

**CITY OF DUBUQUE- BUSINESS LICENSE  
APPLICATION FOR SOLICITOR'S LICENSE  
FEE: \$100.00 for 60 days/\$200.00 for 120 days/\$300 for 180 days**

DATE \_\_\_\_\_

NAME OF APPLICANT \_\_\_\_\_

ADDRESS (PERMANENT) \_\_\_\_\_

CITY – STATE – ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

WILL YOU BE COMMUTING FROM PERMANENT ADDRESS TO CONDUCT BUSINESS? \_\_YES \_\_NO

If no, please list temporary address where you will be staying while conducting business

\_\_\_\_\_

LOCATION OF WHERE BUSINESS WILL BE CONDUCTED \_\_\_\_\_

NAME OF BUSINESS \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

CITY – STATE – ZIP \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

LAST THREE (3) PLACES WHERE SUCH BUSINESS WAS CONDUCTED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BUSINESS OWNER INFORMATION**

NAME OF OWNER \_\_\_\_\_

Type of Ownership: \_\_\_\_Individual \_\_\_\_Partnership \_\_\_\_Corporation \_\_\_\_Foreign

Is the company authorized to do business in Iowa? \_\_\_\_\_

PARTNERS \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_ PHONE \_\_\_\_\_

CORPORATION OFFICERS \_\_\_\_\_ PHONE \_\_\_\_\_

\_\_\_\_\_ PHONE \_\_\_\_\_

**Business Information**

Description of Nature of Business and Goods to be sold or services performed \_\_\_\_\_

Iowa Retailer's Sales Tax Permit Number \_\_\_\_\_

Value of goods (wares, products or merchandise to be sold or offered for sale, or average inventory to be carried if solicitor is an intermittent or temporary business) \_\_\_\_\_

Length of time desired to do business \_\_\_\_\_

Provide the names of two reliable property owners of the City of Dubuque who will certify as to the applicant's good reputation and business responsibility: The applicant's fingerprints can be submitted in lieu of two property owners' names.

Name	Address	Phone
_____	_____	_____
_____	_____	_____

Name	Address	Phone
_____	_____	_____

**\*Applicant must file a Surety Bond in the amount of five thousand dollars (\$5,000) with the City Clerk as per City Ordinance (Title 4, Chapter 5, Section 5)**

**\*\*Iowa Code Chapter 9C.4 requires applicant to file a Surety Bond with the Secretary of State**

**\*\*\*All in-home or home-based businesses must comply with all of the provisions of Article 7-1 of the City of Dubuque Unified Development Code. Contact Planning Services Department for more information at 563-589-4210.**

I hereby certify that the products to be sold or the services to be performed do not, in any respect infringe upon any federal or state copyright or license and that the information contained in this application is true and accurate to the best of my knowledge. I further certify that I have read, understand, and will comply with the City of Dubuque Code of Ordinances requirements.

\_\_\_\_\_  
Applicant's Signature

**For Office Use Only**

Fingerprinted? \_\_\_\_\_ Yes                      \_\_\_\_\_ No

Copy of Driver's License or Photo ID (each individual) on file? \_\_\_\_\_ Yes                      \_\_\_\_\_ No

Bond on file? \_\_\_\_\_ Yes                      \_\_\_\_\_ No

FEE PAID \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

LICENSE NO \_\_\_\_\_ ZONING \_\_\_\_\_ POLICE \_\_\_\_\_

## CHAPTER 5

### SOLICITOR'S LICENSE

SECTION:

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**4-5-1: DEFINITIONS:**

As used in this chapter, the following term has the following meaning:

SOLICITOR: Any person engaging in the following:

A. Offering and exposing goods, wares, merchandise, products, or services for sale, or taking or soliciting orders for goods, wares, merchandise, products, or services for future delivery from place to place, house to house, door to door, or street to street, whether the person collects advance payments for such sales or not; but excluding calling upon or soliciting business establishments, professional offices, or institutions, exclusively, or calling on prospective customers by appointment only.

B. Selling goods, wares, merchandise, products, or services from any fixed or temporary location, which is temporarily maintained or when such business is intermittently carried on and there is no intention to conduct the same permanently within the City, but excluding temporarily locating in the City and engaging in the taking of orders for merchandise or services, whether for immediate or future delivery. Any person is presumed to be temporarily or intermittently selling or offering to sell goods or services, unless such person intends to and does remain continuously in business at each location where such sales are offered for a period of more than sixty (60) days. (Ord. 16-13, 3-4-2013)

**4-5-2: LICENSE REQUIRED:**

A. No person may engage in business as a solicitor without first obtaining a license therefor and paying the license fee.

