

Chapter 14. Businesses

ARTICLE VIII. PEDDLERS, SOLICITORS AND ITINERANT VENDORS

DIVISION 1. GENERALLY

§ 14-405. Solicitation, sales, and panhandling in certain locations.

(Ord. No. B-701, § 1(11-94), 7-10-2003; Ord. No. CSO#1133-09-2019, § 1, 10-7-2019)

- (a) A person commits an offense if he or she stands on or in any manner occupies a roadway, median, traffic island, or public right-of-way in the city to solicit or attempt to solicit for purpose of an exchange with the occupants of a vehicle, sell or offer for sale any merchandise or service directly to the occupants of a vehicle, distributes or attempts to distribute any object directly to the occupants of a vehicle, or panhandle directly to the occupants of a vehicle.
- (b) It is a defense to prosecution under this section that at the time of the solicitation, offer, distribution, or panhandle the vehicle occupants occupied a lawfully parked vehicle.
- (c) An offense under this section occurs when the offer, solicitation, distribution or panhandle is made regardless of whether a transaction is completed.
- (d) For purposes of subsection (a) of this section, the term "roadway" is defined as that portion of a street or highway designed, improved or ordinarily used for vehicular travel, typically delineated by curbs, edge lines or the edge of pavement.

DIVISION 2. REGISTRATION

§ 14-431. Required.

(Ord. No. B-684, § 1(11-82), 7-11-2002)

- (a) Except as provided by subsection (b) of this section, a person shall not engage in solicitation activities in the city without first registering with the city and obtaining a registration certificate and identification badge from the chief.
- (b) Minors who are engaged in solicitation activities involving fundraising for nonprofit organizations, charitable organizations, religious organizations, civic organizations, or public or private schools or groups directly affiliated with such schools are exempt from the provisions of this article.

§ 14-432. For sponsor of minors.

(Ord. No. B-684, § 1(11-83), 7-11-2002)

- (a) A person, company, or organization that sponsors or employs one or more minors solicitation activities other than those described in section 14-431(b), shall apply for registration with the city. The sponsor shall pay an annual fee as determined by the city council by ordinance or resolution.
- (b) The sponsoring person, company, or organization shall:
 - (1) Provide to each individual minor a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the minor;
 - (2) Require all minors to wear the identification so that it is clearly visible at all times when the minor is engaged in solicitation activities; and
 - (3) Be responsible for supervising and controlling the conduct of all minors engaging in solicitation activities under the sponsor's registration.

§ 14-433. Application; contents.

(Ord. No. B-684, § 1(11-84), 7-11-2002)

A separate application for a solicitor's registration is required for each solicitor. An application must contain the following information:

- (1) Proof of age, address, and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation, or other legally recognized form of identification;
- (2) If the solicitor is employed by another, the name and business address of the employer; if acting as an agent, the name, address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal;
- (3) A brief description of the goods or services to be sold or offered for sale;
- (4) The hours and location of the solicitation activities;
- (5) Proof of possession of any license or permit which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any law or regulation, would exempt the applicant from the registration requirements of this article; and
- (6) Two passport quality photographs of the applicant, measuring at least 1½ inches × two inches and showing the head and shoulders of the applicant in a clear and distinguishing manner, which shall have been taken within the preceding 60 days before the filing of the application.

§ 14-434. Bond.

(Ord. No. B-684, § 1(11-85), 7-11-2002)

- (a) Solicitors requiring cash deposits or payment for future delivery or who require a contract of agreement to finance the sale of goods or services for future delivery, or for services to be performed in the future, shall furnish to the city a bond with the application in the amount determined in subsection (c) of this section, signed by the applicant and surety company authorized to do business in the state, conditioned:
 - (1) For the final delivery of goods or services in accordance with the terms of any order obtained;
 - (2) To indemnify purchasers for defects in material or workmanship that may exist in the goods sold and that are discovered within 30 days after delivery; and
 - (3) For the use and benefit of persons, firms, or corporations that may make a purchase or give an order to the principal of the bond or to the agent or employee of the principal of the bond.
- (b) If the applicant is a person, firm, or corporation engaging in solicitation activities through one or more agents or employees, only one bond is required for the activities of all the agent or employee solicitors.
- (c) The amount of the bond is determined by the number of solicitors acting as agents or employees of the same person, firm, or corporation as follows:

1—3 solicitors	\$3,000.00
4—6 solicitors	4,000.00
7 or more solicitors	5,000.00

§ 14-435. Fees and duration.

