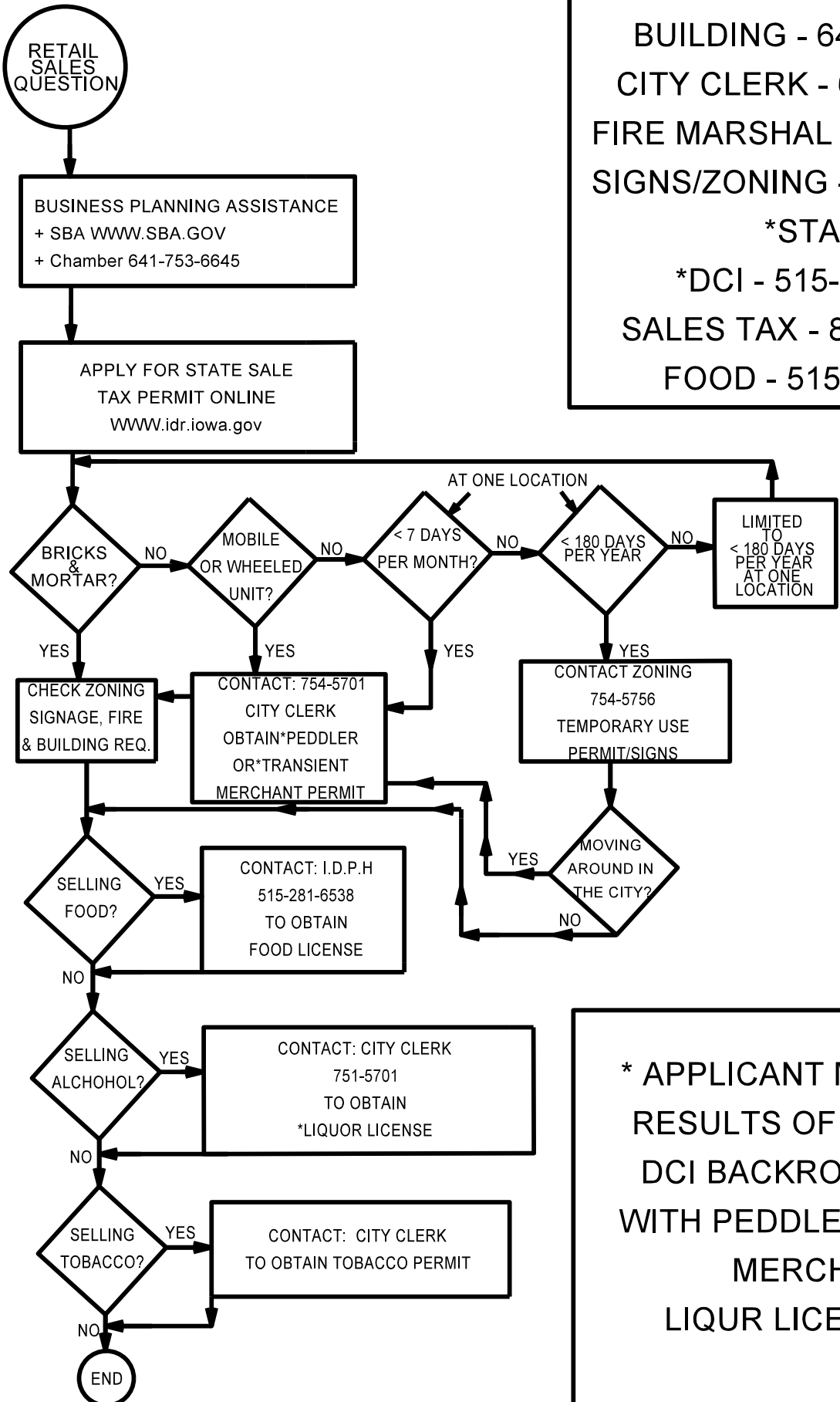


**\*CITY:**

**BUILDING - 641-754-5737**  
**CITY CLERK - 641-754-5701**  
**FIRE MARSHAL - 641-754-5751**  
**SIGNS/ZONING - 641-754-5756**

**\*STATE:**

**\*DCI - 515-725-6066**  
**SALES TAX - 800-367-3388**  
**FOOD - 515-281-6538**



**\* APPLICANT MUST SUBMIT RESULTS OF COMPLETED DCI BACKGROUND CHECK WITH PEDDLER/TRANSIENT MERCHANT & LIQUOR LICENSE APPS.**

