

CHAPTER 122

SOLICITING, CANVASSING AND PEDDLING

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122.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Peddler” means any person offering goods, wares or merchandise for sale and the concurrent delivery thereof to the purchaser without a bona fide place of business within the City. Any person engaged in such activity is deemed to be peddling.
2. “Solicitor” means any person seeking to obtain orders for the purchase of goods, services, wares and similar items or seeking to obtain applications or orders for books or magazines or seeking gifts or contributions of money for the support of any charitable or nonprofit association.
3. The terms “peddler” and “solicitor” include all agents, employees, brokers, factors and representatives of any person, firm or corporation engaged in peddling or solicitation in the City.

122.02 REGISTRATION. Any solicitor or peddler in the City must register with the Police Chief and at the time of said registration must furnish the Police Chief with a brief statement of the activity in which said person proposes to engage, including the nature of the item or items for which said person is soliciting or which said person is peddling. The Police Chief may issue a registration card or permit to such solicitor or peddler. The fee for the issuance of a permit shall be twenty-five dollars (\$25.00) and shall be valid for one year from the date of issuance.

122.03 PERMIT REQUIRED. Any person engaged in peddling or soliciting in the City without first obtaining a permit, as herein provided, shall be in violation of this chapter.

122.04 SOLICITATIONS PROHIBITED. Any householder in the City may prohibit solicitation by posting a card approximately three inches by five inches (3” x 5”) in size near the main entrance door to the householder’s residence. Such card may state “Only Solicitors Registered in West Burlington, Iowa, Invited” or “No Solicitors Invited.” Any solicitor going on the premises of any householder where such card is posted or attempting to solicit at such residence contrary to said householder’s notice shall be deemed to be trespassing upon said premises and in violation of this chapter.

122.05 DAYS AND HOURS OF OPERATION. Days and hours of operation for solicitors going door-to-door will only be allowed from Monday through Saturday during

the hours of 9am to 5pm. No solicitation will be allowed on Sundays, federally designated holidays, or on any day declared as an "Orange" or "Red" State of Alert by the Department of Homeland Security”

122.06 PEDDLING PROHIBITED. Any householder in the City may prohibit peddling in the same manner as provided in Section 122.04 by substituting the word “Peddler” for the word “Solicitor.” Any peddler going on any premises or attempting to peddle at any premises in violation of the householder's notice shall be deemed to be trespassing upon said premises and in violation of this chapter. Any household may prohibit both peddling and solicitation in the same manner by placing both words “Peddlers and Solicitors” on the notice.

122.07 EXCEPTIONS. Persons engaged in the following described activities are exempt from obtaining a peddler, solicitor or transient merchant license:

1. Persons selling at wholesale to merchants for the purpose of resale or persons selling tangible personal property or services to business establishments.
2. Persons selling or distributing newspapers.
3. Persons who are selling insurance or real estate who are licensed by the State of Iowa, when engaged in selling insurance and real estate.
4. Persons selling or distributing fresh fruit or vegetables cultivated by such persons.
5. Persons selling tangible personal property at a garage, basement or yard sale held at one of the persons' premises.
6. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved and such sales are made on the premises where the event is to be conducted.
7. Religious, charitable, and non-profit organizations, which meet the requirements for exempt status under the Internal Revenue Code.
8. Salespersons who have been invited by the Buyer shall be exempt from the provisions of this Chapter.

122.08 DENIAL OR REVOCATION OF LICENSE. The Police Chief may deny or revoke any license issued under this chapter for the following reasons:

1. Providing False Information. The applicant or licensee provides false information on the application for the license.
2. Violation of Law. The applicant or licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health and Safety. The applicant or licensee has been convicted of a crime that could endanger the public health, welfare, or safety.