

## CHAPTER 122

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**ARTICLE I - IN GENERAL**

**122-10 LIMITATIONS ON RETAIL PREMISES.** No person shall engage in the business of displaying for sale, or selling, food, beverages or merchandise within the city from any vehicle, trailer, tent, or temporary structure or from any temporary location or place, except:

1. Permitted premises. Activities conducted in compliance with a certificate of occupancy issued or entirely within a building in compliance with Chapter 165.
2. Yard sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than two times annually.
3. Street use permit. Sales activities conducted in compliance with a street use permit issued by Grimes City Council.
4. Peddlers. Sales activities conducted in compliance with a peddler's license issued pursuant to Article II of this chapter.
5. Transient merchants. Sales activities by a transient merchant which are conducted in compliance with a transient merchant license issued pursuant to article III of this chapter, or which are exempt from the requirement to obtain a transient merchant license under section 122-62.
6. Parks. The sale of food and beverages in public parks with permission of the Grimes City Council.
7. Emergency response sites. Sales of food and beverages at the site of an emergency or disaster with the permission of the police chief, fire chief or Grimes City Administrator.

**122-11 CIVIL VIOLATIONS AND PENALTIES.**

1. No person shall engage in or cause any activity to be done in violation of any provision of this chapter.
2. Persons who fail to perform an act required by the provisions of this chapter or who commit an act prohibited by the provisions of this chapter

shall be guilty of a municipal infraction punishable by a civil penalty as provided by Chapter 4 of the City Code.

3. The city may obtain injunctive relief to enforce the provisions of this chapter.

122-12 - 122-24 RESERVED.

## **ARTICLE II - PEDDLERS**

122-25 PURPOSE. The purpose of this article is to protect residents of the city against fraud, and to ensure the safety of the residents by protecting them from intrusion into the privacy of their homes by licensing and regulating peddlers.

122-26 DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Peddler” means any person carrying goods, merchandise or offering services who sells or offers for sale such goods, merchandise, or services from house to house or upon the public streets including any person who takes orders house to house for goods, merchandise or services for later delivery.

“Peddling” means the selling or offering for sale services, goods or merchandise which are carried by a person from house to house or upon the public streets including the taking of orders house to house for goods, merchandise, or services for later delivery.

### 122-27 LICENSE AND BOND REQUIRED.

1. Any person engaging in peddling in this city without first obtaining a license as provided in this article shall be in violation of this article.
2. No peddler’s license shall be issued until the applicant has delivered to the city clerk a cash bond for no less than \$200.00 per license or \$1,000.00 for an employer employing a group of five or more license applicants.
  - a. The bond shall be held to indemnify and pay the city any penalties or costs incurred in the enforcement of any of the sections of this article and indemnify or reimburse any purchaser of services, goods, wares, merchandise or stock

for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such services, goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares, merchandise, services or any part thereof.

- b. The balance of the bond shall be released by the city clerk and returned to the applicant or employer upon request by the applicant or employer at any time more than four months after expiration of the peddlers license(s) for which the cash bond was provided, unless the city clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the city clerk shall not release any bond during the pendency of any such action.

122-28 EXEMPTIONS. This article shall not apply to the following:

1. Persons making door-to-door sales for the purpose of a community improvement or benefit approved by the city council on behalf of nonprofit, tax-exempt corporations; or
2. Persons licensed as a solicitor under article IV of this chapter; or
3. Persons delivering and selling goods or merchandise to established customers; or
4. Persons having written permission from a street use permit holder to make sales within the street area closed for an event.
5. Students. Students representing any school in Grimes as well as any student representing any school district that lives within the City of Grimes conducting projects sponsored by organizations recognized by the school.
6. Club Members. All clubs affiliated with the City of Grimes.

7. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.