## CHAPTER 118: PEDDLERS AND SOLICITORS

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### Section

#### ***General Provisions***

- 118.001 Definitions
- 118.002 License required
- 118.003 Certain exemptions
- 118.004 License application
- 118.005 Sales tax permit required
- 118.006 State food license required
- 118.007 License issuance
- 118.008 Permitted locations
- 118.009 Time restrictions
- 118.010 Permitted mobile facilities or vehicles
- 118.011 Fees
- 118.012 License display
- 118.013 License revocation; right to appeal

#### ***Bankrupt Stores***

- 118.025 License required
- 118.026 Items to be submitted with application for license
- 118.027 License fees
- 118.028 Transfer of license and limited use
  
- 118.999 Penalty

### **GENERAL PROVISIONS**

#### **§ 118.001 DEFINITIONS.**

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

**PEDDLER.** Any person who sells or offers for sale for immediate delivery goods or merchandise from house-to-house, business-to-business or upon public property.

**SOLICITOR.** Any person who solicits or attempts to solicit from house-to-house, business-to-business or upon public property an order for goods, subscriptions or merchandise to be delivered at a future date.

**SPECIAL COMMUNITY-WIDE EVENT.** Any event or community celebration for which a public use permit under § 130.003 of this code for assemblies, parades and demonstrations has been issued.

**TRANSIENT MERCHANT.** Any person, firm or corporation who engages in a merchandising business from a mobile facility or vehicle at any parcel for a period of seven days or less during any calendar month.

(2013 Code, § 17-154) (Ord. 31, passed 8-14-1950; Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

## **§ 118.002 LICENSE REQUIRED.**

Unless otherwise excepted by other provisions of this subchapter, any peddler, solicitor or transient merchant operating within the city without first obtaining a license for such activity as herein provided, or operating in violation of the terms of the license, commits a simple misdemeanor subject to a fine.

(2013 Code, § 17-155) (Ord. 31, passed 8-14-1950; Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011) Penalty, see § 118.999

## **§ 118.003 CERTAIN EXEMPTIONS.**

(A) The following persons shall be excepted from the license requirement:

- (1) Newspaper carriers;
- (2) Farmers and gardeners selling agricultural products they have grown; and
- (3) Persons operating during special community-wide events, as defined herein.

(B) While excepted from the license fee requirement, authorized representatives of religious, non-profit and charitable organizations, or sponsors of a charitable event, desiring to solicit money or to distribute pertinent literature, must first submit in writing to the City Clerk for approval the name of such organization or sponsor and charitable purpose for which such activity is sought, the names and addresses of the officers and directors of the organization, satisfactory verification of its 501(c)(3) tax exempt status, specification of the dates and times during which such activities are to be conducted and of the amounts of any commissions, fees or wages which are to be charged in connection with the activity. Upon proper application by a bona fide charitable or religious organization, the City Clerk shall issue the applicable license containing the above information to the applicant free of charge, subject to the time limitations as set forth in this subchapter.

(2013 Code, § 17-155.1) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

## **§ 118.004 LICENSE APPLICATION.**

A written application shall be filed with the City Clerk for a license under this subchapter unless exempted under § 118.003 of this chapter. Such application shall set forth the applicant's name; permanent and local address; business address, if any; local and permanent telephone number; physical description of the applicant; and recent photograph. The application also shall set forth the applicant's employer, if any, and the employer's address, telephone number, the nature of the applicant's business, the last three places of such business. An applicant for a license shall also provide a copy of a current Department of Criminal Investigations (DCI) background check. The application shall also set forth the locations of activities and the length of time requested to be covered by the license and be accompanied by current written permission from any property owner upon whose property a transient merchant will be operating, or whose property (including parking) will be affected by the transient merchant's operation. Transient merchants shall also provide recent photographs of all sides of the mobile facility or vehicle which accurately depicts the current condition of the facility or vehicle, and upon request shall make the facility or vehicle available for visual inspection by the City Clerk or Clerk's designee at a reasonably convenient location.

(2013 Code, § 17-156) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

#### **§ 118.005 SALES TAX PERMIT REQUIRED.**

Before a license is issued under provisions of this subchapter, the applicant for license shall submit to the City Clerk for inspection and copying a state sales tax permit when taxable items are intended to be sold.

(2013 Code, § 17-156.1) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

#### **§ 118.006 STATE FOOD LICENSE REQUIRED.**

Before such license is issued under provisions of this subchapter, the applicant for license shall submit to the City Clerk a state food sales permit when applicable food items are intended to be sold.

