

Title 5 BUSINESS LICENSES AND REGULATIONS

Chapters:

Chapter 5.04 - TRANSIENT MERCHANTS AND BUYERS, PEDDLERS AND SOLICITORS

Chapter 5.05 - SECONDHAND TEXTBOOK DEALERS

Chapter 5.08 - AUCTION SALES

Chapter 5.12 - BANKRUPTCY, CLOSING-OUT AND FIRE SALES

Chapter 5.16 - CABLE RATE REGULATION

Chapter 5.20 - CARNIVALS, CIRCUSES AND AMUSEMENTS

Chapter 5.52 - PAWNBROKERS

Chapter 5.64 - TAXICABS

Chapter 5.76 - TREE SURGEONS

Chapter 5.04 TRANSIENT MERCHANTS AND BUYERS, PEDDLERS AND SOLICITORS

Sections:

[5.04.010 Purpose.](#)

[5.04.020 Definitions.](#)

[5.04.030 License required.](#)

[5.04.040 License—Form.](#)

[5.04.050 Applicability.](#)

[5.04.060 Public property permit requirement.](#)

[5.04.070 License—Application.](#)

[5.04.080 License—Appeal of refusal to issue.](#)

[5.04.090 License fee.](#)

[5.04.100 License fee—Payable to city.](#)

[5.04.110 License—Expiration.](#)

[5.04.120 License—Chief of police approval.](#)

[5.04.130 License—Bond required.](#)

[5.04.140 License—City clerk appointment as agent for service of process required—Exception.](#)

[5.04.150 License—Display.](#)

[5.04.160 License not transferable.](#)

[5.04.170 License—Revocation.](#)

[5.04.180 License revocation—Notice.](#)

[5.04.190 Revocation—Hearing.](#)

[5.04.200 Revocation—Record and determination.](#)

[5.04.210 Revocation—Appeal.](#)

[5.04.220 Effective revocation.](#)

[5.04.230 Violation—Penalty.](#)

5.04.010 Purpose.

The purpose of this chapter is to provide regulation for peddlers, solicitors, transient merchants and transient buyers within the corporate limits of the city of Fort Dodge.

(Ord. 1674 § 1, 1984).

5.04.020 Definitions.

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

- (1) The term "peddler" means any person carrying any goods, wares or merchandise or food who sells or offers for sale for immediate delivery such goods, wares or merchandise or food from house to house or upon the public street or public property.
- (2) The term "person" as used herein means and includes an individual person, a firm, corporation, partnership or association whether owner, agent, bailee, consignee or employee.
- (3) The term "solicitor" means any person who solicits or attempts to solicit from house to house or upon any public street or public property an order for goods, wares, subscriptions or merchandise to be delivered at a further date.
- (4) The term "transient buyer" as used herein means and includes every person who buys within the corporate limits of the city of Fort Dodge from the general public at wholesale any goods, wares or merchandise of any kind, nature or description with the intention of temporarily or intermittently buying such goods, wares or merchandise within the corporate limits of the city of Fort Dodge. A person engaged in such business is presumed to be temporarily or intermittently in such business unless it is the intention of such person to remain continuously in business at each location where he is engaged in such business within the city of Fort Dodge as a buyer for a period of more than sixty days. The provisions of this chapter shall not be construed to apply to any person buying at wholesale or retail from any retail or wholesale business in the city of Fort Dodge.
- (5) The term "transient merchant" as used herein means and includes every person who brings or causes to be brought within the city limits of Fort Dodge, Iowa, any goods, wares or merchandise of any kind, nature or description with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares or merchandise within the corporate limits of Fort Dodge. The term "transient merchant" also means and includes every person who temporarily or intermittently engages in or conducts at one or more locations a business within the city of Fort Dodge for the sale and retail of any goods, wares or merchandise of any nature or description. A person engaging in business is presumed to be temporarily or intermittently in business unless it is the intention of such person to remain continuously in business at each location where he is engaged in business within the city of Fort Dodge for a period of more than sixty days. Provisions of this section shall not be construed to apply to persons selling at

Title 5 BUSINESS LICENSES AND REGULATIONS

wholesale or to transient vendors of drugs and/or to persons holding an Iowa Department of Agriculture license nor to persons selling their own work or production either by themselves or employees.

(Ord. 1674 § 2, 1984).

5.04.030 License required.

Any person engaging in peddling, soliciting or in the business of transient merchant or transient buyer in this city without first obtaining a license as herein provided shall be in violation of this chapter.

(Ord. 1674 § 3, 1984).

5.04.040 License—Form.

The city clerk shall prepare a standard form of license for use.

(Ord. 1674 § 22, 1984).

5.04.050 Applicability.

The provisions of this chapter shall not apply to the following:

- (1) Newspaper delivery;
- (2) Members of private nonprofit corporations and associations authorized to do business in the state of Iowa;
- (3) Students of any school in the city of Fort Dodge, Iowa, soliciting on behalf of his or her school;
- (4) Milk or dairy products delivery;
- (5) Persons customarily calling on businesses or institutions for the purpose of selling or soliciting the sale or soliciting the purchase of products at wholesale or institutional use;
- (6) Persons dealing in antiques and collectibles in conjunction with a fair or market;
- (7) Persons holding a current license for their trade or business issued by the state of Iowa or city of Fort Dodge.

(Ord. 1674 § 6, 1984).