122-29 APPLICATION FOR LICENSE. An application in writing shall be filed in person with the city clerk for a license required under this article. The applicant shall provide the following information:

1. Applicant's name, e-mail address, if any, and local phone number or cell phone number.
2. Permanent and local address, business address, business e-mail address, and phone number, if any.
3. Physical description and a government-issued photo I.D.
4. Applicant's employer, if any, and the employer's address, e-mail address, and phone number, if any.
5. The nature of the applicant's business.
6. The last three places of such business.
7. The length of time sought to be covered by the license.
8. Applicant's federal identification number and the federal identification number for any business applicant is peddling under as an agent, employee or otherwise.
9. An Iowa sales tax permit number or a letter from the Iowa Department of Revenue confirming a sales tax permit is not required.
10. A Department of Criminal Investigation criminal history report/record for applicant from the state of applicant's residence for the previous five years to include pending charges, such report or record must be dated no more than 30 days prior to the application.
11. Whether applicant has been listed on any sex offender registry within the last five years.

12. Whether applicant has had a peddlers license suspended, revoked, or denied by this or any other city in the last five years and the reasons therefore.
13. The dates of any previous peddler's licenses issued by the city clerk.

#### 122-30 ISSUANCE OF LICENSE, FEES, APPEALS.

1. The city clerk, upon review of the license application with local law enforcement and any other appropriate department or agency, shall determine whether a license will be issued to the applicant. A waiting period of not less than three business days from the date of the application shall be in effect to provide sufficient time for the city clerk's fact gathering process to be completed in a reasonable period. In making his/her decision, the clerk shall consider the following factors:
  - a. The information in the application is found to be correct.
  - b. All information required has been provided and the application is complete.
  - c. The required bond is paid.
  - d. Applicant does not have a peddler's license under suspension or revocation under this article.
2. Upon the city clerk deciding the factors have been satisfied by the applicant a license shall issue upon payment of the bond and the nonrefundable fee in advance as set in the schedule of fees adopted by the city council.
3. A denial of a license may be appealed in the same manner and under the same procedures stated at section 122-34 of this article.

122-31 DISPLAY OF LICENSE. Each peddler shall at all times while doing business in this city keep in his or her possession the license provided for in section 122-30 of this article and shall leave a copy of the license with each prospective customer while peddling as evidence that he or she has complied with all requirements of this article.

122-32 TRANSFERABILITY OF LICENSE. No peddler's license shall be sold or transferred. The license must be issued in the name of the person actually peddling.

122-33 LICENSES FOR SHORT PERIOD. Licenses may be issued to peddlers for periods of one week for each week for which such license is granted, one month for each month for which such license is granted, or for a period of three months for a fee for each respective time period in the amount set in the schedule of fees adopted by the city council.

122-34 SUSPENSION, REVOCATION, OR DENIAL OF LICENSE AND APPEAL.

1. Suspension, revocation or denial. Any license issued pursuant to this article shall be either summarily suspended or revoked by the city clerk for violation of this article or for misrepresentation of facts in the application. A license may be denied for failure to meet the factors stated in section 122-30(1) of this article.
2. Notice and appeal process. A summary suspension, revocation or denial, shall be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application. Written notice shall also be mailed by U.S. mail to the applicant at the business address identified in the application informing the applicant of the suspension, revocation or denial, the reasons therefore, and the applicant's right to appeal to the Grimes City Council. The only issue on appeal shall be whether the suspension, revocation or denial is supported by a preponderance of the evidence.
3. Effect or suspension or revocation. A suspension shall be for the amount of time stated in the suspension which may be for up to one year. A licensee whose license has been revoked shall not be eligible for another such license for two years after such revocation.

122-35 PROHIBITED ACTS.

1. No peddler shall conduct peddling with any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.
2. No peddler shall conduct peddling upon any part of the public right of way along a parade route on the day of any permitted parade.
3. No peddler shall conduct peddling within 1,000 feet of the perimeter of a street closure, or inside such perimeter, for an event where a street use permit has been issued unless written permission from the street use

- permit holder has been obtained.
4. No peddler shall conduct peddling between the hours of 8:00p.m. and 9:00 a.m.
  5. No peddler shall do business or attempt to do business upon any property on which has a posted notice prohibiting peddling or soliciting.
  6. No peddler shall harass, intimidate, coerce or threaten any individual to induce a sale.
  7. No peddler shall falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sells any unwholesome or tainted food or foodstuffs.
  8. No peddler shall conduct business in such a manner as to endanger the public health, welfare, or safety of the public.

