Date Received:	
Time:	
Taken By:	- 7.5-61



Application for Peddlers, Solicitor's & Transient Merchant

APPLICANT INFORMATION:		Date:
Name:Last		
Present Address:	First	Middle
Permanent Address:		
elephone:	Social Security Number:	
Priver's License Number:	State of Issuance:	
-mail Address:		
(At the time of filing the application for a licen- license, if he or she has one, to the City Clerk.)		hall present a valid driver's
BUSINESS INFORMATION:		
Jame:		
resent Address:		
ermanent Address:		
elephone:		
-mail Address:		
HYSICAL DESCRIPTION:		
Date of Birth:	Color of Eyes:	
Color of Hair:	Weight:	
Height:	Sex (M or F)	
Tours of Operation: All peddler's and solicitor's lice ETWEEN THE HOURS OF 8:00 AM. AND 7:00 P.	censes shall provide that said licenses a.M.	re in force and effect ON
his permit to be in force from (start date)	to (end date)	
he Location where the goods or property proposed to be reduced:	oe sold, or orders taken for the sale thereo	of, are manufactured or
he Location where such goods or products are located elivery:		

List the	last three (3) municipalities wh	erein the applica	nt has worked be	efore coming	g to Independence.
1.						
2.						
List the	location or		City wherein god	ods or merchand	lise will be s	old or offered for sale, or if door-to-door
	lioent or on	awayi ayal w baan dan				
within th	ne last five	(5) years?				City of Independence or another city
Independ	dence to co	At the time of filing ver the cost of inves	tigation of the fac	t fee of <u>twenty-f</u> ets stated herein.		(\$25.00) shall be paid to the City of
PEDDL1	ER OR SO	LICITOR BOND I	REQUIRED: Plof Independence	lease attach here	eto a \$1,000	surety bond provided by your insurance
applicant	t shall prov	RCHANT BOND ide to the Clerk evid Code of Iowa.	REQUIRED: If dence that the app	Before a transie plicant has filed	nt merchant a bond witl	t licensee under this chapter is issued, and the Secretary of State in accordance with
Stateme	nt of Unde	rstanding Read Car	efully			
I understa	and:					
	that compl	eting this application	does not constit	tute approval of	a license.	
;	accurate, a	atements made by nd complete to the information, I will a	e best of my ki	nowledge. I als	related info o understar	rmation which I have provided are true, and that if I provide false, inaccurate, or
1	that if issu	ed a license, I will ab	oide by all applica	able local, state	and federal	laws.
Applican	t Name:	st				
(Please prin	nt) La	st	First	7	M.I.	
Signature	e of Applic	ınt				Date/

City of Independence 331 1st Street East Independence, Iowa 50644 Phone: 319-334-2780 Fax: 319-334-2037

NOTARY

STATE OF IOWA COUNTY OF BUCHANAN

On this	day of	, 20 before me a Notary Public, State of Iowa, personally
appeared		as to me known to be the g instrument, and acknowledged that they executed the same as their volunta
person named in a at and deed.	and who executed the foregoing	g instrument, and acknowledged that they executed the same as their volunta
at and deed.		
		Notary Public
		My Commission Expiration
SEAL		
□ Approved □	Denied	
If denied reas	ın.	
11 demed, rease	JII.	
		City Cl. 1/T.
		City Clerk/Treasurer

CHAPTER 122

PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose

122.02 Definitions

122.03 License Required

122.04 Application for License

122.05 License Fees

122.06 Bond Required

122.07 License Issued

122.08 Display of License

122.09 License Not Transferable

122.10 Time Restriction

122.11 Revocation of License

122.12 Hearing

122.13 Record and Determination

122.14 Appeal

122.15 Effect of Revocation

122.16 License Exemptions

122.17 Charitable and Nonprofit Organizations

122.01 PURPOSE.

The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

122.02 DEFINITIONS.

For use in this chapter the following terms are defined:

- 1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods, subscriptions, or merchandise from house to house or upon the public street.
- 2. "Solicitor" means any person who solicits or attempts to solicit from house to house, upon the public street, or public property (clarification for City property) any contribution, donation, advertisement, or any order for goods, services, subscriptions, or merchandise to be delivered at a future date within the limits of the City.
- 3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever, or who operates out of a vehicle, tent, trailer, or temporary structure that is parked anywhere within the City limits. 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 does not exempt any person from being considered a transient merchant. Merchandising includes taking orders for future delivery whether at the location of the making of the sale or delivered at a future date by any other means or at another place.