5.04.060 Public property permit requirement.

All peddlers, solicitors, transient merchants or transient buyers as defined in this chapter, including those persons exempt under Sections 5.04.020 and 5.04.050(2), (4), (6) and (7) of this chapter, must secure a permit prior to the conduct of any business transaction upon any street, alley or other public property owned by the city of Fort Dodge or any of its administrative agencies. Permits for conduct of business on property under the jurisdiction of any of the city's administrative agencies must be secured from that administrative agency pursuant to such rules and fees adopted therefor by such agency. Permits for the conduct of business on all other city streets, alleys and property must be secured from the city council pursuant to such rules, regulations and fees established therefor by council resolution.

(Ord. 1674 § 12, 1984).

5.04.070 License—Application.

The peddler, solicitor, transient merchant or transient buyer as defined in this chapter, desiring a license, shall, at least five business days prior to the first day any sale or purchase is made, file with the city clerk an application in writing duly verified by the person proposing to sell or selling or buying, which application shall include the following facts:

- (1) The name, residence, post office address of the person;
- (2) The name, residence, post office address of the firm, corporation, partnership or association for whom the person is making application;
- (3) Local address and telephone;
- (4) If a corporation has their certificate of authority to do business in the state of Iowa;
- (5) Whether they have an Iowa retail sale tax permit and if so, the number;
- (6) The date or dates upon which they propose to conduct such business;
- (7) The description and license number of all motor vehicles they will use in conjunction therewith;
- (8) Name and reference for most recent previous community in which licensed or operating.

(Ord. 1674 § 5, 1984).

5.04.080 License—Appeal of refusal to issue.

If the clerk refuses to issue a license the applicant shall have the right to a hearing before the council at its next regular meeting. The council may reverse, modify or affirm the decision of the clerk by a majority vote of the council and the clerk shall carry out the decision of the council. In the event that the council affirms the decision of refusal, the applicant may appeal the decision of the council to the Iowa District Court as by law provided.

(Ord. 1674 § 19, 1984).

5.04.090 License fee.

License fees:	
1. Solicitor	\$ 75.00 per month
2. Peddler	75.00 per month
3. Transient merchant	150.00 per week
4. Transient buyers	75.00 per month

All fees payable in advance.

(Ord. 2027 § 2, 2005; Ord. 1674 § 4, 1984).

5.04.100 License fee—Payable to city.

All license fees payable under this chapter shall be made payable to the city of Fort Dodge.

(Ord. 1674 § 7, 1984).

5.04.110 License—Expiration.

All licenses granted hereunder, unless otherwise specifically provided, shall expire one year from their issuance.

(Ord. 1674 § 8, 1984).

5.04.120 License—Chief of police approval.

Upon receiving an application, the city clerk shall forward the application to the chief of police or his duly designated representative who shall either recommend approval or disapproval of the issuance of the application prior to the issuance of the license and shall endorse such recommendation on the application itself and thereafter return same to the city clerk.

(Ord. 1674 § 9, 1984).

5.04.130 License—Bond required.

Any person applying for a license shall be required to file a cash bond or a surety bond approved by the city clerk in the sum of five thousand dollars, conditioned upon the faithful performance of his conduct of the business, and shall be for the benefit of any person deceived, defrauded or cheated by such person to extent of the damages sustained by such person deceived, defrauded and cheated.

(Ord. 1947 § 2, 2000; Ord. 1674 § 10, 1984).

**5.04.140 License—City clerk appointment as agent for service of process required—
Exception.**

Before a license is issued, the applicant shall first sign an appointment naming the city clerk as agent of the licensee for service of legal process for claims or litigation against such licenses arising out of or in connection with the peddling, soliciting, merchandising or buying. This shall not apply to corporations which have a registered agent listed in the Iowa Secretary of State Office.

(Ord. 1674 § 21, 1984).

5.04.150 License—Display.

Each person issued a license shall at all times while doing business in this city keep in his or her possession the license or a copy thereof provided for in Section 5.04.040 of this chapter and shall upon the request of a prospective customer exhibit the license as evidence that he has complied with all

requirements of this chapter. A transient merchant or a transient buyer shall display publicly Iris license in his place of doing business.

(Ord. 1674 § 11, 1984).

5.04.160 License not transferable.

Licenses issued under provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

(Ord. 1674 § 13, 1984).

5.04.170 License—Revocation.

The city council may revoke any license issued under this chapter for the following reasons:

- (1) Fraudulent Statements. The licensee has made fraudulent statements in his application for license or his conduct of his business;
- (2) Violation of Law. The licensee has violated this chapter or otherwise conducted the business in violation of the state law;
- (3) Endangered Public Welfare, Health, or Safety. The licensee has conducted his business in such a manner as to endanger the public welfare, safety, order or morals.

(Ord. 1674 § 14, 1984).

5.04.180 License revocation—Notice.

The license holder and the surety on his bond shall be served a written notice containing the particulars of the complaints against the person, the ordinance or provisions or state statutes violated and the date, time and place for hearing on the revocation.

(Ord. 1674 § 15, 1984).

5.04.190 Revocation—Hearing.

The city council shall conduct a hearing at which both the licensee and any complaints shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee or his authorized representative fail to appear without good cause, the council may proceed to a determination of the complaint.

(Ord. 1674 § 16, 1984).

5.04.200 Revocation—Record and determination.

The city clerk shall make and record findings and conclusions of law made by the council and shall revoke a license only upon direction by the city council. The city council shall direct such revocation only upon finding clear and convincing evidence of substantial violation of this chapter or of the state law.

(Ord. 1674 § 17, 1984).

5.04.210 Revocation—Appeal.

If the city council directs the revocation of a license such decision may be appealed to the Iowa District Court as by law provided.

(Ord. 1674 § 18, 1984).

5.04.220 Effective revocation.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

(Ord. 1674 § 20, 1984).

5.04.230 Violation—Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be subject to imprisonment not to exceed thirty days or a fine not exceeding one hundred dollars. Each day the violation continues to exist shall constitute a separate offense.

(Ord. 1674 § 23, 1984).

Chapter 5.05 SECONDHAND TEXTBOOK DEALERS

Sections:

[5.05.010 Purpose.](#)

[5.05.020 Definitions.](#)

[5.05.030 Applicability.](#)

[5.05.040 Identification.](#)

[5.05.050 Record of transaction.](#)

[5.05.060 Violation—Penalty.](#)

5.05.010 Purpose.

The purpose of the City's regulation of pawnshops is to prevent pawnshops from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of citizens.

(Ord. No. 2229, 5-11-15)

5.05.020 Definitions.

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

Title 5 BUSINESS LICENSES AND REGULATIONS

- (1) The term "secondhand textbook dealer" means any person who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand textbooks.
- (2) The term "textbook" means a book used in technical schools, colleges and universities as a manual of instruction.
- (3) The term "secondhand textbook" is any textbook purchased by the dealer from someone other than the publisher, printer or distributor.

(Ord. No. 2229, 5-11-15)

5.05.030 Applicability.

The provisions of this chapter shall not apply to institutions of primary or secondary education.

(Ord. No. 2229, 5-11-15)

5.05.040 Identification.

No secondhand textbook dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand textbook from a customer without first securing adequate identification from the customer. Adequate identification shall include a detailed identification of the customer by obtaining a physical description of the person and shall also include the subject's driver license or government issued identification number, at the time of the transaction; the dealer shall require the customer to present one of the following types of identification:

- (1) A state identification card.
- (2) A valid Iowa motor vehicle operator's license.
- (3) A valid motor vehicle operator's license, containing a picture issued by another state.
- (4) A military identification card.
- (5) A valid passport.
- (6) An alien registration card.
- (7) A senior citizen's identification card containing a photograph.
- (8) Any valid college, university, or technical school identification card.
- (9) A valid identification card or motor vehicle operator's license issued by a tribal government or foreign country.

(Ord. No. 2229, 5-11-15)

5.05.050 Record of transaction.

For each transaction for the purchase, receipt or exchange of one or more textbooks by a secondhand textbook dealer, a secondhand textbook dealer shall require the customer to provide government-issued photo identification, and complete and sign, in ink, a form approved by the Fort Dodge Police Department. The form shall require, among other things, that each individual textbook be listed by title and author, by international standard book number (ISBN) or by any other information adequate to identify each textbook included in the transaction. Should the secondhand textbook dealer include the necessary information on a receipt of the transaction, a copy of the receipt attached to the form shall satisfy this ordinance. Secondhand textbook dealers maintain the records for a six month time period and shall make the records available upon demand of the police.

(Ord. No. 2229, 5-11-15)

5.05.060 Violation—Penalty.

Any person violating the provisions of this chapter shall be guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not to exceed thirty days or a fine not exceeding three hundred dollars.

(Ord. No. 2229, 5-11-15)

Chapter 5.08 AUCTION SALES ^[1]

Sections:

[5.08.010 Personal property—Chapter compliance required—License fee—Bond.](#)

[5.08.040 Attendance by clerk required—Clerk's list.](#)

[5.08.050 Acts prohibited.](#)

[5.08.060 Revocation of license or permit—Notice of hearing.](#)

5.08.010 Personal property—Chapter compliance required—License fee—Bond.

No sale at public auction of any personal property shall be held within the city, unless such sale be directly conducted by an auctioneer licensed pursuant to the provisions of this chapter. Livestock, used household furniture, farm property and property sold under legal process shall not be considered as personal property under this section, providing, however, that any person selling at auction, livestock, used household furniture, farm property, except property sold under legal process, shall pay a license fee of twenty-five dollars per year and furnish bond in the penal sum of one thousand dollars.

(Ord. 881 § 1).

5.08.040 Attendance by clerk required—Clerk's list.

Every auction sale conducted hereunder shall be attended by a clerk, who shall list the property sold by inventory number, the name of the purchaser and the price paid.

(Ord. 1661 § 2(a), 1984; Ord. 881 § 4).

5.08.050 Acts prohibited.

No auctioneer shall:

- (1) Make any false representations as to the character, quality, condition, value or ownership of any property offered for sale, or falsely represent that such property is in whole or in part bankrupt or insolvent stock or damaged goods or goods saved from fire;
- (2) Sell at such auction sale any property not listed in the owner's statement and inventory;

Title 5 BUSINESS LICENSES AND REGULATIONS

- (3) Substitute any other article for the article sold to a bidder; employ or permit to be employed any bellman crier, instrument of music or means of attracting the attention of passersby, other than a sign or a flag;
- (4) Conduct a sale where entertainment is provided on the premises where the sale is conducted;
- (5) Conduct a sale on premises where any other sales are being conducted, except the auction sale.

(Ord. 881 § 5).

5.08.060 Revocation of license or permit—Notice of hearing.

- (a) The city council may revoke any license or permit to conduct an auction sale issued pursuant to the provisions of this chapter if it shall have reasonable cause to believe that the holder of such permit is violating any statute of the state of Iowa or any of the provisions of this chapter.
- (b) Upon complaint filed the city council may cause notice to be served upon the holder of a permit which shall fix the time and place, the time being not less than three days from the date of the service of such notice, for hearing upon such complaint, at which time and place the city council shall hear the evidence of the person complaining, and such other evidence as may be presented to sustain the charges filed against the holder of such permit, and if the charges, in the judgment of the city council, sustained, such permit may be revoked.

(Ord. 881 § 6).

FOOTNOTE(S):

--- (1) ---

For the statutory provisions authorizing cities to regulate and license auction sales, see ICA 368.6(5); for provisions regarding the power of cities to regulate, license or prohibit sales at auction, see ICA 368.8(5).[\(Back\)](#)

Chapter 5.12 BANKRUPTCY, CLOSING-OUT AND FIRE SALES [\[2\]](#)

Sections:

[5.12.010 Regulation required.](#)

[5.12.020 Definitions.](#)

[5.12.030 License—Required—Application—Contents—False statements.](#)

[5.12.040 License—Application—Examination and investigation—Bond—Issuance—Duration—Renewal.](#)

[5.12.050 License—Fees—Forfeiture.](#)

[5.12.060 Display—Fraud and misleading advertising.](#)

[5.12.070 Inventory regulations.](#)

[5.12.080 Advertisements—Books and records of sale.](#)

[5.12.090 Exemptions.](#)

[5.12.100 License revocation and hearing.](#)

5.12.010 Regulation required.

The city council has determined that the public health, welfare, safety and public interest require the regulation of certain fire, bankruptcy and closing-out sales and in consideration of the public interest herewith ordain as set forth in this chapter.

(Ord. 1225 § 1, 1965).

5.12.020 Definitions.

The following words and terms, as used in this chapter, respectively, shall be deemed to mean and be construed as follows:

- (1) "License" means license issued pursuant to this chapter;
- (2) "License collector" means the city clerk or person duly designated by him or the city council;
- (3) "Licensee" means any person to whom a license has been issued pursuant to this chapter;
- (4) "Publish, publishing, advertisements, advertising" includes and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by circular, by pamphlet, by written notice, by printed notice, by printed display, by billboard display, by poster, by radio announcement, by radio program, by television, by recordings, and any and all means including oral, written or printed;
- (5) "Sales" means the sale or an offer to sell to the public, goods, wares and merchandise of any and all kinds and descriptions on hand and in stock in connection with a declared purpose, as set forth by advertising, on the part of the seller, that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It also includes any sale advertised, either specifically or insubstance, to be a "fire sale;" "smoke and water damage sale;" "adjustment sale;" "creditor's sale;" "trustee's sale;" "bankrupt sale;" "save us from bankruptcy sale;" "insolvent sale;" "insurance salvage sale;" "mortgage sale;" "assignee's sale;" "adjustor's sale;" "receivers sale;" "loss-of-lease;" "wholesaler's close-out sale;" "creditors committee sale;" "forced-out-of-business sale;" "removal sale," and any and all sales advertised in such a manner as to reasonably convey to the public that upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

(Ord. 1225 § 2, 1965).

5.12.030 License—Required—Application—Contents—False statements.

- (a) No person shall publish or conduct any sale without a license there-for.
- (b) Application for the license required by this chapter shall be made to the city council on a form to be approved by the council. It shall be in writing and verified by the applicant.

Title 5 BUSINESS LICENSES AND REGULATIONS

- (c) The application referred to shall contain a description of the place where such sale is to be held, the nature of the occupancy, whether by ownership, lease or sublease and the effective date of termination of such occupancy, the means to be employed in publishing such sale, together with the proposed language contained in publishing such sale, together with the proposed language contained in any advertisements. Such application shall further contain, as a part thereof, an itemized list of goods, wares and merchandise are to be sold under such description name or title, and in what manner such name is truthfully descriptive of such sale, the place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition and when acquired, and also, the date of delivery thereof to the applicant.
- (d) Any person who makes a false statement in any application for a license, as herein required, shall upon conviction thereof, be punished by a fine of one hundred dollars or imprisonment for not over thirty days.

(Ord. 1225 § 3, 1965).

5.12.040 License—Application—Examination and investigation—Bond—Issuance—Duration—Renewal.

- (a) Upon receipt of any application for a license and payment of the prescribed fee, the city council shall cause the same to be examined and investigated.
- (b) Before a license required by this chapter shall be issued by the city council under an application therefor, the applicant shall execute, and deliver to the city, a bond in the penal sum of one thousand dollars signed by the applicant, and also signed by a surety company duly authorized to transact business in the state. Such bond shall be conditioned upon the faithful observance of the provisions of this chapter. It shall also be conditioned to reimburse and indemnify any purchaser at a sale, as provided for herein, duly held by such licensee, for any loss incurred or damage sustained by such purchaser by reason of misrepresentation or fraud, in the sale of any such goods, wares or merchandise. Said bond shall be in full force and effect for one year following the date of issue of said license.
- (c) If, upon investigation, the facts as represented by the application are found to conform to the representations thereof, as contained in the application, and the advertising proposed to be used truly represents such facts and is not fraudulent or misleading to the public, the city council shall issue a license permitting the publication and conduct of such sale.

A license issued under the provisions of this chapter shall be for a period not exceeding ninety days. No renewal or extension of this license may be granted.

(Ord. 1692 § 2 (A, B), 1986; Ord. 1225 § 4, 1965).

5.12.050 License—Fees—Forfeiture.

Upon filing an original application for a license to advertise and conduct a sale, or special sale, the applicant shall pay, if the stock of goods on hand inventories at fifteen thousand dollars or less, a license fee in the sum of fifty dollars; if the stock of goods inventories in excess of fifteen thousand dollars, the applicant shall pay a fee in the sum of one hundred dollars. If an application be disapproved, one-half of such payment shall be forfeited to the city council as and for the cost of investigating the statements in such application.

(Ord. 1692 § 2 (C), 1986; Ord. 1225 § 5, 1965).

5.12.060 Display—Fraud and misleading advertising.

- (a) Upon commencement of any sale the license issued by the city council shall be prominently displayed near the entrance to the premises.
- (b) It is unlawful for a licensee to advertise, or cause to be advertised, goods, wares or merchandise for a sale, which do not conform to the representations of the advertisement. It is unlawful for a licensee to publish, or cause to be published, advertised falsely representing the reason for a sale.

(Ord. 1225 § 6, 1965).

5.12.070 Inventory regulations.

- (a) Adding Goods to Inventory Stock or Selling Goods Not in Original Inventory.

It is unlawful for any person conducting a sale to add any goods to the inventoried stock thereof, or to sell any goods, except those in the original inventory while representing the same by advertising, inference or otherwise, as being a part of the goods advertised for sale, as herein authorized.

- (c) Duplicate of Application and Stock List to be Made Available for Inspection—Examination of Merchandise.

A duplicate original of the application for a license and stock list, pursuant to which such license was issued, shall at all times, be available to the city council or to the license collector, and the licensee shall permit the license collector to examine all merchandise in the premises for comparison with such stock list at any and all times during the period of such sale.

(Ord. 1692 § 2(D), 1986; Ord. 1225 § 7, 1965).

5.12.080 Advertisements—Books and records of sale.

- (a) All advertisements or advertising, and the language contained therein, shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued. The wording of such advertisements shall not vary from the wording as indicated in the application. Such advertising shall contain a statement in these words: "Sale held pursuant to Permit No. ;#rule; of the City Council, granted the ;#rule; day of _____, 19_____" and in such blank spaces shall be indicated the permit number and the requisite dates.
- (b) Books and records of sales, under this chapter, shall be kept by the licensee, and shall at all times be available to the license collector.

(Ord. 1225 § 8, 1965).

5.12.090 Exemptions.

The provisions of this chapter shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officers, such as sheriffs' bailiffs or marshals;
- (3) Duly licensed auctioneers selling at auction;
- (4) Executors, guardians, assignees of insolvent debtors, bankrupts or other persons required by law to sell such property.

(Ord. 1225 § 9, 1965).

5.12.100 License revocation and hearing.

- (a) In addition to penalties otherwise provided in this chapter, the city council may order, for failure to comply with the provisions of this chapter, the revocation or suspension of any license hereunder.
- (b) No order of revocation or suspension shall be lawful unless the following requirements have been met:
 - (1) The licensee shall be served with written notice containing assertions of fact or conduct which warrant the intended action. Reference shall be made to ordinance provisions allegedly violated and the time and place and nature of hearing shall be specified.
 - (2) The city council shall conduct a hearing for the purpose of resolving those issues of law and fact arising out of the individual case. Should the licensee or his authorized representative fail to appear without good cause, the council may proceed, in his absence, to a determination of the issues.
 - (3) The licensee shall have the right to be represented by counsel, to testify and present witnesses in his own behalf, and to cross-examine adverse witnesses.
 - (4) The city council may make and record findings of fact and conclusions of law, and shall issue an order of suspension or revocation, only when it finds clear and convincing evidence of substantial violation of this chapter.
 - (5) If the city council finds that the public health or safety requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending hearing on the suspension or revocation.
 - (6) Any person aggrieved by any of the actions of the council may appeal such council action as by law provided.

(Ord. 1692 § 2(E), 1986).

FOOTNOTE(S):

--- (2) ---

For the statutory provisions regarding the licensing and regulating bankrupt and dollar sales, and the like, see ICS 368.6(5). [\(Back\)](#)

Chapter 5.16 CABLE RATE REGULATION

Sections:

[5.16.010 FCC Rate Regulations.](#)

5.16.010 FCC Rate Regulations.

- (a) The city will follow the FCC Rate Regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the franchise; and
- (b) In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties; and
- (c) The mayor, or his or her designee, is authorized to execute on behalf of the city and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the city to regulate basic service rates and charges; and
- (d) This chapter shall be effective as by law provided.

(Ord. 1850 §§ 1—4, 1993).

Chapter 5.20 CARNIVALS, CIRCUSES AND AMUSEMENTS ^[3]

Sections:

[5.20.010 License required.](#)

[5.20.020 Payment for licenses.](#)

[5.20.030 Circuses.](#)

[5.20.040 Carnivals.](#)

[5.20.045 Waiver of fee.](#)

5.20.010 License required.

Every person engaged in or who may hereafter engage in any of the vocations hereinafter named within the corporate limits of the city shall first procure a license therefor and pay the license fee hereinafter prescribed and be governed in the exercise thereof in accordance with the regulations hereinafter set forth.

(Ord. 497 § 1).

5.20.020 Payment for licenses.

Payments for all licenses in the city issued annually or semiannually shall be due and payable on the first day of January and on the first day of July each year in advance and no license shall be issued for a shorter period than six months unless expressly so provided in this chapter.

(Ord. 497 § 2).

5.20.030 Circuses.

- (a) No person shall operate a circus in the city without a license therefor from the council. The license fee for a circus shall be one hundred fifty dollars for each day's exhibition, payable in advance.

- (b) The applicant for a circus license shall file a bond with the city in an amount to be fixed by the council, conditioned that such licensee shall pay all damages which the licensee may occasion to either public or private property by reason of any of his activities.

(Ord. 1426 § 2, 1975).

5.20.040 Carnivals.

- (a) License. No person shall operate a carnival in the city without a license therefor from the council.
- (b) Application for License. The application for the license shall be made to the council in writing, and the council shall examine the qualifications, character and reputation of the applicant, and the desirability of permitting the carnival to operate in the city. If the council deems the applicant is not a proper person to operate the carnival, or that the carnival is not desirable, the application shall be denied.
- (c) License Fees. No license shall be issued unless the applicant pays a license fee of fifty dollars for each day of operation, payable in advance.
- (d) Revocation. The license may be revoked by the council if any violation of city ordinances are permitted on the carnival grounds or if at any time the council deems the carnival to be undesirable.
- (e) Hours of Operation. The council may limit the hours and days of operation of any carnival.

