Chapter 22 BUSINESSES

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ARTICLE I. IN GENERAL

Secs. 22-1 - 22-30. Reserved.

ARTICLE II. PERMITS GENERALLY

Sec. 22-31. Required.

It shall be unlawful for any person n to operate any business establishment in the city without first obtaining a permit from the city secretary and the paying of required fees as established by the city council. The permit will be issued by the city secretary if application for the permit meets all regulation s and restrictions set forth in this Code and the business is to be conducted in properly zoned areas. The permit is to be renewed annually.

Adopted 5-20-1997

Sec. 22-32. Permanent structure required.

It shall be unlawful for any person to store, display, sell, lease, rent, barter, or exchange any goods, wares, merchandise, or service on a commercial or retail basis or to offer to do so except within an enclosed permanent structure complying with all applicable construction codes, ordinances, and regulations of the city, including but not limited to parking requirements.

Adopted 5-20-1997

Sec. 22-3 3. Exceptions.

Sections 22 32 and 22 34 are not applicable to the following:

(1) Peddlers or itinerant merchants and vendors, as defined and regulate d by other provisions of this chapter;

(2) A sale of used household goods by an individual who is not regularly engaged in the business of such sales, being commonly known as a garage sale as defined and regulated by sect ion 50 31;

(3) A nonprofit, charitable, or fundraising event for a charitable purpose; often than three times annually and that no such sale shall exceed three days in duration, and further provided, that only new merchandise regularly sold by the business shall be offered for sale outside the permanent structure;

(4) A sidewalk sale held by a business operating out of a permanent structure, provided no such sale shall be held more the ingress or egress of pre from a building.

(5) Outside sales and storage necessary and incidental to the operation out of permanent structures of automobile dealers and service stations, mobile home, and recreational vehicle sales lots, farm machinery dealers, nurseries, drive in restaurants and building material dealers; or

(6) News racks, vending machines or minnow bait tanks maintained on the premises of a business operating out of a permanent structure.

Adopted 5-20-1997

Sec. 22-34. Outside sales and storage prohibited on public property.

(a) It shall be unlawful for any person to store. display, sell, lease, rent, barter or exchange goods. wares, merchandise, or services of a commercial activity or to offer to do so from, out of or upon public property, roadways, or rights of way.

(b) The terms and provisions of this section shall not be applicable to the following:

(1) Permittees or licensees granted permission under other provisions of this Code to operate upon public property; or

(2) News racks, provided:

a. Such racks shall be no larger than six feet high by four feet wide by two feet deep;

b. Such racks shall be kept and maintained in a clean, attractive and good operating condition; and

c. Such racks shall not be placed in a location or in such a way that causes or could cause interference with vehicular traffic on walkways or with

Adopted 5-20-1997

Secs. 22-35 – 22- 60. Reserved.

ARTICLE III. SOLICITATION

Sec. 22-61. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Itinerant merchant and itinerant vendor mean any person engaged in any activity mentioned in section 22 63.

Code 1989 § 10.5

Sec. 22-62. Exercise of police power.

This article is and shall be deemed an exercise of the police power of the state and the city for the public safety, comfort, convenience and protection of the city and citizens of the city; and all the provisions of this article shall be construed for the accomplishment of that purpose.

Code 1987 § 10.1

Sec. 22-63. License requirement.

It shall be unlawful for any person to go from house to house or from place to place in the city soliciting, selling, or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines without having first applied for and obtained a license to do so from the city secretary. It shall also be unlawful for any person to sell or solicit in the city as stated in this section without carrying such license while engaged in such soliciting or selling.

Code 1987 § 10.2

Sec. 22-64. Application for license.

Any person desiring to go from house to house or from place to place in the city to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines shall make written application to the city secretary for a license to do so, which application shall show the name and address of the applicant, the name and address of the person he represents, and the kind of goods offered for sale, and whether such applicant upon any such sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery and the period of time such applicant wishes to sell or solicit in the city. Upon the filing of such application, the city authorities will have three days in which to investigate the person applying for the license before approval.

Code 1987 § 10.3

Sec. 22-65. Bond requirement.

(a) The application mentioned in section 22 64 shall be accompanied by a bond in the penal sum of $1,000.00 signed by the applicant and signed by a surety company authorized to do business in the state, conditioned for the final delivery of goods, wares, merchandise, services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of the bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days of delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on the bond, or to any agent or employees of the principal.

(b) If the applicant is a person engaging in any activity mentioned in this article through one or more agents or employees, such person shall be required to enter into only one bond in the sum of $1 ,000.00 as required in this section, which bond shall be made to cover the activities of all its agents or employees.

Code 1987 § 10.4

Sec. 22-66. License fee.

The license fee for an itinerant merchant or itinerant vendor shall be the amount on file per year. However, when any person engages in any activity mentioned in section 22 63 through one or more agents or employees, such person shall, in addition to such license fee, pay a license fee which is on file for each agent or employee so engaged. All licenses shall be valid for one year from the date of their issuance. These fees shall be used for the purpose of defraying expenses incident to the issuing of the licenses.

Code 1987 §10.6

Sec. 22-67. Exemptions.

The provisions of this article shall not apply to sales made to dealers by commercial travelers or sales agents in the usual course of business, nor to sales made under authority and by order of law, and not vendors of farm or dairy products when raised or produced by the seller. It shall also not apply to any local group soliciting funds for schools, churches, or charitable causes.

Code 1987 § 10.7

Sec. 22-68. Peddling.

Except as provided in this article, there shall be no peddling upon the streets or alleys of the city except for farm or dairy products grown, raised, and produced by the seller.

Code 1987 § 10.8