

**CHAPTER 7. AGRICULTURAL VENDORS;
ITINERANT OR TRANSIENT MERCHANTS;
SOLICITORS**

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5-7-1. Definitions.

As used in this chapter:

(1) "Agricultural vendor" means a person engaged in the sale of fruits and/or vegetables from stands, motor vehicles, roadsides or through door-to-door solicitation.

(2) "Itinerant" or "transient merchant" means any person who offers for sale at wholesale or retail any goods, ware or merchandise in or from any hotel, stall, tent, building, structure, stand, railroad car, motor vehicle, field, corner or other place and who does not occupy that place for the purpose of conducting a permanent business thereon or therein.

(3) "Solicitor" means any person selling, offering for sale or taking orders for merchandise door to door within the City. Solicitors include photographers, sellers of magazines, cosmetics, home care products, etc., and any other person engaged in direct sales, but specifically excludes newspaper carriers and agricultural vendors.

(4) "Merchandise" includes goods, food, wares, photographs, subscriptions to any kind of publication, tickets, coupons or receipts representing value. (Ord. 94-04, 02-15-94)

5-7-2. License required - Display.

(1) It shall be unlawful for any person to conduct the business of an agricultural vendor or itinerant or transient merchant without first securing a license for each place to be so operated. The licensee shall conspicuously display such license in or at the place of business so that the same is plainly visible to the public.

(2) It shall be unlawful for any person to conduct the business of a solicitor without first securing a license therefor, unless exempted as provided in this Chapter. Each solicitor and each agricultural vendor going from door to door shall carry on their person a copy of the business license.

(3) Agricultural vendors who sell fruits and vegetables produced and sold from their own homes or property immediately adjoining their own homes are exempt from licensing and the payment of license fees under this Chapter. (Ord. 94-04, 02-15-94)

(5) If the licensee applies for renewal of the license, the bond or deposit shall be renewed and retained for the

5-7-3. Applications - License form - Expiration.

(1) All applications for a license under this Chapter shall be made to and upon forms provided by the city recorder.

(2) Upon approval of the application, the city recorder shall issue a business license. The license shall show the name of the licensee and the business permitted to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

(3) Licenses issued pursuant to this Chapter shall expire on December 31 of each year.

(4) Each applicant for an agricultural vendor license, except those soliciting door to door, but including those exempt under Section 5-7-2(3), shall, prior to doing business, obtain a letter from the city building inspector indicating that the inspector has reviewed the plan for point of sale and that adequate and safe parking exists there. Upon receiving such letter, agricultural vendors exempt from licensing may commence business. Upon presenting an approved parking letter from the building inspector to the city recorder, a nonexempt applicant may then fill out and file with the recorder a business license application. (Ord. 94-04, 02-15-94)

5-7-4. Photographs and fingerprinting.

Each applicant, including members of a partnership and officers, directors and employees of a corporation shall:

(1) furnish the city recorder with two recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other of which shall be retained in the records of the city recorder;

(2) submit to the taking of a set of fingerprints by the city police department; and,

(3) sign his name to the registration record kept by the city recorder and to the fingerprint card on which his fingerprints are taken. (Ord. 94-04, 02-15-94)

5-7-5. Fee - Bond.

(1) Each itinerant or transient merchant or solicitor shall pay a \$100.00 annual fee. No proration will be granted.

(2) Solicitors shall also execute a bond to the City with corporate surety in the sum of \$1,000.00 or deposit in cash the amount of \$300.00 conditional for the faithful observance of all laws and ordinances of the City and the honest performance of all duties required by ordinance.

(3) Fees for agricultural vendor licenses shall be the same as set forth in Section 5-1-10.

(4) Upon the surrender by a licensee of the license certificate to the city recorder, the licensee's bond or cash deposit shall be refunded if there have been no violations by the licensee of any condition for which the bond or cash deposit was made.

term of the newly acquired license. (Ord. 94-04, 02-15-94)

5-7-6. Inspections.

The City reserves the right to inspect any premises or location utilized for carrying on businesses regulated by this Chapter to assure compliance with the provisions of this Chapter. Permits for parking obtained from the Building inspector shall be produced upon the request of the recorder, police officer or other City designate. (Ord. 94-04, 02-15-94)

5-7-7. Unlawful acts.

It is unlawful for any person to supply a location exempt from licensing and fees under Section 5-7-2(3) with produce grown at a nonexempt location, or to sell any merchandise other than fruits and vegetables at an exempt location. (Ord. 94-04, 02-15-94)

5-7-8. Violation a misdemeanor.

A violation of any provision of this Chapter is a class C misdemeanor. (Ord. 94-04, 02-15-94)