



CITY OF HUXLEY PEDDLERS PERMIT APPLICATION

Name of Applicant: _____ Date: _____

Social Security No: _____ Date of Birth: _____

Description: AGE _____ HEIGHT _____ WEIGHT _____ EYES _____ HAIR _____

Purpose of Application: _____

Permanent Home Address: _____

Local Address: _____ Phone: _____

Description of business and goods being sold: _____

Name of Applicant's Employer: _____

Address of Applicant's Employer: _____

Length of time desired to do business: _____

Permit Expiration Date: _____ (weekly permit renewal required)

List parts of Huxley that will be canvassed: _____

Motor Vehicle Information

Make/Model/Year: _____ State of Vehicle Registration: _____

Owner's name: _____ License Plate Number: _____ Driver: _____

Has applicant been convicted of any crime, misdemeanor (other than traffic), or felony? _____ If so, what was the nature of the offense and penalty? _____

There is a \$25 permit fee due with application. Copies of driver's license/ID and bond as required by Iowa Code Sect 9C.4 are required to be submitted with this application. For bond instructions contact:

Business Services Division – Secretary of State
Lucas Bldg., First Floor
Des Moines, IA 50319
515-281-5204

****Reference City of Huxley Code of Ordinances Chapter 165.32 for signage requirements.**

I, declare under penalties of perjury, that I have examined this application and that to the best of my knowledge and belief, all entries made herein are true, complete, correct, and in accordance with the Ordinances and regulations applicable hereto.

Applicant's Signature _____

Applicant's Printed Name _____

Weekly Permit Extension

[illegible]

Week 33: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 34: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 35: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 36: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 37: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 38: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 39: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 40: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 41: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 42: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 43: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 44: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 45: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 46: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 47: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 48: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 49: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 50: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 51: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

Week 52: ____ In Person ____ Phone Date____ Permit Expiration Date____ Signature ____

CHAPTER 123

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

123.01 Purpose
123.02 Definitions
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123.01 PURPOSE. The purpose of this chapter is to protect 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.

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

1. "Peddler" means 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" means 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" means any person 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 from being considered a transient merchant.

123.03 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 chapter.

123.04 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 and 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.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

The registration is valid only for a seven-day period and must be renewed for each seven-day period thereafter.

123.05 REGISTRATION FEE. A registration fee of ten dollars (\$10.00) shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

123.06 TRANSIENT MERCHANT BOND. 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*.

123.07 TIME RESTRICTION. Peddlers and solicitors shall conduct business in the City only during daylight hours.

123.08 EXEMPTIONS. The following are excluded from the application of this chapter.

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, 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 Ballard School District conducting projects sponsored by organizations recognized by the school.
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 purposes of selling products for resale or institutional use.

123.09 CHARITABLE AND NONPROFIT ORGANIZATIONS. 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 123.04 and 123.05. 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.

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PAUL D. PATE
Secretary of State
State of Iowa

**TRANSIENT
MERCHANT
APPLICATION**

Application is hereby made to the Secretary of State of Iowa for a license to engage in or conduct a business as a transient merchant at places outside of cities or towns, or within any city or town that has not by ordinance provided for the licensing of transient merchants. This application is made pursuant to the provisions of Iowa Code chapter 9C and shall be filed at least 10 days prior to any sale.

1. Name, address, residence and post office address of the person, firm, corporation, partnership, or association making the application:

If a corporation, list the names and addresses of the officers:

If a firm, partnership, or association and not a corporation, list the names and addresses of all members:

- A.

- B.

- C.

- D.

(Attach additional sheets if necessary)

2. If the application is made by an agent, bailee, consignee, or employee, state the name and address of the agent, bailee, consignee, or employee **and** the name and address of the owner of the goods, wares, and merchandise to be sold or offered for sale:

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3. Does the applicant have an Iowa retailer's sales tax permit: ☐ Yes ☐ No Permit #: _____

NOTE: Failure to hold an Iowa retailer's sales tax permit prohibits you from being issued a license pursuant to Iowa Code section 9C.5.

4. Is the applicant an Iowa corporation: ☐ Yes ☐ No Is the applicant a foreign corporation: ☐ Yes ☐ No
If a foreign corporation, is the applicant authorized to do business in Iowa: ☐ Yes ☐ No

NOTE: If a foreign corporation – failure to have authority to do business in Iowa prohibits you from being issued a license under Iowa Code section 9C.5.

