

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	May 18, 2009
	<b>Agenda Item No.</b> <b>58</b> <b>Roll Call No.</b> <b><u>09-</u></b> <b>Communication No.</b> <b><u>09-350</u></b> <b>Submitted by: Larry Hulse, Community Development Director</b>	

**AGENDA HEADING:**

First reading and waiver of readings of an Ordinance amending Chapter 78 regarding peddlers, transient merchants and solicitors to allow enforcement through civil means, in addition to a criminal citation.

**SYNOPSIS:**

The proposed ordinance adds Section 78-11 to Chapter 78 to authorize enforcement of violations of the regulations applicable to peddlers, transient merchants and solicitors; to be prosecuted either as a misdemeanor or as a civil infraction.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

Chapter 78 of the City Code contains the regulations applicable to peddlers, transient merchants and parties soliciting contributions of funds (solicitors). A violation of Chapter 78 can clearly be prosecuted as a misdemeanor, but the existing language in Chapter 78 does not authorize such a violation to be prosecuted as a civil infraction. The proposed ordinance authorizes the additional remedy of prosecution, of any violation of Chapter 78, as a civil infraction.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 24, 2008

Roll Call Number: 08-505

Action: Amending the definition of Transient Merchant and removing the exemption for merchants with a one-year lease. Moved by Meyer that this ordinance do now pass, #14,750. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).