

CHAPTER 114: SOLICITORS AND CANVASSERS

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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.

BUSINESS. The business carried on by any person who is an itinerant merchant who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city.

PEDDLER.

1. Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

2. Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

3. A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

• 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set forth in ' 110.47.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see ' 114.99

• 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the town clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

- (1) A description of the applicant;
- (2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see ' 114.99

• 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant has done any of the following will constitute valid reasons for disapproval of an application:

- (1) Been convicted of a crime of moral turpitude; or
- (2) Made willful misstatements in the application; or
- (3) Committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or
- (4) Committed prior fraudulent acts; or
- (5) Compiled a record of continual breaches of solicited contracts; or
- (6) Attained an unsatisfactory moral character

• 114.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the town clerk after notice and

hearing, pursuant to the standards in ' 114.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

• **114.06 STANDARDS FOR REVOCATION.**

(A) A license granted under this chapter may be revoked for any of the following reasons:

- (1) Any fraud or misrepresentation contained in the license application; or
- (2) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (3) Any violation of this chapter; or
- (4) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

• **114.07 APPEAL PROCEDURE.**

(A) Any person aggrieved by a decision under ' ' 114.04 or 114.06 shall have the right to appeal to the Board of Commissioners. The appeal shall be taken by filing with the Board of Commissioners, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board of Commissioners shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in ' 114.05.

(B) The order of the Board of Commissioners after the hearing shall be final.

• **114.08 EXHIBITION OF IDENTIFICATION.**

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The town clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words *Licensed Peddler* or *Licensed Solicitor*, the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed. Penalty, see ' 114.99

• **114.99 PENALTY.**

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of \$50 per day.

(a) A citation of said civil penalty shall be issued by the Code Enforcement Officer.

(b) Each citation for a civil penalty must be paid within 48 hours of issuance.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

