

City of Windsor Heights
1133 66th Street
Windsor Heights, Iowa 50324
515.279.3662 www.windsorheights.org



Windsor Heights
the heart of it all

Panhandler, Peddlers, Solicitors & Transient Merchant Application

9am -9pm NON-TRANSFERABLE

Name _____
Phone Number _____ Email Address: _____
Home Address _____

Business Name (DBA): _____
Business Address _____

Description of Activity: _____

Date of Activity: _____
Last three places business was conducted _____

Has the Applicant had a Peddler, Solicitors, Panhandling or Transient Merchant permit suspended, revoked or denied by this or any other City in the last five years? Yes No

If you answered yes, what were the reasons? _____

Non-Profit, CH504 – NO FEES - requires validation at time of application

Physical Description:

_____ Height
_____ Weight
_____ Eyes
_____ Hair

1-Day - \$20.00

1-Week- \$100.00

90-Days-\$500.00

APPLICATION FEE: \$20.00 (NON-REFUNDABLE)

\$25 – PER EACH ADDITIONAL PEDDLER, SOLICITOR, PANHANDLER

I have read and understand all terms and descriptions provided with this form. I have provided true and accurate information.

Signature of Applicant _____ Date _____

***** FOR OFFICIAL USE ONLY *****

Has the Applicant been listed on ANY Sex Offender Registry within the last five years: Yes No

Copy of Government Issued Photo I.D. Surety Bond \$5,000.00 copy on file _____
Bond required: Yes No (Transient Merchant Only)

TOTAL DUE: _____ CASH CREDIT CARD CHECK # _____

APPROVED: _____ **Date** _____
(Police Chief)

COPY OF THIS APPROVED FORM MUST BE CARRIED AT ALL TIMES

122.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods, merchandise or offering services who sells or offers for sale for immediate delivery such goods, merchandise or services from house to house or upon the public street or right of way.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street or right of way any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Panhandler" means any solicitation made in person requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this section. Panhandling does not include passively standing or sitting, without addressing any solicitation to any specific person; however, holding a sign, prop, or other visual aid that a reasonable person would understand to be a request for assistance while passively standing or sitting is solicitation.
4. "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 which 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.

122.05 BONDS REQUIRED.

1. Before a permit under this chapter is issued to a transient merchant, an applicant shall provide to the Police Chief, or his/her designee, evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.
2. At the time of filing of the application and as a part thereof, any applicant without a place of residence or place of business in the State of Iowa shall file with the Police Chief a bond, with sureties to be approved by the Police Chief, in a penal sum of \$5,000.00 running to the City, for the use and benefit of any purchaser of any merchandise from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or applicant's employer. The bond is to be further conditioned for the payment of any fines that may be assessed by any court against the applicant for a violation of this chapter, and further conditioned for the payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale of any merchandise. The aggregate liability of the surety for all fines and causes of action shall not exceed the principal sum of the bond.

122.06 PERMIT ISSUED. The Police Chief, upon review of the permit application with the police department and any other appropriate department or agency, shall determine whether a permit will be issued to the applicant. A waiting period of not less than three (3) business days from the date of the application shall be in effect to provide sufficient time for the fact gathering process to be completed in a reasonable period. In making his/her decision, the following factors shall be considered:

1. The information in the application is found to be correct.
2. All information required has been provided and the application is complete.
3. The required bond is paid.
4. Prior peddler, solicitor, panhandler or transient merchant permits issued to applicant and whether any such permits were suspended or revoked.

If the determination is made that the application satisfies the above factors and the applicant is not a risk to public safety, a permit shall be issued upon payment of the bond and any other fees set forth in the schedule of fees adopted by the City Council by resolution. A denial of a permit may be appealed in the same manner and under the same procedures stated at section 122.14 of this chapter.

122.17 PERMIT 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 their own products.
4. Students. Students representing area schools or school districts conducting projects sponsored by organizations recognized by the school.
5. Route Sales. 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. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the Code of Iowa. All such organizations seeking to act as a peddler, solicitor, panhandler and/or transient merchant are required to submit in writing to the Police Chief, or his/her designee, 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 it is found that the organization is a bona fide charity or nonprofit organization, such charity or organization shall be issued, free of charge, a permit. In the event the permit is denied, the authorized representatives of such charity or organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

122.18 PROHIBITED ACTS. It is unlawful for any person, with or without a permit under this chapter, to conduct peddling, solicitation, panhandling or transient merchant business:

1. With any person situated in a motor vehicle upon any public street, alley, driveway access or public way.
2. Upon any part of the public right of way and/or along a parade route on the day of any permitted parade.
3. By blocking the path of the person solicited along a street.
4. By doing business or attempting to do business upon any property on which has a posted notice prohibiting peddling, solicitation or panhandling.
5. By using profane or abusive language, either during the solicitation or following a refusal.
6. By panhandling in a group of three or more persons.
7. While under the influence of alcohol or any illegal narcotic or controlled substance.
8. By any statement, gesture or other communication, which a reasonable person in the situation of the person solicited, would perceive to be a threat, harassment, intimidation or coercion.