Chapter 5.24 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS[1]

Sections:

Footnotes:

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***Editor's note**—Ord. No. 1376, § 1, adopted Aug. 3, 2015, repealed the former Ch. 5.24, §§ 5.24.010—5.24.190, and § 2 of the ordinance enacted a new chapter as set out herein. The former Ch. 5.24 pertained to similar subject matter and derived from Prior code, §§ 7-1.0101—7-1.0118; Ord. 813, § 1(a)—(e), adopted 1990.*

5.24.010 - 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.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.020 - Definitions.

For use in this chapter the following terms are defined:

A. "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.

B. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.

C. "Transient merchant" means any person, firm or corporation 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, including, but not limited to, tents, awnings, trailers, vehicles, etc. 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 shall not exempt any person, firm or corporation from being considered a transient merchant as provided in Section 5.24.040(1).

(Ord. No. 1376, § 2, 8-3-2015)

5.24.030 - License—Required.

Any person engaging in peddling, soliciting or in the business of a transient merchant in this city without first obtaining a license as herein provided shall be in violation of this chapter.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.040 - License—Exemptions.

The following are excluded from the application of the chapter:

A. Persons selling or distributing newspapers or similar tabloids;
B. Club members of non-profit youth organizations. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations;
C. Students. Students representing the Oskaloosa community school district conducting projects sponsored by organizations recognized by the school;
D. Persons selling tangible personal property or services to business enterprises; and
E. Chamber Sponsored Events. Antique shows, flea markets, craft shows, art shows and other mass events sponsored by the Oskaloosa Chamber of Commerce or other duly incorporated nonprofit organizations;

(Ord. No. 1376, § 2, 8-3-2015)

5.24.050 - Charitable organizations.

Authorized representatives of charitable organizations desiring to solicit money for charitable purposes or to distribute literature shall be exempt from the operation of Section 5.24.070, License—Fees, of this chapter. The term "charitable purposes" means any organization, campaign, or project which has as its primary purpose the furtherance of science, education, philanthropy, religion, the arts or any political campaign and which is not conducted for personal gain and no portion of the net proceeds of solicitation will inure to the benefit of any individual or shareholder. Any organization to which contributions are deductible for Federal income tax purposes shall conclusively be deemed to be within this definition. All such organizations shall be required to submit in writing to the chief of police, the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the chief of police is provided this documentation he shall issue, free of charge, a license containing the above information to the applicant.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.060 - License—Application.

An application in wiring shall be filed with the chief of police for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, business address if any, physical description, and valid photo identification card. 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 application shall also include a copy of the applicant's state sales tax license as well as evidence that the applicant has filed a bond with the secretary of state in accordance with Chapter 9c of the Code of Iowa. an application fee of twenty dollars shall be paid at the time of filing, to cover the cost of investigating the facts stated therein. There shall be no application fee for renewals within one year of the initial permitting period.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.070 - License—Fees.

The following license fees shall be paid to the chief of police prior to the issuance of any license:

Application Fee	$25.00
Daily	5.00
Weekly	15.00
Monthly (with maximum of one year license)	30.00

(Ord. No. 1376, § 2, 8-3-2015)

5.24.080 - License—Issuance.

If the chief of police finds the application is completed in conformance with Section 5.24.060 of this chapter and the facts stated therein are found to be correct the license fee paid and the investigation of an applicant's business responsibility is found to be satisfactory, a license shall be issued within three business days, excluding weekends and holidays, after it has been filed.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.090 - License—Display.

Each solicitor or peddler shall at all times while doing business in the city keep in their possession the license provided for in Section 5.24.080 of this chapter, and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display prominently and publicly the city issued license in their place of business.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.100 - License—Nontransferability.

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.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.110 - Time restriction.

All peddler's and solicitor's licenses shall provide that said licenses shall be in force and effect only between the hours of nine a.m. and five p.m. on weekdays only. All permits issued hereunder shall expire at five p.m. of the last day for which the permit is issued, except when the permit expires on Thursday, in which case the permit shall expire at nine p.m.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.120 - Parking restrictions.

No peddler shall obstruct or encounter any alley, street, or public place and shall not remain in one place on any alley, street, or public place for more than ten minutes at any one time, and then only when actually engaged in the selling of goods, wares, and merchandise.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.130 - License—Revocation.

Permits issued under the provisions of this chapter may be revoked by the chief of police, after notice and hearing for any of the following causes:

A. Fraudulent Statements. The licensee has misrepresented or made fraudulent statements in the application for the license or in the conduct of business.
B. Violation of Law. The licensee has violated this chapter or has otherwise conducted business in an unlawful manner.
C. Endangered Public Welfare, Health or Safety. The licensee has conducted business in such manner as to endanger or to constitute a menace to the public general welfare, safety, health, order or morals.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.140 - Notice of complaint and license suspension.

The license holder shall be served with written notice by the chief of police containing particulars of the complaint, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing of revocation of a permit. Hearings for revocation of a permit shall be held within two business days of the served written notice. The permit issued to the license holder shall be suspended until a final determination for revocation by the chief of police is issued following the hearing.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.170 - Appeal.

If the chief of police revokes or refuses to issue a license, the reason therefor shall be made as part of the record. The licensee, or the applicant, shall have a right to a hearing before the council at its next regular meeting if public noticing requirements can be met. The council may reverse, modify or affirm the decision of the chief of police by a majority vote of the council members present and the chief of police shall carry out the decision of the council.

(Ord. No. 1376, § 2, 8-3-2015)

5.24.180 - 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.

(Ord. No. 1376, § 2, 8-3-2015)