

Nevada Public Safety Department



Peddler's Permit Information

City of Nevada, Iowa Code of Ordinances

CHAPTER 122 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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122.01 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 means of licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon a public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or a public street, orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise or services to be delivered or fulfilled at a future date. For the purposes of this chapter, "solicitor" does not include a person who contacts another person at his or her residence without prior invitation to enlist support for or against or to solicit funds for patriotic, philanthropic, charitable, political or religious purposes, whether or not there is an incidental purpose involving the sale of incidental goods or services.
3. "Transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership or association, and whether owner, agent, bailee, consignee or employee, who brings or causes to be brought within the City 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 and who is not a permanent resident of the City of Nevada, Iowa.

122.03 EXEMPTIONS.

Unless otherwise noted in this chapter, the provisions of this chapter shall not apply to persons engaged in the activities described in subsections 1 through 13 of this section. However, exemption from the permit requirements does not relieve an exempt person or organization from registering with the Police Chief and providing the information set forth in Section 122.04

below.

1. Persons selling at wholesale to merchants for the purpose of resale.
2. Persons selling or distributing newspapers or similar tabloids.
3. Persons selling tangible personal property or services to business enterprises.
4. Persons who sell at their permanent residence in the City, works of art or crafts made or created by such person or a member of such person's immediate family, who also resides at the permanent residence.
5. Persons who operate a business or sell a product from their place of residence, even if the product is not produced at that location, provided the activity is not in conflict with the Nevada Zoning Ordinance.
6. Persons licensed by the State of Iowa to sell real estate or insurance or licensed as transient vendors of drugs.
7. Persons selling or delivering tangible personal property or services through a permanent business located in the City, or sold to regular customers on established routes (e.g., Schwans, Avon).
8. Farmers who offer for sale agricultural, garden or food products they, or a member of their immediate family, have produced, raised or grown.
9. Persons selling their own work or production either by themselves or their employees.
10. Candidates (or their duly authorized representatives) for local, County, State, or national office soliciting donations or support.
11. Persons selling tangible property at a garage, basement or yard sale held at one of the sellers' residences, a shelter house, or similar type location.
12. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement.
13. Members of local Cub Scouts, Girl Scouts, Boy Scouts, Camp Fire Girls, Blue Birds, 4-H, Future Farmers of America, students representing the Nevada Community School District or any other student who lives in Nevada, Iowa, and is soliciting on behalf of their school.

122.04 POLITICAL, RELIGIOUS AND CHARITABLE ORGANIZATIONS.

Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 122.06. However, all such individuals shall be required to complete and submit the Application required by Section 122.07. In addition to the information required in Section 122.07, all such organizations shall be required to submit in writing to the Police Chief the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on and whether any commissions, fees or wages are to be charged by the solicitors for their efforts and the amount thereof. If the Police Chief finds that the organization is a bona fide charity or religious organization, the Police Chief shall issue, free of charge, a permit to the applicant.

122.05 COMPLIANCE WITH STATE LAW.

All peddlers not otherwise exempt from this chapter shall acknowledge that they are familiar with Iowa Code Section 555A.2 and shall exhibit to the Police Chief and any peace officer, if requested, all written forms, advertisements and contracts that they may use in connection with their business, proving compliance with Iowa Code Section 555A.2.

122.06 PERMIT REQUIRED.

It is unlawful for any peddler, solicitor, or 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 on any public or private property within the City, unless such peddler, solicitor, or transient merchant shall have a valid permit as herein provided and shall have complied with the regulations set forth in this chapter and the applicable provisions of State law.

122.07 PERMIT APPLICATION REQUIREMENTS.

Any peddler, solicitor, or transient merchant as defined herein and desiring a permit shall file

with the Nevada Police Department the required application form which shall contain the following information:

1. Name, date of birth, and social security number of each person who will be selling goods or merchandise within the City.
2. Permanent and local addresses and telephone numbers of each person who will be selling goods or merchandise within the City.
3. A brief description of the products to be sold, the sales method, and the dates, times and locations of the sales.
4. Names, address, and phone number of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired which shall be for one of the following durations: (a) one day; (b) seven calendar days; (c) 30 calendar days; or (d) 180 calendar days.
6. Make, model, year, color, and license plate information of each vehicle that will be used in the proposed solicitation or sale.
7. Copy of the State sales tax permit and Federal tax identification number.
8. An application fee as determined by the Council and set forth in the Appendix to this Code shall be paid at the time of filing the application to cover the cost of investigating the facts stated therein.
9. Any person applying for a peddler, solicitor or transient merchant permit who is not otherwise exempt pursuant to Section 122.03 above shall be required to file with the Police Chief, documentary written evidence that the bond required by Iowa Code Section 9C.4 has been obtained and filed with the Iowa Secretary of State's Office. The written documentation shall show that the bond is currently in force and will remain in force for the duration of the permit and for twelve months thereafter. Prior to issuing the permit, the Police Chief shall verify the applicant's documentation with the office of the Iowa Secretary of State.

122.08 ISSUANCE OF PERMIT.

Upon receiving an application for a peddler's, solicitor's or transient merchant's permit, the Police Chief shall investigate, or cause to be investigated, the reputation, character and criminal history, if any, of the applicant. Up to a maximum of ten (10) days shall be allowed for the completion of the investigation. The Police Chief shall disapprove the application if the applicant has been convicted of a crime involving perjury, theft, fraud, embezzlement, assault, harassment or any crime involving moral turpitude. If, upon completion of such investigation, the Police Chief is satisfied that the statements and representations contained in the application are true, that the applicant is of good reputation and character and has met all of the permit requirements contained in this chapter, the Police Chief shall issue the applicant a permit as a peddler, solicitor, or transient merchant upon payment of the fee or fees as herein prescribed for the period of time requested in the application and for use at the location and place where it is stated in the application between the hours of 9:00 a.m. and 8:00 p.m. The permit shall be carried by each person selling goods or merchandise for the applicant and shall be displayed upon demand to any potential customer or peace officer. The permit shall be valid only for the period of time and at the location and place described therein. The issuance of a permit shall not be construed as allowing the permittee to sell directly from any public street or other publicly owned property unless such sale is part of a special event which has the prior approval of the Council and is covered under a special event permit as provided for in this chapter. The issuance of a permit does not in any way authorize the sale of goods, merchandise, or services in a manner or from a location which is in any way contrary to the requirements of the City's zoning ordinance or other provisions of this Code unless such activity has the prior approval of the Council or is covered under a special event permit as provided for in this chapter.

122.09 MULTIPLE VENDORS; SPECIAL EVENTS.

If a single group, organization, club, business or agency is sponsoring an event where multiple peddlers, solicitors, or transient merchants or vendors will be selling goods, merchandise, or

services at a single location or under one roof, the sponsor may apply to the Police Chief for a single, special event permit. The sponsor will be responsible for collecting the names, addresses and phone numbers of each of the peddlers, solicitors or transient merchants or vendors who will be selling at the special event. This information shall be furnished to the Police Chief along with the application for the special event so that any reference or background checks that are deemed necessary can be conducted prior to approval of the permit. This information shall also be retained by the sponsor so that customers will have access to contact persons at each company in the event of any questions, comments, complaints or concerns regarding any goods, merchandise or services purchased at the special event. Each special event permit shall be valid for a maximum of seven (7) days and the hours of operation may, in the discretion of the Police Chief, be reasonably greater or lesser than the hours specified in Section 122.08 above. The special event permit described in this section will be in lieu of the permits normally required for individual peddlers, solicitors or transient merchants.

122.10 STANDARDS FOR ISSUANCE OF PERMIT.

In determining whether any permit should be granted or denied pursuant to this chapter, the following facts and circumstances shall be considered:

1. If the proposed activity is likely to cause undue congestion of a public area.
2. If the proposed activity is likely to create a safety hazard.
3. If the applicant has had an unreasonable number of complaints for misrepresentation, fraud, or selling defective merchandise.
4. If the applicant, or any of its agents or representatives, has been convicted within the last five (5) years of any public offense relating to perjury, theft, fraud, embezzlement, assault, harassment or any crime involving moral turpitude.
5. If the proposed activity is likely to cause excessive or unusual noise.

122.11 PERMIT FEE.

Prior to issuing the peddler's, solicitor's or transient merchant's permit, the Police Chief shall collect for the City a permit fee as set forth in the Schedule of Fees in the Appendix to this Code.

