare.** The licensee has conducted the business in such a manner as to endanger the public health, safety or welfare.

Upon such revocation, the license shall immediately be surrendered to the City Administrator.

122.14 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 local school districts conducting projects sponsored by organizations recognized by the school.
5. **Route Sales.** Route delivery persons who 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. **Charitable, Educational or Religious Organizations.** Representatives of charitable, educational and religious organizations which have their principal place of activity within the City.