(Ord. No. B-684, § 1(11-86), 7-11-2002)

An applicant for registration shall pay an annual fee for each solicitor as determined by the city council by ordinance or resolution. A solicitation registration is valid for one year.

§ 14-436. Application review and acceptance.

(Ord. No. B-684, § 1(11-87), 7-11-2002)

- (a) Upon receipt of an application, the chief shall review the application to ensure the protection of the public health, safety, and general welfare.
- (b) If the chief finds the application to be satisfactory and in accordance with this article, the chief shall authorize registration.

§ 14-437. Certificate and identification badge.

(Ord. No. B-684, § 1(11-88), 7-11-2002)

- (a) Upon authorization of the registration and payment of the fee, the chief shall deliver a registration certificate and identification badge for each registered solicitor.
- (b) The registration certificate shall show the name, address, and photograph of the solicitor, the kind of goods or services to be sold or offered for sale, a description of any vehicle to be used in carrying on the solicitation activities, the registration number, and the dates of issuance and expiration of the certificate.

- (c) The registration certificate must be carried by the solicitor while engaging in solicitation activities.
- (d) While engaging in solicitation activities, a solicitor shall wear the identification badge so that it may be easily read by those being solicited. If a badge becomes damaged, the solicitor shall return it to the city and receive a replacement badge.
- (e) A registration certificate and an identification badge shall be used only by the person to whom they were issued and may not be transferred to another person.

§ 14-438. Denial of application.

(Ord. No. B-684, § 1(11-89), 7-11-2002)

- (a) The chief shall deny an application for registration if the chief finds any of the following to be true:
 - (1) The location, time, or manner of the solicitation activities would interfere with the public's use of streets or endanger the safety and welfare of the public, the solicitors or their customers.
 - (2) An investigation reveals that the applicant falsified information on the application.
 - (3) Within five years preceding the date of application, the applicant or an employee or agent of the applicant, has been convicted of a felony, misdemeanor, or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property.
 - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit, or misrepresentation has been entered within five years preceding the date of application.
 - (5) The applicant provided no proof of authority to serve as agent for the principal.
 - (6) The type of solicitation activity requires a bond, and the applicant has not complied with the bond requirements.
 - (7) The applicant has been denied registration under this article within the previous 12 months, and the applicant has not shown to the satisfaction of the chief that the reasons for the earlier denial no longer exist.
- (b) A denial and the reasons for the denial shall be noted on the application, and the applicant shall be notified of the denial by notice mailed to the applicant at the address shown on the application or the last known address.

§ 14-439. Revocation or suspension.

(Ord. No. B-684, § 1(11-91), 7-11-2002)

A registration certificate issued pursuant to this article may be revoked or suspended by the chief, after notice and hearing, for any of the following reasons:

- (1) Fraud, misrepresentation, or false statement contained in the application for registration;
- (2) Fraud, misrepresentation, or false statement made by a solicitor in the course of conducting solicitation activities;
- (3) Conducting solicitation activities which were not described in the application;
- (4) Conviction for a crime described in section 14-438(a)(3) or (a)(4);
- (5) Violation of the regulations described in section 14-403; or
- (6) Conducting solicitation activities in such a manner as to create a public nuisance, constitute disorderly conduct, or endanger the health, safety, or general welfare of the public.

§ 14-440. Appeals.

(Ord. No. B-684, § 1(11-92), 7-11-2002)

- (a) A person who is denied registration or whose registration is revoked or suspended by the chief, may appeal the decision to the city manager by filing notice of appeal with the chief within 15 days after the notice of the decision is mailed to the address indicated on the application or the last known address of the solicitor.
- (b) Within ten days of the receipt of the notice of appeal, the city manager shall set a time and place for a hearing on the appeal which shall be not later than 30 days from the date of receipt of the notice of appeal.
- (c) Notice of the time and place of the hearing shall be delivered to the appellant by mail, sent to the address indicated on the application or the last known address of the appellant.
- (d) The decision of the city manager on the appeal is final. No other administrative procedures are provided by the city.

§ 14-441. through § 14-470. (Reserved)