

CHAPTER 5

**CANVASSERS, PEDDLERS
AND ITINERANT MERCHANTS**

(Ordinance No. 002-2007, 01/09/2007)(Ordinance No. 008-2011, 10/11/2011)

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3-5-1: **DEFINITIONS:**

PEDDLER: Shall include any person, whether or not a resident of the City, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance; and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter shall be deemed a peddler subject to the provisions of this Chapter. The word "peddler" shall include the words "hawker" and "huckster".

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR: Any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the City, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar,

public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or a public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the same of any local dealer, trader, merchant or auctioneer. (1977 Code § 9-452)

3-5-2: LICENSE REQUIRED: It shall be unlawful for:

- A. Transient Merchant, Itinerant Merchant or Vendor: A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefore in compliance with the provisions of this Chapter.
- B. Peddler: Any person to engage in the business of peddler without first obtaining a license therefor as provided in this Chapter.

3-5-3: APPLICATION FOR LICENSE; FEE:

- A. Required; Contents: Applicants for licenses under this Chapter shall file a sworn application in writing signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, or by an agent, including a State or regional agent, with the City Recorder, which shall give the following information:
 - 1. The name of the applicant and if the applicant is an employee or agent of a corporation, the name of the corporation.
 - 2. The address of the applicant and if the applicant is an agent or employee of a corporation, the address of the corporation.
 - 3. A brief description of the nature of the business and the goods to be sold and from whom or where the applicant obtains the goods to be sold.
 - 4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person.
 - 5. The length of time for which the applicant desires to engage in business within the City.
 - 6. The places within the City where the applicant proposes to carry on his or her

business.

7. A list of the other municipalities in which the applicant has engaged in business within the six (6) month period preceding the date of the application.

8. A photograph of the applicant, taken within six (6) months immediately prior to the date of filing the application, which photograph shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.

9. An original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a Disqualifying Status exists for the Applicant.

10. If the applicant is employed by another person, documents showing that the person for which the applicant proposes to do business is authorized to do business within the State.

B. Fee: At the time of filing the application, a fee as established by resolution of the City Council, which shall be deposited with the City Recorder, is required. (1977 Code 9-453; 1998 Code)

3-5-4: **INVESTIGATION AND ISSUANCE OF LICENSE:** Repealed

3-5-5: **FEE FOR LICENSE:** The license fee which shall be charged by the City Recorder for any license issued pursuant to this Chapter shall be set by Resolution of the City Council and listed on the City fee schedule. (Ord. 97-OM009, 7-8-1997, eff. 7-9-1997)

3-5-6: **LICENSES AND BADGES:**

A. Issuance: The City Recorder may issue to each licensee at the time of delivery of his license, a badge which shall contain the words "Licensed Transient Merchant", or "Licensed Peddler", as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet (5'). Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous. (1977 Code 9-456; 1998 Code)

- B. Exhibit License: Any person licensed pursuant to this Chapter shall exhibit such license at the request of any citizen of the City.
- C. Produce License upon Request: It shall be the duty of any officer to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this Chapter.
- D. Expiration of License: All licenses issued pursuant to this Chapter shall expire on the date specified on the license. (1977 Code 9-456)

3-5-7: **APPEAL:** Any person aggrieved by the denial of a license issued pursuant to this Chapter may file an appeal. Such appeal shall be taken by filing with the City Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. A time and place for the hearing on such appeal and notice of such hearing shall be set and given to the applicant in the same manner as provided in Section 3-1-16 of this Title. (1977 Code 9-456; 1998 Code)

3-5-8: **ADDITIONAL REQUIREMENTS:** This Chapter shall not be construed so as to waive the provisions and requirements of any other ordinance of the City and the requirements and fees required herein shall be in additions to any other requirements and fees of any other ordinance of the City. (1977 Code 9-457)

3-5-9: **EXCEPTIONS:** The provisions of this Chapter shall not apply to any individual who is, at the time he is engaged in any activity which would otherwise require licensing by this Chapter, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the State, provided such church or charity has had such permanent structure for at least six (6) months prior to the date when the individual engaged in the activity would otherwise have required licensing by this Chapter. (1977 Code 9-458)