122-36 FEE SCHEDULE.

FEE: \$20/Week; \$50/Month; \$100/Three Months

122-37 - 122-60 RESERVED.

**Article III - TRANSIENT MERCHANTS**

122-61 DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Food service establishment” shall have that meaning established by section 481-30.2 of the Iowa Administrative Code.

“Licensed premises” means an area approved for the operation of a transient merchant business under authority of a transient merchant license issued pursuant to this article.

“Pushcart” means a non-motorized cart which is self-propelled by the operator.

"Transient merchant" means a person, principal or agent who engages in a merchandising business from a temporary location or structure in the city, and who, for the purpose of carrying on such business, hires, leases or occupies any land, structure, trailer or truck for the exhibition and sale of such goods, wares or merchandise and including the sale of any article, food, beverage, fruit, vegetable or farm product; provided however that the following types of sales activities shall **not** constitute sales by a transient merchant:

1. Yard sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than two times annually.
2. Peddlers. Sales activities conducted in compliance with a peddler's license issued pursuant to Article II of this chapter.
3. Parks. The sale of food and beverages in public parks and rivers with permission of the Grimes City Council
4. Emergency response sites. Sales of food and beverages at the site of an emergency or disaster with the permission of the police chief, fire chief or Grimes City Administrator.

122-62 EXCEPTIONS. The following sales by transient merchants do not require a license under this article; however, section 122-72 of this article shall apply to the conduct of all sales by transient merchants:

1. The sale of raw fruits and/or vegetables.
2. The sale of natural Christmas trees during the months of November and December.
3. Sales activities by a charitable, educational or religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three consecutive days in any 7-day period at the same location.
4. Sales activities conducted on property zoned for retail sales use and owned by a non-profit corporation where such sales activities are

sponsored by the non-profit corporation and are limited to the weekends in the months of June through August.

122-63 LICENSE REQUIRED.

1. Except for those exempt activities identified in section 122-62, every transient merchant shall, before offering for sale any goods, wares or merchandise in the city, obtain a license for their sale from the city clerk as provided in this article.
2. A seven-day transient merchant license shall permit the operation of the licensed business at the licensed premises during seven consecutive days. A ninety-day transient merchant license shall permit the operation of the licensed business at the licensed premises during ninety consecutive days. An annual transient merchant license shall permit the operation of the licensed business at the licensed premises during one calendar year.

122-64 APPLICATION FOR LICENSE. Every transient merchant shall apply to the city clerk for a transient merchant license at least three business days prior to use by providing the following information upon a form to be provided by the city clerk:

1. The full name, age, permanent address and phone number of the applicant.
2. A description of the merchandise to be sold.
3. The business name and address.
4. The starting date and duration of the proposed sale, and the specific hours, not less than six consecutive hours in every 24-hour period, when the site will be vacated as required by section 122-72(9). The hours of operation must also comply with the requirements of section 122-72(13), if applicable.
5. The address of the private property where the sale will be held, and the name and address of the property owner or person in control of that property.
6. A written statement from the property owner or person in control of the property listed in subsection (5) of this section that the applicant is authorized to use the property for a sale on the proposed dates.

7. The period of time the applicant has been engaged in the same or similar business, and the jurisdictions in which the applicant has previously conducted business in the last year.
8. A description of the structure, vehicle, tent, trailer or other configuration from which the sale will be conducted.
9. A site sketch which identifies the location of the licensed premises, the placement of any equipment and facilities used in the operation of the business, and the three off-street parking spaces if required by section 122-65(5), in relationship to the adjoining streets, public sidewalks, and property lines.
10. The application must be accompanied by a copy of all required permits and licenses, including but not limited to, a retail sales tax permit issued by the Iowa Department of Revenue and the appropriate food establishment license issued by the Iowa Department of Inspections and Appeals.
11. Written permission from a street use permit applicant if the proposed location for sales is within one thousand (1,000) feet of the perimeter of a street use closure for an event when an application is on file with the city clerk for a street use permit or when the street use permit has been issued.
12. A description of how bathroom facilities will be provided to satisfy the requirements of section 122-65.

