

Date April 23, 2012

Request from Council Member Christine Hensley, to speak regarding complaints received about peddlers in Des Moines.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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## ARTICLE II. - PEDDLERS

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Sec. 78-34. - Suspension or revocation of license.

Sec. 78-35. - Prohibited acts.

Secs. 78-36—78-60. - Reserved.

### Sec. 78-26. - 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 or merchandise who sells or offers for sale such goods or merchandise from house to house or upon the public streets including any person who takes orders house to house for goods or merchandise for later delivery.

*Peddling* means the selling or offering for sale 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 or merchandise for later delivery.

(C42, §§ 57-1, 57-3, 57-4, 57-5; C54, C62, §§ 36-8, 36-16, 36-17, 36-19; O.7539, 8461, 8834; C62, § 36-1; C75, C79, C91, § 9-96; O.14,186)

*Cross reference— Definitions generally, § 1-2.*

### Sec. 78-27. - License required.

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.

(C62, § 36-2; O.8834; C75, C79, C91, § 9-97)

### Sec. 78-28. - 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;

- (2) Newspaper vendors; or
- (3) Persons licensed as a salvage dealer under division 2 of article VIII of chapter 30 of this Code; or
- (4) Persons licensed as a solicitor under article IV of this chapter; or
- (5) Persons delivering and selling goods or merchandise to established customers.
- (6) Persons having written permission from a street use permit holder to make sales within the street area closed for an event.

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(C42, § 57-7; C54, C62, § 36-2; O.8189, 8834; C62, § 36-3; C75, C79, § 9-98; O.9694; C91, § 9-98; O.14,186, 14,745)

### **Sec. 78-29. - Application for license.**

An application in writing shall be filed with the city clerk for a license required under this article. Such application shall set forth the applicant's name, permanent and local address, business address, if any, and physical description. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business, and the length of time sought to be covered by the license.

(C62, § 36-5; O.8834; C75, C79, C91, § 9-100)

### **Sec. 78-30. - Issuance of license; fee.**

If the city clerk finds the application is made out in conformance with section 78-29 of this article and the facts stated therein are correct, a license shall issue upon the payment of the license fee in advance.

(C42, §§ 57-1, 57-3, 57-4, 57-5; C54, C62, §§ 36-10, 36-12, 36-16, 36-17, 36-19; O.7539, 8461, 8834; C62, § 36-6; C75, § 9-101; O.9140; C79, C85, § 9-101; O.11,548; C91, § 9-101)

### **Sec. 78-31. - 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 78-30 of this article and shall upon request exhibit the license as evidence that he or she has complied with all requirements of this article.

(C62, § 36-7; O.8834; C75, C79, C85, § 9-102; O.11,602; C91, § 9-102)

### **Sec. 78-32. - 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.

(C62, § 36-8; O.8834; C75, C79, C85, § 9-103; O.11,602; C91, § 9-103)

### **Sec. 78-33. - 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 by resolution.

(C42, §§ 57-2, 57-6; C54, C62, §§ 36-11, 36-20; O.8834; C62, § 36-9; C75, § 9-104; O.9140; C79, C85, § 9-104; O.11,548; C91, § 9-104; O.14,186)

#### **Sec. 78-34. - Suspension or revocation of license.**

Any license issued pursuant to this article may be suspended or revoked or its renewal denied for violation of this article or any other chapter of this Code, and the procedures for such suspension, revocation or denial shall be those contained in section 30-30 of this Code.

(C42, § 57-10; C54, C62, § 36-10; O.8834; C75, C79, § 9-105; O.10,723; C85, § 9-105; O.11,602; C91, § 9-105)

#### **Sec. 78-35. - 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.

(O.13,846, 14,745)

#### **Secs. 78-36—78-60. - Reserved.**

**Sec. 30-30. - Suspension or revocation of license.**

(a)

Whenever the city council finds that the licensee, its 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 council may suspend or revoke the license.

(b)

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No suspension or revocation shall issue except upon notice delivered to the licensee by mailing notice in the regular mail, addressed to the licensee at the licensed premises, a minimum of ten days prior to the date set for hearing before the council. Such notice shall inform the licensee of the time, date and place of the hearing and shall set out briefly the reasons therefor.

(c)

If, after such hearing, the city council 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 city council may suspend or revoke the license; the determination of whether to suspend or revoke such license shall be in the discretion of the city council and shall be dependent upon the circumstances surrounding the violation and its severity.

(d)

A licensee whose license has been revoked shall not be eligible for another such license for a period of 180 days after such revocation.

*(C42, § 58-10; C54, § 7-9; O.6020; C62, § 7-9; O.7584; C62, § 7-7; C75, C79, § 9-35; O.10,723; C85, § 9-35; O.11,602; C91, § 9-35)*

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