



[ CITY OF ]

OTTUMWA

**PEDDLER/TRANSIENT MERCHANT APPLICATION**

Applicant \_\_\_\_\_

Permanent Address \_\_\_\_\_

Street

City

State

Zip

Date of Birth \_\_\_\_\_

Date(s) when license is desired \_\_\_\_\_

Address while staying in this area \_\_\_\_\_

Name, address, phone number of firm, corporation, partnership or association for whom applicant is conducting business for:

If applicant is a corporation, state whether an Iowa Corporation \_\_\_\_\_ or a foreign corporation \_\_\_\_\_. If foreign corporation, is corporation authorized to do business in Iowa? Yes \_\_\_\_\_ No \_\_\_\_\_

Iowa Sales Tax Number \_\_\_\_\_ Iowa Food Est. License No. \_\_\_\_\_, if applicable.

Location where business will be conducted while in Ottumwa and/or manner in which business will be conducted:

Provide the following information for all vehicles being used in connection with said business:

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ License No. \_\_\_\_\_ State \_\_\_\_\_

Type of products, merchandise, etc and prices of each being sold:

Name, address, & phone number of immediate supervisor:

Name or recent previous community in which licensed or operated: \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant

**1. Please complete a Record Check Request Form and Billing Form, and send it into the Iowa Division of Criminal Investigation. When you receive the Record Check results from the IDCI, you must send a copy to the City Clerk's Office before a license can be issued.**

**2. Please provide a bond in a penal sum two times the value of the goods, wares or merchandise to be sold or offered for sale to the Iowa Secretary of State.**

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**OFFICE USE ONLY**

Upon completion of applicant's background investigation, chief of police or designee recommends:

approval \_\_\_\_\_ / disapproval \_\_\_\_\_ of license issuance. If disapproved, give reasons:

Date: \_\_\_\_\_ By: \_\_\_\_\_

Public property permit acquired from City Administrator on \_\_\_\_\_, if applicable.

License fee paid: \$10.00 per day \_\_\_\_\_ \$25.00 per week \_\_\_\_\_ \$50.00 per month \_\_\_\_\_ \$300.00 per year \_\_\_\_\_

Total amount received: \_\_\_\_\_ License No. \_\_\_\_\_ Expiration: \_\_\_\_\_

**Ottumwa Municipal Code Chapter Chapter 22, Article V. Peddlers/Transient Merchants**  
**Following is a summary of rules and regulations from Chapter 22, Article V.**

1. Each and every person to engage in business within the City shall first obtain a license from the City Clerk and submit a completed DCI Background Check from the Iowa Division of Criminal Investigation.
2. A group license may be obtained by a sponsoring entity or organizer for peddlers/transient merchants for an organized celebration, promotion, festival, activity or event for a period no longer than 7 days at a specific location.
  - a. The sponsoring entity shall provide the clerk with the name, permanent residence, social security number, trade name, if any, and Iowa Sales Tax Permit Number of each peddler/transient merchant present, before the event, or within 10 days following the event.
3. All peddlers/transient merchants must secure a permit prior to conducting any business upon any sidewalk, street, alley or other public property owned by the City of any of its administrative agencies.
4. The issued license shall, at all times while doing business in this City, be displayed.
5. No person shall engage in the business of peddler/transient merchant between the time of sunset and sunrise.
6. All food products to be sold or offered for sale may be inspected and examined by the City Administrator or designee and persons may be required to produce satisfactory evidence that they are bona fide producers, raisers, or growers of the products or are their employees.
7. The City Council may revoke any license issued for the following reasons:
  - a. Misrepresentation on the license application or in conduct of business
  - b. Violation of federal, state or local law
  - c. Business conducted in manner that is a danger to public welfare, safety, order or morals

\*\*For the complete City Code Section pertaining to Peddler/Transient Merchants visit the City of Ottumwa website at [www.cityofottumwa.org](http://www.cityofottumwa.org).

Please forward your bond to the address below and provide the City of Ottumwa with a copy:

## TRANSIENT MERCHANTS, §9C.4

Iowa Secretary of State  
321 East 12<sup>th</sup> Street  
Lucas State Office Building  
Des Moines, Iowa 50319

### **9C.4 Bond required — applicability — forfeiture.**

At the time of filing said application and as a part thereof, the applicant shall file with the secretary of state a bond, with sureties to be approved by the secretary of state, in a penal sum two times the value of the goods, wares or merchandise to be sold or offered for sale or the average inventory to be carried by such transient merchant engaged in or conducting an intermittent or temporary business as the case may be as shown by the application, running to the state of Iowa, 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 the owner of such merchandise if other than the applicant; the bond to be further conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state of Iowa or any subdivision thereof, the bond to be further conditioned for the payment of any fines that may be assessed by any court against the applicant for violation of the provision 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 thereof, and arising from such sale, provided, however, that the aggregate liability of the surety for all such taxes, fines and causes of action shall in no event exceed the principal sum of such bond. In such bond the applicant and surety shall appoint the secretary of state, the agent of the applicant and surety for the service of process. In the event of such service, the agent upon whom such service is made shall within five days after the date of service, mail by ordinary mail a true copy of the process served upon the agent to each party for whom the agent is served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the jurisdiction of the court. Such bond shall contain the consent of the applicant and surety that the district court of the county in which the plaintiff may reside or Polk county, Iowa, shall have jurisdiction of all actions against the applicant or surety, or both, arising out of the sale. The state of Iowa, or any subdivision thereof, or any person having a cause of action against the applicant or surety arising out of said sale may join the applicant and surety on such bond in the same action, or may in such action sue either the applicant or the surety alone. The requirements of this section also apply to transient merchants who are licensed in accordance with an ordinance of a city in the state of Iowa. Notwithstanding the above provisions, the bond provided for in this section shall be forfeited to the state of Iowa upon the applicant's failure to pay the total of all taxes payable by or due from the applicant to the state which taxes are administered by the department of revenue. The department shall adopt administrative rules for the collection of the forfeiture. Notice shall be provided to the surety and to the applicant. Notice to the applicant shall be mailed to the applicant's last known address. The applicant or the surety shall have the opportunity to apply to the director of revenue for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the director finds that the applicant has failed to pay the total of all taxes payable and the bond is forfeited, the director shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond. The surety shall not have standing to contest the amount of any taxes payable. For purposes of this section "*taxes payable*" means all tax, penalties, interest, and fees that the department has previously determined to be due by assessment or in an appeal of an assessment.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.4]  
87 Acts, ch 60, §1  
C93, §9C.4  
2003 Acts, ch 145, §286