122-65 SITE REQUIREMENTS. A transient merchant license shall not be issued unless the premise upon which the transient merchant operates satisfies the following requirements. A transient merchant shall maintain the premises in a condition that satisfies the following requirements for the duration of the license.

1. All Premises. The premises for all transient merchants shall conform to the following requirements:
  - a. All applicable requirements of this article, the City Code, the Iowa Code and the Iowa Administrative Code.
  - b. The premises must be within a commercial or industrial zoning district.
  - c. The premises cannot be upon a parcel having a residential use as its principle use.

- d. All trailers, vehicles, tents, equipment, and areas used for the storage, display or sale of food or merchandise must be located on a paved surface, setback at least 10 (ten) feet behind the property line, and outside any required fire lanes and drive approaches. Due to extenuating circumstances, location and/or additional setback may be required.
    - 1. Existing gravel parking lots may be considered however dust control measures will need to be provided.
  - e. The licensed premises must provide at least three paved off-street parking spaces served by a paved driveway from the public right-of-way. The transient merchant may share parking required for use by an existing business on the site, if the available parking is sufficient to serve the normal operations of both. The available parking shall be presumed to be insufficient to serve the normal operations of both businesses if within the past year the operation of a transient merchant at the site has caused an overflow of customer or employee parking into the street or other private parking lots in the vicinity.
  - f. Bathroom facilities must be provided for the business workers on the licensed premises or by agreement for the use of bathroom facilities located within 500 feet of the licensed facilities. However, this requirement shall not apply to a pushcart.
  - g. Only one transient merchant at a time may operate upon a parcel. A transient merchant license shall not be issued for the operation of more than one transient merchant on a parcel on the same day. However, any number of pushcarts may operate on a single parcel, provided the only form of transient merchants on the parcel is pushcarts.
2. Licensed premises for seven day licenses. The licensed premises for all transient merchants holding a seven day transient merchant license shall conform with the following additional requirements:
- a. No seven day license shall be issued for the operation of a transient merchant at a site within 10 days before or 10 days after the term of any transient merchant license previously applied for and not denied for the same site.

3. Licensed premises for ninety day and annual licenses. The licensed premises for all transient merchants holding a ninety day or annual transient merchant license shall conform with the following additional requirements:
  - a. Any seating area provided for customer use must be located on a paved surface.
4. Additional requirements for a food service establishment. The licensed premises for any transient merchant which operates as a food service establishment shall conform to the following additional requirements.
  - a. The business shall comply with the requirements established by Iowa Administrative Code §481-31.7 for a mobile food unit/pushcarts.
  - b. Bathroom facilities must be provided for the business workers and customers on the licensed premises or by agreement for the use of bathroom facilities located within 500 feet of the licensed facilities. However, this requirement shall not apply to a pushcart.

#### 122-66 CASH BOND.

1. Except as provided in paragraph (3) below, no transient merchant license shall be issued until the applicant has delivered to the city clerk a cash bond for no less than \$200.00. The bond shall be held to indemnify and pay the city any penalties or costs incurred in the enforcement of any of the sections of this article and indemnify or reimburse any purchaser of goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares or merchandise or any part thereof.
2. A single bond may be used for all licenses obtained by the same transient merchant.
3. The balance of the bond shall be released by the city clerk and returned to the applicant upon request by the applicant at any time more than four

months after expiration of all transient merchant licenses for which the cash bond was provided, unless the city clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the city clerk shall not release any bond during the pendency of any such action.

#### 122-67 LICENSE FEE.

1. The applicant for a transient merchant license shall pay a fee at the time of filing the application in the amount set in the Schedule of Fees adopted by City Council.
2. In the event the application for a transient merchant license is denied or withdrawn by the applicant, either all or a portion of the license fee in an amount set in the Schedule of Fees adopted by the City Council shall be retained by the city to defray the administrative costs incurred.

