

January 21, 2013

RESOLUTION #2013- 13

WHEREAS, on the matter herein, the Clinton County Board of Supervisors conducted and approved two readings; and

WHEREAS, this Board of Supervisors has considered the attached ordinance titled "Clinton County Ordinance Requiring a License for Peddlers, Solicitors and Transient Merchants."

NOW, THEREFORE, BE IT RESOLVED by the Clinton County Board of Supervisors as follows:

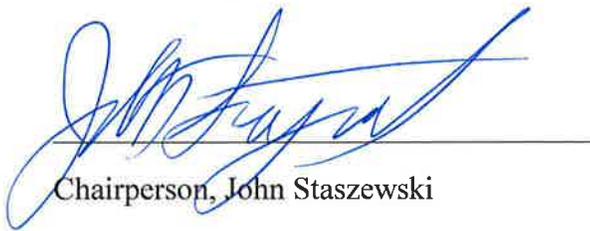
1. The attached ordinance numbered 2013-01 is hereby adopted.
2. The County Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after February 1, 2013, and its publication as required by law.

Roll Call:

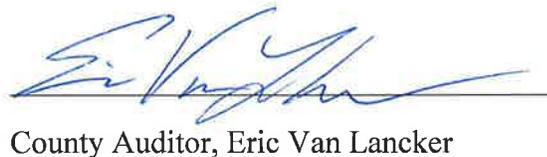
Schmidt: yes

Davisson: yes

Staszewski: yes

  
Chairperson, John Staszewski

ATTEST:

  
County Auditor, Eric Van Lancker

**ORDINANCE 2013-01**

**CLINTON COUNTY ORDINANCE REQUIRING A LICENSE FOR PEDDLERS,  
SOLICITORS AND TRANSIENT MERCHANTS**

**LICENSED REQUIRED.** Any person engaging in peddling, soliciting, or in the business of a transient merchant in this county without first obtaining a license as herein provided shall be in violation of this chapter.

**DEFINITIONS.** For the use within this chapter the following terms are defined:

- A. "Peddler" is any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
- B. "Solicitor" is any person who solicits or attempts to solicit from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.
- C. "Transient Merchant" is any person, firm, or corporation who engages in a temporary or intermittent merchandising business and in the course of such business hires, leases, or occupies any building, structure, truck or trailer, whatsoever. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with as a part of or in the name of any local merchant, dealer, trader, or auctioneer shall not exempt any person, firm, or corporation from being considered a transient merchant.

**EXEMPTIONS.** The following shall be exempt from the provisions of this chapter:

- A. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
- B. Club Members. Members of a local civic and service clubs, Boy Scouts, Girl Scouts, 4-H Clubs, Future Farmer of America and similar organizations while actually participating in fund raising or other canvassing activist for their respective organizations only.
- C. Local Residents and Farmers. Local residents and farmers who offer for sale their own products or produce, or who only occasionally sell household products or toilet goods in small quantities on a commission basis only.
- D. Students. Students representing the local school districts while conducting projects sponsored by organizations recognized by the school.
- E. Route Sales. Route delivery persons who only incidentally solicit additional business or makes special sales.
- F. Resale or Institutional Use. Persons customarily called on business or institutions for the purpose of selling products for resale or institutional use.
- G. Religious and Charitable Organizations. Authorized representatives of religious charitable organizations desiring to solicit money or to distribute literature shall be exempt.

**PEDDLER, SOLICITOR AND TRANSIENT MERCHANT'S LICENSE –**

**APPLICATION.** An application in writing shall be filed with the Sheriff's Office for a peddler, solicitor, and transient merchant's license. The application may be submitted Monday through Friday from 8:00 a.m. to 3:00 p.m. Such application shall set forth:

- A. The applicant's name, permanent and local address, business address, if any, and a copy of the applicant's photo identification.
- B. The application also shall set forth the applicant's employer, the employer's address, the nature of the applicant's business, and the last three places such business was conducted, if any.
- C. The length of time sought to be covered by the license.
- D. Tax identification number.
- E. A true invoice or detailed statement of the amount of goods, wares, merchandise or stock it is proposed to offer for sale within the county, a specific statement of their location, if applicable.
- F. The name and address of the grower, manufacturer or distributor from which such goods, wares, merchandise or stock was purchased or is to be purchased, if applicable.
- G. The name of the true and lawful agent with full power and authority to accept service of notice or process for and on behalf of the applicant in respect to any matters connected with or rising out of any license.

