

TITLE V

CHAPTER 3: LICENSING

ARTICLE 6 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

6.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Peddler" shall mean any person carrying goods or merchandise from house-to-house or upon the public street.
2. "Solicitor" shall mean 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.
3. "Transient merchant" shall mean 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. 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.

6.02 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 ordinance.

6.03 EXEMPTIONS. The following groups or persons shall be exempt from the provisions:

1. Newspapers. News boys and girls.
2. Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Farmers. Farmers who offer for sale products of their own raising.
4. Students. Students representing the George Little Rock Community School District conducting projects sponsored by organizations recognized by the school.
5. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

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- 6.04 RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPT. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 6.05 - 6.13 of this ordinance. All such organizations shall be required to submit in writing to the city 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, 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 for his or her efforts and the amount thereof. If the city clerk shall find that the organization is a bona fide charity or religious organization he or she shall issue, free of charge, a license containing the above information to the applicant.
- 6.05 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, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three (3) places of such business, and the length of time sought to be covered by the license. A fee of \$2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.
- 6.06 BOND REQUIRED. Before a license under this chapter shall be issued, each applicant shall post a bond of \$1,000 with the clerk. Such bond shall be conditioned to indemnify and pay the city for any penalties or costs occasioned by the enforcement of this chapter, and shall not be retired until after a lapse of one year from the expiration of each license.
- 6.07 FEES. Every licensee shall pay a fee prior to receiving a license as established by the City Council. The following are fees before a license shall be issued:
1. PEDDLERS:
 - a. For one day or any part thereof \$25.00.
 - b. For more than two days to one week \$50.00/week.
 - c. For up to 6 months \$100.00.
 - d. For one year or a major part thereof \$200.00.
 2. SOLICITORS:
 - a. In addition to the investigating fee for each person actually soliciting (principal or agent), a fee for the principal solicitor of \$10.00 per year shall be charged.

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- 6.08 DISPLAY. Each solicitor or peddler shall at all times while doing business in this city keep in his or her possession the license provided for in this article, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his or her place of business.
- 6.09 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.
- 6.10 REBATES. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.
- 6.11 REVOCATION. The city council, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his or her business in an unlawful manner, or the licensee has conducted his/her business in such a manner as to endanger the public welfare, safety, order or morals.
- 6.12 EXPIRATION. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license is issued.
- 6.13 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, section 82.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to which he or she sells a product or service and, comply with the other requirements of the law.
- 6.14 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 eight (8) a.m. and six (6) p.m.
- 6.15 NOTICE. The license holder and the survey on his or her bond shall be served with written notice containing particulars of the complaints against him or her, the ordinance provisions or state statutes allegedly violated, and the date, time and place for hearing on the matter.
- 6.16 HEARING. The city council shall conduct a hearing at which both the licensee and any complaints shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or his or her authorized representative, fail to appear without good cause the clerk may proceed to a determination of the complaint.

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- 6.17 RECORD AND DETERMINATION. The city council shall make and record findings of fact and conclusion of law, and shall revoke a license only when upon review of the entire record he or she finds clear and convincing evidence of substantial violation of this article or state law.
- 6.18 APPEAL. If the city council revokes, or refuses to issue a license, they shall make a part of the record their reasons therefore. The licensee, or the applicant, shall have a right to a hearing before the city council at its next regular meeting