

TITLE III COMMUNITY PROTECTION

CHAPTER 13

ORDINANCE NO. 110

LICENSING AND REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND PROVIDING PENALTIES FOR VIOLATIONS

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SECTION 3-13-1 PURPOSE. This 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.

SECTION 3-13-2 LICENSE REQUIRED. Any person engaging in peddling, soliciting, or in the business of transient merchant in the City without first obtaining a permit as herein provided shall be in violation of this ordinance.

(Code of Iowa, Sec. 9C.2)

SECTION 3-13-3 DEFINITIONS. For use within this ordinance the following terms are defined:

(1) Peddler is 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 is any person who solicits or attempts to solicits from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.

(3) Transient Merchant is 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 as a transient merchant.

SECTION 3-13-4 APPLICATION FOR PERMIT. Sworn application in writing shall be filed with the City Clerk for a permit under this ordinance. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, social security number and drivers license number, and the license plate number of any vehicle or vehicles that will be used by the applicant. The application shall also set forth the applicant's employer, if any, and the employers address and 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 permit.

SECTION 3-13-5 LICENSE FEES. Application fee is \$15. Daily fee for each person is \$25. Weekly fee for each person is \$75

SECTION 3-13-6 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the City Clerk (1) evidence that the applicant has filed a bond with the Secretary of State in a penal sum two times the value of the goods, wares or merchandise to be sold or offered for sale in accordance with Chapter 9C.4 of the Code of Iowa; or (2) a \$1,000 bond.

SECTION 3-13-7 ISSUANCE OF PERMIT. If the City 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 immediately.

SECTION 3-13-8 DISPLAY OF PERMIT. Each permittee shall at all times while doing business in this City keep in his possession the permit provided for in this ordinance and shall upon the request of prospective customers, or officials, exhibit the permit as evidence that he has complied with all requirements of this ordinance. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

SECTION 3-13-9 PERMIT NOT TRANSFERABLE. Permits issued under the provisions of this ordinance are not transferable in any situation and are to be applicable only to the person filing the application.

SECTION 3-13-10 REVOCATION OF PERMIT. The City Clerk, after hearing and notice, may revoke any license issued under this ordinance where the permittee in the application for the license or in the course of conducting his, her or its business has made fraudulent or incorrect statements, has violated this ordinance or any other ordinance, has conducted business in such a

manner as to endanger the public health, welfare or safety or has otherwise conducted his, her or its business in an unlawful manner.

SECTION 3-13-11 NOTICE. The City Clerk shall send a notice to the licensee at the address listed in the licensee's application, not less than ten (10) days before the date set for a hearing on the possible revocation of license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

SECTION 3-13-12 HEARING. The City Council shall conduct a hearing at which, both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the City Council may proceed to a determination of the complaint.

SECTION 3-13-13 RECORD AND DETERMINATION. The City Council shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

SECTION 3-13-14 APPEAL. If the City Clerk refuses to issue a license, the City Clerk shall make a record the reasons. The licensee, or the applicant, shall have a right to a hearing before the City Council at its next regular meeting. The City Council may reverse, modify or affirm the decision of the City Clerk by a majority vote of the City Council members present and the City Clerk shall carry out the decision of the City Council.

SECTION 3-13-15 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.

SECTION 3-13-16 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

SECTION 3-13-17 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

- (1) Persons delivering, collecting for or selling subscriptions to newspapers.
- (2) Members of local and civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
- (3) Local residents and farmers who offer for sale their own products.

(4) Students representing the local Community School District conducting projects sponsored by organizations recognized by the school.

(5) Route delivery persons who only incidentally solicit additional business or make special sales.

(6) Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

(7) Bona fide charitable and non-profit organizations

SECTION 3-13-18 RESERVED.

SECTION 3-13-19 TIME RESTRICTIONS. Peddling in the City of Shueyville, Iowa shall only be in effect between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m.

EFFECTIVE DATE. This ordinance shall become upon publication

On the 14 day of May 2019, at a regular meeting of the Shueyville City Council, Shueyville, Iowa, Councilperson Foss introduced Ordinance No. 110, and moved that it be given its first reading. The motion was seconded by Councilperson Lacy. Roll call vote:

Ayes: Foss, Frisk, Neuhaus, Anderson and Lacy

Nays: none

Absent: none

5 members of the Council being present and having voted "Aye", Mayor Mickey Coonfare declared the motion carried, and Ordinance No. 110 was read the first time and discussed and placed on record.

On the 14 day of May 2019, at a regular meeting of the Shueyville City Council, Shueyville, Iowa, thereupon, it will be noted that the laws and rules providing that ordinances be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended and dispensed with and that Ordinance No. 110 be placed on its last reading, it was moved by Councilperson Frisk and seconded by Councilperson Lacy.

Ayes: Lacy, Anderson, Neuhaus, Frisk and Foss

Nays: none

Absent: none

5 members of the council being present and having voted "Aye", Mayor Mickey Coonfare declared the motion carried, and Ordinance No.110 was then placed on its last reading and was read the last time and final passage and adopted.

On the 14 day of May 2019, at a regular meeting of the Shueyville City Council, Shueyville, Iowa, thereupon, it was moved by Councilperson Lacy and seconded by Councilperson Anderson that Ordinance No. 110 be placed upon its final passage and adopted

Ayes: Foss, Neuhaus, Anderson, Lacy and Frisk

Nays: none

Absent: none

5 members of the council being present and having voted "Aye", Mayor Mickey Coonfare declared the motion carried, and Ordinance was then placed passed and adopted. Whereupon the Mayor declared that Ordinance No. 110 be adopted and signified her approval of same by fixing her signature thereto.

Passed by the council on the 14_day of May 2019 and approved by the Mayor on the 14 day of May 2019.

CITY OF SHUEYVILLE:

MICKEY COONFARE, Mayor

ATTEST:

Teresa Eadie, City Clerk

(OFFICAL SEAL)

I, Teresa Eadie, Clerk of the City of Shueyville, Iowa, state that an ordinance entitled "AN ORDINANCE AMENDING THE SHUEYVILLE CODE OF ORDINANCES TO known as Ordinance No. 110 was duly passed by the council on the 14 day of May, and signed by the Mayor on the 14 day of May, and published by posting copies thereof in three public places within the limits of the City of Shueyville, Iowa.

I posted copies of Ordinance No. 110 in the following places:
Shuey's
City of Shueyville website
Community Center

Teresa Eadie, City Clerk