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. 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 that 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, age, local address, employer, if any, address of such employer, 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 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 8:00 a.m. and 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 504 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 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 registration fee, dependent upon the type and duration of the registration as follows:

1. Solicitors (future delivery) – $20.00 per month.

2. Peddlers (immediate delivery) - $10.00 per day, $50.00 per week, $180.00 per month.

3. Transient Merchants (at a site) - $10.00 per day, $50.00 per week, $180.00 per month (bond required).

122.10 REVOCATION OF REGISTRATION. After notice and hearing, the Clerk may revoke any registration approved under this chapter for the following reasons:

1. Fraudulent Statements. The peddler, solicitor, or transient merchant has made fraudulent statements in the registration process or in the conduct of the business.

2. Violation of Law. The peddler, solicitor, or transient merchant has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health, or Safety. The peddler, solicitor, or transient merchant has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

122.11 NOTICE. The Clerk shall send the written notice to the peddler's, solicitor's or transient merchant's local address. The notice shall contain particulars of the complaints, 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 peddler, solicitor, or transient merchant and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the peddler, solicitor, or transient merchant, 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 registration 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 approve the registration, the Clerk shall make a part of the record the reasons for such revocation or refusal. The peddler, solicitor, or transient merchant 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 registration shall bar the peddler, solicitor, or transient merchant from being eligible for any license under this chapter for a period of one year from the date of the revocation.

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