

**CHAPTER 6      Itinerant Merchants, Mobile Food Vendors,  
Door-to-Door Salespersons**

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4-6-1:        **PURPOSES.** This Chapter has three purposes: (1) to protect the citizens from fraud, crime and unfair, deceptive or dishonest business practices by persons temporarily engaged in the business of selling goods, wares, merchandise and services within the City; (2) to protect the residents of the City from unwanted intrusions on the privacy of their homes; and (3) to protect the health, safety, aesthetics and general welfare of the City and its residents.

(Ord. 180-03-14, 3/25/14).

4-6-2:        **DEFINITIONS.** For the purposes of this Chapter, the following terms shall have the meanings ascribed below:

**DOOR-TO-DOOR SALES:**     The term “Door-to-Door Sales” shall mean the sale, lease or rental of consumer goods, wares or services with an aggregate

purchase price of twenty-five dollars (\$25.00) or more, whether under single or multiple contracts, in which the sales person sells or solicits orders for the sale of such goods or services without prior invitation at a residential occupancy. Such term shall not include door-to-door dissemination of political campaign materials, the exercise of the political franchise, campaign activities, voter registration activities, proselytizing or dissemination of religious faith or viewpoint or solicitation of contributions or donations by any charitable or religious organization qualified under 26 U.S.C. § 501, nor the sale of goods, wares or merchandise by any minor under the age of 18 while under the sponsorship of such charitable or religious organizations.

**GARAGE SALE:**

“Garage Sale” shall mean a sale of new or used personal property, not more than three (3) days in duration and conducted no more frequently than twice in any calendar year at the same location.

**ITINERANT MERCHANT:**

“Itinerant Merchant” means any person who sells or offers to sell any goods, wares, merchandise or services from any stand, vehicle, trailer, tent, rack or other shelter or structure not permanently affixed to real property or any person who sells or offers to sell any goods, wares, merchandise or services from any motel room, office, building, warehouse, shopping mall or other location with an intent to remain at that location for no more than one (1) year. Execution or adoption of any lease agreement or other contract for the use of such location for a term of one (1) year or less, or with the ability to terminate or lease within such time period, shall be prima facie evidence of such intent.

MOBILE FOOD VENDOR: A “Mobile Food Vendor” means a person who sells food or beverages at retail to the public from any vehicle.

VEHICLE: “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(Ord. 180-03-14, 3/25/14).

4-6-3: **LICENSE REQUIRED.** No person shall engage in the business of an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman without first obtaining a license from the City.

(Ord. 180-03-14, 3/25/14).

4-6-4: **EXCEPTION TO THE LICENSE REQUIREMENT.** The license requirements of this Chapter shall not apply to the following:

- (A) Sales conducted pursuant to court order;
- (B) The sale of Christmas trees;
- (C) Garage sales;
- (D) The sale of goods, wares, merchandise or services by any student group or religious, philanthropic or charitable organization exempt from taxation under 26 U.S.C. Section 501 and which has a local charter or sponsor with its principal place of business located in the City;
- (E) The sale of any goods, wares, merchandise or services by any person or organization appropriately licensed under any other provision of the City Code; or
- (F) The sale of goods, wares or merchandise to a business establishment that intends to offer those items for resale.

(Ord. 180-03-14, 3/25/14).

4-6-5: **LICENSE FEE.** At the time of making the application, applicants for an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman License shall pay to the City Clerk a license fee of fifty dollars (\$50.00). This license will be valid from the date of issuance until December 31st of the year of issuance. If the license is denied for any reason, twenty-five dollars (\$25.00) shall be refunded to the applicant.

(Ord. 180-03-14, 3/25/14).

4-6-6: **LICENSE APPLICATION FORM.** Applications for an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman License shall be in writing on a form furnished by the City and shall be filed with the City Clerk. Applications shall contain the following information:

- (A) The name and current street address of the applicant. If the applicant is a corporation, partnership, association or other business entity, then the application shall also include the names and addresses of all persons owning ten percent (10%) or more of the shares or equity interests of the entity and the address of the principal place of business of the applicant;
- (B) The social security number of the applicant or if the applicant is a corporation, association, or other business entity, a federal taxpayer identification number or state sales tax number;
- (C) A valid photographic identification card issued by a public agency for all persons who will sell or offer for sale any goods, wares, merchandise or services. Such identification card may consist of a driver's license, military identification card, passport or other similar forms of publicly-issued identification cards. Such identification card shall reflect the current mailing and street address of the person to whom such card is issued;
- (D) A brief description of the nature of the business and the goods or services to be sold. Mobile Food Vendors shall also provide a brief description of the menu, food, beverages or confections to be sold;
- (E) The registration information and vehicle description for each motor vehicle that will be used in conjunction with the sale of goods, wares or merchandise, and a copy of a photo identification card for all drivers thereof, if different from the persons identified in subsection C above;
- (F) A statement of whether any business-related permit or license held by the applicant or any of the applicant's agents or employees has been revoked within the past five (5) years by any jurisdiction, and if so, where, when and why the revocation occurred;
- (G) A statement of whether the applicant or its representatives has been convicted of any felony or crime involving moral turpitude, and if so, the nature, place and date of each such conviction; and
- (H) A statement of all locations in the City where the goods, wares, merchandise or services will be sold.

