

Date Received: _____
Time: _____
Taken By: _____



Application for Peddlers, Solicitor's & Transient Merchant

Date: _____

APPLICANT INFORMATION:

Name: _____
Last First Middle

Present Address: _____

Permanent Address: _____

Telephone: _____ Social Security Number: _____

Driver's License Number: _____ State of Issuance: _____

E-mail Address: _____

(At the time of filing the application for a license required by this article, the applicant shall present a valid driver's license, if he or she has one, to the City Clerk.)

BUSINESS INFORMATION:

Name: _____

Present Address: _____

Permanent Address: _____

Telephone: _____ Federal ID Number: _____

E-mail Address: _____

PHYSICAL DESCRIPTION OF THE PERSON THAT WILL BE MAKING THE SALES:

Date of Birth:		Color of Eyes:	
Color of Hair:		Weight:	
Height:		Sex (M or F)	

Hours of Operation: All peddler's and solicitor's licenses shall provide that said licenses are in force and effect **ONLY BETWEEN THE HOURS OF 8:00 AM. AND 7:00 P.M.**

This permit to be in force from (start date) _____ to (end date) _____

The Location where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced:

The Location where such goods or products are located at the time the application is filed and the proposed method of delivery:

List the last three (3) municipalities wherein the applicant has worked before coming to Independence.

1. _____
2. _____
3. _____

List the location or locations within the City wherein goods or merchandise will be sold or offered for sale, or if door-to-door sales those areas within the city wherein said door-to-door sales will occur:

Has the applicant ever previously been denied a license or had a license revoked by the City of Independence or another city within the last five (5) years?

Application Fee: At the time of filing the application, a fee of **twenty-five dollars (\$25.00)** shall be paid to the City of Independence to cover the cost of investigation into the facts stated herein.

Paid: \$ _____ Receipt No. _____

License Fee: At the time of filing the application, the required license fee (see Code Section 1.15 referencing Code Section 122.05) shall be paid to the City of Independence.

License time period requested: _____ License Fee: \$ _____

PEDDLER OR SOLICITOR BOND REQUIRED: Please attach hereto a \$1,000 surety bond provided by your insurance company and/or agent naming the City of Independence

TRANSIENT MERCHANT BOND REQUIRED: Before a transient merchant license under this chapter is issued, an applicant shall provide the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C.4 of the Code of Iowa.

Statement of Understanding Read Carefully

I understand:

that completing this application does not constitute approval of a license.

that the statements made by me in this application and all related information which I have provided are true, accurate, and complete to the best of my knowledge. I also understand that if I provide false, inaccurate, or incomplete information, I will not be eligible for a license.

that if issued a license, I will abide by all applicable local, state and federal laws.

Applicant Name: _____
(Please print) Last First M.I.

Signature of Applicant _____ Date ____/____/____

City of Independence 331 1st Street East Independence, Iowa 50644 Phone: 319-334-2780 Fax: 319-334-2037

NOTARY

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20____ before me a Notary Public, State of _____,
personally appeared _____ as _____ to me known to be
the person named in and who executed the foregoing instrument and acknowledged that they executed the same as their
voluntary act and deed.

Notary Public

My Commission Expiration

SEAL

☐ Approved ☐ Denied

If denied, reason: _____

City Clerk/Treasurer

1.15 FINES AND FEES SCHEDULE.

Code Section	Code Title	Penalty
122.04	Application for License	\$25.00 application fee
122.05	License Fees	Fees for the issuance of a peddler or solicitor license: For one day - \$25.00 For seven consecutive days - \$50.00 For up to 30 consecutive days - \$100.00 For six months - \$200.00 For one year - \$300.00

(Section 1.15 – Ord. 2022-566 – Apr. 23 Supp.)