(Ord. 1426 § 3, 1975).

5.20.045 Waiver of fee.

The provisions of Sections 5.20.030 and 5.20.040 shall be waived as to the payment of the fee upon application of recognized civic, religious, business and educational institutions of the city, and the execution of a "hold harmless" agreement executed by said organization holding the city harmless from any and all liability arising out of the appearance of said circus or carnival.

(Ord. 1426 § 4, 1975).

FOOTNOTE(S):

--- (3) ---

For statutory provisions regarding the power to regulate, license or prohibit circuses, shows and exhibitions of all kinds, see ICA 368.8(3); for provisions regarding the power to regulate, license or prohibit shooting galleries, see ICA 368.8(2); for provisions regarding the power to regulate parades, see ICA 368.5(2).([Back](#))

Chapter 5.52 PAWNBROKERS ^[4]

Sections:

Title 5 BUSINESS LICENSES AND REGULATIONS

[5.52.010 Pawnbroker defined.](#)

[5.52.020 License—Required.](#)

[5.52.030 License—Fee.](#)

[5.52.040 License—Application—Bond—Issuance.](#)

[5.52.050 Records—Tickets.](#)

[5.52.060 Records—Inspection.](#)

[5.52.070 Unlawful transactions.](#)

[5.52.080 Redemption period.](#)

5.52.010 Pawnbroker defined.

Any person, firm or corporation which loans money, on deposit or pledge of personal property or other thing of value, or who deals in the purchasing of personal property or other things of value on condition of selling the same back at a stipulated price, or who receives actual possession of personal property as security for loans with or without a bill of sale is hereby defined as and declared to be a pawnbroker.

(Ord. 1492 § 1, 1978).

5.52.020 License—Required.

It is unlawful for any person to engage in the business of a pawnbroker or to hold himself out by means of any sign identifying him as a pawnbroker or in any manner to advertise himself as loaning money on pledged property or deposit of property or other thing of value without first having applied for and obtained a license under the terms of this chapter.

(Ord. 1492 § 2, 1978).

5.52.030 License—Fee.

Before engaging in business, a pawnbroker shall obtain a license in the city of Fort Dodge, Iowa, and shall pay therefor a yearly license fee of fifty dollars. Said license fee shall cover a period of one year from the date of the actual issuance of the license and must thereafter be renewed upon a yearly application and the annual payment of the fifty dollar license fee. All current licenses as of the date of passage of the ordinance codified in this chapter shall remain valid until the original date of expiration thereof.

(Ord. 1492 § 3, 1978).

5.52.040 License—Application—Bond—Issuance.

The application for a pawnbroker's license shall be in writing and subscribed and sworn to by one of the owners of the business, and the application shall set forth the name of each person who is an owner of said business or if a corporation the names of the officers and directors of the corporation. It shall further set out the principal place of business at which said pawnbroker's business shall be operated,

Title 5 BUSINESS LICENSES AND REGULATIONS

state the name and address of the manager, and such other information as may be required by the city in order to investigate the good character of the applicant. Said application shall be filed with the city clerk of the city of Fort Dodge, Iowa, who shall, if the said application is in proper order, submit the same to the next regular meeting of the city council. The city council at said meeting shall approve or deny said application and if approved shall direct the city clerk to issue a pawnbroker's license to the applicant. If denied, the city clerk shall return to the applicant the license fee deposited with him. Before any license shall be issued to any pawnbroker, the applicant therefor shall file with the city clerk a bond executed by a surety bonding company in the sum of two thousand dollars, conditioned that he will comply with all the conditions and regulations in this chapter and that he will pay all fines, costs or penalties imposed for his failure to do so, all damages any person may sustain by reason of his taking in pledge or purchasing any stolen property, and if such stolen property is sold by him so that the same cannot be returned to the owner thereof, then that he will pay the owner the value thereof or, if the same still remains in his possession, that he will deliver the same to the owner thereof, together with all costs and charges sustained by him in recovering possession thereof.

(Ord. 1492 § 4, 1978),

5.52.050 Records—Tickets.

Every licensed pawnbroker shall keep a book in which shall be plainly written the time of each loan or purchase of personal property and an accurate account or description in the English language of the goods, wares, merchandise or other things and any and all property serial numbers or identification numbers inscribed, engraved or otherwise attached thereto, thereon, or therein, pawned, pledged or purchased by the pawnbroker, the amount of money loaned or paid therefor, the date of the transaction, the name, address of residence, age, race and sex of the person pawning, pledging or selling the same. The brief description of the person pawning or selling shall include the color of hair and eyes, approximate weight and height and any other identifying physical characteristics. This book, and the pawned or purchased articles, shall at all reasonable times be open to the inspection of any law enforcement officer of the city of Fort Dodge. Every pawnbroker purchasing or receiving on deposit for a loan any article of personal property shall in addition to keeping the above record give and deliver to the person selling, pledging or depositing any article or thing of value a plainly written or printed ticket or receipt therefor showing the terms of said sale or loan, and a copy of the entry in the book required herein. Each of said tickets or receipts shall be signed by the pawnbroker and by customer as well.

(Ord. 1492 § 5, 1978).

