

Chapter 5.40

PEDDLERS, SOLICITORS AND CANVASSERS

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5.40.010 **Definitions.**

As used in this chapter:

"Canvasser" includes any person not having an established place of business in this city, who, for him or herself or as an agent for another, goes from place to place and from house to house in this city, soliciting orders or subscriptions for or selling or disposing of newspapers, magazines, periodicals, books and all other publications, whether collecting advanced payments on such subscriptions or sales or not.

"Ice cream vendor" includes any and every person selling ice cream from a movable stand, pushcart, or other vehicle, whether motor propelled or otherwise, which is maintained, located or traveling upon any city street or right-of-way (including sidewalks).

"Peddler" includes every person selling and making immediate delivery or offering for sale and immediate delivery of any goods, wares, merchandise, or thing in possession of the seller at any place within this city, other than from a fixed place of business.

"Solicitor" includes any person selling or taking orders or offering to sell or take orders for goods, wares, merchandise or things for future delivery or for services to be performed at any place within the city other than a fixed place of business.

Exemptions.

1. The provisions of the definitions of "peddler" and "solicitor" above shall not apply to peddling or soliciting newspapers, periodicals or ice, or to any person having a bakery route or milk and dairy products route.

2. The provisions of the definitions of "peddler" and "solicitor" above shall not apply to salesmen or agents for wholesale houses or firms who solicit orders from or sell to retail dealers for resale, or to manufacturers or to bidders for public works or supplies. (Prior code § 3-120)

5.40.020 **Permit required.**

It shall be unlawful for any person to operate as a peddler, solicitor or canvasser until a permit therefor has been issued to him or her by the police chief, and such person has paid any license fee required by Section 5.04.370 of this title. Ice cream vendors shall provide a map of the intended route to the city collector for approval. Permits shall be issued for a period not to exceed twelve months and may be renewed by the police chief upon payment of applicable fees. (Prior code § 3-121)

5.40.030 **Application for permit.**

Every person requiring a permit as provided for herein shall make written application to the police chief for such permit on forms provided by the city collector. Said application shall be accompanied with applicable fingerprinting fees and shall contain all relevant information required by the police chief, including, but not limited to, the name, business or occupation and residence address of each person financially interested in such business. Permits requested by persons acting as solicitors for the person conducting, carrying on or managing the business shall be first

authorized in writing by the person engaging, employing or hiring such person. Appropriate fees shall be charged for the finger-printing for investigation. (Prior code § 3-122)

5.40.040 Permit denial or revocation.

Permits may be denied or revoked by the police chief or city collector for any of the following causes:

- A. Fraud, misrepresentation of any false statement made to the police department in furnishing the information required by the police chief;
- B. Any violation of this chapter;
- C. Conviction of the permit holder of any felony or crime involving moral turpitude;
- D. Conducting the soliciting or peddling in an unlawful manner or in such manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the city;
- E. The applicant is under fourteen years of age. (Prior code § 3-123)

5.40.050 Appeals.

Any person aggrieved by the decision of the police chief under this chapter shall have the right to appeal to the council. Such appeal shall be taken by filing with the city clerk a written statement of the grounds for the appeal within fourteen days after notice of the decision of permit denial or revocation has been given. (Prior code § 3-124)

5.40.060 Duty to carry, exhibit permit.

A. A permit issued pursuant to this chapter must be carried by the peddler, solicitor or canvasser at all times when peddling, soliciting, or canvassing, and when so peddling, soliciting, or canvassing he or she shall display the same upon demand.

B. Vehicles operated pursuant to this chapter shall post permits for public viewing at all times. (Prior code § 3-125)

5.40.070 Peddling, soliciting or canvassing at places where prohibited by sign.

It shall be unlawful for any person while engaged in peddling, soliciting or canvassing to enter any yard, house or structure having displayed a sign saying "No Peddlers" or a sign of similar import, for the purpose of peddling or attempting to peddle goods, wares, or merchandise thereat. (Prior code § 3-126)

5.40.080 Public solicitation of funds.

A. Definitions. For the purpose of this section, "public solicitation of funds" shall mean a personal request for funds in a public place, or by going uninvited to the residence or place of business of any person. It shall not be construed to include solicitations by mail or by telephone.

B. No person shall solicit funds in public by representing that said funds are to be used for a charitable, welfare, educational, or religious purpose without complying with the following provisions of law:

1. At least ten days prior to said solicitation, there shall be filed with the city collector, a statement signed under oath, on a form provided, providing the following information:

- a. The name, address and telephone number of the organization or person soliciting funds,
- b. The purpose for which funds are sought,
- c. The names, addresses and telephone numbers of two persons who will answer further inquiries regarding the solicitation,
- d. A statement as to whether the organization is incorporated in any state, the state of incorporation, whether the organization is incorporated on a profit or nonprofit basis,
- e. A statement as to whether donations to said organization are deductible on federal income tax returns and an Internal Revenue Service identifying number,

f. A list of any organizations or individuals not listed in the response to the requirement of subdivision 1, which may receive any portion of the funds solicited, or which may receive any goods or services obtained as a result of the solicitation,

g. The name, address and telephone number of the person filling out the form;

2. No one shall solicit funds by going uninvited to the residence of any person when there is posted on said residence, a sign stating "no solicitors," or similar language.

3. At all times when soliciting funds in public, solicitor shall wear a badge, of a uniform type, subject to approval by the city collector, stating his/her name and the name of the organization for which he/she is soliciting. The name of the organizations shall be the same as disclosed in this section. (Prior code § 3-127)