

St. Louis Park City Code of Ordinances - Chapter 8
Subdivision V. Peddlers, Solicitors and Transient Merchants

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ARTICLE I. IN GENERAL

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sec. 8-1. Definitions.

Peddler means any person with no fixed place of business who goes from house to house carrying or transporting goods, wares or merchandise and offering or exposing such goods, wares or merchandise for sale, or making sales and deliveries to purchasers of such goods, wares or merchandise.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Solicitor means any person who goes from house to house, business to business, or any kind of place to place movement for the purpose of soliciting or taking or attempting to take orders for the purchase of any goods, wares, or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for delivery in the future, or orders for the performance of maintenance or repair services in or about the home or place of business, such as furnace cleaning, roof repair or blacktopping. It also means any person, except for a city resident canvassing his or her neighborhood, who canvasses, solicits or calls from house to house for contributions or support for any charitable, religious, civic, educational, philanthropic, social service, welfare, or organization. (Ord. No. 2381-10, 4-30-2010)

Transient merchant means any person who engages in, does, or transacts any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

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Sec. 8-571. License required; exemptions.

(a) It shall be unlawful for any person to engage in the business of peddler or solicitor within the City without first obtaining a license from the city; provided that the following are exempt from the provisions of this section:

- (1) Any person taking orders for goods sold by a political, religious, educational, or nonprofit organization as part of fundraising activities.
- (2) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
- (3) Any person who sells or attempts to sell or takes or attempts to take orders for any product grown, produced, cultivated, or raised on any farm.
- (4) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
- (5) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (6) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (7) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
- (8) Any person participating in an organized multi-person bazaar or flea market.
- (9) Any person conducting an auction as a properly licensed auctioneer.
- (10) Any officer of the court conducting a court-ordered sale.

(b) Persons whose activities are exempted from the licensing requirement shall comply with any other applicable statutory or ordinance provision, including Section 8-578.

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

(Ord. No. 2181-00, § 4(16-405A.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

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Sec. 8-572. Application.

An application for a license shall be made at least fourteen (14) business days before the person desires to begin conducting a business operation within the city. Each individual seeking to conduct business as a peddler or solicitor shall complete an application. Application for a license shall be made on a form provided by the City which shall include the following information:

- (1) Full legal name;
- (2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to;
- (3) Physical description (i.e., hair color, eye color, height, weight, any distinguishing marks or features, and the like);
- (4) Permanent address and telephone number;
- (5) Temporary address and telephone number;
- (6) Full legal name of any and all business operations owned, managed, or operated by the applicant;
- (7) Brief description of the business or activity to be conducted and a general description of the items to be sold or the services to be provided;
- (8) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (9) Address and telephone numbers, including cellular phones and facsimile, of regular place of business, if any exists;
- (10) Hours, date(s) and locations in the City which the applicant intends to conduct business;
- (11) A copy of a current government issued identification and complete a license application addendum authorizing the city to conduct a criminal background investigation;
- (12) License plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the business;
- (13) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city;
- (14) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses;
- (15) A list of the three (3) most recent city or county locations where the applicant has conducted business as a peddler or solicitor;
- (16) Proof of possession of any license or permit that, under federal, state, or county law, regulation, or ordinance, is required to have in order to conduct the proposed business; and
- (17) Any and all additional information as may be deemed necessary by the Chief of Police.
- (18) The applicant shall have a continuing duty to immediately disclose to the city any change in the information supplied in the application.

(Ord. No. 2181-00, § 4(16-405B.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

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Sec. 8-573. Fees.

Except for solicitors engaged in Interstate Commerce, which are specifically exempted from paying any fee under this chapter, all applications for a license shall be accompanied by the fee set from time to time by the City and a schedule of such fee is listed in appendix A to this Code. (Ord. No. 2181-00, § 4(16-405C.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

Sec. 8-574. Application review and license issuance.