122.03 LICENSE REQUIRED.

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

122.04 APPLICATION FOR LICENSE.

An application in writing shall be filed with the City Clerk for a license under this chapter at least five business days prior to its use. The application for the permit must be on a form provided by the City Clerk. The applicant shall provide the following information: applicant's name, e-mail address, and local phone number or cell phone number; permanent and local address, business address, business e-mail address, and phone number; physical description and a government-issued photo I.D.; applicant's employer and the employer's address, e-mail address, and phone number; the nature of the applicant's business; the last three places of such business; the length of time sought to be covered by the license; applicant's federal identification number and the federal identification number for any business applicant is peddling under as

an agent, employee, or otherwise; an Iowa sales tax permit number or a letter from the Iowa Department of Revenue confirming a sales tax permit is not required; a Department of Criminal Investigation criminal history report/record for applicant from the state of the applicant's residence for the previous five years (such report or record must be dated no more than 30 days prior to the application); the value of goods to be sold or offered for sale; the date upon when such goods are to be sold; whether applicant has had a peddler's license suspended, revoked, or denied by this or any other city in the last five years and the reasons therefor; the dates of any previous peddler's licenses issued by the City Clerk; and the location at which sales are to take place. A nonrefundable application fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the City Clerk at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES.

A license fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the Clerk prior to the issuance of any peddler's or solicitor's license.

122.06 BOND REQUIRED.

Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C.4 of the Code of Iowa.

122,07 LICENSE ISSUED.

Upon receiving an application for a license, the City Clerk shall investigate—or cause to be investigated—the reputation and character of the applicant. If, upon making such investigation, the City Clerk is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and the holder of an lowa retailer's sales tax permit, the City Clerk shall issue to the applicant a license upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application the sale will be held or the business conducted, both of which shall be set out in said license. Such license shall be valid only for the period of time and at the location and place described therein.

122.08 DISPLAY OF LICENSE.

Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE.

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application. The license shall be issued in the name of the person actually peddling.

122.10 TIME RESTRICTION.

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

122.11 REVOCATION OF LICENSE.

Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

- 1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
- 2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address not less than 10 days before the date set for a hearing on the possible revocation of a license. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.12 HEARING.

The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION.

The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL.

If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 EFFECT OF REVOCATION.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 LICENSE EXEMPTIONS.

The following are excluded from the application of this chapter.

- 1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
- 2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
- 3. Local Residents and Farmers. Local residents and farmers who offer for sale products of their own raising or manufacturing on property other than their own, including raw fruits and/or vegetables and natural Christmas trees during the months of November and December.
- 4. Students. Students (K-12) who are representing the Independence area schools, conducting projects sponsored by organizations which have been officially recognized by the schools.
- 5. Route Sales. Weekly route delivery persons who only incidentally solicit additional business or make special sales.
- 6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.
- 7. Yard Sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than four times annually.
 - 8. Parks. The sale of food and beverages in public parks and rivers with permission of the City Council.
- 9. Emergency Response Sites. Sales of food and beverages at the site of an emergency or disaster with the permission of the City Manager.

10. Mobile Food Vendors. Mobile food vendors, including vendors preparing, marketing and/or selling food from a mobile unit including but not limited to a truck, trailer, cart, or stand operating in association with the organizer of a special event for which the City Council has approved a special event application; or operating in association with a local business for a period not to exceed 24 continuous hours in any 15-day period; and displaying a license issued by the regulatory authority where the mobile food unit is domiciled.

(Subsection 10 - Ord. 2021-539 - Sep. 21 Supp.)

11. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

(Code of Iowa, Sec. 364.3[13])

(Subsection 11 - Ord. 2021-547 - Sep. 21 Supp.)

122.17 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

ORDINANCE NO. 2022-566

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING PROVISIONS PERTAINING TO FINES AND FEES SCHEDULES

Be It Enacted by the City Council of the City of Independence, Iowa:

SECTION 1. SECTION MODIFIED. Section 1.15 of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following adopted in lieu thereof:

1.15 FINES AND FEES SCHEDULE.

1.15 FII	122 132 132 132 13	S SCHEDULE.
Code Section	Code Title	
Stollon	Standard	Penalty
1.14	Penalty	At 100st \$55.00 lost
1,1-1	1 Chairy	At least \$65,00 but not to exceed \$625.00
		• Standard Civil Penalties:
Į		First offense - not to exceed \$750.00
		Each repeat offense - not to exceed \$1,000.00
4.03	Penalties	Special Civil Penalties:
4.03	renames	Noncompliance with a pretreatment standard or
		requirement - not to exceed \$1,000.00 per day a
		violation exists or continues
		Environmental violation - not more than \$1,000.00 for each
	Excessive	occurrence
	Noise from	
40.06	Motor	First offense - \$25.00
	Vehicle	Second offense - \$50.00
		Third offense or more - \$100.00
40.07	Disorderly House	First Offense - \$750.00
	Fireworks	Second and Subsequent Offenses - \$1,000.00
41.14(5)	Use	At least \$250.00
		First offense - \$25.00
55.06	Animals at	Second offense - \$75.00
55.00	Large	Third offense - \$125.00
· · · · · · · · · · · · · · · · · · ·		Offenses thereafter - \$175.00
55.12	Quarantine	
JJ.12	Requirements	Vicious Animal Impound Fee \$150
55.13	At Large:	
	Impoundment	Animal Impound Fee \$79.00
		Speeding Violation
		10-15 miles per hour over the posted speed limit - \$75.00
	Scheduled	16-20 miles per hour over the posted speed limit - \$100.00
	Traffic	More than 21 miles per hour over the posted speed limit -
	Violations -	\$200.00
70.02	Automated	Speed Violation (School Zone)
	Traffic	6-10 miles per hour over the posted speed limit - \$75.00
	Enforcement	11-15 miles per hour over the posted speed limit - \$75.00
	System	16-20 miles per hour over the posted speed limit - \$125.00
	-	More than 21 miles per hour over the posted speed limit -
		\$225.00