#### 122-67.01 PRIORITY OF STREET USE EVENTS, REFUND OF LICENSE FEE.

1. Subject to paragraph (4), no transient merchant license shall be issued for sales on a parcel on the same day as, and within one thousand (1,000) feet of the perimeter of a street closure made under authority of an approved street use permit, unless written permission from the applicant for the street use permit for operation of the transient merchant has been filed with the City Clerk.
2. Subject to paragraph (4), upon issuance of a street use permit the city clerk shall immediately give notice to any applicants then seeking a transient merchant license for sales on the same day as the street use event at a location within one thousand (1,000) feet of the perimeter of such street closure, informing the transient merchant that their application will not be granted for each day of the street closure, unless written permission from the applicant for the street use permit for operation of the transient merchant is filed with the city clerk.
3. The application for a transient merchant license shall contain a notice stating substantially as follows:

***"Transient merchant licenses will not be issued for sales on the same day as, and at a location within one thousand (1,000) feet of the perimeter of a street closure made under authority of a previously issued street use permit, unless written permission from the applicant for the street use permit for***

***operation of the transient merchant has been filed with the city clerk prior to issuance of the transient merchant license. This limitation shall not apply to street use permits issued for events that occur more than four (4) times per calendar year."***

4. The priority given to an event for which a street use permit is issued, and the denial of a transient merchant license for sales within one-thousand feet of the perimeter of the street closure, shall not apply to those street use events which occur more than four (4) times per calendar year.
5. The issuance of a street use permit shall not affect any previously issued transient merchant license.

#### 122-68 LICENSE ISSUANCE.

1. A transient merchant license shall not be issued more than fifteen days in advance of the commencement of the term of the license. Prior to issuance of seven-day or ninety-day transient merchant license the City shall confirm that no street use permit has been issued for an event that limits operation of the transient merchant pursuant to section 122-67 01.
2. A transient merchant license shall be denied to any applicant who has operated a transient merchant business in material violation of any of the requirements of this article or any other chapter of this Code within the prior 180 days.
3. The city clerk or the city clerk's designee shall, upon satisfaction that the information provided in an application for a transient merchant license is true and correct, and that the requirements of this article for issuance of the license have been satisfied, and upon payment of the license fee and posting of the cash bond required by this article, issue the license.
4. The city clerk shall deny any application for the operation of a transient merchant business that does not conform with all applicable requirements of this article, the City Code, the Iowa Code and the Iowa Administrative Code.

#### 122-68.01 APPEAL OF DENIAL.

1. In the event an application for a transient merchant license is denied, the city clerk or the city clerk's designee shall cause notice of such denial to be promptly communicated to the applicant or the applicant's representative by phone at the phone number provided in the application.

- Written notice shall also be sent to the applicant at the business address identified in the application informing the applicant of the denial, the reasons therefore, and the applicant's right to appeal the denial to a hearing officer by giving written notice of appeal to the city clerk within 10 days after the written notice is mailed.
2. In the event the denial of an application is timely appealed, the city clerk or the city clerk's designee cause notice of the hearing to be served upon the licensee by personal service at least three business days prior to the date set for the hearing, or by regular mail addressed to the licensee at the licensee's business address as shown on the application a minimum of five days prior to the date set for the hearing. Such notice shall inform the licensee of the time, date and place of hearing. The time within which to file the appeal may be extended by the city clerk or the city clerk's designee for good cause shown.
  3. If, after such hearing, the hearing officer makes a finding based on substantial evidence that the application and the proposed location and manner of operation of the business conforms to the requirements of this article and to all other applicable requirements of this Code, the hearing officer shall order the issuance of the license. Otherwise, the license shall be denied. The hearing officer may continue the hearing for good cause shown.
  4. The applicant may appeal the decision of the hearing officer to the city council by filing a written notice of appeal with the city clerk within 10 days after the decision is entered of record. Failure to timely file such written notice of appeal shall constitute a waiver of the right to appeal the decision of the hearing officer. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk.
  5. The hearing on an appeal to the city council shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the city council may affirm or reverse the decision of the hearing officer. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the hearing officer, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the hearing officer, and any other information the city council deems necessary.