5.52.060 Records—Inspection.

It shall be the duty of each pawnbroker licensed under the terms of this chapter to daily make available for examination by the chief of police or his designated officer, a list identifying each transaction occurring during the preceding business day as reflected and set out in the pawnbroker's book required in this chapter. The pawnbroker shall be required to keep his lists and books current and to make available for examination all lists, books and records down to and including the close of business on the preceding day. No pawnbroker shall be required to furnish information with reference to property purchased by him for resale from bona fide wholesalers, manufacturers, distributors or other merchants having an established place of business if said property upon its sale to the pawnbroker is accomplished by a bill of sale or invoice. The bill of sale or invoice shall be subject to inspection upon demand by any law enforcement officer.

(Ord. 1492 § 6, 1978).

5.52.070 Unlawful transactions.

It is unlawful for any pawnbroker to pawn, purchase or receive any property, goods or other things of value from any minor without the written consent of the parent or guardian of said minor, and it is unlawful for any pawnbroker to engage in any transaction with any person under the influence of intoxicating liquors or drugs or from any person known to be a person of unsound mind.

(Ord. 1492 § 7,1978).

5.52.080 Redemption period.

No pawnbroker shall sell or dispose of any pawned or pledged article until the same has remained in his possession for fifteen days subsequent to the date of redemption set out under the pledge or loan agreement. Further, no loan or pledge of any property deposited with said pawnbroker shall be permitted to be redeemed in any period less than forty-eight hours from the time of the making of said loan or pledge. When the chief of police or any police officer of the Fort Dodge police department shall notify in writing any pawnbroker not to sell any item of property so received or permit the same to be redeemed, such property shall not be sold or redeemed and must be retained in the possession of the pawnbroker for at least fifteen days after the receipt of said written notice or until he is notified in writing that the said article is released.

(Ord. 1492 § 8, 1978).

FOOTNOTE(S):

--- (4) ---

For the statutory provisions regarding the regulation and licensing of pawnbrokers, see ICA 368.6(3); for provisions regarding restraining and prohibiting the purchasing or receiving of certain property by pawnbrokers, see ICA 368.7(4). [\(Back\)](#)

Chapter 5.64 TAXICABS ^[5]

Sections:

[5.64.010 Definitions.](#)

[5.64.020 License—Required.](#)

[5.64.030 License—Fee.](#)

[5.64.040 Vehicle specifications.](#)

[5.64.050 Minimum insurance requirements.](#)

[5.64.060 Identification specifications.](#)

[5.64.070 Taxi zones.](#)

[5.64.075 Rates of fares.](#)

[5.64.080 Prepayment of fare.](#)

[5.64.090 Soliciting of passengers prohibited.](#)

5.64.010 Definitions.

- (a) Person. The term "person" means individuals, partnerships, corporations, or any other lawful business association.
- (b) Operators. The term "operator" means any person who owns a taxi, or who owns a taxi operation, but does not include persons hired to drive a taxi unless said person is the owner thereof.
- (c) Street. The term "street" means any street, alley, court, lane, bridge, or such place within the corporate limits of the city of Fort Dodge.
- (d) Taxi. The term "taxi" means all motor vehicles furnished with a driver and carrying passengers for hire over or upon the streets of the city of Fort Dodge, except authorized bus service.

(Ord. 1497 § 2, 1979).

5.64.020 License—Required.

It is unlawful for any person to operate a taxi until a license has been obtained for each such vehicle from the city council. Applications for licenses shall be made by the operator thereof, and shall contain the name, residence and business address of the operator and the make, model, serial number and state license plate number of each vehicle.

(Ord. 1497 § 3, 1979).

5.64.030 License—Fee.

The annual license fee for each vehicle shall be twenty-five dollars. The annual license shall run from July 1st to June 31st of each year. In the case of a license issued after January 1st each year, only one-half of the above fee shall be paid. Licenses shall be payable in advance on or before July 1st of each year.

(Ord. 1497 § 4, 1979).

5.64.040 Vehicle specifications.

- (a) Doors. Every taxi shall be equipped with a minimum of four doors.
- (b) Interior Lights. Every taxi shall be equipped with an interior light of sufficient wattage to amply illuminate the interior of the taxi at all times, said light being so arranged as to be easily accessible to the passengers.
- (c) Safety Inspection. All taxis proposed for licensing, under the provisions of this chapter, shall have passed a state motor vehicle safety inspection within thirty days of the date that application is made for the licensing thereof.

(Ord. 1497 § 5, 1979).

5.64.050 Minimum insurance requirements.

As a prerequisite of the issuance of a license for any taxi, as defined in this chapter, the operator thereof shall file with the city clerk an insurance policy to be approved by the city council, issued by an insurance company licensed to do business in the state of Iowa, providing insurance coverage for each and every taxi vehicle operated and/or leased by said operator, with a minimum liability of one hundred thousand dollars for injury or death of any person, and three hundred thousand dollars for injury or death of any number of persons in any one accident, and a minimum liability of fifty thousand dollars for property damage in any one accident, regardless of whether the taxi was driven by the owner, his agent or lessee, or any other person. Said policy is to be valid for a minimum of one year following the presentation of same for approval.

The cancellation or termination of any insurance policy issued for the compliance with this section thereof, shall automatically terminate all licenses issued for the taxi covered by such policy, unless another policy complying with this section thereof shall be provided and in effect at the time of such cancellation or termination.

(Ord. 1497 § 6, 1979).

5.64.060 Identification specifications.

- (a) Every taxi licensed under the provisions of this chapter shall have plainly, the name of the owner, or the operator, or the operating company, painted in letters of at least two inches in height in the center of the main panel of one door on each side of said taxi.
- (b) Every taxi licensed under the provisions of this chapter shall be finished in a distinctive color, either in whole or in part, so that it may be readily and easily distinguished from other vehicles as taxis, which color scheme shall at all times meet with the approval and the requirements of the city council.
- (c) Each taxi licensed under the provisions of this chapter shall display in a prominent place, near the windshield of said vehicle, visible from the interior, the license issued hereunder, and the name and chauffer' s license number of the then driver of said taxi.

