

**CREDIT RIVER TOWNSHIP
COUNTY OF SCOTT
STATE OF MINNESOTA**

**AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS,
REQUIRING LICENSES PROVIDING A PENALTY FOR
VIOLATIONS THEREOF**

Ordinance No. 2005-01

**CREDIT RIVER TOWNSHIP, SCOTT COUNTY, MINNESOTA HEREBY ORDAINS
REGARDING PEDDLERS; SOLICITORS AND TRANSIENT MERCHANTS:**

DIVISION 1. GENERALLY

Sec. 1.1 Definitions

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

Canvasser means any person canvassing for funds door-to-door in the Township on behalf of a charitable, religious or nonprofit organization as defined in Internal Revenue Service Code section 501(c)(3). (Supreme Court Ruling – First Amendment)

Peddler means any person with no fixed place of business dealing in the Township who travels around from place-to-place, or street-to-street, carrying or transporting goods, or soliciting for all manner of wares, services and merchandise, offering such wares, service or merchandise for sale or making sales and delivering articles to purchasers.

Solicitor means any person who goes from place-to-place and/or house-to-house soliciting or taking or attempting to take orders for the purchase of any food, 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 a service in or about the home or place of business, such as furnace cleaning, roof repair or blacktopping.

Transient merchant means any person, whether as principal, employee or agent, who engages in, does, or transacts any temporary or transient business in the Township, either in one locality or traveling from place-to-place in the Township, selling goods, wares, and merchandise, and who, for the purposes of carrying on such business, hires, leases, occupies or uses a building, structure, vehicle, property, or other place for the exhibition and sale of such goods, wares, and merchandise.

Sec.1.2 Purpose of article

The purpose of this article is to establish regulations and licensing requirements for any person, whether a resident of the Township or not, desiring to conduct business that is not of a permanent nature.

Sec.1.3 Exemptions

- (a) The Town clerk may determine that certain business activities that may have characteristics similar to those regulated by this article may be exempt from the requirements of this article. Examples include:
 - (1) A solicitor or canvasser doing business by appointment. A bona fide appointment is one that is not merely obtained by going door-to-door in conjunction with the taking of orders, offering for sale or selling.
 - (2) Solicitation of orders for future door-to-door delivery of newspapers.
 - (3) Representatives of non-profit, charitable, political, educational or religious groups, that registers with the Town Clerk. No fee is required to so register.
 - (4) Canvasser who solicits orders within the state, which orders are filled at a later date with goods yet to be shipped from any state or locale other than the State of Minnesota.
 - (5) Any person selling or peddling the products of the farm or garden occupied and cultivated by such person.
 - (6) All vendors involved in the following community events: Fourth of July celebration, Community Festival, Scott County Fair, Business Expo, Girl Scouts, Boy Scouts, Fire Department and any other community event or fund raisers the Town Board deems exempt.
 - (7) Garage sales, rummage sales, and craft sales.

- (b) This article does not apply to any organization, society, association or corporation if such organization is registered with the secretary of state pursuant to the provisions of Minn. Stats. § 309.51 if such organization desires to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind, or desires 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 streets, in office or business buildings, by house-to-house canvass or in public places. To qualify for this exemption, the organization or individual shall provide a sworn statement in writing on a form furnished by the Township which shall include the following information:
 - (1) The name and purpose of the cause for which the license is sought.
 - (2) The names and addresses of the officers and/or directors of the organization.
 - (3) The period during which the solicitation is to be conducted.

Sec.1.4 Duration

No business solicitation permitted between the hours 4:00 p.m. to 9:00 a.m.

DIVISION 2. RESTRICTIONS

Sec.2.1 Prohibited practices.

- (a) *Unlawful purpose.* It is unlawful for any solicitor to engage in solicitation for any unlawful purpose.
- (b) *Refusal to leave.* It is unlawful for any solicitor to refuse to leave the premises of a solicitee when requested by the solicitee to do so.
- (c) *Permit unobtained.* It is unlawful for any person to engage in business solicitation without first obtaining a permit therefore as provided in this article.
- (d) *Registration unobtained.* It is unlawful for any person to engage in contribution solicitation without first completing the registration as provided in this article.
- (e) *Fraudulent or deceptive practices.* It is unlawful for any solicitor to engage in any fraudulent or deceptive solicitation practices.
- (f) *Violations of Board conditions.* It is unlawful to violate any conditions placed upon a business solicitation permit by the Board.

Sec.2.2. Duties of police.

It shall be the duty of any police officer of the Township to require any person seen peddling or engaging in like activities, and who is not known to such officer to be duly licensed, to produce his license and to enforce the provisions of this article against any person when in violation of this article.