122-69 TRANSFERABILITY OF LICENSE. Transient merchant licenses issued under this article shall not be transferable.

122-70 RENEWAL OF LICENSE. Annual and ninety-day transient merchant licenses may be renewed for the same period so long as there have been no violations of this article, upon payment of the fee required by section 122-67 of this article and upon posting of the cash bond required by section 122-66 of this article. Seven-day transient merchant licenses are not subject to renewal.

122-71 SUSPENSION OR REVOCATION OF LICENSE.

1. Whenever the city clerk or the city clerk's designee finds that the licensee or the licensee's employees or agents has furnished any false information required under this article or has violated or failed to comply with any of the requirements of this article or any other chapter of this Code, the city clerk or the city clerk's designee may give notice to the licensee of the city's intent to suspend or revoke the license.
2. Notice of the city's intent to suspend or revoke a license shall be served upon the licensee by personal service or by service upon a cashier for the business at a licensed premises, or by regular mail addressed to the licensee at the licensee's business address as shown on the application a minimum of five days prior to the date set for the hearing. Such notice shall inform the licensee of the time, date and place of a hearing before a hearing officer where the suspension or revocation shall be considered and shall set out briefly the reasons therefore.
3. If, after such hearing, the hearing officer makes a finding based on substantial evidence that a violation of this article or another chapter of this Code did in fact take place as alleged, the hearing officer may suspend or revoke the license or deny its renewal; the determination of whether to so suspend, revoke or deny such license shall be in the discretion of the hearing officer and shall be dependent upon the circumstances surrounding the violation and its severity. The hearing officer may continue the hearing for good cause shown.
4. The applicant may appeal the decision of the hearing officer to the city council by filing a written notice of appeal with the city clerk within 10 days after the decision is entered of record. Failure to timely file such written notice of appeal shall constitute a waiver of the right to appeal the decision of the hearing officer. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk.

5. The hearing on an appeal to the city council shall be scheduled within 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the city council may affirm or reverse the decision of the hearing officer. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the hearing officer, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the hearing officer, and any other information the city council deems necessary.
6. A licensee whose license has been revoked shall not be eligible for another such license for a period of 180 days after such revocation.

#### 122-72 PROHIBITED ACTS.

1. No transient merchant shall sell to any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.
2. No transient merchant shall have more than one sign. Such sign shall be located with the licensed area. Such sign shall have a single face or two parallel faces, with each face not to exceed 24 square feet in area. Such sign shall be securely anchored so as to prevent its displacement by weather. Vehicle signs painted or attached directly to the body of the vehicle shall not be subject to this limitation.
3. No transient merchant shall conduct a transient sale with a display and sale area in excess of 1,000 square feet, but in no event shall any one dimension exceed 50 feet.
4. No transient merchant shall conduct a transient sale with a display height in excess of 15 feet.
5. No transient merchant shall display wares or products without anchoring or affixing such wares or products in such a manner so as to prevent their displacement by weather conditions.
6. No transient merchant shall conduct a transient sale within the setback area designated by chapter 122-65. No transient merchant shall sell, display or store merchandise or equipment outside the boundaries of the area designated for the operation of such business in a license issued pursuant to this article.