5. State the value of the goods to be sold or offered for sale or the average inventory to be carried by such transient merchant engaging in or conducting an intermittent or temporary business:

6. The date(s) that the goods, wares or merchandise shall be sold or offered for sale:

The date(s) intended to engage in or conduct a temporary or intermittent business:

7. The location where such goods, wares or merchandise shall be sold or offered for sale, or such business engaged in or conducted:

8. Has a bond been filed by the applicant which meets all the requirements set forth in Iowa Code section 9C.4:
☐ Yes ☐ No

NOTE: Failure to file an original bond prohibits you from being issued a license pursuant to Iowa Code section 9C.5.

9. Amount of fee submitted with this application (\$25.00/day): _____
Make checks payable to SECRETARY OF STATE.

The undersigned hereby affirms that the foregoing statements are true and correct, that there are no facts or issues in existence calling into question the reputation or character of the applicant, and that all provisions of Iowa Code chapter 9C shall be complied with.

Signed by _____

Official Title _____

State of _____)
County of _____) ss:

Subscribed in my presence and sworn to before _____

NOTE: The information provided is open to public inspection under Iowa Code chapter 22.

SECRETARY OF STATE
Business Services Division
Lucas Bldg., First Floor
Des Moines, IA 50319
Phone: (515) 281-5204
FAX: (515) 242-5953
Website: sos.iowa.gov

9C - TRANSIENT MERCHANTS

9C.1 Definitions.

The term "*transient merchant*" as used herein shall mean and include every merchant, whether an individual person, a firm, corporation, partnership or association, and whether owner, agent, bailee, consignee or employee, who shall bring or cause to be brought within the state of Iowa any goods, wares or merchandise of any kind, nature or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise within the state of Iowa. The term "*transient merchant*" shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership or an association, who shall by itself, or by agent, consignee or employee temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any goods, wares or merchandise of any nature or description. A merchant engaging in business shall be presumed to be temporarily or intermittently in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business within the state of Iowa as a merchant for a period of more than sixty days. The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to transient vendors of drugs, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or employees.

9C.2 License required.

It shall be unlawful for any transient merchant as herein defined, to sell, dispose of, or offer for sale any goods, wares or merchandise of any kind, nature or description, at any time or place within the state of Iowa, outside the limits of any city in the state of Iowa, or within the limits of any city in the state of Iowa that has not by ordinance provided for the licensing of transient merchants, unless such transient merchant, as herein defined, shall have a valid license as herein provided and shall have complied with the regulations herein set forth.

9C.3 Application for license.

Any transient merchant as defined herein, desiring a transient merchant's license shall at least ten days prior to the first day any sale is made, file with the secretary of state of the state of Iowa an application in writing duly verified by the person, firm, corporation, partnership or association proposing to sell or offer to sell at retail any goods, wares or merchandise, or to engage in or conduct a temporary or intermittent business for the sale at retail of any goods, wares or merchandise, which application shall state the following facts:

1. The name, residence and post-office address of the person, firm, corporation, partnership or association making the application, and if a corporation, the names and addresses of the officers thereof, and if a firm, partnership or association and not a corporation, the names and addresses of all members thereof.
2. If the application be made by an agent, bailee, consignee or employee, the application shall so state and set out the name and address of such agent, bailee, consignee or employee and shall also set out the name and address of the owner of the goods, wares and merchandise to be sold or offered for sale.
3. The application shall state whether or not the applicant has an Iowa retailers sales tax permit and if the applicant has such permit, shall state the number of such permit.
4. If the applicant be a corporation, the application shall state whether or not the applicant is an Iowa corporation or a foreign corporation, and if a foreign corporation, shall state whether or not such corporation is authorized to do business in Iowa.
5. The value of the goods to be sold or offered for sale or the average inventory to be carried by any such transient merchant engaging in or conducting an intermittent or temporary business as the case may be.
6. The date or dates upon which said goods, wares or merchandise shall be sold or offered for sale, or the date or dates upon which it is the intention of the applicant to engage in or conduct a temporary or intermittent business.
7. The location and address where such goods, wares or merchandise shall be sold or offered for sale, or such business engaged in or conducted.

9C.4 Bond required—applicability—forfeiture.

At the time of filing said application and as a part thereof, the applicant shall file with the secretary of state a bond, with sureties to be approved by the secretary of state, in a penal sum two times the value of the goods, wares or merchandise to be sold or offered for sale or the average inventory to be carried by such transient merchant engaged in or conducting an intermittent or temporary business as the case may be as shown by the application, running to the state of Iowa, for the use and benefit of any purchaser of any merchandise from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or the owner of such merchandise if other than the applicant; the bond to be further conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state of Iowa or any subdivision thereof, the bond to be further conditioned for the payment of any fines that may be assessed by any court against the applicant for violation of the provision of this chapter, and further conditioned for the payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale thereof, and arising from such sale, provided, however, that the aggregate liability of the surety for all such taxes, fines and causes of action shall in no event exceed the principal sum of such bond.

