

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 approving 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.
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.
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.

122.03 PERMISSION REQUIRED. Any person wishing to engage in peddling, soliciting or in the business of a transient merchant in the City shall first obtain permission from the City as provided in this chapter.

122.04 PROCEDURE. Permission to conduct business in the City should be requested from the Clerk by informing the Clerk of the applicant's name, permanent and local address and business address, if any, 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 such business will be conducted in the City.

122.05 TRANSIENT MERCHANT BOND. Before permission under this chapter is given to a transient merchant, an applicant 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 PERMISSION GRANTED. If the Clerk finds the requested information to be complete, the facts stated to be correct and the application fee paid, permission to conduct business shall be granted immediately.

122.07 PERMISSION NOT TRANSFERABLE Permission granted under the provisions of this chapter is not transferable in any situation and is to be applicable only to the person requesting the Clerk's approval.

122.08 TIME RESTRICTION. All peddlers and solicitors shall conduct business in the City for which approval has been given only between the hours of 8:00 a.m. and 6:00 p.m.

122.09 REVOCATION. After notice to the peddler, solicitor or transient merchant, the Clerk may revoke permission to do business under this chapter for the following reasons:

1. Fraudulent Statements. The said peddler, solicitor or transient merchant has made fraudulent statements in the request for permission or in the conduct of the business.
2. Violation of Law. Said 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.

122.10 EFFECT OF REVOCATION. Revocation of any approval shall bar the said peddler, solicitor or transient merchant from being eligible to do business under this chapter for a period of one year from the date of the revocation.

122.11 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. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Bridgewater-Fontanelle 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.

122.12 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 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.

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