(2013 Code, § 17-156.2) (Ord. 14886, passed 6-27-2011)

#### **§ 118.007 LICENSE ISSUANCE.**

If the City Clerk finds the application in conformity with the requirements of this subchapter, that all federal and state law requirements have been met, that the facts stated within the application are accurate, that the applicant has not committed a crime of violence, theft, fraud or dishonesty, other than simple misdemeanors, has committed no prior violations of this subchapter and is not a person required to register as a sex offender, the City Clerk shall issue a license upon payment of the applicable fee. The Clerk may rely upon the results of any routine background check without responsibility for verifying the accuracy of any information contained therein.

(2013 Code, § 17-157) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

#### **§ 118.008 PERMITTED LOCATIONS.**

Peddler or solicitor licenses are issued for use in locations across the city without restrictions. Transient merchants are permitted to operate only on paved portions of private commercial property locations as identified on the application and or permit, for periods of seven days or less

during any calendar month, unless otherwise restricted as specified in the license, or unless prior permission to operate in a city park has been obtained from the Parks and Recreation Department of the city.

(2013 Code, § 17-157.1) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)  
Penalty, see § 118.999

### **§ 118.009 TIME RESTRICTIONS.**

(A) Peddler or solicitor licenses allow peddling activities in residential area only between the hours of 9:00 a.m. and 9:00 p.m., with door knocking or door bell ringing prohibited all day on Sunday and after 6:00 p.m., Monday through Saturday.

(B) Transient merchant licenses issued for private commercial properties shall be allowed at all times, Sunday through Saturday, upon proper showing that the owner of the location where sales occur consents to use of its business premises for that purpose and that neither traffic or nearby residents will be adversely affected.

(C) The conduct of sales activity for any portion of any calendar day shall constitute a day of operation for determining the seven-day period specified in § 118.008 of this chapter.

(2013 Code, § 17-157.2) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011; Ord. 14932, passed 9-8-2014) Penalty, see § 118.999

### **§ 118.010 PERMITTED MOBILE FACILITIES OR VEHICLES.**

(A) Mobile vendors shall operate only from facilities or vehicles which are structurally sound, in good repair and appearance, with no visible rust or damage. Adequate waste disposal receptacles shall be conveniently provided for customer use. No waste or garbage shall be allowed to accumulate on the exterior of the facility or vehicle. All grease shall be disposed of lawfully. Electrical connections shall be outdoor rated with functioning ground fault interrupters (GFIs) and no extension cords shall cross any sidewalk or public access.

(B) Electrical connections across any sidewalk or public access shall be made by proper underground wiring method in compliance with the National Electric Code (NEC).

(2013 Code, § 17-157.3) (Ord. 14886, passed 6-27-2011) Penalty, see § 118.999

### **§ 118.011 FEES.**

Except as provided in § 118.003 of this chapter, every applicant for a license under this subchapter shall pay the fee, set by Council resolution, before a license shall be issued.

(2013 Code, § 17-158) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

### **§ 118.012 LICENSE DISPLAY.**

(A) Each solicitor or peddler shall, at all times while doing business in the city, keep in his or her possession and display upon request of any city official, peace officer or prospective customer, the license issued pursuant to this subchapter, and shall, upon the request of prospective customers, exhibit the license as evidence that they have complied with all requirements of this subchapter.

(B) Each transient merchant shall publicly and visibly display the license at its temporary place of business.

(C) Licenses issued to any entity under the provisions of this subchapter are not transferable in any situation and grants authority only to the entity filing the application.

(2013 Code, § 17-159) (Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

### **§ 118.013 LICENSE REVOCATION; RIGHT TO APPEAL.**

(A) Notwithstanding § 110.002 of this chapter, if the licensee, in the application for the license or in the course of conducting his or her business, has made incorrect or fraudulent statements, or has conducted his or her business or activity in an unlawful manner, or violated an ordinance or statute, including placement of illegal signage, or if the licensee has conducted his or her business in such manner as to endanger the public welfare or safety, the City Clerk may revoke any license issued under this subchapter.

(2013 Code, § 17-160)

(B) The licensee may appeal the revocation of the license to the City Council at its next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council. The City Council may affirm, modify or reverse its decision or the decision of the Clerk to revoke such license.

