

## **Chapter 8.09**

### **Licensing Of Peddlers, Solicitors, And Transient Merchants**

**Section 1. Definitions.** When used in this ordinance, the following terms have the following meanings:

Subdivision 1. “Peddler” means any person, whether a resident of the City of Howard Lake 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 ice who distribute their products to regular customers on established routes.

Subdivision 2. “Solicitor” means any person, whether a resident of the City of Howard Lake 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. Such definition includes any person who solicits, encourages, or accepts monetary considerations for himself, another person, firm, corporation, or other religious, charitable, patriotic or philanthropic organization.

Subdivision 3. “Transient merchant” includes any person, firm or corporation, whether as owner, agent, consignee, or employees, whether a resident of the City of Howard Lake or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, 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 privately 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 relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

**Section 2. Permit Required.** It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the City of Howard Lake without first obtaining a permit therefore in compliance with the provisions of this ordinance.

**Section 3. Exemptions.** The terms of this ordinance do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this ordinance prohibits any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

**Section 4. Application.** Applicants for a permit under this ordinance shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information

- A. Name and physical description of applicant;
- 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; or, in the case of solicitation of monetary contributions, a brief description of the entity accepting said contributions;
- D. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship;
- E. The length of time for which the right to do business or to solicit contributions is desired;
- F. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A recent photograph of the applicant which picture shall be approximately 2" by 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 Wright 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 therefore;
- J. The names of the last three cities where applicant carried on business or solicited contributions immediately preceding date of application and the addresses from which such activity was conducted in those cities.

## **Section 5. Investigation and Issuance.**

Subdivision 1. Upon receipt of each application, it shall be referred to the Chief of Police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within 72 hours after it has been filed by the applicant with the Clerk.

Subdivision 2. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

Subdivision 3. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return the application to the City Clerk, who shall deliver to the applicant the permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said permittee, the type of permit issued and the kinds of goods to be sold thereunder, the date of issuance and the length of time, not to exceed 1 year from the date of issuance that the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such licensed business. 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 shall keep a permanent record of all permits issued.

**Section 6. Loud Noises and Speaking Devices.** No permittee, nor any person in his 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 or upon private premises where sound of sufficient volume is emitted or produced therefrom to be 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 such licensee proposes to sell.

**Section 7. 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 thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this ordinance, 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.

**Section 8. Exhibition of Permit.** Permittees are required to exhibit their permit at the request of any citizen.

**Section 9. Duty of Police to Enforce.** It shall be the duty of the Police Department of the City of Howard Lake to require any person seen peddling, soliciting or canvassing, and who is not known by such officer to have obtained a permit hereunder to produce his permit and to enforce the provisions of this ordinance against any person found to be violating the same.

## **Section 10. Revocation of License.**

Subdivision 1. Permits issued under the provisions of this ordinance may be revoked by the Council of the City of Howard Lake after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or incorrect statement contained in the application of permit;
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor;
3. Any violation of this ordinance;
4. Conviction of any crime or misdemeanor;
5. 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.

Subdivision 2. Notice of the hearing for revocation of a permit shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing.

**Section 11. Appeal.** Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit as provided in Section 5 of this ordinance may appeal to the Council. Such appeal shall be taken by filing with the Council within fourteen days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in Section 10 of this ordinance for notice of hearing on revocation.

**Section 12. Reapplication.** No permittee whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

**Section 13. Expiration of Permit.** All annual permits issued under the provisions of this ordinance shall expire at midnight the 31<sup>st</sup> day of December in the year when issued. Other than annual licenses shall expire at midnight on the date specified in the license.

**Section 14. Penalty.** Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