**APPLICATION FEE.** An application fee of five dollars shall be paid at the time of filing such application to cover the cost of investigation of the facts stated therein. The proceeds shall be placed in the county general fund.

**INVESTIGATION OF APPLICATION.** The Sheriff's Office may make an investigation of the facts contained in the application for a license required by this article.

**LICENSE – ISSUANCE.** If the Sheriff's Office finds the application is completed in conformance above section and the facts stated therein are correct, the Sheriff's office shall issue a license, and charge the application fee. A license must be obtained at least ten (10) days prior to the first day any sale is made.

**LICENSE – DISPLAY.** Each peddler, solicitor and transient merchant shall at all times with all requirements of this chapter while doing business in this county keep in his/her possession the license provided and shall, upon the request of prospective customers or a peace officer, exhibit the license as evidence of compliance of this resolution.

**FEES.** No peddler, solicitor and transient merchants' license shall be issued until payment is made in full to the Sheriff's Office for the term of the license. The license fee is \$10.00 per day. The fee proceeds shall be placed in the county general fund.

**TRANSFERABILITY.** Licenses required by this article shall not be transferable.

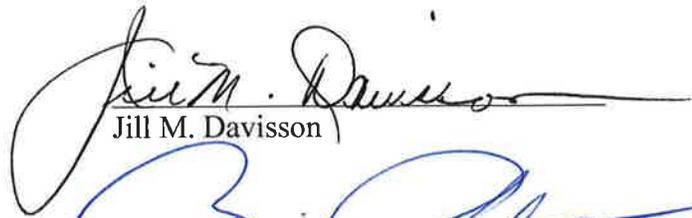
**DURATION, RENEWAL.** The license may be renewed upon payment of the additional daily fee.

**REVOCAION.** The Sheriff's Office may revoke the license of any person engaging as a peddler, solicitor, or transient merchant who has been convicted of violating any of the provisions of this resolution or any person who persists in the violation of any of its terms, and

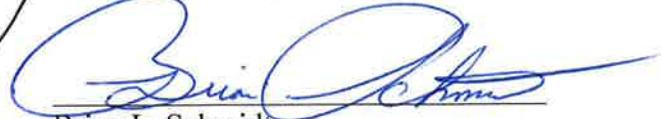
should such license be revoked the licensee shall not be granted a new license or permit within a period of two (2) years from the date of revocation. If a license is denied or revoked, the applicant may appeal in writing to the Board of Supervisors. The Board of Supervisors will issue a final determination within 30 days of receipt of the appeal.

**PENALTY.** Any person convicted in violation of this ordinance shall be guilty of a simple misdemeanor and is subject to a penalty with a minimum fine of sixty-five dollars (\$65.00) and a maximum fine of six hundred twenty-five dollars (\$625.00) and/or imprisonment in jail for a period not to exceed thirty (30) days. Any fine collected shall be placed in the general fund.

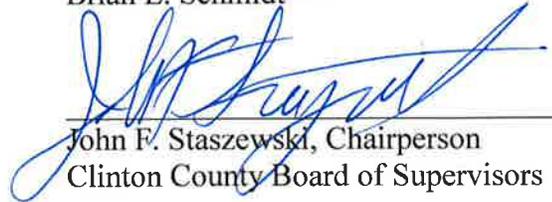
**PASSED AND ADOPTED** this 21st day of January, 2013, by the Board of Supervisors, Clinton County, State of Iowa.



Jill M. Davisson



Brian L. Schmidt



John F. Staszewski, Chairperson  
Clinton County Board of Supervisors

ATTEST:



Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa