

CHAPTER 111: GENERAL LICENSING PROCEDURE

Section

111.02 Peddlers, canvassers and transient merchants

111.99 Penalty

§ 111.02 PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS.

(A) *Permit required.* It is unlawful for any peddler or transient merchant to engage in any such business within the city without first obtaining a permit therefore.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

CANVASSER. Any person who goes from house to house soliciting, taking or attempting to take orders for the sale of goods, wares or merchandise to be delivered in the future.

PEDDLER. Any person who goes from house to house offering goods, wares or merchandise in possession for sale.

TRANSIENT MERCHANT. Any person, firm or corporation, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares or merchandise within the city.

(C) *Exemptions.* Except as herein provided, this section shall not include vendors of milk, bakery products, groceries, food products and others who distribute their products to regular customers on established routes, not to newsboys, nor to persons who shall vend, sell or offer to sell agricultural products, grown in a garden or gardens owned by that person, nor to any sale required by statute or by order of any court, nor to any religious, political and charitable organization or to prevent any person conducting a bona a fide auction sale pursuant to law.

(D) *Application.*

(1) *Applicants.* Applicants for a permit under this chapter shall file with the City Clerk-Treasurer an application in writing on a form to be furnished by the City Clerk-

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Treasurer accompanied by a fee established by the Council and adopted by resolution.

(2) *Transient merchant park.* Any owner, contract purchaser or lessee of property zoned commercial and after obtaining a conditional use permit, allowing ten or more transient merchants on the property at one time, shall apply for a transient merchant park permit accompanied by a fee established by the Council and adopted by resolution.

(3) *Permits.* Transient merchant permits shall only be issued for use on privately owned property zoned C, WC or LC by the City Zoning Ordinance or public property and only when the application contains the legal description of the property where the permit will be used and the signature of the owners, contract purchasers or lessee of the property. No location shall be occupied for more than two consecutive days or more than ten days in any calendar year. A new permit is required for each two-day occupancy.

(4) *Overnight parking.* Overnight parking will not be allowed.

(5) *Sanitary facilities.* Transient merchant parks shall be provided with satellite toilet facilities and trash containers for solid waste by the property owner. The transient merchant park licensee shall be responsible for continual order and cleanliness of the site.

(E) *Use of streets.* No transient merchant shall have any exclusive rights to any location in the public streets, sidewalks, parks or public parking lots, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets, sidewalks, parks or public parking lots. For the purpose of this section, the judgment of a duly authorized police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(F) *Prohibition.* Any resident of the city who wishes to exclude peddlers, canvassers or transient merchants from their residence may place upon or near the usual entrance to the residence, a printed notice containing the following language: "Peddlers, Canvassers and Transient Merchants Prohibited".

(Prior Code, § 7.13) (Ord. 113, passed 6-3-2004) (Ord. 10-007, 3rd series, passed 5-03-2010) Penalty, see § 111.99

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§ 111.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.