

*Subdivision V. Peddlers, Solicitors and Transient Merchants**

Sec. 8-571. Registration required.

(a) No person shall engage in the business of peddler, solicitor or transient merchant unless the person has first registered as provided in this section. Registrants shall file with the city a sworn written statement which shall include the following information:

- (1) The name and permanent home address for the past five years of the registrant, and the current local address of the registrant;
- (2) In the case of transient merchants, the place where the business is to be carried on, a description of the nature of the business and of the goods to be sold;
- (3) The name and address of the employer or principal of the registrant, and the name and address of any supplier of the registrant. Credentials establishing the exact relationship of the registrant to the employer or principal shall be attached to the registration;
- (4) The period of time within which the registrant intends to conduct the permitted activities;
- (5) The source of supply of any goods or property proposed to be sold, where such goods or products are located at the time the registration is filed, and the proposed method of delivery of such goods or property;
- (6) A recent photograph of the registrant which shall be approximately two inches by two inches, showing the head and shoulders of the registrant, in a clear and distinguishing manner;

***Cross reference(s)--**Streets, sidewalks and other public places, ch. 24.

- (7) Whether the registrant has been convicted of any felony, gross misdemeanor or misdemeanor for which a jail sentence may be imposed;
- (8) The last cities, villages or townships, not to exceed three, where the registrant carried on business immediately preceding the date of registration, and the addresses from which such business was conducted in those municipalities;
- (9) Whether the registrant has taken advantage of any state or federal bankruptcy or insolvency law or proceeding as a bankrupt or debtor within the most recent ten years;

(b) Every peddler, solicitor or vendor required to submit the information set forth in subsections (a) (1)--(a) (9) of this section shall promptly submit to the clerk any changes in such information required by changes in circumstances.

(c) If the applicant is to solicit funds, financial information shall be supplied about the organization in behalf of which funds are to be solicited, in the form specified by the city clerk.

(Ord. No. 2181-00, § 4(16-405A.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-572. Exceptions.

The following persons are not required to register as set forth in section 8-571:

- (1) A peddler or transient merchant excepted from licensure as a peddler or transient merchant under M.S.A. ch. 329 shall not be required to register under this subdivision.
- (2) Any person who sells or attempts to sell, or solicits or attempts to solicit, orders for goods, wares or merchandise, or who canvasses, solicits or calls from house to house for contributions or support, if such person does so on behalf of a:
 - a. Charitable, benevolent, philanthropic, patriotic, religious, social service, welfare, educational or eleemosynary organization, a majority of the membership of which are residents of the city, and which organization so identified in the course of canvassing, soliciting or peddling; or
 - b. Bona fide political organization.
- (3) Vendors of milk, groceries, bakery products or other commodities, vendors or soft water service or laundry and

dry cleaning pickup or delivery, or vendors of daily newspapers who make an uninvited initiatory call upon the occupant of a residence as a preliminary step to the establishment of such commodities or the providing of such services to regular customers.

(Ord. No. 2181-00, § 4(16-405B.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-573. Fees; exemptions.

At the time an application for a permit under this subdivision is filed with the city clerk, the applicant shall pay a registration fee to cover the cost to the city of processing and registering the

applicant. The nonrefundable registration fee shall be set from time to time by the city and a schedule of such fee is listed in appendix A to this Code. The following applicants are exempt from the payment of the nonrefundable registration fee:

- (1) Any person selling only literature of any kind in a residential area;
- (2) Any person dealing with merchandise of any kind to be delivered to customers in the state directly from points outside of the state; and
- (3) Any person soliciting money, donations or financial assistance of any kind for any religious or charitable organization, or selling merchandise for a fee on behalf of such an organization.

(Ord. No. 2181-00, § 4(16-405C.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-574. Issuance of certificate of registration.

(a) Upon compliance with the provisions of this subdivision, the city manager or the city manager's designee shall issue a certificate of registration to the applicant. The certificate shall show the following:

- (1) Registrant's name;
- (2) Registrant's address;
- (3) Registrant's photograph;
- (4) Kinds of any goods to be sold;
- (5) Name and address, including popular names, of the organization for which any funds are to be solicited;
- (6) Expiration date;
- (7) An identifying number; and
- (8) Signature of the issuing officer.

(b) Each peddler, solicitor or transient merchant must secure a personal registration.

(c) No registration shall be used at any time by any person other than the one to whom such registration is issued.

(d) The clerk shall keep a record of all registrations under this subdivision in accordance with city policy.

(e) Each registration under this subdivision shall be valid only through the expiration date stated on the

registration, and no registration may extend beyond December 31 of any year.

(f) No registration under this subdivision shall be issued to peddle, sell or solicit orders for the sale of furs, eyeglasses, medicines, watches, jewelry, plated ware or silverware.

(g) Each certificate of registration under this subdivision shall prohibit engaging in the business of solicitor, peddler or transient merchant before 9:00 a.m. and after 8:00 p.m. daily, except for deliveries to a customer pursuant to a prior order for the goods or services.

(h) All peddlers, solicitors and transient merchants required to register under this subdivision must carry with them, and produce upon request, their certificate of registration when engaged in the business of peddler, solicitor and transient merchant, and must wear some type of picture identification conspicuously showing their name and the permitted organization.

