

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, donation, or any order for goods, subscriptions or merchandise to be delivered at a future date.
3. "Transient Merchant" means any person who engaged 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 of the City. 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 IDENTIFICATION CARD REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining an identification card as herein provided is in violation of this chapter.

122.04 APPLICATION FOR IDENTIFICATION CARD. An application in writing shall be filed with the Clerk for an identification card under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. 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 length of time sought to be covered by the identification card, and shall be accompanied by a copy of the sales receipt or order form to be used by the applicant.

122.05 BOND REQUIRED. Before an identification card under this chapter is issued to a transient merchant, an application 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.

122.06 CARD ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, and the facts stated therein are found to be correct, an identification card shall be issued immediately.

122.07 DISPLAY OF CARD. Each solicitor or peddler shall keep such identification card in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the card as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such identification card in the merchant's place of business.

122.08 CARD NOT TRANSFERABLE. Identification cards 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.

122.09 TIME RESTRICTION. All peddler's and solicitor's identification cards shall provide that said cards are in force and effect only between the hours of eight o'clock (8:00) a.m. and one hour before sunset.

122.10 REVOCATION OF IDENTIFICATION CARD. After notice and hearing, the Clerk may revoke any identification card issued under this chapter for the following reasons:

1. Fraudulent Statements. The card holder has made fraudulent

statements in the application or in the conduct of the business.

2. **Violation of Law.** The card holder has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health or Safety.** The card holder has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

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

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

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

122.14 APPEAL. If the Clerk revokes or refuses to issue an identification card, the Clerk shall make a part of the record the reasons therefor. The card holder or 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.

122.15 EFFECT OF REVOCATION. Revocation of any card shall bar the holder from being eligible for any identification card under this chapter for a period of one year from the date of the revocation.

122.16 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 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 Dallas Center-Grimes 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.

