

ORDINANCE NO. 33

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PAULLINA, IOWA, BY AMENDING PROVISIONS PERTAINING TO PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

Be it Enacted by the City Council of the City of Paullina, Iowa:

SECTION 1. TITLE V – BUSINESS AND OCCUPATION REGULATIONS CHAPTER 3 - LICENSING, ARTICLE 4 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS, SECTION 4 is hereby amended as follows:

- 4.01 PURPOSE. The purpose of this article is to protect the residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.
- 4.02 DEFINITIONS. For use in this article, the following terms are defined:
1. “Peddler” shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
 2. “Solicitor” shall mean any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
 3. “Transient merchant” shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business, hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person, firm or corporation from being considered a transient merchant.
- 4.03 REGISTRATION REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this ordinance.
- 4.04 REGISTRATION REQUIREMENTS. The registration shall be in writing, filed with the Clerk, and shall set forth the following information:
1. The person’s name, permanent and local address, business address if any, driver’s license number and vehicle description.

2. The person's employer, if any, and the employer's address, the nature of the business and the length of time such business will be carried on in the City.

4.05 REGISTRATION FEES. The following registration fees shall be paid to the Clerk prior to the issuance of any license:

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| 1. For one day | \$10.00 |
| 2. For one week | \$50.00 |
| 3. For up to six (6) months | \$150.00 |
| 4. For one year of major part thereof | \$300.00 |

4.06 BOND REQUIRED. Any person registering as a transient merchant shall provide to the Clerk evidence that such person has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

4.07 HOURS OF OPERATION: All peddler's and solicitor's licenses shall provide that said peddlers and solicitors shall conduct business in the City from 8:00 a.m. to 8:00 p.m. All transient merchant's licenses shall provide that said transient merchants shall conduct business in the City from 8:00 a.m. to 10:00 p.m. unless additional hours of operation are requested at the time the transient merchant registers with the City and said additional hours of operation are approved at the time the license is issued.

4.08 EXEMPTIONS. The following are excluded from the application of this article:

1. Newspapers. Persons delivering, collecting, for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the South O'Brien Community School District and Zion St. John Lutheran School conducting projects sponsored by organizations recognized by the schools.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use.

4.09 CHARITABLE AND NONPROFIT ORGNAZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter

504 of the Code of Iowa, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 4.04 and 4.05. All such organizations or individuals are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be judged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and adopted by the Council of the City of Paullina, on this 16th day of August, 2023.

Brenda Ebel Kruse, Mayor

Michelle Wilson, Deputy City Clerk

I certify that the foregoing was published as Ordinance No. 33 on the 5th day of October, 2023.

Michelle Wilson, Deputy City Clerk