

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 17, 2012
	<b>Agenda Item No.</b>	<b>41</b>
	<b>Roll Call No.</b>	<b><u>12-1957</u></b>
	<b>Communication No.</b>	<b><u>12-614</u></b>
	<b>Submitted by:</b>	<b>Diane Rauh, City Clerk</b>

**AGENDA HEADING:**

Amending Chapter 78 of the Municipal Code regarding peddling and peddlers.

**SYNOPSIS:**

Recommend approval of Amending Chapter 78 of the Municipal Code regarding peddling and peddlers. In April, the City received several complaints from residents regarding peddlers in Des Moines. At the request of the City Council, staff reviewed several ordinances from cities surrounding Des Moines, and from other larger cities in Iowa. Staff is recommending various changes to the ordinance that should help alleviate many of the concerns.

**FISCAL IMPACT:**

Amount: Potential revenue reduction of up to \$1,000.

Funding Source: FY2013 City Clerk Budget, GE001 CCL010000 455260, page 26.

**ADDITIONAL INFORMATION:**

Proposed changes to the Peddlers ordinance fall into three main categories as listed below:

**Definition/Purpose**

1. Creates a new definition.
2. Requires peddlers acknowledge that they are aware of and will abide by Chapter 555A State of Iowa regulations.
3. Requires that everyone going door-to-door obtains a permit, (including those offering a service; tree service, lawn care, security systems, newspapers, dish/cable).
4. Establishes hours peddlers are allowed to operate – 9:00 AM – 7:00 PM.
5. Establishes a Peddler’s Code of Conduct.

**Require a Thorough Background Check**

1. Establishes a minimum three business day waiting period prior to issuance of permit.
2. Requires Sex Offender Registry inquiry.
3. Requires DCI check from peddler’s state(s) of residence for previous five years (provided by applicant).
4. Applicant will provide their Federal Identification Number/State Sales Tax permit number (if applicable).

5. Applicant will provide information if a similar license has ever been revoked/suspended/denied by any other city.

**Process to Follow-Up on Complaints**

1. \$200 cash bond required (held for 4 months after expiration of permit, to cover any enforcement costs or claims).
2. Peddlers are to leave a copy of their permit at each location, so each citizen has the name of the peddler and information regarding process to make a complaint.
3. If the City Clerk has received and investigated three (3) or more written complaints where it is found that peddler's actions were prohibited by the ordinance, the revocation process will commence.
4. Denial or revocation appeals will be heard by the City of Des Moines' Administrative Hearing Officer.

The current revenue estimate for FY 2012 is \$2,000, and the City may experience a reduction in revenue due to the stricter application process.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 23, 2012

Roll Call Number: [12-0625](#)

Action: [Request](#) from Council Member Christine Hensley to discuss complaints received about peddlers in Des Moines. Moved by Hensley to refer to the City Manager and Legal Department for review and recommendation back to Council within 30 days. Motion Carried 7-0.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Second and final consideration of the ordinance, unless the ordinance is waived at the December 17 Council meeting.

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 first 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).