In such bond the applicant and surety shall appoint the secretary of state, the agent of the applicant and surety for the service of process. In the event of such service, the agent upon whom such service is made shall within five days after the date of service, mail by ordinary mail a true copy of the process served upon the agent to each party for whom the agent is served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the jurisdiction of the court.

Such bond shall contain the consent of the applicant and surety that the district court of the county in which the plaintiff may reside or Polk county, Iowa shall have jurisdiction of all actions against the applicant or surety, or both, arising out of the sale. The state of Iowa, or any subdivision thereof, or any person having a cause of action against the applicant or surety arising out of said sale may join the applicant and surety on such bond in the same action, or may in such action sue either the applicant or the surety alone.

The requirements of this section also apply to transient merchants who are licensed in accordance with an ordinance of a city in the state of Iowa.

Notwithstanding the above provisions, the bond provided for in this section shall be forfeited to the state of Iowa upon the applicant's failure to pay the total of all taxes payable by or due from the applicant to the state which taxes are administered by the department of revenue and finance. The department shall adopt administrative rules for the collection of the forfeiture. Notice shall be provided to the surety and to the applicant. Notice to the applicant shall be mailed to the applicant's last known address. The applicant or the surety shall have the opportunity to apply to the director of revenue and finance for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the director finds that the applicant has failed to pay the total of all taxes payable and the bond is forfeited, the director shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond. The surety shall not have standing to contest the amount of any taxes payable. For purposes of this section "*taxes payable*" means all tax, penalties, interest, and fees that the department has previously determined to be due by assessment or in an appeal of an assessment.

9C.5 Issuance of license.

Upon receiving an application for a transient merchant's license, the secretary of state shall investigate or cause to be investigated, the reputation and character of the applicant. If, upon making such investigation, the secretary of state is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and the holder of an Iowa retailer's sales tax permit, and if a foreign corporation, has authority to do business in the state of Iowa, the secretary shall issue to the applicant a license as a transient merchant upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application the sale will be held or the business conducted, both of which shall be set out in said license. Such license shall be valid only for the period of time and at the location and place described therein.

9C.6 License fee.

Prior to issuing the said transient merchant's license, the secretary of state shall collect for the state of Iowa a license fee in the sum of twenty-five dollars for each day the applicant, as shown by the application, shall propose to sell or offer for sale any goods, wares or merchandise, or for each day the applicant, as shown by the application, proposes to engage in and conduct a business as a transient merchant as the case may be.

9C.7 Misrepresentation.

It shall be unlawful for any transient merchant making sales or engaging in or conducting a business under a transient merchant's license to make any false or misleading statements or representation regarding any article sold or offered for sale by such transient merchant as to condition, quality, original cost, or cost to such transient merchant of any article sold or offered for sale or to sell or offer for sale goods, wares or merchandise of a value in excess of the value thereof as shown by said application, or to sell or offer for sale at retail any goods, wares or merchandise, or to engage in or conduct an intermittent or temporary business on any days or at any place other than those shown by such license.

9C.8 Revocation.

The secretary of state may revoke any license issued under the provisions of this chapter after proper hearing before the secretary, by the sending of due notice of said hearing by registered letter to the transient merchant at the merchant's last known address, return receipt requested, not less than twenty days before the date of said hearing, for any of the following causes:

1. For any violations of the provisions of this chapter.
2. For failure to pay the sales tax as provided by law or misrepresentation of the source, condition, quality, weight or measure of the product sold by the transient merchant.
3. If any judgment recovered against any transient merchant with reference to the operation of that business remains unpaid for a period of six months provided such judgment be not stayed under a supersedeas bond upon appeal from such judgment.

The secretary of state shall give immediate notice of the revocation of any license issued under the provisions of this chapter to the surety or sureties furnishing the bond provided for herein.

In the event of such revocation, no other transient merchant license shall be issued to such applicant for a period of two years thereafter.

9C.9 Penalty.

Any merchant, whether an individual person, a firm, corporation, partnership or association violating any of the provisions of this chapter shall be guilty of a simple misdemeanor. Each sale made in violation of the provisions here of shall be and constitute a separate offense.

9C.10 Enforcement.

The attorney general, or designees of the attorney general, may seek an injunction from a court of competent jurisdiction in order to prohibit sales by a transient merchant who is in violation of this chapter.