(a) Upon receipt of the application and payment of any required license fee, City will determine if the application is complete. An application will be considered complete if all required information is provided. If the City determines that the application is incomplete, the City must inform the applicant of the required, necessary information that is missing. If the application is complete, the City must order any investigation, including criminal background checks, necessary to verify the information provided with the application. Within fifteen (15) days of receiving a complete application the City will issue the license unless grounds exist for denying the license application under Sec. 8-575.

(b) A license granted under this subdivision shall be valid for one year.

(c) No license issued under this subdivision shall be transferred to any other person other than the person to whom the license was issued. (Ord. No. 2181-00, § 4(16-405E.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

Sec. 8-575. Denial of license

(a) The following shall be grounds for denying a peddler or solicitor license:

- (1) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
- (2) The failure of an applicant to sign the license application.
- (3) The failure of an applicant to pay the required fee at the time of application.
- (4) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- (5) The revocation with the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- (6) Evidence of a bad business reputation of the applicant, or organization represented by the applicant, including, but not limited to, the existence of more than three (3) complaints against an applicant, or organization represented by the applicant, with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant, or organization represented by the applicant, within the preceding five (5) years.
- (7) Other good cause.

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(b) If the City denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within ten (10) days of receiving notice of denial, a hearing before the City Manager. The City Manager or designee shall hear the appeal within fifteen (15) days of the date of the request for a hearing. The decision of the City Manager or designee shall be final and binding on all parties concerned.

(Ord. No. 2181-00, § 4(16-405E.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010))

Sec. 8-576. Identification badges.

At the same time the license is issued, the Chief of Police or designee shall issue to each licensee a badge, which shall be worn by the licensee in such a way as to be conspicuous at all times while the licensee is conducting business in the city. The identification badge shall include the licensee's photograph, name, license number, company name, and the license expiration date.

(Ord. No. 2181-00, § 4(16-405F.), 11-6-2000; Ord. No. 2198-01, § 3, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

Sec. 8-577. License suspension or revocation.

(a) Any license issued under this subdivision may be immediately suspended or revoked by the City for good cause, including, but not limited to, the following:

- (1) Engaging in any activity prohibited by Section 8-578.
- (2) Violating Section 8-575 or any other provision of the City Code.
- (3) Conducting the licensed activity in such a manner as to create a public nuisance, constitute breach of peace or endanger the health, safety, or general welfare of the public.
- (4) Other good cause.

(b) Notice of a suspension or revocation shall be provided in writing and delivered to the licensee in person or by mail to the permanent residential address provided on the license application and shall set forth specifically the grounds for the Chief of Police or designee's decision to suspend or revoke the license and inform the licensee of his or her right to appeal the decision to the City Manager in writing within fifteen (15) days following the service of the notice. The license remains suspended or revoked during the appeal process. A hearing shall be conducted by the City Manager or designee within fifteen (15) days from the date of receipt of the appellant's written appeal. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the service of the revocation notice. The decision of the City Manager or designee on the appeal shall be final and binding on all parties concerned.

(Ord. No. 2181-00, § 4(16-405G.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

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Sec. 8-578. Activities prohibited.

No peddler, solicitor, canvasser 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.
- (5) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- (6) Conducting business in a way as to create a threat to the health, safety, or welfare of any specific individual or the general public.
- (7) Conducting business before 9:00 am or after 8:00 pm.
- (8) Failing to provide proof of license, registration or identification when requested.
- (9) Using the license or registration of another person.
- (10) Making false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the City solely based on the City having issued a license or registration to that person.
- (11) Remaining on the property of another person after being requested to leave.
- (12) Otherwise operating the business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive. .

(Ord. No. 2181-00, § 4(16-405H.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

Sec. 8-579. Entry upon premises unlawful.

It shall be unlawful for any person while conducting the business of a peddler or solicitor to entered upon any premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(Ord. No. 2181-00, § 4(16-405I.), 11-6-2000; Ord. No. 2198-01, § 1, 5-21-2001; Ord. No. 2381-10, 4-30-2010)

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