

City of Blue Grass

PEDDLERS, SOLICITORS LICENSE - APPLICATION

www.bluegrassia.org

MUNICIPAL CODE – CHAPTER 5.08

CITY OF BLUE GRASS
114 N. MISSISSIPPI ST.
BLUE GRASS, IA 52726

PHONE: 563-381-4700
FAX: 563-381-2801

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS PHONE: _____ FAX: _____

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S PHONE: _____ DRIVER'S LICENSE: _____

NATURE OF BUSINESS: _____

LICENSE EFFECTIVE DATE: _____ EXPIRATION DATE: _____

FILING APPLICATION FEE: _____ LICENSE PERMIT FEE: _____
(NON-REFUNDABLE)

BOND FEE: _____

I GIVE THE CITY OF BLUE GRASS PERMISSION TO THE FOLLOWING:

- RETAIN A COPY OF MY DRIVER'S LICENSE
- RUN A BACKGROUND CHECK WITH A 24-HOUR WAITING PERIOD.

I HAVE ALSO READ THE FOLLOWING RULES AND REGULATIONS PERTAINING TO THE MUNICIPAL CODE, CHAPTER 5.08 AND HAVE AGREED TO ABIDE BY THOSE RULES AND REGULATIONS.

APPLICANT'S SIGNATURE

CITY CLERK/FINANCIAL OFFICER

CHIEF OF POLICE

****EXEMPTIONS:** ALL BLUE GRASS ORGANIZATIONS; RESIDENT GIRL SCOUT; BOY SCOUT OR SCHOOL ORGANIZATIONS SHALL BE EXEMPT OF THIS CHAPTER.

****HOURS:** MONDAY THROUGH FRIDAY – 8:00 A.M. TO 6:00 P.M. – NO WEEKEND SOLICITATIONS

**** LICENSE MUST BE KEPT IN SOLICITOR'S/PEDDLER'S POSSESSION OR TRANSIENT MERCHANTS POSSESSION AT ALL TIMES WHILE DOING BUSINESS IN THE CITY.**

Chapter 5.08

PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

5.08.010 Definitions.

For use within this chapter, the following terms are defined:

- A. ***Peddler*** means 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.
- B. ***Solicitor*** means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods 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. 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.

5.08.20 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 provided in this chapter shall be in violation of this chapter. A certificate of liability insurance with not less than \$1,000,000.00 per occurrence and \$5,000.00 medical payment coverage showing the “City of Blue Grass” as additional insured must also be provided prior to issuance of a license.

5.08.030 Exemptions.

- A. All Blue Grass Organizations, resident Girl Scout, Boy Scout, or school organizations shall be exempt from the application of this chapter. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of §§ 5.08.040 through 5.08.120. All such organizations shall be required to submit in writing to the City Clerk-Financial Officer 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 efforts and the amount thereof. Such organizations shall also be required to submit a copy of their determination letter proving that they are exempt organizations under the Internal Revenue Code §501(c) (3).

5.08.040 License — Application.

An application in writing shall be filed with the City Clerk-Financial Officer for a license under this chapter. Such application shall set forth the applicant's name, permanent and local addresses, business address, if any, physical description and recent photograph. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business and the length of time sought to be covered by the license. Each applicant is required to complete an Iowa Criminal History Records Check through the Department of Criminal Investigation and submit a copy of the complete criminal history report prior to issuance of a license. A nonrefundable fee of Twenty-Five Dollars (\$25.00) per Company shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

5.08.050 License — Issuance.

If the City Clerk-Financial Officer finds the application is made out in conformance with §5.08.040 and the facts stated therein are correct, he or she shall issue, upon posting of bond as required by §5.06.070, a license and charge a fee therefor as determined by §5.08.060.

5.08.060 License — Fees.

- A. Every licensee shall pay the following fees before a license shall be issued:
 - 1. For one day or any part thereof, Fifty Dollars (\$50.00).
 - 2. For five (5) business days, Two Hundred Fifty Dollars (\$250.00).
- B. For purposes of this section, a "day" shall consist of the hours between 8:00 a.m. and 6:00 p.m.
- C. For purposes of this section, a "week" shall consists of five (5) days, Monday through Friday — NO WEEKEND DAYS and NO HOLIDAYS.

5.08.070 Bond.

Before a license under this chapter shall be issued, each applicant shall post a bond of Five Hundred Dollars (\$500.00) with the City Clerk-Financial Officer. Such bond shall be conditioned that the applicant shall comply with the provisions of all the ordinances of the City and the statutes of the State of Iowa regulating and concerning the sale of goods, subscriptions, wares, merchandise, or personal property of any nature, including food stuffs, or for services, including advertising, and will pay all judgments rendered against the applicant for any violation of ordinances or statutes or any of them together, with all judgments and costs that may be recovered against said applicant by any person for damage growing out of any misrepresentation or deception practiced on any person who transacts such business with the applicant, whether said misrepresentation or deception was made or practiced by the owners or by their servants, agents, or employed, either at the time of making the sale, or the solicitation of the sale, or through any advertisements of any character whatsoever, printed or circulated with reference to the subject matter of such sale or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved person. Such bond shall be further 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 thirty (30) days from the expiration of each license.

5.08.080 License — Display.

Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in §5.06.050 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 license in his place of business.

5.08.090 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.

5.08.100 License — Rebate.

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 City Clerk-Financial Officer. 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, daily basis from the first day the license was issued. The balance, if any, shall be refunded.

5.08.105 OTHER LICENSE EXEMPTIONS.

- A. See exemptions previously stated in Section 5.08.030.
- B. Persons engaged in the following described activities are exempt from the duty of applying for a license under this chapter:
 - 1. Persons selling at wholesale to merchants for the purpose of resale.
 - 2. Persons selling tangible personal property or services to business enterprises.
 - 3. Persons who sell, at their permanent residence in the City, works or art or craft made or created by such person or a member of each such person's immediate family.
 - 4. Persons licensed by the state to sell real estate or insurance or licensed as transient vendors of drugs.
 - 5. Persons selling or distributing livestock feeds as defined by the laws of the State of Iowa.
 - 6. Persons selling or delivering tangible personal property or services through a permanent business licensed through the City.
 - 7. Persons selling or distributing fresh fruit or vegetables cultivated by such person.
 - 8. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals, or any other public amusement where no sales of other products are involved, and such sales are made on the premises where the event is to be conducted.
 - 9. Persons selling tangible personal property at a garage, basement, or yard sale held at one of the person's premises.
 - 10. Persons selling food and beverages at a food establishment regulated pursuant to the Code of Iowa.

5.08.110 License — Revocation.

- A. The Police Chief may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his/her business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his business in an unlawful manner.
- B. The Police Chief may deny within ten (10) days a license to any applicant who has:
 - 1. Held a license under this chapter that has been revoked within two (2) years of the date of the present application.
 - 2. Failed to make a complete truthful application.
 - 3. During the past two (2) years has had a history of fraudulent applications of similar licenses, misrepresentation of the quality of merchandise or services offered for sale.
 - 4. Each solicitor or peddler shall not have a past or present criminal history.

5.08.120 License — Expiration.

All licenses granted under this chapter shall expire at six p.m. of the last day for which the license is issued.