Sec.2.3. Transient merchants

- (a) *Operation on public property.* It shall be unlawful for any transient merchant to sell or offer for sale any goods, wares, or merchandise on any public lands or public right-of-way within the Township.
- (b) *Operation on private property.* No transient merchant shall sell or offer for sale any goods, wares, or merchandise within the Township from a stationary location on private property at any location where such sales would not be permitted by the Zoning Ordinance, or without first obtaining the written consent of the property owner or occupant. The written consent must accompany the license application.
- (c) *Space for off-street parking and display of merchandise.* The space used by the transient merchant, including off-street parking in connection therewith, shall not exceed the space needed for the existing business at the site; and, in any case, the merchandise displayed shall not occupy more than 100 square feet.
- (d) *Overnight storage.* No overnight storage of transient merchant equipment or merchandise shall be permitted.

- (e) *Signs.* No signage shall violate the provisions of this Code relating to size and number of business signs.

Sec.2.4 Noise

No license holder under this article, or any person in his behalf, shall shout, blow a horn, ring a bell or use any sound devices upon any of the streets, alleys, parks, or other public places of the Township or upon any private premises in the Township.

Sec.2.5. Posting of placard prohibiting peddlers, canvassers and solicitors

- (a) Any resident of the Township who wishes to exclude peddlers, canvassers or solicitors from premises occupied by the resident may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited." Such placard shall be at least 3½ inches long and 3½ inches wide and the printing thereon shall not be smaller than 49-point type. No peddler, canvasser or solicitor shall enter in or upon any premises, or attempt to enter in or upon any premises, where such a placard or sign is placed and maintained.
- (b) Violation of this section shall result in the revocation of a duly issued license.

DIVISION 3. LICENSE

Sec.3.1. Required

It shall be unlawful for any person to engage in the activity of peddling, soliciting, or transient selling without first having obtained a license in compliance with the provisions of this division. A separate license shall be secured for each individual person engaged as a peddler, solicitor or transient merchant.

Sec.3.2. Application

The application for the license provided for in this division shall be made to the Town clerk by filing the annual license fee and by completing an application form as provided by the Town clerk. In addition to such information as the Town clerk may require, the application shall include:

- (1) The name of the applicant and all persons associated in business in the Township.
- (2) The permanent home address and full local address of the applicant, and the permanent and local telephone numbers of the applicant.
- (3) A brief written description of the nature of the business, the goods to be sold, and the applicant's method of operation.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time during which the applicant intends to do business in the Township, with the approximate dates.

- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, is manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
- (7) A photograph identification of the applicant(s).
- (8) A statement as to whether or not the applicant or the person managing the business has been convicted of any crime, misdemeanor or violation of any municipal ordinance, involving activities licensed under this article, the nature of the offense and the punishment or penalty assessed therefore.
- (9) If a vehicle is to be used, a description of the vehicle, together with the license number or other means of identification.
- (10) A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, wares, and merchandise, and whether the goods, wares and merchandise are proposed to be sold from stock in possession or by sample, at auction, by direct sale, or by taking orders for future delivery.
- (11) A brief statement of the nature, character, and contents of the advertising done or proposed to be done in order to attract customers (samples may be requested).
- (12) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- (13) For transient merchants, the addresses of all places where the business is to be located, along with written consent of the owners or occupants.

Sec.3.3. Restrictions on issuance to transient merchants

- (a) *Off-street parking required.* No license for a transient merchant shall be issued for sales from any location, which does not have sufficient parking for customers and for areas where customer parking would interfere with normal traffic flow. The director of planning must determine that there is adequate off-street parking to serve both the principal use of the property and the transient merchant use of the property.
- (b) *Location near intersection.* No transient merchant license shall be issued, and no sales shall take place, if the proposed location for transient merchant sales is within 150 feet of any intersection.
- (c) *Duration of sales.* No transient merchant license shall be issued for more than 365 days, during which sales shall be limited to 30 days. At the time of the application for the transient merchant license, the applicant shall state the times within the license period to be used by the applicant.

Sec.3.3. Fee; term

The license fee for engaging in a transient business, peddling, or soliciting shall be established by resolution by the Town Board and shall be paid at the time of application for a license.

Sec.3.4. Unlawful use

No license issued under the provisions of this division shall be used at any time by any person other than the one to whom it is issued.

DIVISION 4. REVOCATION OF PERMIT

The Board may revoke any peddler's or solicitor's permit only upon a showing of cause at a public hearing after the permittee has received timely notice thereof and has an opportunity to examine all witnesses in support of revocation of his or her permit and the opportunity to present witnesses on his or her behalf. Notice may be given in the same manner as that prescribed for service of process under the Minnesota Rules of Civil Procedure for the District Courts.

DIVISION 5. VIOLATION A MISDEMEANOR

Every person violates a section, subdivision, paragraph or provision of this ordinance when such person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provision hereof, or upon conviction thereof shall be punished by a fine of not more than \$1,000.

DIVISION 6. EFFECTIVE DATE

This ordinance shall take effect and be in full force from and after its passage and publication.

Passed by the Town Board of Credit River Township this 1st day of August, 2005.

(/s) Dan Casey
Chairman

(s) Jerald R. Maas
Town Clerk

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