7. No transient merchant shall conduct a transient sale without displaying the license required by this article and a valid sales tax permit for such business within the place of sale in a manner such that it is readily visible to all persons attending the sale.
8. No transient merchant shall operate the business in a manner that violates any applicable food and sanitation laws.
9. A transient merchant shall remove all equipment, temporary structures, temporary toilet facilities, garbage (unless approved otherwise), and any vehicle or trailer used in the operation of the business from the licensed premises and the underlying parcel at least six hours out of every 24 hour period. No transient merchant shall permit any equipment, temporary structures, temporary toilet facilities, garbage, vehicle or trailer used in the operation of the business to remain on the licensed premises or the underlying parcel during the hours identified for the site to be vacant in a license issued pursuant to this article. However, the requirements of this subsection (10) to evacuate the site shall not apply to the sale of raw fruits and vegetables, natural Christmas trees, live plants and nursery stock.
10. No private property owner shall allow, permit or authorize any person to conduct a transient sale without the license required by this article.
11. No private property owner or lessee shall allow, permit, or authorize the use of any property within the control of the private property owner or lessee in violation of any of the sections of this article.
12. No transient merchant shall operate the business in a manner that creates excessive noise.
13. No transient merchant shall sell food or beverages between 1:30am and 5:30am.

122-73 FEE SCHEDULE

LICENSE TYPE	FEE	Non-Refundable amount if denied
7 Day	\$150	\$25
90 Day	\$300	\$50
Annual	\$500	\$50

122-74 - 122-100 RESERVED.

**Article IV - SOLICITATION OF FUNDS**

**122-101 DEFINITIONS.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Person," when used in reference to licensing and solicitation shall be synonymous with the term "organization," except where the context clearly indicates a different intention.

"Solicitation of funds" means any person or organization, excepting those listed in this definition, who shall solicit contributions of funds personally or through an authorized employee, agent, or representative by the direct solicitation of money or by the sale of tags, buttons, tokens or other items of nominal value, intending that all or a substantial portion of such funds be used for the procurement of necessities for one or more individuals or for medical, educational, religious or other purposes toward the benefit of the community or a needful segment thereof. Except as they pertain to activities governed by sections 122-108 through 122-112 of this article, the terms "solicitor of funds," "solicit funds," and "solicitation of funds" shall not pertain to or include the following:

1. Any organization soliciting contributions from among its membership or employees.
2. Any organization soliciting contributions while the solicitor and the person solicited are located upon property owned by that organization.
3. Solicitation of contributions by mail.
4. Solicitation of contributions by telephone.
5. Solicitation for contributions of funds for a candidate for election or nomination to any public office or a political party as defined by I.C. § 43.2 or a nonparty political organization as described in I.C. § 44.1.
6. Solicitation for a religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code.
7. Solicitation of contributions by public employees of other employees of the same public employer in accord with the work rules of the public employer.

8. Solicitation of contributions by a foundation or organization which gives aid or financial support to a publicly owned institution when the solicitation takes place upon land owned by the public institution.
9. Solicitation of contributions by a foundation, organization, or City of Grimes citizen(s) which gives aid or financial support to a citizen that resides within the City of Grimes.

122-102 LICENSE REQUIRED. No person or organization shall conduct a solicitation of funds, as defined in section 122-101 of this article, without having first obtained a license as provided in this article.

122-103 APPLICATION FOR LICENSE. Any person applying for a license to conduct a solicitation of funds shall make written application therefor to the city clerk. No license shall be issued unless an application containing the following information is first completed:

1. The name of the applicant and the organization he or she represents.
2. Purposes of the solicitation or purposes of the organization.
3. Location and address of the general headquarters of the organization and of any headquarters or person through which the organization locally operates.
4. Names and addresses of the officers of the organization.
5. Names of the persons having charge of the solicitation and the estimated number of persons who will be directly soliciting funds.
6. Proposed methods of soliciting or raising funds.
7. The name and address of the local person or officer to whom action on the application and other city correspondence with the organization may be sent; any change in such name or address after issuance of a license shall be filed with the city clerk.
8. A statement setting out the cost of solicitation as a percentage of funds raised annually and a statement setting forth why such costs of solicitation are reasonable.

122-104 ISSUANCE OF LICENSE. Upon the city clerk determining that a person applying for a license has complied with the terms of section 122-103 of this article and that the other sections of this article and city ordinances will be

obeyed in the conduct of the solicitations so described, he or she shall issue a license to solicit funds. Failure to comply with the application requirements shall be grounds to deny a license.