CHAPTER 122

PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 License Exemptions
122.08 Display of License	122.17 Charitable and Nonprofit Organizations
122.09 License Not Transferable	

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 licensing 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, subscriptions, 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, upon the public street, or public property (clarification for City property) any contribution, donation, advertisement, or any order for goods, services, subscriptions, or merchandise to be delivered at a future date within the limits of the City.
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, tent, trailer, or temporary structure that 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. Merchandising includes taking orders for future delivery whether at the location of the making of the sale or delivered at a future date by any other means or at another place.

122.03 LICENSE REQUIRED.

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

122.04 APPLICATION FOR LICENSE.

An application in writing shall be filed with the City Clerk for a license under this chapter at least five business days prior to its use. The application for the permit must be on a form provided by the City Clerk. The applicant shall provide the following information: applicant's name, e-mail address, and local phone number or cell phone number; permanent and local address, business address, business e-mail address, and phone number; physical description and a government-issued photo I.D.; applicant's employer and the employer's address, e-mail address, and phone number; the nature of the applicant's business; the last three places of such business; the length of time sought to be covered by the license; applicant's federal identification number and the federal identification number for any business applicant is peddling under as an agent, employee, or otherwise; an Iowa sales tax permit number or a letter from the Iowa Department of Revenue confirming a sales tax permit is not required; a Department of Criminal Investigation criminal history report/record for applicant from the state of the applicant's residence for the previous five years (such report or record must be dated no more than 30

days prior to the application); the value of goods to be sold or offered for sale; the date upon when such goods are to be sold; whether applicant has had a peddler's license suspended, revoked, or denied by this or any other city in the last five years and the reasons therefor; the dates of any previous peddler's licenses issued by the City Clerk; and the location at which sales are to take place. A nonrefundable application fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the City Clerk at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES.

A license fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the Clerk prior to the issuance of any peddler's or solicitor's license.

122.06 BOND REQUIRED.

Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C.4 of the Code of Iowa.

122.07 LICENSE ISSUED.

Upon receiving an application for a license, the City Clerk shall investigate—or cause to be investigated—the reputation and character of the applicant. If, upon making such investigation, the City Clerk is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and the holder of an Iowa retailer's sales tax permit, the City Clerk shall issue to the applicant a license upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application the sale will be held or the business conducted, both of which shall be set out in said license. Such license shall be valid only for the period of time and at the location and place described therein.

122.08 DISPLAY OF LICENSE.

Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 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. The license shall be issued in the name of the person actually peddling.

122.10 TIME RESTRICTION.

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 REVOCATION OF LICENSE.

Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address not less than 10 days before the date set for a hearing on the possible revocation of a license. The 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.

122.12 HEARING.

The Clerk 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 Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION.

The Clerk 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.

122.14 APPEAL.

If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 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.

122.16 LICENSE 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 products of their own raising or manufacturing on property other than their own, including raw fruits and/or vegetables and natural Christmas trees during the months of November and December.
4. Students. Students (K-12) who are representing the Independence area schools, conducting projects sponsored by organizations which have been officially recognized by the schools.
5. Route Sales. Weekly 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.
7. Yard Sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than four times annually.
8. Parks. The sale of food and beverages in public parks and rivers with permission of the City Council.

9. Emergency Response Sites. Sales of food and beverages at the site of an emergency or disaster with the permission of the City Manager.

10. Mobile Food Vendors. Mobile food vendors, including vendors preparing, marketing and/or selling food from a mobile unit including but not limited to a truck, trailer, cart, or stand operating in association with the organizer of a special event for which the City Council has approved a special event application; or operating in association with a local business for a period not to exceed 24 continuous hours in any 15-day period; and displaying a license issued by the regulatory authority where the mobile food unit is domiciled.

(Subsection 10 - Ord. 2021-539 - Sep. 21 Supp.)

11. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

(Code of Iowa, Sec. 364.3[13])

(Subsection 11 - Ord. 2021-547 - Sep. 21 Supp.)

122.17 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations 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, 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 and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.