

**CHAPTER 123**

**PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

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**123.01 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.

**123.02 LICENSE REQUIRED.** Any person who calls at a residence without the previous consent of the occupant for the purpose of selling anything of value, or of soliciting orders, sales, subscriptions or business of any kind shall first procure a peddler’s license as provided for herein. The term “person” as used herein includes natural persons, corporations, firms and organizations of any description, whether acting in person or through agents, employers or other persons.

**123.03 APPLICATION FOR LICENSE.** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent address, 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 last three places of such business and the length of time sought to be covered by the license. The applicant shall submit a recent photograph (head and shoulders sufficient for identification) no smaller than one inch by two inches, or a copy of their photo ID or photo driver’s license, to be retained by the Clerk. As a part of the application, the applicant shall submit a report of criminal history data obtained from the Iowa Department of Public Safety. A non-refundable application fee of twenty dollars (\$20.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated herein.

**123.04 LICENSE FEES.** A license fee in the following amount shall be paid to the Clerk prior to the issuance of any license to cover the cost of issuance of the license and policing during the licensing period:

One day permit.....	\$ 20.00
One week permit.....	\$100.00

**123.05 BOND REQUIRED.**

1. Each applicant for a license required by this chapter shall, before the license is issued to the applicant, file with the Clerk a personal surety bond in the amount of one thousand dollars (\$1,000.00), conditioned that the applicant shall comply with and observe the terms and conditions of all provisions of this Code of Ordinances relating to peddlers, solicitors and transient merchants, and will pay all costs, fine and penalties incurred on account of the applicant’s failure to observe such provisions and will pay all damages resulting to any person by reason of such applicant’s actions in violation of such terms and conditions.

2. Before a license under this chapter is issued to a transient merchant, an applicant 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*.

**123.06 LICENSE ISSUED.** If the Clerk 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. The license shall authorize the applicant to engage in the activities described in Section 123.02 of this chapter for the period stated in the license, provided that nothing herein shall authorize any act or practice which is contrary to any law or ordinance. Upon expiration of the license, a new application shall be made and a new license shall be issued in the same manner as the original license.

**123.07 DISPLAY OF LICENSE.** Each person licensed under this chapter 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.

**123.08 CHARACTER.** In no case where it appears from the application that the applicant has been convicted of any felony, or a crime of violence against a person, or arrested for a crime of theft or fraud or a crime involving moral turpitude, or have such a charge pending against said person, shall a peddler's license be issued. The Council may waive this provision upon receiving satisfactory evidence of such person's present good character.

**123.09 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.

**123.10 TIME RESTRICTION.** All licenses shall provide that said licenses are in force and effect only between the hours of nine o'clock (9:00) a.m. and seven o'clock (7:00) p.m. daily.

**123.11 REVOCATION OF LICENSE.** 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, which conduct may be reported to the Clerk by a written complaint from a resident of the City who is dissatisfied with the manner in which the licensee is conducting business in the City.

The Clerk shall cause notice of the license revocation to be served in person by the Police Department or by mail to the licensee's local address, which notice shall specify the reason(s) for such action. The licensee may appeal the revocation of the license to the Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the Council. The Council may affirm, modify or reverse the decision of the Clerk to revoke such license.

**123.12 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 Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, local religious organizations and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

- 4. Students.** Students representing the Postville Community School District or neighboring school districts 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.