B. No person having control of private property within the City may knowingly permit another person to engage in business on or about that property as a solicitor without first requiring that person to obtain a license therefor. (Ord. 16-13, 3-4-2013)

**4-5-3: EXEMPTIONS:**

This chapter does not apply to the following:

A. Vendors of goods, merchandise, or services delivered or sold to established customers;

B. Nonprofit organizations filed under or authorized by chapter 504 of the Iowa Code or authorized and organized under statutes or regulations of the United States government or approved by the Internal Revenue Service, where such organizations have a permanent office in Dubuque County, Iowa;

C. Churches and public and private schools and colleges that have a permanent office in Dubuque County, Iowa;

D. Nonprofit clubs and lodges not ordinarily conducted as a business and which do not meet the requirements of chapter 504 of the Iowa Code and that have a permanent office in Dubuque County, Iowa;

E. Persons selling at wholesale to merchants, persons selling their own art or handicrafts either by themselves or through employees, or nonprofit civic, charitable, religious, or educational groups or members or employees thereof engaged in retail sale for the purpose of fundraising;

F. Central Market and other permitted farmers' market businesses licensed in accordance with this Code; or

G. Persons that purchase gold, bullion, ingots, precious metals, and jewelry. Such persons are subject to the pawnbroker and secondhand dealer regulations set forth in chapter 6, article A of this title. (Ord. 23-19, 5-6-2019)

#### **4-5-4: APPLICATION FOR LICENSE:**

An application for a solicitor's license must be filed with the City Clerk on a form provided by the City Clerk. The application must be signed by the applicant and must include the following information:

- A. The applicant's name, permanent and local address, business address, if any, and physical description.
- B. The applicant's employer or sponsor, if any, and the employer or sponsor's address and telephone number, the nature of the applicant's business, and the last three (3) places of such business.
- C. If the applicant is a corporation, the corporation address and the names and addresses of the officers thereof. If the applicant is a firm, partnership, or association, the firm, partnership, or association's address and the names and addresses of all the members thereof. If the applicant is a corporation, the application must state whether or not the applicant is an Iowa corporation or a foreign corporation, and if a foreign corporation, whether or not such corporation is authorized to do business in Iowa.
- D. If the application is being made by an agent, bailee, consignee, or employee, the application must state and set out the name and address of such agent, bailee, consignee, or employee and must also include the name and address of the owner of the goods, wares, and merchandise to be sold or offered for sale.
- E. The application must state whether or not the applicant has an Iowa Retailer's Sales Tax permit and if the applicant has such permit, the number of such permit.
- F. The value of the goods, wares, products, or merchandise to be sold or offered for sale, or the average inventory to be carried if the solicitor is carrying on an intermittent or temporary business.
- G. The date(s) upon which goods, wares, products, or merchandise will be sold or offered for sale, or the date(s) upon which it is the intention of the applicant to engage in or conduct a temporary or intermittent business.
- H. The location and address where such goods, wares, products, or merchandise will be sold or offered for sale or such business engaged in or conducted.
- I. The names of two (2) property owners of the City who will certify as to the applicant's good repute and business responsibility, or in lieu thereof, the applicant's fingerprints and any other information that may be required by the City Clerk to properly investigate such reputation and business responsibility.
- J. The applicant must agree to appoint the City Clerk as agent of the applicant for service of process. In the event of such service, the City Clerk must mail by certified mail, return receipt requested, a copy of said process to the address of the applicant shown on the application.
- K. At the time of filing the application, the applicant must provide two (2) forms of identification, including one form with picture identification. (Ord. 16-13, 3-4-2013)

#### **4-5-5: BOND:**

An applicant for a license must file with the City Clerk a surety bond in the amount of five thousand dollars (\$5,000.00) conditioned on the following:

- A. That the applicant will fully comply with all ordinances of the City and laws regulating solicitor sales;
- B. The payment by the applicant of all taxes that may be payable by or due from the applicant to the State of Iowa or the City of Dubuque;
- C. The payment of any fines that may be assessed by any court against the applicant for violation of the provisions of this chapter;
- D. The payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale and arising from such sale; provided, however, that the aggregate liability of the surety for all such taxes, fines, and causes of action must in no event exceed the principal sum of such bond; and
- E. Guaranteeing to any resident of the city that all monies paid will be accounted for and applied according to the representation of the licensee. Said bond will continue in force as to such surety for not less than one year from the date of the license. Action on such bond may be brought by any resident of the city. (Ord. 16-13, 3-4-2013)

#### **4-5-6: ISSUANCE OF LICENSE:**

A. Upon receiving an application for a solicitor's license, with an appropriate bond attached thereto, if the city clerk is satisfied that the statements and representations contained in the application are true, that the applicant meets all of the requirements of this chapter, that the applicant is the holder of an Iowa retailer's sales tax permit, when required/if applicable, and that if a foreign corporation, has the authority to do business in the state of Iowa, the city clerk must issue to the applicant a license.

