

## **CHAPTER V. BUSINESS REGULATIONS**

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### **ARTICLE 1. GENERAL PROVISIONS**

- 5-101. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation, either as principal or agent or employee, to conduct, pursue carry on or operate any calling, trade, profession or occupation hereinafter named, in the city without first paying the license fee prescribed and procuring such a license from the city clerk whenever the procuring of the license is required by the city. (Code 1985)
- 5-102. **NOT ASSIGNABLE OR TRANSFERABLE.** No license granted by the city shall be assignable or transferable; nor shall such license authorize any person to do business or act under it but the person named therein, nor at more than one place. There shall be no refunds except as specifically provided. (Code 1985)
- 5-103. **LICENSE PERIOD.** Unless otherwise provided, licenses shall commence and endure from their date of issuance, except that all semi-annual licenses issued as provided in this chapter shall expire on the 30th day of June or the 31st day of December, next following the date of their issuance. (Code 1985)
- 5-104. **EXEMPTION OF FARMERS.** No producer or grower, or his or her agents or employees, selling in the city, farm or garden products or fruits grown by him or her in the state shall be required to pay any license fee of occupation tax imposed by any ordinance of this city, and he or she, his or her agents or employees, are hereby exempt from the payment of any such fees or taxes, or the securing of a license. (Code 1985)
- 5-105. **WHEN PAYABLE.** All licenses shall be due and payable before the commencement of a trade, occupation, business or profession for which the same are required, except that for all such trades, occupations, businesses, and professions which are licensed for the year, the license fee shall be payable in advance semi-annually on the 1st day of January and July of each year. No license shall be issued until the fee is paid. If the license prescribed is for annual, quarterly, monthly, weekly or daily period the license shall not be issued for any part or fraction of the year, quarter, month, week or day. The license for a day shall expire at midnight. (Code 1985)
- 5-106. **PAYMENT OF FEES; RECEIPT.** The city clerk shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the licenses issued, for what time, and to whom issued, and if possible, the exact location where the business is to be carried on, and the kind of business. (Code 1985)
- 5-107. **CONTENTS OF LICENSE.** Unless otherwise provided all licenses shall be dated on the date of their issue, and shall state the name of the

licensee, the kind of business he or she desires to engage in and the location thereof, the amount paid, and time the license shall expire; and the person having such license shall be authorized to carry on the business therein named. (Code 1985)

5-108. RECORD BOOK. The city clerk shall keep a book in which shall be entered the name of each person licensed, his or her address, the date of the license, the purpose for which it is granted, the amount paid therefor, and the time the same shall expire and within 24 hours after any license has expired, the city clerk shall notify the chief of police of such expiration, unless the same shall have been renewed. (Code 1985)

5-109. DISPLAY OF LICENSE. All persons doing business in a permanent location are required to have their license conspicuously displayed in their place of business, and all persons to whom licenses are issued not having a permanent place of business are required to carry their licenses with them and any licensee shall present the license for inspection when requested to do so by any citizen or officer of the city. (Code 1985)

## ARTICLE 2. SOLICITORS, CANVASSERS, PEDDLERS

5-201. DEFINITIONS. For the purpose of this article, the following words shall be considered to have the following meanings:

(a) Soliciting shall mean and include any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(c) Canvasser or Solicitor shall mean any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(d) Peddler shall mean any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise,

meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler.

(e) Street salesman shall mean any person engaged in any manner in selling merchandise of any kind from a wagon or stand temporarily located on the public streets or sidewalks of this city.  
(C.O. 1971, 7-101; Code 1985)

5-202. LICENSE REQUIRED. It shall be unlawful for any person to engage in the business of a peddler, solicitor or canvasser, as defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefor in his or her possession and issued by the city clerk. (C.O. 1971, 7-102, Code 1985)

5-203. SAME; APPLICATION REQUIRED. Before the city clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared in duplicate on a form to be supplied by the city clerk which shall give the following information:

- (a) Name and description of applicant;
- (b) Permanent home address and full local address of applicant;
- (c) Identification of applicant including drivers license number, date of birth, expiration date of license and description of applicant;
- (d) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;

(e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;

(f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;

(g) The length of time which business is proposed to be carried on;

(h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(i) A photograph of the applicant, taken within 90 days prior to the date of making application which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner; or in lieu thereof, the fingerprints of the applicant may be taken by the chief of police and filed with the application;

(j) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any city ordinance giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred.

(C.O. 1971, 7-103; Code 1985)

- 5-204. SAME; INVESTIGATION FEE. At the time of filing the application, a fee of \$50 shall be paid to the city clerk to cover the cost of investigation of the facts stated in the foregoing application. (C.O. 1971, 7-104; Ord. 700)
- 5-205. SAME; INVESTIGATION AND ISSUANCE. (a) Upon receipt of the above application, the city clerk shall refer the same to the chief of police who shall cause an investigation of the fact stated therein to be made within not to exceed five days.
- (b) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the chief of police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the city clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.
- (c) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the chief of police shall endorse his or her findings and approval on the application and return the same to the city clerk who shall immediately upon payment of the license fee prescribed hereafter, issue a license to the applicant to engage in the business described in the application. Such license shall authorize the licensee to conduct business within the city limits for a six-month period of time and shall be in such form as required by law and shall show the name, address and photograph or fingerprints of the licensee and the kind of goods to be sold or services rendered and the amount of fee paid, the date of issuance and the length of time the license shall be operative.  
(C.O. 1971; 7-105; Code 1985)
- 5-206. SAME; FEE; EXEMPTIONS. (a) The fee for the license required pursuant to section 5-202 shall be in the amount of \$10 per each day, or portion thereof, that the licensee shall solicit within the city limits. In no event, however, shall fees in excess of \$200 be collected from a licensee during any six-month period of time.
- Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license between the hours of 8 a.m. and 6 p.m. No solicitation or sales shall be conducted by any person during any other hours on said date.
- Persons and firms not having a permanently established place of business in the city, but having a permanently established house-to-house or wholesale business shall receive such license upon the payment of \$25 for any year, and may make solicitations or sales between the hours of 8 a.m. and 8 p.m., or upon invitation at any hour.
- (b) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; and (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state.  
(Code 1985)
- 5-207. USE OF STREETS AND SIDEWALKS. No peddler or any other person shall have exclusive right to any location in the public streets for the purpose of selling or soliciting sales, nor shall any person be permitted a

stationary location in the public streets, nor shall any person be permitted to operate in the sidewalks and streets within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public. (Code 1985)

5-208. SUSPENSION OF LICENSE: GROUNDS. Licenses issued under the provisions of this article may be suspended by the city clerk for any of the following causes:

(a) Fraud, misrepresentation or false statement made in the course of carrying on the business provided for the license;

(b) Any violation of the provisions of this article;

(c) Conviction of any crime or misdemeanor involving moral turpitude;

(d) Conducting the business of the licensee in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Any person aggrieved by the suspension of his or her license by the city clerk may appeal to the governing body within five days after notice of such suspension.

(Code 1985)

5-209. RENEWAL. All licenses issued or to be issued hereunder shall be renewed, or subject to renewal, as in the case of an original application and the granting of a license upon a showing of compliance with sections 5-202:203 of this article. The city clerk need not require an application under section 5-203 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The city clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license. (C.O. 1971, 7-107)