

## CHAPTER 112: ITINERANT MERCHANTS AND SOLICITORS

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### § 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ITINERANT MERCHANT.** Any transient person who shall engage temporarily in the making or selling of any kind of goods, wares, or merchandise, including the making and selling of photographs, within the town, regardless of whether such goods, wares, or merchandise are peddled from house to house, or sold from any room, building, structure, or lot rented or leased for the purpose of carrying on such business.

**SOLICITOR.** Any person who goes from house to house or from place to place in the town, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise, service, or any article for future delivery. However, this term shall apply only to solicitors who demand, accept, or receive payment or a deposit of money in advance of final delivery.

### § 112.02 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of itinerant merchant or in the business of solicitor within the town without a license therefor.

Penalty, see § 10.99

### § 112.03 APPLICATION FOR LICENSE; FEES.

(A) Any person desiring to engage in the business of itinerant merchant or solicitor shall make an application in writing to the Clerk-Treasurer for a license so to do, which application shall be filed at least seven days before the applicant shall be authorized to begin business. The application shall state the name and residence of the applicant, the place where such business is to be conducted, the kind of goods to be sold, and the length of time for which a license is desired.

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(B) Upon the filing of the application and the bond required in § 112.04, and the approval of the bond, a license shall be issued by the Clerk-Treasurer to the applicant to begin business not less than seven days after the date of filing the application and bond, upon the payment of the following fees: for one day, \$10; for one week, \$25; for one month, \$50; for one year, \$150. All license fees must be paid in advance. If any licensee desires to continue in business after the expiration of the license, a new license must be secured in the same manner and upon the same terms as the original license. Penalty, see § 10.99

**§ 112.04 BOND.**

(A) The application shall be accompanied by a bond in the penal sum of \$500, executed by a surety company or two responsible freeholders residing within the town (or in lieu thereof a cash bond of equal amount) conditioned that all goods, wares, merchandise, or articles sold by the applicant will be as represented by him and that he will refund the purchase price of any goods, wares, merchandise, or articles sold by him which are not as represented.

(B) Any person aggrieved by the action of any solicitor or itinerant merchant shall have a right of action on the bond for the recovery of money, damages, or both. In the event a cash bond is deposited, it shall be retained by the town for 90 days after the expiration of the license.

**§ 112.05 MEDICAL CERTIFICATE REQUIRED FOR VENDORS SELLING FOODSTUFFS.**

Any person desiring to engage in the business of solicitor or itinerant merchant who sells fruit, vegetables, bread, pastries, or other foodstuffs which have not been canned, shall, before receiving his license or certificate, present to the Clerk-Treasurer the certificate of a doctor of medicine, certifying that the persons handling the same are free from all venereal and transmittable diseases, and show that such an examination has been made within 30 days from the date of receiving the license. A new certificate shall be placed on file with the Clerk-Treasurer within 30 days from the date of the first certificate, so long as that person continues to do business under that license. No person shall transact any business of selling foodstuffs in the town under an itinerant merchant's license unless he has a physical examination certificate which is dated not more than 30 days before. Penalty, see § 10.99

**§ 112.06 ORDERS TAKEN BY SOLICITORS.**

All orders taken by solicitors within the town shall be in writing in duplicate, stating the terms thereof and the amount paid in advance. One copy of the order shall be given to the purchaser. Penalty, see § 10.99

**§ 112.07 EXEMPTED PERSONS AND TYPES OF SALES.**

(A) Any person exempted by the laws of this state from the payment of such license fees shall, before beginning business, present to the Clerk-Treasurer his credentials, showing that he is entitled to an exemption and shall execute and file a bond as above provided. Upon the approval of the bond, he shall then receive a certificate from the Clerk-Treasurer authorizing him to engage in the business of

itinerant merchant or solicitor within the town for any period not longer than one month. If at the end of a month the person desires to continue in business, another certificate must be procured from the Clerk-Treasurer.

(B) The provisions of this chapter shall not apply to sales to dealers by commercial travelers; sales by producers of farm or dairy products; or to bona-fide auction sales.