(Ord. 180-03-14, 3/25/14).

4-6-7: **INVESTIGATION OF APPLICANT AND ISSUANCE OF LICENSE.**

- (A) On receipt of the application fee, the City Clerk shall forward the application to the Chief of Police, who shall make an investigation to verify the information in the application. The Chief of Police shall report his findings to the City Clerk and City Council as soon as reasonably possible, but no later than thirty (30) days after the application is filed with the City Clerk.
- (B) On receipt of the report of the Chief of Police, the Clerk shall forward the application and the Chief's report to the City Council for its approval or denial.
- (C) The City Council shall approve issuance of a license unless the applicant or any officer, agent or employee of an applicant has:
  - (1) Been convicted of any felony or crime of moral turpitude, in any jurisdiction, within five (5) years prior to the date of the application;
  - (2) Made any false statements on the application;
  - (3) Had any business-related permit or license revoked by any jurisdiction within five (5) years prior to the date of the application.
- (D) Licenses issued under this Chapter shall show the name and address of the licensee and the date of issuance and expiration of the license.

(Ord. 180-03-14, 3/25/14).

4-6-8: **LICENSE NONTRANSFERABLE.** Licensees shall not allow their license to be used by any person other than their agents or employees for any purpose. All licenses shall be nontransferable and non-assignable.

(Ord. 180-03-14, 3/25/14).

4-6-9: **DISPLAY OF LICENSE.** The Itinerant Merchant License and the Mobile Food Vendor License required by this Chapter shall be exhibited at all times in a place conspicuous to the public at all locations where any goods, wares, merchandise or services are sold or offered for sale. The Door-to-Door Salesman License required by this chapter shall be prominently displayed at all times on the licensee's person, agent or employees when such person, agent or employee is engaging in licensed activities.

(Ord. 180-03-14, 3/25/14).

4-6-10: **TEMPORARY REVOCATION OF LICENSE.** Any law enforcement officer may temporarily suspend an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman

License for a period not to exceed thirty (30) days if the officer has good cause to believe the licensee, or any of the licensee's agents or employees has engaged in any conduct constituting grounds for revocation of a license as set forth in section 4-6-11.

(Ord. 180-03-14, 3/25/14).

4-6-11: **GROUND FOR REVOCATION OF LICENSE.** The City Council may revoke an Itinerant Merchant, Mobile Food Vendor, or Door-to Door Salesman License for any of the following reasons:

- (A) The licensee or any of licensee's agents or employees engages in any fraudulent, deceptive or unlawful business practice in connection with licensee's business;
- (B) False statements on the license application;
- (C) The licensee or any of licensee's agents or employees violates any provision of this Chapter;
- (D) Revocation by any jurisdiction of any other business-related license or permit held by licensee;
- (E) The licensee is convicted in any jurisdiction of any felony or crime of moral turpitude; or
- (F) The licensee or any of its agents or employees has been convicted of any felony or crime of moral turpitude or engaged in any unlawful or deceptive business practice while engaging in the business of an Itinerant Merchant, Mobile Food Vendor, or Door-to-Door Salesman or while the licensee is otherwise exercising the privileges granted under the license.

(Ord. 180-03-14, 3/25/14).

4-6-12: **MOBILE VENDOR SPECIFIC REGULATIONS.**

- (A) Mobile Vendors making sales from vehicles operated on the City's public streets shall stop their vehicles at curbside before making any sales. Mobile vendors shall not make sales from vehicles parked, stopped or standing on public sidewalks of the City. Sales shall not be made to persons who are on public streets, but may be made to persons on public sidewalks.
- (B) Mobile Vendors shall not conduct business within any park owned or maintained by the City, without a separate permit or concession issued by the City.
- (C) No Mobile Vendor shall make sales from any one location on a public street for more than two (2) consecutive hours.

- (D) Mobile Vendors shall not sell, convey or offer to sell merchandise or goods from any vehicle on the City streets unless the vehicle is registered and equipped as required by State law.
- (E) Mobile Vendors shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.
- (F) Mobile Vendors shall not sell, convey or offer to sell merchandise or goods from any vehicle on the City streets unless the vehicle is equipped with a suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a sales vehicle from a sales location, a mobile vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one-hundred-foot (100') radius of the sales location.

(Ord. 180-03-14, 3/25/14).

4-6-13: **DOOR-TO-DOOR SALESMAN SPECIFIC REGULATIONS.**

- (A) Door-to-Door Salesmen shall not conduct business between the hours of 9:00 p.m. and 10:00 a.m. of the following day or on any legal holiday.
- (B) Any person who sells or solicits orders for the sale of goods, wares, services, food or beverage at any posted residence without prior invitation by the occupant thereof, shall be guilty of a misdemeanor. For the purposes hereof, a residence is "posted" if a "No Solicitors," or other similar sign, is prominently displayed at or near the primary entrance to the premises. Nothing herein shall prevent door-to-door dissemination of political campaign materials, the exercise of the political franchise, or campaign activities, voter registration activities, proselytizing or dissemination of religious faith or view point or the solicitation of contributions or donations by any charitable or religious organization qualified under 26 USC Section 501.

(Ord. 180-03-14, 3/25/14).