

**CITY OF TAYLORS FALLS
CODE OF ORDINANCES
Section 320 - Peddlers**

320.01 Definitions. When used in this Section, the following terms have the following meanings:

Peddler means any person, whether a resident of the City of Taylors Falls or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, groceries or newspapers who distribute their products to regular customers on established routes.

Solicitor means any person, whether a resident of the City of Taylors Falls or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery.

Transient Merchant includes any person, firm or corporation, whether as owners, agent, consignee, or employee, whether a resident of the City of Taylors Falls or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and how, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicles, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either private or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged is not relieved from complying with the provisions of this Section merely by reason of associating temporarily with any local dealer, trade merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trade merchant or auctioneer.

Class of Permit means:

- (i) **Peddler**, whether "non-profit", "profit", or "charitable" organization
- (ii) **Solicitor**, whether "non-profit", "profit", or "charitable" organization
- (iii) **Transient Merchant**, whether "non-profit", "profit", or "charitable" organization

320.02 Permit Required. It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the City without first obtaining a permit in compliance with the provisions of this Section.

Any peddler, solicitor or transient merchant who is subject to regulating or licensing by agencies of the state or federal government, and such regulation or licensing preempts local regulations, the peddler, solicitor or transient merchant shall be exempt from conflicting provisions of this Section.

320.03 Exemptions. The terms of this Section do not include the acts of persons selling personal property at wholesale to dealers in such goods, nor to newspaper vendors, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor to special events conducted wholly and exclusively on private property (including family-type garage sales conducted on private property by the property owner). Nothing contained in this Section prohibits any sale required by statute or by order of any court or prevents any person conducting a bona fide auction sale pursuant to law.

320.04 Non-Profit Special Group License. Any non-profit organization, society, association or corporation desiring to engage in activities defined in Section 320.01, for the promotion of a civic event or for a business promotion and to use public or private property, must first secure a special group license by making an application in writing on an application form to be furnished by the Clerk-Treasurer which shall give the following information:

- (a) Names and addresses of the officers and directors of the organization;
- (b) Specific date or dates upon which the group license is sought;
- (c) Specific location or locations upon which the activity is to be conducted;
- (d) Evidence of the non-profit status of the organization;

Upon being satisfied that such organization is non-profit and qualifies for a group license under this section, a special group license shall be issued upon payment of the required fee. However, if the Clerk-Treasurer deems it necessary for protection of the public health, welfare and safety, the Clerk-Treasurer may refer the application to the Chisago County Sheriff's Department and Fire Chief for investigations. The license shall not be issued until favorable recommendations are received from the Sheriff's Department and Fire Chief.

The license fee shall be in addition to any rental fee which may be required by the City for the use of its public parking lot or other public property.

320.05 Solicitations by Religious and Charitable Organization License; Exemptions. Any organization, society, association or corporation desiring to solicit or to have solicited in its name donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations upon the street, in office or business buildings, by house-to-house canvas, or in public places for a charitable, religious, patriotic or philanthropic purpose shall file an application in writing on a form to be furnished by the Clerk-Treasurer which shall give the following information:

- (a) Name and purpose of the cause for which permit is sought;
- (b) Names and addresses of the officers and directors of the organization;
- (c) Period during which solicitation is to be carried on;
- (d) Evidence of non-profit and of religious or charitable status;
- (e) Whether or not any commission, fee, wages or emoluments are to be expended in connection with such solicitation and the amount of the commission, fee, wages or emoluments;
- (f) And shall attach written credentials of all of the organization's members agents, or representatives who will be conducting the solicitations.

Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, the Clerk-Treasurer shall issue a permit without charge to such organization, association or corporation to solicit in the City.

320.06 All Other Applications. Applicants for a permit under this Section shall file with the Clerk-Treasurer an application on a form to be furnished by the Clerk-Treasurer. The application may be required to give the following information, in addition to the investigative fee set forth in Section 305.05:

- (a) Name and physical description of applicant (age, sex, height, weight);
- (b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) The name and address of the employer or principal of the applicant, together with credentials establishing the exact relationship;
- (e) The proposed time period for doing business;
- (f) The source of supply of the goods or property proposed to be sold, or orders taken from the sale of the goods, where such goods or products are located at the time said application is filled and the proposed method of delivery;
- (g) A recent photograph of the applicant which picture shall be approximately 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) The names of at least two property owners of Chisago County, Minnesota, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed; and
- (j) The last three municipalities where applicant carried on business immediately preceding date of application and the addresses from which the business was conducted in those municipalities.

320.07 Police Investigation.

Subd. 1 Investigation. Upon receipt of each application, it shall be referred to the Chisago County Sheriff's Department, who shall immediately institute such investigation of the applicant's business and moral character as the chief deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this Section within 72 hours (not including weekends or holidays) after it has been filed by the applicant with the Clerk-Treasurer.

Subd. 2 Disapproval. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chisago County Sheriff's Department shall endorse on the application the disapproval and the reasons for disapproval. The Department shall return the application to

the Clerk-Treasurer, who shall notify the applicant that the application is disapproved and that no permit will be issued.

Subd. 3 Approval. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Officer charged with police enforcement shall endorse on the application approval and return the application to the Clerk-Treasurer.

320.08 Fire Chief Investigation.

Subd. 1 Inspection. In the case of transient merchants, a copy of each application shall be submitted to the Fire Chief who shall inspect the premises proposed to be licensed for compliance with all applicable fire safety codes. The Chief shall endorse the application in the manner prescribed in this Section within 10 days after it has been filed by the applicant with the Clerk-Treasurer.

