

ORDINANCE

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AN ORDINANCE TO LICENSE AND TO REGULATE PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND TO PROVIDE PENALTIES FOR VIOLATIONS

BE IT ENACTED by the Council of the City of Farmington, Iowa:

SECTION 1 License Required. Any person engaging in peddling, soliciting, or in the business of transient merchant in this City without first obtaining a license as herein provided shall be in violation of this Ordinance.

SECTION 2 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 of such goods or merchandise from house to house or upon the public street.

2. "Solicitor" is 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.

3. "Transient merchant" is any person, firm, 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 shall not exempt any person, firm or corporation from being considered a transient merchant.

SECTION 3 Exemptions. Newsboys who are minors and residents of the City of Farmington, Iowa, delivering newspapers shall be exempt from the provisions of this Ordinance.

SECTION 4 Religious and Charitable Organizations Exempt. Authorized representatives or religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of this Ordinance. All such organizations shall be required to submit in writing to the City 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 charged by the solicitor for his efforts and the amount thereof. If the City Clerk shall find that the

organization is a bona fide charity or religious organization he shall issue, free of charge, a license containing the above information to the applicant.

SECTION 5 Application for License. A sworn application in writing shall be filed with the City Clerk for a license under this Ordinance. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and certificate that the applicant is in good health and free from any contagious diseases, signed by a local physician. The applicant shall also set forth the applicant's employer, if any, and the employer's address, 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 license. A fee of \$2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

SECTION 6 Issuance of License. If the City Clerk finds that the application is made out in conformance with Section Five of this Ordinance and the facts stated therein are correct, he shall issue, upon posting of bond as required by Section Eight of this Ordinance, a license and charge a fee therefore as determined by Section 7 of this Ordinance.

SECTION 7 Fees. Every licensee shall pay the following fee before a license shall be issued:

1. For one day or any part thereof One Dollar (\$1.00).
2. For more than one day up to one week, One Dollar (\$1.00) per day.
3. For one week Five Dollars (\$5.00).
4. For more than one week but not more than one month Five Dollars (\$5.00) per week and One Dollar (\$1.00) for any day or fraction thereof.
5. For one month Twenty Dollars (\$20.00).
6. For longer than one month all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee and the sum of these fees shall be the fee charged.

SECTION 8 Bond Required. Before a license under this Ordinance shall be issued, each applicant shall post a bond of \$100.00 with the City

Clerk. Such bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this Ordinance, and shall not be retied until after a lapse of thirty days from the expiration of each license.

SECTION 9 Display of License. Each solicitor or peddler shall at all times while doing business in this City keep in his possession the license provided for in Section Six of this Ordinance, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Ordinance. Each transient merchant shall publicly display his license in his place of business.

SECTION 10 License Not Transferable. Licenses 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 11 Rebates on Licenses. 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. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a month, week, and day basis from the first day the license was issued. The balance, if any, shall be refunded.

SECTION 12 Revocation of License. The City Council, after hearing and notice, may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted his business in an unlawful manner.

SECTION 13 Expiration of License. All licenses granted under this Ordinance shall expire at 6:00 p.m. of the last day for which the license is issued.

SECTION 14 Penalty. Any person violating the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that the violation is permitted to exist constitutes a separate offense.

SECTION 15 Repealer. All Ordinances or parts of this Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 16 Savings Clause. If any section, provision, or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 17 When Effective. The Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed: June 12, 1963

Jay P. Armstrong, Mayor

Opal Armstrong, City Clerk

Reviewed: 5/4/81

Reviewed: 10/12/15