

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 regulating the activities of 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. Examples include produce.
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. Examples include magazine sales or siding/roofing services.
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. Examples would include food or produce sold out of a vehicle.

122.03 **REGISTRATION REQUIRED.** Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

122.04 **REGISTRATION INFORMATION.** Registration with the City shall be made in the City's "Solicitor Book" and shall set forth the peddler's, solicitor's or transient

merchant's name, address, phone number, driver's license or form of identification, employer information including address, nature of business, product or service, the last three places of such business, and the beginning and ending dates during which such solicitations are intended to be made. Registration shall not be for a period in excess of thirty (30) days.

122.05 TRANSIENT MERCHANT BOND. Any person registering as a transient merchant shall provide to the Clerk evidence that such person has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.06 TIME RESTRICTION. All peddlers, solicitors and transient merchants shall carry on business only between the hours of eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

122.07 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. Guthrie Center Residents and Guthrie Center/County Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Guthrie Center 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.

122.08 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 122.03 and 122.04. All such organizations or individuals 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, and the period during which such activities are to be carried on.

122.09 **FEES.** An Application Fee of \$25.00 will be charged along with a License Fee dependent up on the type and duration of License as follows:

Solicitor (future delivery) \$20/month

Peddler (immediate delivery) \$10/day, \$50/week, \$180/month,

Transient Merchant (at a sight) \$10/day, \$50/week, \$180/month, [BOND REQUIRED]

122.10 **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.

122.11 **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.

122.12 **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.

122.13 **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.

122.14 **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.

122.15 **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.