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CHAPTER 113: PEDDLERS AND SOLICITORS

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GENERAL PROVISIONS

§ 113.01 DEFINITION.

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

PEDDLER, SOLICITOR and the like. Any person, whether a resident of this city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in this state; and shall also mean and include any person transacting a temporary business within the city at an established place of business. The word peddler shall include the terms

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- A solicitor,
- A transient or itinerant merchant or vendor
- or A transient or itinerant photographer.

('79 Code, § 14-1)

§ 113.02 EXCEPTIONS.

The provisions of this chapter shall not apply to solicitations, sales or distributions made by charitable, educational or religious organizations that have their principal place of activity in the city.

('79 Code, § 14-2)

§ 113.03 REFUSING TO LEAVE.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be guilty of a misdemeanor.

('79 Code, § 14-3) Penalty, see § 113.99

§ 113.04 ENTRANCE TO PREMISES RESTRICTED.

It shall be unlawful for any peddler to enter upon any private premises when the same are posted with a sign stating: ANo Peddlers Allowed@ or ANo Solicitations Allowed@ or other words to that effect.

('79 Code, § 14-4) Penalty, see § 113.99

§ 113.05 MISREPRESENTATION.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

('79 Code, § 14-5) Penalty, see § 113.99

§ 113.06 HOURS OF OPERATION.

It shall be unlawful for any peddler to engage in the business of peddling within the city between the hours of one half-hour before sunset and 8:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

('79 Code, § 14-6) Penalty, see § 113.99

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PERMITS

§ 113.15 PERMIT REQUIRED.

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so.

('79 Code, § 14-18) (Ord. 213, passed 4-2-14) Penalty, see § 113.99

Cross-reference:

For fine, see Schedule of Civil Penalties in § 35.03

§ 113.16 APPLICATION FOR PERMIT.

The application for a permit required herein shall contain or state the following:

(A) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.

(B) The period of time the applicant wishes to engage in business within the city.

(C) The local and permanent address of the applicant.

(D) The local and permanent address and the name of the person, if any, that the applicant represents.

(E) The kind of goods, wares, merchandise or services in which the applicant wishes to engage in such business within the city.

(F) Such other relevant information as may be required for the investigation of the applicant.

('79 Code, § 14-19) (Ord. passed 6-7-87) Penalty, see § 113.99

§ 113.17 DRIVER'S LICENSE TO BE PRESENTED.

At the time of filing his application for a permit required by this subchapter, the applicant shall present his driver's license, if he has one, to the Chief of Police.

('79 Code, § 14-20) Penalty, see § 113.99

§ 113.18 FALSE INFORMATION.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit by this subchapter.

('79 Code, § 14-21) Penalty, see § 113.99

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§ 113.19 FEE.

Before any permit shall be issued under the provisions of this subchapter, the applicant therefor shall pay a fee of \$7.50 per day or an annual fee of \$75. The annual fee covers a calendar year from January 1 to December 1.

('79 Code, § 14-23) (Ord. passed 2-3-76; Am. Ord. 2003-11, passed 6-17-03)

§ 113.20 BOND REQUIRED.

The application for a permit required by the provisions of this subchapter shall be accompanied by a bond in the penal sum of \$500 signed by the applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material and workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal.

('79 Code, § 14-24)

§ 113.21 SERVICE OF PROCESS.

Before any permit shall be issued under this subchapter, there shall also be filed with the Clerk-Treasurer an instrument in writing, signed by the applicant under oath, nominating and appointing the Clerk-Treasurer his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of such applicant, and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the Clerk-Treasurer.

('79 Code, § 14-25)

§ 113.22 ISSUANCE.

No permit shall be issued under the provisions of this subchapter until the applicant shall have complied with all the provisions and requirements of this chapter.

('79 Code, § 14-26)

§ 113.23 LIMITATION.

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the city shall be required to have a permit whether acting for himself or as an agent or representative of another.

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§ 113.24 CONTENTS OF PERMIT.

Each permit issued under the provisions of this subchapter shall be signed by the Clerk-Treasurer; shall be dated as of the date of its issuance; and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as provided herein, or which was issued in violation of this section, shall be void.

('79 Code, § 14-28)

§ 113.25 DISPLAY.

Every peddler having a permit issued under the provisions of this subchapter and doing business within the city shall display his permit upon request of any person and failure so to do shall be deemed a misdemeanor.

('79 Code, § 14-29) Penalty, see § 113.99

§ 113.26 DURATION.

Every permit issued under the provisions of this subchapter shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months.

('79 Code, § 14-30)

§ 113.99 PENALTY.

(A) Any permit issued under the provisions of this subchapter may be revoked for the violation by the permittee of any applicable provision of this code, any other ordinances of the city or state law. Upon such revocation, the permit shall immediately be surrendered to the Clerk-Treasurer and failure to do so shall be an infraction.

(B) Every person violating any provisions of this chapter shall be fined \$75 per violation. Each and every day a violation of any provisions of Chapter 113 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

('79 Code, § 14-31) (Am. Ord. 2002-39, passed 12-3-02)