Subd. 2 Disapproval. If, as a result of such investigation, the premises are found to be unsatisfactory and not in compliance with applicable codes, the Fire Chief shall endorse on the application disapproval, and reasons for disapproval. The Chief shall specify, if applicable, what alterations are to be made if the premises are to be brought into compliance with the applicable codes. The Chief shall return the application to the Clerk-Treasurer, who shall notify the applicant that the application is disapproved and that no permit will be issued.

Subd. 3 Approval. If, as a result of the investigation, the premises are found to be in compliance with all applicable fire safety codes, the Fire Chief shall endorse on the application approval and return the application to the Clerk-Treasurer.

320.09 Issuance.

Subd. 1 Receipt of Approval. Upon receipt of the approvals from the Fire Chief and Chisago County Sheriff's Department, and upon payment of the permit fee set forth in 305.05, the Clerk-Treasurer shall issue the permit to the applicant.

Subd. 2 Contents of Permit. The permit shall contain the signature of the issuing officer and shall show the name, address and photograph of the permittee; the class of permit issued and the kinds of goods to be sold thereunder; the date of issuance and the length of time that the permit shall be operative; as well as the permit number and other identifying description of any vehicle used in the licensed business. In the case of transient merchants, the permit shall indicate the specific premises for which the permit is issued. Each peddler, solicitor or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The Clerk-Treasurer shall keep a permanent record of all permits issued.

320.10 Permit Fees.

Subd. 1 Establishment. Fees for permits issued under this section shall be determined by resolution of the Council and may be determined on an annual basis. This resolution shall be published upon passage.

Subd. 2 Exemptions. Religious, charitable, patriotic or philanthropic organizations shall be exempt from the payment of the fee, provided that the organizations mentioned previously shall provide a copy of current tax-exempt status for the applying organization and that shall be evidence of the exemption from the payment of the fee.

320.11 Loud Noises and Speaking Devices. No permittee, nor any person on the permittee's behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City nor shall a permittee commit these acts on private premises where sound of sufficient volume is emitted or produced and is capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which the licensee proposes to sell.

320.12 State Highway Right-of-Way Prohibitions. No stands, buildings, tents or other encroachments are permitted within any Minnesota State Highway right-of-way.

320.13 Vending from Motor Vehicle; Vehicle Liability Insurance Required; Hold Harmless. Every applicant who intends to vend products from a motor vehicle shall maintain liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) for single injuries and three hundred thousand dollars (\$300,000.00) for each accident, as well as at least ten thousand dollars (\$10,000.00) for property damage insurance. Every applicant who obtains a license from the City must hold the City harmless for any injuries or damage to private or public property or persons caused by vendor, solicitor or peddler.

320.14 Sale of Food Products from Motor Vehicles in Residential Zones. No vendor shall sell or attempt to sell food products from a motor vehicle in a residential zone.

320.15 Exclusion from Private Property by Owner; Placard; Posting.

Subd. 1 Placards. Any resident of the City who wishes to exclude peddlers or solicitors from premises occupied by the resident may place on or near the usual entrance to the premises a printed placard or sign saying, "Peddlers and Solicitors Prohibited".

Subd. 2 Size of Placards. Such placard shall be at least three and three-fourths (3 3/4) inches long and three and three-fourths (3 3/4) inches wide, and the printing on the placard shall not be smaller than forty-eight point type.

Subd. 3 Penalty. No peddler, solicitor or vendor shall enter in or upon any premises or attempt to enter in or upon any premises where a placard or sign is displayed. It shall be a misdemeanor for any person to violate this provision.

Subd. 4 Removal of Placard. No person other than the person occupying the premises shall remove, injure or deface the placard or sign.

320.16 Use of Streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this Section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

320.17 Exhibition of Permit. Permittees are required to exhibit their permit at the request of any citizen.

320.18 Duty of Chisago County Sheriff's Department to Enforce. It shall be the duty of the Sheriff's Department to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to have obtained a permit, to produce the permit and to enforce the provisions of this Section against any person found to be violating this section.

320.19 Records. The Chisago County Sheriff's Department shall report to the Clerk-Treasurer all convictions for violation of this Section. The Clerk-Treasurer shall maintain a record for each permit issued and record the reports of violation in the record.

320.20 Revocation of License.

Subd. 1 Causes. Permits issued under the provisions of this Section may be revoked by the Council of the City after notice and hearing for any of the following causes:

- A. Fraud, misrepresentation, or incorrect statement contained in the application for permit;
- B. Fraud, misrepresentation or incorrect statement made in the course of carrying on business as a solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;
- C. Any violation of this Section;
- D. Conviction of any crime or misdemeanor affecting the business or ability to run the business; or
- E. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.

Subd. 2 Hearing. Notice of the hearing for revocation for a permit shall be given by the Clerk-Treasurer in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the permittee at permittee's last known address at least five days prior to the date set for hearing, or shall be delivered by a Law Enforcement Officer in the same manner as a summons at least three days prior to the date set for hearing.

320.21 Appeal. Any person aggrieved by the action of the Chisago County Sheriff's Department or the Clerk-Treasurer in the denial of a permit as provided in Section 320.07 of this Section may appeal to the Council. The appeal shall be taken by filing with the Council within fourteen days after notice of denial. The appeal shall contain a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on the appeal. The notice of the hearing shall be given to the applicant in the same manner as provided in Section 320.20 of this Section for notice of hearing on revocation.

320.22 Reapplication. No permittee whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

320.23 Penalty. Any person who violates any provision of this Section is guilty of a misdemeanor.