

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, ETC.
2. CHARITABLE SOLICITORS.

CHAPTER 1

PEDDLERS, ETC.

SECTION

- 9-101. License required.
- 9-102. Application.
- 9-103. Fee; duration of license.
- 9-104. Bond may be required in certain instances.
- 9-105. Exhibition of license.
- 9-106. Suspension or revocation of license.
- 9-107. Appeals.

9-101. License required. In cases where any salesman, solicitor, or representative who is engaged in obtaining orders from, or making sales directly to, the consumer or user of goods, wares, or merchandise, or any other thing, tangible or intangible, for which a payment is to be made or collected which does not constitute a charitable contribution covered by the terms of chapter 2, hereof, to be delivered or used at the time of sale or in the future, before such person shall solicit such orders, or make such sales or collections in the city, he shall first obtain a solicitor's license. (Ord. 54-1, § 1, modified. 1987 Code, § 5-101, as amended by Ord. #96-8, Sept. 1996)

9-102. Application. Any person or persons subject to the provisions of this chapter shall file a written application for a license with the city manager, which application shall set out:

- (1) The name, age, and residence of the applicant.
- (2) The name and address of the person or corporation represented by him or her, if any.

¹Municipal code references

Building regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

- (3) Sufficient facts to show the financial responsibility of the principal, if any.
- (4) Evidence of the authority of the applicant and the extent thereof.
- (5) The kind, character, and prices of the goods, wares, or merchandise to be offered to the consumers or users of the city.
- (6) A copy of the contract used in taking orders or making sales.

All applications and records relating thereto shall be open to public inspection, and shall be upon forms supplied and approved by the city manager. (Ord. 54-1, § 2. 1987 Code, § 5-102, as amended by Ord. #96-8, Sept. 1996)

9-103. Fee; duration of license. Upon the approval of an application by the city manager, a license shall be issued by the city manager upon the payment of a fee of \$2.00 which shall be placed in the city treasury and disbursed as other city funds. Provided, that if the city manager fails to grant or deny the license application within one week after its submission, the same shall be deemed granted upon the tender of the fee of \$2.00. Any license issued pursuant to this chapter shall be valid for a period of thirty days from the date of its issuance. (Ord. 54-1, § 3. 1987 Code, § 5-103, as amended by Ord. #96-8, Sept. 1996)

9-104. Bond may be required in certain instances. If the city manager determines the company or person represented by the applicant not to be financially responsible, the license may be granted upon the execution of a bond in a penal sum not to exceed \$5,000.00 and containing such other reasonable terms and conditions as the city manager may prescribe. (Ord. 54-1, § 4. 1987 Code, § 5-104, as amended by Ord. #96-8, Sept. 1996)

9-105. Exhibition of license. Upon demand, the salesman, solicitor, representative, or peddler shall exhibit his license to any police officer of the city and to any person approached by him for the purpose of making a sale or obtaining an order. (Ord. 54-1, § 5. 1987 Code, § 5-105, as amended by Ord. #96-8, Sept. 1996)

9-106. Suspension or revocation of license. In event it shall appear to the satisfaction of the city manager that any of the information provided in the permit application was false, or that in the exercise of the permit trespass or violations of any other ordinances or statutes have been committed, or that the principal has become insolvent, or that fraud and imposition has been practiced upon any of the people of the city by any salesman, solicitor, representative, or peddler or by his principal, or that any salesman, solicitor, representative, or peddler no longer represents his principal, the city manager may immediately suspend such license, and after due notice and a hearing thereon before the city manager, may revoke the license of such salesman,

solicitor, representative, or peddler. (Ord. 54-1, § 6. 1987 Code, § 5-106, as amended by Ord. #96-8, Sept. 1996)

9-107. Appeals. Any person aggrieved by the action of the city manager in granting, denying or revoking a license may appeal such action of the city manager to the board of commissioners which shall review the entire proceeding, by giving notice to the city attorney. The board of commissioners shall hear the appeal within forty-five (45) days of receipt of notice of appeal by the city attorney. (Ord. 54-1, § 7. 1987 Code, § 5-107, as amended by Ord. #96-8, Sept. 1996)

CHAPTER 2

CHARITABLE SOLICITORS

SECTION

- 9-201. Permit required.
- 9-202. Prerequisites for a permit.
- 9-203. Denial of a permit.
- 9-204. Exhibition of permit.

9-201. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city manager authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1987 Code, § 5-201)

9-202. Prerequisites for a permit. The city manager shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1987 Code, § 5-202)

9-203. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of commissioners if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1987 Code, § 5-203)

9-204. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1987 Code, § 5-204)