(Ord. No. 2181-00, § 4(16-405E.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-575. Termination of registration.

Certificates of registration issued under the provisions of this subdivision may be terminated by the city manager after notice and hearing in the manner provided for the revocation of permits, pursuant to this article for any of the following causes:

- (1) Fraud, misrepresentation or incorrect statement contained in the registrant's application.
- (2) Fraud or misrepresentation made in the course of carrying on the business of solicitor, peddler or transient merchant.
- (3) Any violation of this subdivision.
- (4) Conviction of any crime or misdemeanor.
- (5) Conducting the business of peddler, solicitor or transient merchant in an unlawful manner, or in such a manner as to constitute a breach of peace, or to constitute a menace to the health, safety or general welfare of the public.

(Ord. No. 2181-00, § 4(16-405E.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-576. Prohibition by placarding.

Any resident of the city who wishes to exclude peddlers or solicitors from premises occupied by the city resident may place upon or near the usual entrance to such premises a printed placard or sign bearing the following words: "Peddlers and Solicitors Prohibited," or similar language. Such placard shall be at least three inches long and three inches wide, and the printing on such placard shall not be smaller than 48-point type. No peddler, solicitor or transient merchant shall enter in or upon any premises or attempt to enter in or upon any premises where such placard or sign is placed and maintained.

(Ord. No. 2181-00, § 4(16-405F.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001)

Sec. 8-577. Defacing of placard.

No person, other than the person occupying such premises, shall remove or deface a placard which is placed as set forth in section 8-576.

(Ord. No. 2181-00, § 4(16-405G.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001)

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Sec. 8-578. Activities prohibited.

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

- (1) Call attention to business or goods by crying out, blowing a horn, ringing a bell, or making any loud or unusual noise.
- (2) Furnish false information, or failing to furnish information as required for registration under this subdivision.
- (3) Sell merchandise or services, or solicit funds, by means of statements which the person making them knows or should know are false or misleading.
- (4) Sell merchandise which is not of merchantable quality or is not fit for the purpose for which the seller knows or has reason to know the merchandise is being purchased.

(Ord. No. 2181-00, § 4(16-405H.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001)

Sec. 8-579. Transferability.

A registration under this subdivision cannot be transferred. Each person required to register under this subdivision must register separately.

(Ord. No. 2181-00, § 4(16-405I.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001)

Secs. 8-580--8-584. Reserved.

Subdivision VI. Special Events on City Property

Sec. 8-585. Purpose and intent.

This subdivision is limited to provide for the issuance of permits for any festival, fair, art fair, parade, community gathering, or promotional event held on city property or on any right-of-way in the city.

(Ord. No. 2198-01, § 1, 5-21-2001)

Sec. 8-586. Permit.

(a) *Required.* No person shall hold or operate a special event as described in section 8-585 on any public street, road, alley, right-of-way, public facility or public place owned by the city, or over which the city has the right of control for a

special event as described in section 8-585, without having first obtained a permit for such use from the city.

(b) *Exceptions.*

- (1) Activities conducted by or held by the city are exempt from all provisions of this section.
- (2) Community gathering applications for block parties are exempt from the seven-day advance application submittal requirement.

(c) Application.

- (1) Applications for a permit under this division shall be made to the city in accordance with section 8-35.
- (2) Applications must be submitted at least seven working days prior to the scheduled special event and or use of the right-of-way.
- (3) All permittees shall agree by obtaining a permit to defend, indemnify and hold harmless the city from any and all losses, costs, damages and expenses on account of activity of the permittee on the public property which is the subject of the permit.
- (4) A permit issued under this division may require the permittee to reimburse the city for costs incurred in the use of city equipment for any assignment of municipal employees, including police and fire personnel, to duty in connection with the activities which are the subject of the permit. The issuing authority shall provide the permit applicant with a list of anticipated costs after conducting the review provided for.

(Ord. No. 2198-01, § 1, 5-21-2001)

Sec. 8-587. Regulations.

(a) A permit will not be issued by the city if it is determined that the activity would result in undue traffic congestion, be unduly disruptive to the normal activities of citizens, create an unreasonable risk to persons or property, or otherwise be detrimental to the public health, safety, morals or welfare.

(b) The city may require that the actual conduct of a particular activity or any portion thereof only be accomplished with the direct approval and/or supervision of the police department and/or fire officials, or any other technical advisors deemed necessary to protect persons or property as it relates to the activity for which the permit has been issued.

(c) The public property to which the permit relates shall at all times be made accessible to fire, police and other emergency personnel. The permit in no way shall limit the authority of fire, police or emergency personnel to protect the public health, safety or welfare.

(d) The permittee shall be responsible for restoring any area used pursuant to a permit issued under this subdivision to an equal or better condition as it was prior to use by the permittee.

(e) The city may prepare an invoice to the permittee for services provided during the event. The permittee must submit payment for services in accordance with statute.

(f) Receiving a special event permit does not waive any other license, permit or other requirements of this Code.

(Ord. No. 2198-01, § 1, 5-21-2001)

Secs. 8-588--8-592. Reserved.