(Ord. 1497 § 7, 1979).

5.64.070 Taxi zones.

Taxi fare zones within the city limits of Fort Dodge are established as follows:

- (1) A taxi zone map shall be prepared, dividing the area of the city of Fort Dodge within its corporate limits into zones one-half mile square, more or less.
- (2) Said map attached hereto, as Annex A, and incorporated in this chapter by reference as though set out in length in this chapter, shall be placed on file for public inspection in the office of the city clerk of the city of Fort Dodge, Iowa. A reduced copy of said map shall be published herewith, as provided by law, and a reduced copy of said map shall be available in each taxi licensed under this chapter while said taxi is in use, and made available for view by fare-paying passengers upon their request.

(Ord. 1497 § 8, 1979).

5.64.075 Rates of fares.

Rates of fares for transportation of passengers between points within the city limits by taxi are established as follows:

Title 5 BUSINESS LICENSES AND REGULATIONS

- (a) Two dollars for the zone in which the passenger boards the taxi;
- (b) Twenty cents for each additional zone between the zone of boarding and including the zone of termination, upon the effective date of the ordinance codified in this chapter, and twenty-five cents for each additional zone between the zone of boarding and including the zone of termination, effective from and after the first day of July, 1980;
- (c) The number of zones to be charged shall be calculated as follows:
 - (1) Commencing at the zone of boarding, count each zone perpendicularly to the zone parallel with the zone of termination;
 - (2) Then count each zone horizontally to and including the zone of termination;
 - (3) Multiply the number of intermediate zones and the zone of termination by the rate of fare per zone, and add the rate of fare for the zone of boarding to determine the total fare.

(Ord. 1861 § 2, 1994; Ord. 1704 § 2, 1986; Ord. 1548 § 2, 1980; Ord. 1539 § 2, 1980; Ord. 1497 § 9, 1979).

5.64.080 Prepayment of fare.

Each driver of a taxi licensed under the provisions of this chapter, shall have the right to demand payment of the legal fare in advance, and may refuse hire unless so prepaid, but no driver of any such taxi shall otherwise refuse or neglect to convey an orderly person(s) upon request, anywhere in the city, unless previously engaged, or unable to do so.

(Ord. 1497 § 10, 1979).

5.64.090 Soliciting of passengers prohibited.

The driver of a taxi shall not solicit passengers along any street in the city of Fort Dodge, Iowa.

(Ord. 1497 § 11, 1979).

FOOTNOTE(S):

--- (5) ---

For statutory provisions regarding the regulation and licensing of taxicabs, see ICA 389.38 and 389.40. [\(Back\)](#)

Chapter 5.76 TREE SURGEONS

Sections:

[5.76.010 Tree surgeon defined.](#)

[5.76.020 License—Required—Fee—Termination date.](#)

[5.76.030 License—Insurance prerequisites.](#)

[5.76.040 Rules and regulations.](#)

[5.76.050 Certain activities not prohibited.](#)

5.76.010 Tree surgeon defined.

The word "Tree surgeon" as used in this chapter means any person, firm or corporation who solicits the work of felling or removal of trees or shrubs, or who cuts or trims any trees or shrubs or the limbs or branches thereof, or who offers services in the diagnosis and treatment of pestilence of any tree or shrub for valuable consideration. Excepting that nothing in this chapter shall prohibit property owners from hiring the services of unlicensed labor for the purpose of routine shaping, trimming and minor pruning in the usual and normal maintenance of trees and shrubs which are under thirty feet in height on their own property or abutting street property.

(Ord. 1602 § 2(1), 1982).

5.76.020 License—Required—Fee—Termination date.

Every tree surgeon shall annually, before engaging in any service designated in this chapter, obtain a license from the city clerk and shall pay an annual license fee in the amount provided therefor by resolution. All licenses shall terminate on December 31, of the year issued.

(Ord. 1998 § 1, 2003; Ord. 1397 § 2, 1974).

5.76.030 License—Insurance prerequisites.

Before any such license shall be issued, the applicant shall obtain and file with the city clerk a public liability insurance policy, insuring against any loss that the city of Fort Dodge, or any person, may sustain arising out of or in connection with such services performed by such tree surgeon. Such insurance coverage shall include not less than twenty-five thousand dollars property damage, fifty thousand dollars for a single personal injury or death, and with limits of not less than one hundred thousand dollars for multiple injuries or death. This coverage shall be in addition to automobile public liability insurance required for any car or truck operated by the licensee in his business. Such policy shall contain a provision that it may not be cancelled except after thirty days' notice to the city clerk.

(Ord. 1397 § 3, 1974).

5.76.040 Rules and regulations.

Licensed tree surgeons shall abide by the tree and shrub ordinances and rules and regulations of the department of forestry of the city of Fort Dodge. Any such licensed tree surgeon who violates the ordinances or departmental rules and regulations may be subject to revocation of the tree surgeon's license by the city council upon hearing thereon.

(Ord. 1602 § 2 (2) (part), 1982).

5.76.050 Certain activities not prohibited.

Nothing in this chapter shall prohibit the city of Fort Dodge, the Iowa-Illinois Gas and Electric Company, the Central Telephone Company or the Heritage Cablevision Company, their heirs and assigns or any property owner or abutting property owner upon any public street from performing tree trimming and cutting of trees for right-of-way and maintenance of their utility lines, public services, privately-owned trees and shrubs and publicly-owned abutting trees and shrubs without a tree surgeon's license in conformity with the several tree and shrub ordinances and rules and regulations of the department of forestry.

(Ord. 1602 § 2 (3), 1982).