

## TITLE III COMMUNITY PROTECTION

### CHAPTER 8 REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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#### **3-8-1 PURPOSE**

The purpose of the 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.

#### **3-8-2 DEFINITIONS**

For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting 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. A "solicitor" is any person who solicits or attempts to solicit from house to house or upon public streets orders for commercial goods, wares, subscription, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purpose of this Chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or services.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business with connection with, as part of or in the same of any local merchant, dealer trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this Chapter shall not be construed to apply to persons sell at at wholesale to merchants, not to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

**3-8-3 LICENSE REQUIRED**

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

**3-8-4 LICENSE EXEMPTIONS**

The following are excluded from the application of the chapter:

1. Persons selling or distributing newspapers or similar tabloids;
2. Club members, of non-profit youth organizations. Members of local Boy Scouts, Girl Scouts, Campfire Girls, 4-H Clubs, Future Farmers of America, and similar organizations;
3. Students. Students representing the Keota Community School district conducting projects sponsored by organizations recognized by the school;
4. Persons selling tangible personal property or services to business enterprises; and
5. Chamber sponsored events. Farmers Market, Keota Fun Days, and other mass events sponsored by the City of Keota or Keota Unlimited or other duly incorporated nonprofit organizations.

**3-8-5 PROCESSING OF LICENSE APPLICATION**

An application in writing shall be filed with the City Clerk 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-five dollars shall be paid at the time of filling, to cover the investigating the facts stated therein. There shall be no application fee for renewals within one year of the initial permitting period.

**3-8-6 LICENSE FEE**

The following license fees shall be paid to the City Clerk prior to issuance of any license:

Application Fee	\$25.00
Daily	\$5.00
Weekly	\$15.00
Monthly	\$30.00

**3-8-7 LICENSE ISSUANCE AND TERMS**

If the City Clerk finds the application is completed in conformance with Section 3-8-5 of this chapter and the facts stated therein are found to be correct, the license fee paid and 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.

**3-8-8 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 3-8-7 of this Chapter, and shall, upon 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.

**3-8-9 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.

**3-8-10 CONSUMER PROTECTION LAW**

All solicitors and peddlers shall be informed of, agree to comply with, the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

**3-8-11 BOND REQUIRED**

Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.