(2013 Code, § 17-160.1)

(Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

## **BANKRUPT STORES**

### **§ 118.025 LICENSE REQUIRED.**

Every person, firm or corporation engaged in the business of a peddler, transient merchant or in making sales from bankrupt stores shall, before engaging therein, procure a license therefor from the City Clerk.

(2013 Code, § 17-86) (Ord. 31, passed 8-14-1950) Penalty, see § 118.999

### **§ 118.026 ITEMS TO BE SUBMITTED WITH APPLICATION FOR LICENSE.**

Before such license is issued under provisions of this subchapter, the applicant for license shall submit to the Mayor a sales permit from the state.

(2013 Code, § 17-87) (Ord. 8516, passed 7-13-1953)

### **§ 118.027 LICENSE FEES.**

Fees for a license issued under this subchapter shall be determined by Council and set by resolution.

(2013 Code, § 17-90)

## **§ 118.028 TRANSFER OF LICENSE AND LIMITED USE.**

No license provided for in this subchapter shall be transferred without the consent of the Mayor endorsed thereon in writing. No license issued under this subchapter shall include more than one separate place and independent place of business of a transient merchant or bankrupt store or extend to or include more than one peddler under a single license.

(2013 Code, § 17-91) (Ord. 31, passed 8-14-1950)

## **§ 118.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.999 of this code of ordinances.

(B) (1) Anyone violating any of the provisions of §§ 118.001 through 118.013 of this chapter shall, upon conviction, be subject to the penalties as provided in §§ 10.999(A) and (B) of this code of ordinances.

(2013 Code, § 17-161)

(2) Unless otherwise excepted by other provisions of §§ 118.001 through 118.013 of this chapter, any peddler, solicitor or transient merchant operating within the city without first obtaining a license for such activity as provided in § 118.002 of this chapter, or operating in violation of the terms of the license, commits a simple misdemeanor and is subject to § 10.999 of this code of ordinances.

(2013 Code, § 17-155)

(Ord. 31, passed 8-14-1950; Ord. 14884, passed 3-14-2011; Ord. 14886, passed 6-27-2011)

MATT SCHULTZ  
SECRETARY OF STATE



LUCAS BUILDING, 1<sup>ST</sup> FLOOR  
DES MOINES, IOWA 50319

OFFICE OF THE IOWA SECRETARY OF STATE

August 18, 2011

Shari Coughenour  
City Clerk  
24 N Center Street  
Marshalltown IA 50158-4912

AUG 24 2011  
CITY OF  
MARSHALLTOWN

Dear Shari:

The Iowa secretary of state's office works in conjunction with municipalities regarding the registration of transient merchants. Licensure with this office occurs when an ordinance is not in place at the local level. However, please remember to inform applicants for local transient merchant registration of Iowa Code Chapter 9C.4 (attached), which requires them to file a bond with the state even when registering under a municipal ordinance.

Thank you for your continued partnership in serving the people of Iowa and please do not hesitate to contact me if you have any questions on this matter.

Todd Henderson  
Assistant Director - Business Services Division  
Iowa Secretary of State  
321 East 12th Street  
Lucas State Office Building  
Des Moines, IA 50319  
515.281.5864  
515.281.4682 FAX  
todd.henderson@sos.state.ia.us

8-24-11  
Per State -  
all transients & peddlers  
must have bond filed (& present)  
receipts from state prior to issuance of  
local permit  
no differentiation re:  
transient/peddler  
applies to both





**APPLICATION FOR PERMIT**  
**PEDDLER, SOLICITOR AND TRANSIENT MERCHANT**

**Fees, per person:**  
**\$6 per day, \$25 per week,**  
**\$60 per month, \$200 per year.**

City Permit Number:		
License	Beginning	Ending
Dates:		

Company Name	Company Phone#	Local Manager Name	Local Phone#
--------------	----------------	--------------------	--------------

Company Address	City	State	Zip	Local Address
-----------------	------	-------	-----	---------------

**Activity. Describe the product you are selling, promoting, or type of literature you are distributing:**

--

**Activity Location: Describe location of sales activities and length of time requested to be covered by this license (Calendar for each location, no more than 7 days per month required for Transient Merchants):**

--

Is the item taxable?  If Yes: Iowa State Sales Tax Permit No.: \_\_\_\_\_

Selling Food?  If Yes: Iowa State Food Permit No.: \_\_\_\_\_

Iowa Food Permit Expiration Date: \_\_\_\_\_

**References. List the last three places of business and dates of sales activities. Include name of agencies issuing sales permits and their phone number.**

Reference Name	Address	Dates of Sales Activities	Phone Number
1.			
2.			
3.			