122.12 AGENT FOR SERVICE OF PROCESS.

Before any permit is issued under this chapter, the applicant shall first sign an appointment naming the City Clerk as agent of the permittee for service of process in the event of a claim or litigation against such permittee arising out of or in connection with any actions, inactions, peddling or solicitation by such peddler, solicitor, or transient merchant. This shall not apply to corporations which have a registered agent listed in the Iowa Secretary of State's office.

122.13 TRANSFERS.

Permits issued pursuant to this chapter are not transferable or assignable under any circumstances and are applicable only to the person filing the application.

122.14 DISPLAY.

Each solicitor or peddler shall keep such permit in their possession at all times while doing business in the City and shall, upon the request of a prospective customers or peace officer, exhibit the permit as evidence of compliance with all requirements of this chapter.

122.15 REVOCATION AND EMERGENCY SUSPENSION.

1. The Police Chief may revoke or temporarily suspend any permit issued under the provisions of this chapter for any of the following causes:
 - A. For any violations of the provisions of this chapter.
 - B. For making false or misleading statements or representations on the application form.
 - C. For making false or misleading statements or representations regarding any article sold or offered for sale as to condition, quality, original cost, or cost to such peddler, solicitor or transient merchant.
 - D. For selling or soliciting prior to 9:00 a.m. in the morning or after 8:00 p.m. in the evening.
2. In any case involving a bona fide emergency that presents a clear and present danger to

the health, physical safety or financial well being of a customer or potential customer, the Police Chief may immediately seize the permit, temporarily suspend the permit and order the permittee to cease and desist from their activities. The Police Chief shall proceed under this section and determine whether or not the temporary suspension shall be a permanent revocation.

3. The permit holder and the surety on the permittee's bond shall be served with written notice containing the particulars of the complaints against the permittee, the provisions of this chapter or sections of the Iowa Code allegedly violated and the date, time and place for hearing on the matter which shall not be less than ten (10) days from the date of mailing notice.

4. The City Administrator shall conduct the hearing at which both the permittee and the complainants shall be present and shall be permitted to testify under oath as to the truth or falsity of the allegations set forth in the notice. Should the permittee, or the permittee's authorized representative, fail to appear without good cause, the City Administrator may proceed to a determination of the complaint in their absence.

5. The City Administrator shall make and record findings of fact and conclusion of law, and shall revoke a permit only when upon review of the entire record there is clear and convincing evidence of a violation of this chapter or the Iowa Code.

6. Any permit revoked under the provisions of this section shall bar the permittee from being eligible for any permit under this chapter for a period of one (1) year from the date of the revocation.

122.16 ENFORCEMENT.

Police officers may issue criminal misdemeanor citations to any person who violates the provisions of this chapter, or may cite the violator for a municipal infraction. The City Attorney may seek an injunction from a court of competent jurisdiction in order to prohibit sales by a peddler, solicitor, or transient merchant who is in violation of this chapter. Each sale or solicitation to sell made in violation of the provisions hereof shall be considered a separate offense.

122.17 OBEDIENCE TO SIGNS.

Individual residents of the City may post a sign in a conspicuous place in close proximity to the main entrance to their residence that states "No Peddlers," "No Solicitors" or words of like effect. Any peddler, solicitor or transient merchant who ignores the sign and attempts to make personal or electronic contact with any resident of the household shall, upon conviction, be guilty of a misdemeanor or municipal infraction as charged in the citation.

Fees for a Permit

The following are fees set forward by the City of Nevada as of July 1, 2010 for Peddler/Solicitor Permits.

(1)	1 – Day (24 Hours)	\$15.00
(2)	1 – Week (7 Calendar Days)	\$25.00
(3)	1 – Month (Calendar Month)	\$50.00
(4)	2 – Months (60 Calendar Days)	\$60.00
(5)	6 – Months	\$75.00
(6)	1 – Year	\$100.00

How to Obtain a Permit

You may go to our forms tab and print off a “Peddlers Permit’ application. Fill it out and bring it to the Nevada Police Department with current identification and company information. After we receive your application, and you have paid the appropriate permit fee, you will then receive a photo ID permit to go door-to-door. Every individual representing the company by doing peddler activity within the City of Nevada needs to fill out an application and show valid identification when registering for a permit.

For all other inquiries about peddler permits, please direct your questions to the Nevada Police Department at 515-382-4593, Monday through Friday, 8:00 a.m. to 5:00 p.m. Request to speak with the Records Department when calling.