

SECTION 10.6 PEDDLERS.

Sec. 10.6.01. Definition. The word “peddler” as used in this chapter shall mean any individual, whether a resident of the City or not, traveling by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether such individual has, carries or exposes for sale a sample of the subject of such sale or not or whether he/she is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within this City for the sole purpose of exhibiting samples and taking orders for future delivery. The word “peddler” shall include the terms “canvasser”, “solicitor”, “transient or itinerant merchant or vendor” or “transient or itinerant photographer”.

Sec. 10.6.02. Exceptions to Chapter. The provisions of this chapter shall not apply to the following:

Subd. a. Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business;

Subd. b. Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law; and

Subd. c. Bona fide residents of the State selling fruits, vegetables, dressed meats, fowl or farm products that were produced on land within the State, owned or controlled by such vendor.

Sec. 10.6.03. Entrance to Premises Restricted. It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating “No Peddlers Allowed” or “No Solicitations Allowed” or other words to such effect.

Sec. 10.6.04. Refusing to Leave. Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of a misdemeanor.

Sec. 10.6.05. Misrepresentation. It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Sec. 10.6.06. Hours of Operation. It shall be unlawful for any peddler to engage in the business of peddling within the City between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

Sec. 10.6.07. License Required. It shall be unlawful for any person to engage in business as a peddler within this City without first obtaining a license to do so.

Sec. 10.6.08. License Application. Applicants for a license under this section shall file with the Clerk a sworn application in writing, in duplicate, which shall give the following information:

Subd. a. The name and a description of the applicant;

Subd. b. The permanent home address and full local address of the applicant;

Subd. c. A brief description of the nature of the business and the goods to be sold;

Subd. d. If employed, the name and address of the employer, together with credentials establishing the exact relationship;

Subd. e. The length of time for which the right to do business is desired;

Subd. f. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

Subd. g. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

Subd. h. A statement as to whether or not the applicant has been convicted of any felony, gross misdemeanor or misdemeanor for which a jail sentence is customarily imposed, and, if so, the nature of such crime, the sentence imposed, the place of incarceration and the date of release therefrom;

Subd. i. Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;

Subd. j. The last five (5) municipalities wherein the applicant has worked before coming to this City; and

Subd. k. Such other relevant information as may be required by the investigation of this applicant.

Sec. 10.6.09. Driver's License. At the time of filing his application for a license required by this article, the applicant shall present his driver's license, if he/she has one, to the Clerk.

Sec. 10.6.10. False Information. It shall be unlawful for any person to give any false or misleading information in connection with his application for a license required by this article.

Sec. 10.6.11. Service of Process. Before any license shall issue under this section, there shall also be filed with the Clerk an instrument in writing, signed by the applicant under oath, nominating and appointing the Clerk his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on the behalf of such applicant; and service of summons in any action shall be deemed made when served on the Clerk.

Sec. 10.6.12. Investigation. Upon receipt of an application for a license required by this section, the Clerk shall conduct such investigation of the applicant's business and moral character as he/she deems necessary for the protection of the public good. The Clerk may refer the application to the police department for investigation and report back. The investigation shall be completed within two weeks of receipt of the application. In the event the application or initial investigation discloses that the applicant has been convicted of a felony, gross misdemeanor, or a misdemeanor for which a jail sentence may be imposed, the investigation or further investigation of the applicant's qualifications shall comply in all respects with Chapter 364 of Minnesota

Statutes, as amended, the “Criminal Offenders Rehabilitation Act of 1974”, including particularly Section 364.03 thereof. Conviction of a crime other than those listed in the previous sentence hereof shall not be considered.

Sec. 10.6.13. Denial. If, as a result of investigation, the applicant’s character or business responsibility is found to be unsatisfactory, the Clerk shall endorse on the application his disapproval and his reasons for the same, and shall notify the applicant in writing of his disapproval of the application, denial of the permit and the reasons for such disapproval and denial. In the event such disapproval is based upon the determinations required by Section 364.03 of Minnesota Statutes, as amended, the written notice of denial of the permit shall comply with Section 364.05 of Minnesota Statutes, as amended.

Sec. 10.6.14. Issuance. If, as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the Clerk shall endorse on the application his approval, execute a license addressed to the applicant for the carrying on of the business applied for, and, upon payment of the required fee, as determined by City Council Resolution, deliver the license to the applicant.

Sec. 10.6.15. Contents. Each license issued under this article shall contain the signature and seal of the Clerk and shall show the name, address and photograph of the permittee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such business.

Sec. 10.6.16. Record. The Clerk shall keep a permanent record of all licenses issued under this article.

Sec. 10.6.17. Display. Every peddler having a license issued under the provisions of this section and doing business within the City shall display his license upon the request of any person, and failure to do so shall be deemed a misdemeanor.

Sec. 10.6.18. Duration. Every license issued under the provisions of this section shall be valid for the period of time stated therein, but in no event shall any such license be issued for a period of time in excess of twelve (12) months.²²⁷

Sec. 10.6.19. Revocation. Any license issued under the provisions of this section may be revoked by the City Council for the violation by the licensee of any applicable provision of this Code, State law or City ordinance, rule or regulation.