**Description of all vehicles used in your selling effort in Marshalltown**

Vehicle Make/Model	Color	LIC Plate#	State

**APPLICANTS MUST FILE THEIR BOND WITH THE SECRETARY OF STATE OFFICE PRIOR TO REVIEW OF THE APPLICATION BY THE CITY OF MARSHALLTOWN.**

**Violations of City Ordinances by Permittees,  
including but not limited to placing signs on city right of way, or offsite,  
may be cause for suspension or revocation of the permit and denial of future permits**

**Exemptions:** Newspaper Carriers, Farmers & Gardeners selling products they have grown; Persons making sales by appointment.

Verified 501(c)(3) organizations may be eligible for a free license. Note than an application is required. Contact the Clerk's office for information.

**List the individuals that will be distributing literature or selling or promoting goods or services**

	<u>Name</u>	<u>Birth Date</u>	<u>Drivers Lic#/State</u>	<u>Sex</u>	<u>Ht.</u>	<u>Wt.</u>	<u>Photo &amp; DCI?</u>
1.							<input type="checkbox"/>
2.							<input type="checkbox"/>
3.							<input type="checkbox"/>
4.							<input type="checkbox"/>
5.							<input type="checkbox"/>
6.							<input type="checkbox"/>

*INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED.*

*For more information, contact*

1. Completed DCI Background Check(s) – required for each person selling	<input type="checkbox"/>	Iowa Division of Criminal Investigation	(515) 725-6066
2. Copy of State Sales Tax Permit	<input type="checkbox"/>	Taxpayer Services Iowa Dept of Revenue	515-281-3114 or 800-367-3388 <b>www.state.ia.us/tax/</b>
3. Copy of State Food Permit (if applicable)	<input type="checkbox"/>	Iowa Department of Inspections and Appeals Food & Consumer Safety Bureau	515-281-6538
4. Recent Photograph of Vendor or copy of valid ID	<input type="checkbox"/>	<b>10. Bond filed with State of Iowa</b>	<input type="checkbox"/>
5. Payment of License fee	<input type="checkbox"/>		

**For Transient Merchants / Mobile Food Units**

6. Photo of mobile sales unit (if applicable)	<input type="checkbox"/>	8. Written Permission by property owner	<input type="checkbox"/>
7. Inspection of mobile sales unit by City Clerk	<input type="checkbox"/>	9. Calendar of sale dates, no more than 7 days per month during term of license	<input type="checkbox"/>

I, the undersigned applicant, acknowledge receipt of the requirements relating to operations under this permit and will operate pursuant to those requirements. I also acknowledge I have not previously been accused of failing to provide the goods or services ordered or engaged in a pattern of failing to provide the goods or services ordered. **I have read this statement carefully before signing and the statements made herein are true and may be relied upon in granting this application.**

Printed Name of Applicant

Applicant's Signature

Date of Application

# Calendar for Year 2020 (United States)

January						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
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			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
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19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
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						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September						
Su	Mo	Tu	We	Th	Fr	Sa
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27	28	29	30			

October						
Su	Mo	Tu	We	Th	Fr	Sa
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25	26	27	28	29	30	31

November						
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29	30					

December						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Calendar generated on [www.timeanddate.com/calendar](http://www.timeanddate.com/calendar)

Circle no more than seven days per month for sales activity.

Transient Merchant Calendar for Address \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ date signed \_\_\_\_\_

Vendor Name: \_\_\_\_\_

City License # \_\_\_\_\_ License Valid from \_\_\_\_\_ to \_\_\_\_\_

# Calendar for Year 2021 (United States)



## January

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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24	25	26	27	28	29	30
31						

## February

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14	15	16	17	18	19	20
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28						

## March

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28	29	30	31			

## April

S	M	T	W	T	F	S
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25	26	27	28	29	30	

## May

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23	24	25	26	27	28	29
30	31					

## June

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20	21	22	23	24	25	26
27	28	29	30			

## July

S	M	T	W	T	F	S
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

## August

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## September

S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

## October

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## November

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## December

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Circle no more than seven days per month for sales activity.

Transient Merchant Calendar for Address \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ date signed \_\_\_\_\_

Vendor Name: \_\_\_\_\_

City License # \_\_\_\_\_ License Valid from \_\_\_\_\_ to \_\_\_\_\_