

**ORDINANCE 2024-09**  
**REVISES SECTIONS 114.03-PERMITS; 114.04-RQUIREMENTS; 114.05-HOURS OF**  
**SOLICITATION; AND 114.09-DISPLAY OF PERMIT**

**TITLE XI BUSINESS REGULATIONS**  
**CHAPTER 114 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

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§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**PEDDLER.** 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.

**SOLICITOR.**

(1) Any person who solicits or attempts to solicit from house to house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

(2) For the purposes of this chapter, SOLICITOR does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for, patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

**TRANSIENT MERCHANT.**

(1) Every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of

temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise.

(2) Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a TRANSIENT MERCHANT.

(3) The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

(Ord. 2022-05, passed 6-14-2022)

#### § 114.02 EXEMPTIONS.

The provisions of this chapter shall not apply to non-profit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fundraising.

(Ord. 2022-05, passed 6-14-2022)

#### § 114.03 PERMITS.

(A) Before any person or organization engages in any of the practices defined herein, they must comply with all applicable ordinances, and must also obtain from the City Clerk a permit in accordance with the provisions of §§ 114.04 and 114.05.

(B) This permit will not be extended. -A fee of \$1,000 shall be paid at the time of registration to cover the administration cost and cost of investigation and issuance.

(C) The groups listed in § 114.02 need to apply for a permit but are exempt from the permit fee.

(Ord. 2022-05, passed 6-14-2022)

Statutory reference

Similar provisions, see Iowa Code § 9C.2

#### § 114.04 REQUIREMENTS.

Any applicant engaged in any activity described in § 114.01 must file with the City Clerk an application in writing that gives the following information:

- (A) Name and Social Security number;
- (B) Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made;
- (C) A brief description of the nature of the sales method;
- (D) Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale;
- (E) Length of time for which the permit is desired;
- (F) A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty;
- (G) Motor vehicle(s) make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation;
- (H) (1) The following license fees shall be paid to the Clerk prior to the issuance of any license.
  - (a) Solicitors or peddlers:
    - 1. For one day, \$250;
    - 2. For more than one consecutive day but less than seven consecutive days, \$500;
    - 3. For up to six months, \$2,000; and
    - 4. For more than six consecutive months but less than 12 consecutive months \$4,000.
  - (b) Transient merchants:
    - 1. For each period of one to seven days, \$250;
    - 2. For each additional period of one to seven consecutive days, \$500;
    - 3. For up to six consecutive months, \$2,000; and
    - 4. For more than six months but less than 12 consecutive months, \$4,000.

(2) Days shall be accrued during the course of the calendar year, commencing on January 1 of each year, and fees shall be based upon the sum of accrued days and desired additional days of permitted sales/solicitation.

(Ord. 2022-05, passed 6-14-2022)

#### § 114.05 HOURS OF SOLICITATION.

No person may conduct those activities described in § 114.01 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Saturdays, Sundays or legal holidays.

(Ord. 2022-05, passed 6-14-2022)

#### § 114.06 CONSUMER PROTECTION LAW.

All solicitors and peddlers shall be informed of, agree to comply with, and comply with the state law, Iowa Code § 555A.3, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service, and comply with the other requirements of the law.

(Ord. 2022-05, passed 6-14-2022)

#### § 114.07 BOND REQUIRED.

Before a permit under this chapter is issued, each person subject to this chapter shall post with the Clerk a bond, by a surety company authorized to ensure the fidelity of others in the state, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond, or such part thereof as may be necessary:

(A) To indemnify the city for any penalties or costs occasioned by the enforcement of this chapter; and

(B) To make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

(Ord. 2022-05, passed 6-14-2022)

§ 114.08 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC.

No person, while engaged in any of the practices described in § 114.01, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

(Ord. 2022-05, passed 6-14-2022)

§ 114.09 DISPLAY OF PERMIT.

Each solicitor or peddler shall at all times while doing business in the city keep in his or her possession the permit provided for in § 114.03 and shall, exhibit the permit as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly the license in his or her place of business.

(Ord. 03-04, passed 9-9-2003; Ord. 2022-05, passed 6-14-2022)

§ 114.10 PERMIT NOT TRANSFERABLE.

Permits 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.

(Ord. 03-04, passed 9-9-2003; Ord. 2022-05, passed 6-14-2022)

§ 114.11 REVOCATION OF PERMIT.

The City Council, after notice and hearing, may revoke any permit issued under this chapter where the permittee in the application for the permit 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.

(Ord. 03-04, passed 9-9-2003; Ord. 2022-05

#### § 114.12 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 their own products. A local farmer is a farmer that resides within Dubuque County.
4. Students. Students representing **any** Community **Parochial and/or** Public-School Districts conducting projects sponsored by organizations recognized by the school **district**.
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.

#### §114.13 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.

**REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances in

conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

**EFFECTIVE DATE.** This ordinance shall become effective after its final passage, approval and posting as provided by law.

**PASSED, APPROVED AND ADOPTED** by the Council of the City of Peosta, Iowa this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Russell Pfab, Mayor

Attest:

\_\_\_\_\_  
Marcie Winkelman, City Clerk

1st Reading Approved – September 24, 2024  
2nd Reading Approved – October 22, 2024  
3rd Reading Approved – October 22, 2024

I hereby certify that the above Ordinance Number 2024-9 was posted at Peosta City Hall, Peosta Post Office, and the Dubuque County Library/NICC-Peosta Branch on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Marcie Winkelman, City Clerk