B. A license is valid only for the period of time and at the location and place described in the application. In the case of a qualified applicant proposing to conduct business or to sell from more than one location, the city clerk must issue a separate license for each location. (Ord. 16-13, 3-4-2013)

#### **4-5-7: FEES:**

A solicitor must pay a license fee established by the city manager. (Ord. 16-13, 3-4-2013)

#### **4-5-8: DISPLAY OF LICENSE:**

A solicitor must, at all times while doing business in this city, prominently display the license for the period of time and at the location and place described in the application so that it is clearly visible to anyone to whom the person is selling or offering for sale goods, merchandise, products, or services. The licensee must also, at the time of selling or offering for sale goods, merchandise, products, or services, provide each prospective customer with an opportunity to view the license. (Ord. 16-13, 3-4-2013)

**4-5-9: MISREPRESENTATION:**

It is unlawful for any solicitor making sales or engaging in or conducting a business under a solicitor's license to make any false or misleading statement or representation regarding any article sold or offered for sale by such solicitor as to condition, quality, original cost, or cost to such solicitor of any article sold or offered for sale, or to sell or offer for sale goods, wares, products, or merchandise of a value in excess of the value thereof as shown by said application, or to sell or offer for sale at retail any goods, wares, products, or merchandise or to engage in or conduct an intermittent or temporary business on any day or at any place other than those shown by such license. A solicitor who violates any provision of this chapter is ineligible for a license for a period of two (2) years from the date of such violation. (Ord. 16-13, 3-4-2013)

**4-5-10: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE:**

A. The city manager may, upon good cause, deny issuance or renewal of a license or suspend or revoke any license issued under this article for a period not to exceed one year for any of the following:

1. Violation of any federal, state, or local law, including, but not limited to, a violation of this chapter or any other chapter of this code;
2. Misrepresentation of any material fact in the application for a license;
3. Failure to cooperate with law enforcement;
4. The licensee, owner, manager, partner, corporate officer, or director has been convicted of a crime involving robbery, burglary, theft, forgery, fraud, or deceptive practices, the possession, manufacture, or delivery of a controlled substance, possession with intent to manufacture or deliver a controlled substance, possession of drug paraphernalia, or nonpayment of excise taxes for a controlled substance, nonpayment of other taxes, or demonstrated insolvency;
5. Misrepresentation of the source, condition, quality, weight, or measure of the product sold by such solicitor; or
6. If any judgment recovered against such solicitor with reference to the operation of the business within the city remains unpaid for a period of six (6) months, provided such judgment be not stayed under a supersedeas bond upon appeal from such judgment.

B. The city manager must give written notice of the revocation, suspension, or denial of renewal of any license issued under the provisions of this chapter to the license holder and the surety or sureties furnishing the bond provided for herein.

C. In the event of such revocation, suspension, or denial or nonrenewal, no other solicitor's license may be issued to such person for a period of two (2) years thereafter. (Ord. 53-16, 10-17-2016)

**4-5-11: APPEAL:**

Within ten (10) days after notice of denial, suspension, or revocation of a license, a solicitor may file with the city clerk a written notice of appeal to the city manager from such denial, suspension, or revocation. The city manager must provide the solicitor with notice and an opportunity to be heard on the issue of whether the license was properly denied, suspended, or revoked. (Ord. 16-13, 3-4-2013)

**4-5-12: PERSONAL NATURE; TRANSFERABILITY:**

The solicitor's license granted under this chapter is personal to the applicant only and may not be sold, assigned, or otherwise transferred. (Ord. 16-13, 3-4-2013)

**4-5-13: REPORT TO CITY CLERK UPON LOSS REQUIRED:**

In the event any license issued under this chapter is lost or mislaid, the licensee must report such fact to the city clerk immediately. A duplicate license will be issued upon payment of the fee as established by the city manager. (Ord. 16-13, 3-4-2013)

**4-5-14: SOLICITING FROM TEMPORARY STANDS OR VEHICLES RESTRICTED:**

Soliciting may not be conducted upon the public streets from temporary stands or vehicles to which people are attracted by talking, singing, music, unusual noises, or entertainment, or by the use of flares or lights. (Ord. 16-13, 3-4-2013)