122-105 APPEAL OF LICENSE DENIAL TO CITY COUNCIL. Any license denied under this article may be appealed to the city council within 20 days of denial. The city council shall consider the denial at its next regular meeting and shall either affirm the denial or order the city clerk, after payment of fees, to issue the license. The city council may consider additional evidence upon appeal.

122-106 DURATION OF LICENSE. The license issued under this article shall be issued in the name of the organization, shall embody the particular information contained in the application therefor, and shall be valid for one year from January 1 of the year of issue or until revoked by the city council, whichever event occurs first in time. Such license shall permit the licensee to solicit for contributions of funds in the city so long as the name and makeup of the organization, the goals and purposes thereof, the manner and method of solicitation, and cost of solicitation remain the same as stated in the application. If any of those particulars change, the license shall become and remain invalid until the applicant has submitted the pertinent corrective information to the city clerk who may endorse the application as continuing or deny the application as changed, in which event the applicant may appeal to the city council as provided in section 122-105 of this article.

122-107 LICENSE FEE.

1. The applicant for a license to solicit funds shall pay a license fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by city council. There shall be no prorated fees.
2. In the event that the application is filed less than 30 calendar days prior to the start date of soliciting, an additional late fee shall be paid in an amount set in the schedule of fees adopted by city council.
3. In the event the application is withdrawn by the applicant or is denied either initially or on appeal, either all or a portion of such license fee in an amount set in the schedule of fees adopted by the city council shall be retained by the city to defer the administrative costs incurred.

122-108 SOLICITING PERSONS IN VEHICLES OR FROM BOOTHS.

1. No person shall solicit funds from a person situated in a motor vehicle, whether on public or private property.

2. The erection, maintenance and use of any stand, booth or similar structure in connection with any solicitation in a public street, alley, or other public property is prohibited. No table or freestanding sign may be erected on any public property.

122-109 SOLICITING BY MINORS. Persons under 18 years of age may solicit funds under a license issued pursuant to this article only when such solicitation is conducted under the guidance and direct supervision of an adult.

122-110. SOLICITING IN STREETS. No person shall stand, sit, or otherwise be present in or on a street, highway, alley, or traffic median or island located within a street or highway, in order to solicit or attempt to solicit employment, business or contributions from the occupants of any vehicle.

122-111 SOLICITING ON PRIVATE PROPERTY. No person shall solicit funds on private property where the owner or person in possession has posted a sign which prohibits solicitation of funds.

122-112 TIME OF DAY. No person shall solicit funds on public property or private property from 8:00p.m. until 9:00 a.m. the following day, except in connection with, during, and as a part of attendance at a public or private social, civic, or religious event.

122-113 PUBLIC PROPERTY.

1. No person shall solicit funds in any public library.
2. No person shall solicit funds in city hall, or any other city office building, except in employee lounges or break areas or in accordance with work rules adopted by the city administrator.

122-114 LICENSE REVOCATION. The city council may, upon complaint which indicates that the terms of a license or the terms of this article have been violated by the holder of a license granted under this article, direct the city clerk to cause notice to be mailed to the person whose name and address are shown by the organization's most recent filing to be the proper person, demanding that such person or other representative of the license holder appear for hearing before the city council at a set time, date, and place to show cause why the license should not be revoked. After such hearing, if the city council shall conclude that a violation has occurred and that the license should be revoked, it may revoke the license, and no further solicitation of funds shall be conducted in the city by or on behalf of that organization for a period of at least one year. For purposes of this section, the actions of authorized employees, agents, or representatives of a licensed organization in conducting solicitation of funds shall

be deemed the actions of the organization. The actions available to the city council pursuant to this section are in addition to such other actions as are available for violation of city ordinances.

122-115 COPIES PROVIDED. Any person or organization receiving a license pursuant to this article shall be provided a copy of sections 122-108 through 122-112 of this article by the city clerk.

122-116 FEE SCHEDULE.

License expires December 31<sup>st</sup> of each year

All applications received after December 1<sup>st</sup> will be assessed a \$25.00 late fee

Fee: \$75.00 per year.