

By Jan Schultz

The Imperial Republican

It might get more expensive to sell door-to-door in Imperial.

City council members, at the Aug. 6 meeting, directed City Attorney Josh Wendell to draw up a new ordinance on itinerant sales that will likely include a more expensive permit fee.

The action came up due to concerns city staff have, in part, about the permit process.

“We have been having a lot of complaints lately about the people that have been coming in” to Imperial to sell door-to-door, said Jo Leyland, clerk/administrator for the city.

A group here most recently selling vacuums is a good example, she said.

One resident who called the city said someone at her door told her the city was paying for their company to clean the houses of people who were retired.

“And, it wouldn’t cost the resident anything,” she said.

The person at the door had no permit to sell, according to the resident who complained. She told them she wasn’t interested, then the seller asked if she could use the bathroom.

The sellers “made the mistake,” Leyland said, of later stopping at former Police Chief Larry Browning’s house, Leyland reported she then contacted the police department. They were found and directed to the city office to get a permit, Leyland said.

The permit they subsequently filled out said they were selling Kirby vacuums, she said.

One of the problems with the current system, Leyland noted, is that sometimes, just one permit is applied for, but several people then go out into the community and make contacts door-to-door.

Currently, an itinerant sales permit costs \$25 the first day and \$10 for each subsequent day. They are also restricted to specific hours to sell door-to-door, and are supposed to have the permit on them when making contacts, Leyland said.

Violators are to be fined \$500 per day if they do not have a permit, and could be suspended from selling in the city for two years.

Leyland said what really concerns her now is when a resident sees the city permit, it’s often assumed, especially by senior citizens, that they are always a reputable business.

“Just because they get a city permit doesn’t say anything about their business practices,” she said.

However, it is time-consuming to do a thorough check on the validity of the company applying for the permit.

One suggestion to possibly help stave off some of the problems is a higher permit fee.

There have been dozens of federal cases dealing with door-to-door sales, said City Attorney Wendell, that address First Amendment rights to free commercial speech as well as the commerce clause, which prevents making laws “to keep outsiders out.”

Wendell cautioned about setting fees too high to keep people from coming to Imperial.

On a question from council member John Arterburn on what the permit fee should be, Wendell suggested \$50 to \$75 per day.

An additional application fee could also be assessed, too, Wendell said to cover the costs of further researching the company that is applying for the permit.

However, even with that, people should not rely on that investigation because it’s not going to be “a big background investigation on the individual or company involved,” Wendell said.

The ordinance could also include wording that “opts out” those residents with a “no solicitation”

sign in their residential windows that could put the door-to-door seller in violation of the city ordinance if he/she does stop.

He noted some cities also set their permit fee based on what they are selling, e.g. perishable vs. non-perishable goods.

Such permit requirements would not apply to businesses such as Schwan's, it was noted, because that salesman goes only to homes into which he has been asked.

"The goal should not be keeping these people out of Imperial," Wendell emphasized.

"The judicial system does not like that."

Wendell expects to present a few options for ordinances to the council at their next regular meeting.