

CHAPTER 16 CASUAL SALES

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SEC. 16-1 DEFINITIONS

For use in this chapter, the following terms are defined:

- A. The term "peddler" shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery of such goods or merchandise from house-to-house or upon the public street.
- B. The term "solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
- C. The term "transient merchant" shall mean any person, firm or corporation 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. 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 shall not exempt any person, firm or corporation from being considered a transient merchant.

SEC. 16-2. LICENSE REQUIRED

Any person engaging in peddling, soliciting or in the business of a transient merchant in this County without first obtaining a license as herein provided shall be in violation of this chapter. However, this chapter shall not apply within the incorporated area of a city except at the option of the city.

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SEC. 16-3. EXEMPTIONS

- A. Religious and charitable organizations exempt. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 16-4 through Section 16-12 of this chapter. All such organizations shall be required to submit in writing 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 for his efforts and the amount thereof.
- B. Any persons engaged in selling or distributing fresh fruit and/or vegetables cultivated by said persons shall be exempt from Section 16-4 through Section 16-12 of this chapter. All such persons shall be required to submit, in writing, the name of the person or persons selling and/or distributing said fruit and vegetables, permanent address of said persons, and when the sale and distribution shall take place.
- C. Persons selling tangible personal property at a garage, basement or yard sale held at one of the persons residence shall be exempt from Section 16-4 through Section 16-12 of this chapter, unless said persons conduct said sales from said residence on more than two (2) days within a one (1) year period of time; in which case a license is required.
- D. Those persons and organizations exempt under Sec. 16-3 A and B shall submit the aforementioned written information to the Board of Supervisors for filing in the County Auditor's office.

SEC. 16-4. APPLICATION FOR LICENSE

An application for a peddler, solicitor or transient merchant's license shall be set forth, in writing, to the County Auditor and give the following information:

- A. The name or names of the persons or person having the management or supervision of applicant's business during the time that it is proposed it will be carried on in the County; the local address or addresses of such person or persons while engaged in such business.
- B. The permanent address and addresses of such person or persons; whether such person will act as proprietor, agent, consignee or employee, and the credentials establishing such relationship; the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

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- C. The place or places in the County where it is proposed to carry on applicant's business and the length of time during which it is proposed that said business shall be conducted.
- D. The place or places other than the permanent place of business of the applicant, where applicant within three (3) years next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office box number and street address of any building or office in which said business was conducted.
- E. A statement of the nature and character of the tangible personal property of service to be sold or offered for sale by the applicant in the County whether the goods are new, damaged or rejects; whether the same are proposed to be sold from stock in possession or by sample, or at auction or by direct sale or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.
- F. Whether or not the person having management or supervision of the applicant's business has been convicted of a felony within the five (5) years immediately preceding the date of said application or of the violation of any law or ordinance relating to the same or similar business to be conducted by applicant, the nature of such offense and the punishment therefor.
- G. Whether the applicant has ever applied for a license under this chapter, which has been denied.
- H. Whether the applicant has ever held a license under this chapter, which has been revoked.

SEC. 16-5. AUDITOR'S INVESTIGATION AND ISSUANCE OF LICENSE

Upon receipt of the application, the County Auditor may conduct an investigation to determine the information contained in said application is correct. The County Auditor shall submit the aforementioned application information to the Board of Supervisors and if said Board finds the application is complete and in conformance with Section 16-4 of this chapter and the facts stated therein are correct, the Board shall instruct the Auditor to issue, within twenty-one (21) days of submission of the application and upon posting of bond as required by Section 16-7 of this chapter, a license and charge a fee therefore as determined by Section 16-6 of this chapter.

If the Board shall find that the organization applying for a license is a bona fide charity or religious organization, entitled to exemption pursuant to Section 16-3, the Board shall instruct the Auditor to issue, free of charge, a license within twenty-one (21) days of submission of the application.

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A license may be issued to a person carrying on the business of transient merchant through employees. Each of such employees shall carry a duplicate license issued to the employer and such duplicate licenses shall be available in the Scott County Auditor's Office, at no additional charge.

SEC. 16-6. FEES

Every licensee shall pay the following fee before a license shall be issued:

- A. For one (1) day or any part thereof - ten dollars (\$10.00).
- B. For more than one (1) day up to one week - two dollars (\$2.00) per additional day beyond the initial day.
- C. For one (1) week - twenty-two dollars (\$22.00).
- D. For more than one (1) week but not more than one (1) month -twenty-two dollars (\$22.00) per week and two dollars (\$2.00) for any day or fraction thereof, not to exceed fifty dollars (\$50.00).
- E. For one (1) month - fifty dollars (\$50.00).
- F. For longer than one (1) month all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be fee charged.

SEC. 16-7. BOND REQUIRED

Before a license under this chapter shall be issued, each applicant shall post a bond with surety approved by the County Auditor of one thousand dollars (\$1,000) with the County Auditor. Such bond shall be conditioned to indemnify and pay the County for any penalties or costs occasioned by the enforcement of this chapter, and shall not be retired until after a lapse of thirty (30) days from the expiration of each license.

SEC. 16-8. DISPLAY OF LICENSE

Each solicitor or peddler shall at all times while doing business in this County keep in this possession the license provided for in Section 6.01-5 of this chapter, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this chapter. Each transient merchant shall display publicly his license in his place of business.

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SEC. 16-9. LICENSE NOT TRANSFERABLE

Except as provided in Sec. 16-5 for duplicate licenses for employees of an applicant, licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

SEC. 16-10. REBATES ON LICENSES

On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the County Auditor. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.

SEC. 16-11. REVOCATION OF LICENSE

The Board of Supervisors, after notice and hearing, may revoke any license issued under this chapter where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this chapter or has otherwise conducted his business in an unlawful manner.

SEC. 16-12. ENFORCEMENT HOURS AND EXPIRATION OF LICENSE

Persons issued a license shall conduct business only during the hours of 8:00 a.m. through 8:00 p.m. from April through September; and 8:00 a.m. through 6:00 p.m. from October through March. All licenses granted under this chapter shall expire at 6:00 p.m. of the last day for which the license was issued.

SEC. 16-13. PENALTY

Anyone violating any of the provisions of this chapter shall be guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that a violation continues to exist shall constitute a separate offense.