Code Section	Code Title	Penalty
70.03	Parking Violations: Alternative	 Improper use of a persons with disabilities parking permit - \$200.00 Other Parking Violations - \$15.00, increased by \$10.00 if not paid within 30 days
80.05	Fees for Impoundment	\$20.00 for each day within the reclaiming period
90.06	Fee for Permit and Connection Charge	Schedule of Connection Charges: Service Line Size Connection Charges 1½ inch or less \$ 250.00 ½ inch \$ 265.00 2 inch \$ 475.00 3 inch \$ \$1,000.00 4 inch and over \$ \$1,500.00
91.06	Remote Meter Readers	Replacement prior to scheduled replacement - \$25.00 Monthly administrative fee for non-compliance \$50.00
91.09	Service Calls and Tests	\$25.00 deposit for all water meter service calls and/or water meter calibration checks
92.01	Service Charge	Surcharge of \$4.00 for every hookup
92.02	Rates for Service	\$2.48 per 1,000 gallons used per month, following the annual increase schedule per year Unit charge: Base
92.08	Temporary Vacancy	\$30.00 disconnect fee at the time vacancy begins \$30.00 reconnect fee at the time vacancy ends.
96.02	Connection Charge	\$250.00 to cover the cover the cost of supervising, regulating, and inspecting the sewer connection work, and a Romac saddle and sleeve plus the labor cost to install and connect

Code Section	Code Title	Penalty
99.05	Charges Based on Usage	Residential Contributors: Minimum charge of \$9,50 per month, and A user/flow charge of \$5.78 per 1,000 gallons of metered water following the annual increase schedule:
		Base Unit May 1, 2017 \$10.60 \$6.18 May 1, 2018 \$11.70 \$6.58 May 1, 2019 \$12.80 \$6.98 May 1, 2020 \$13.90 \$7.48 May 1, 2021 \$15.00 \$7.82
		• Industrial Contributors: Minimum charge of \$9.50 per month, and \$2.13 per 1,000 gallons of metered wastewater, plus \$.281 per pound BOD discharged \$.523 per pound TSS unit discharge \$2.81 per pound ammonia - with a threshold of 25 mg/l The annual increase schedule for Industrial Contributors is as follows:
		Base Unit May 1, 2017 \$10.60 \$2.28 May 1, 2018 \$11.70 \$2.42 May 1, 2019 \$12.80 \$2.57 May 1, 2020 \$13.90 \$2.76 May 1, 2021 \$15.00 \$2.88 The above rates include costs for operation and maintenance
	Collector's	including replacement and the sum of \$2.44 per contributor for debt retirement
106.07	License	\$30.00 license fee
110.14	Franchise Fee	Franchise fee upon the following revenue classes for the length of the agreement: Residential Customers - 5% Nonresidential Customers - 5%
121.04	Fees: Retail Cigarette or Tobacco Permit	For Permits Granted During Fee July, August or September
121.07	Persons Under Legal Age	First violation - \$300.00 Second violation - \$1,500.00 or permit suspension for 30 days Third violation - \$1,500.00 and permit suspension for 30 days Fourth violation -\$1,500.00 and permit suspension for 60 days
122.04	Application for License	\$25.00 application fee
122.05	License Fees	Fees for the issuance of a peddler or solicitor license: For one day

Code Section	Code Title	Penalty
123.03	Application and Fee for Permit	\$100.00 for a house movers permit fee
125.12	License Fees	Electrical Contractor - \$75.00 annually Journeyman Electrician - \$20.00 annually
126.08	License Fees	First taxicab license to any one owner, \$50.00 Each additional license to the same owner, \$25.00
126.10	Driver's License Fee	\$25.00 for the issuance or renewal of a driver's license
136.03	Removal of Snow, Ice and Accumulations	Minimum charge of \$50.00 per occurrence for removal by the City
147.40	Occupancy Permit	\$50.00 application fee for the occupancy permit
175.11	Submission, Referral and Review of Preliminary Plat	\$10.00 fee per lot
175.17	Submission and Referral of Final Plat	\$10.00 fee per lot
175.49	Enforcement, Violations and Penalties	\$50.00 for each lot and part of lot sold or disposed of, leased or offered for sale.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 26th day of September 2022.

		Med Il Seil	2.082
		Brad Bleichner, Mayor of the City of Independence, IA	
ATTEST:			
Sur Lamy	De	-	
Susi Lampe, IaCM	C, IaCFO, City Clerk	/Treasurer of the City of Independence, IA	
First Reading: Second Reading: Third Reading:	August 22, 2022 September 12, 2022 September 26, 2022		
	Foregoing was publis	shed as Ordinance No. 2022-566 on the	day o
Jusi Lampe Jacom	C IaCEO City Clerk	- Treasurer of the City of Independence, IA	