

## Ordinance 96

### LICENSING AND DEALING WITH PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

*This Ordinance Shall Replace Ordinance #12a Peddler License*

#### **96.01: DEFINITIONS:**

For the purposes of this ordinance, the terms defined in this section have the meanings ascribed to them:

**PEDDLER:** Any person who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers.

**SOLICITOR:** Any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery. "Solicitor" does not include any person taking or attempting to take orders to be filled by goods, wares, or merchandise delivered to the purchaser from other states.

**TRANSIENT MERCHANT:** Any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares, or merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer, or railroad car.

#### **96.02: PERMIT REQUIREMENTS:**

A. Permit Required: No peddler, solicitor or transient merchant shall sell or offer for sale any goods, wares, services or merchandise within the city unless a permit therefore shall first be secured as provided in this ordinance.

B. Application and Issuance:

1. Application for such permit shall be made to the City Clerk on a form supplied by the City. The application shall state:
  - a. The name, address, date of birth and driver's license number and state of issuance of the applicant and of all persons associated with the applicant in the business;
  - b. The type of business for which the permit is desired;
  - c. In case of transient merchants, the place where the business is to be carried on;
  - d. The length of time for which the permit is desired;
  - e. A general description of the thing or things to be sold;
  - f. The places of residence of the applicant for the five (5) years immediately preceding the date of application;
  - g. Whether the applicant complies with requirements of this ordinance;
  - h. Such other information as the city may reasonably request.

All applications shall be submitted to the city clerk at least seven (7) business days prior to the requested effective date of the permit.

2. Every application shall bear the written report and recommendation of the chief of police after a drivers license records check. If issuance of the permit would not violate any city ordinance or state law, and the chief of police recommends issuance of the permit, the permit shall be issued by the city clerk upon payment of the required fee.
3. Permit Fees: Fees for permits shall be set by ordinance of the city council.
4. Duration of Permit: Each permit shall be valid only for the period specified therein and no permit may extend beyond December 31 of the year in which it is granted.
5. Permit Not Transferable: All permits shall be nontransferable. No refunds shall be made on unused portions of permits. Each peddler, solicitor, or transient merchant shall secure a separate permit.
6. Permit to Be Available For Inspection: All permits shall be carried by the permittee or conspicuously posted in the permittee's place of business and the permit shall be exhibited to any officer or citizen upon request.

#### **96.03: PRACTICES PROHIBITED:**

Peddlers, solicitors, or transient merchants shall not call attention to their business or to their merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

#### **96.04: EXEMPTIONS TO REQUIREMENTS:**

The permit requirements of this ordinance do not apply to the following:

- A. Any sale under court order;
- B. Any bona fide auction sale;
- C. A sale at wholesale to a retail dealer;
- D. Any sale of the products of a farm or garden;
- E. Any person soliciting money, donations, or financial assistance of any kind for any religious, charitable, nonprofit, educational, or political organization or selling merchandise for a fee on behalf of such an organization;
- F. Any person calling upon householders in connection with a regular route service for the sale and delivery of products;
- G. Any person calling upon householders at the request of said householders;
- H. Garage sales;
- I. Any vendors during Appreciation Days and/or other city, government, or non-profit events and celebrations.
- J. A sale at wholesale to a retail dealer;
- K. Any sale of the products of a farm or garden;
- L. Any person soliciting money, donations, or financial assistance of any kind for any religious, charitable, nonprofit, educational, or political organization or selling merchandise for a fee on behalf of such an organization;
- M. Any person calling upon householders in connection with a regular route service for the sale and delivery of products;
- N. Any person calling upon householders at the request of said householders;
- O. Garage sales;
- P. Any vendors during Appreciation Days and/or other city, government, or non-profit events and celebrations.

**96.05: PERSONS INELIGIBLE FOR PERMIT:**

No permit or license shall be issued if the applicant:

- A. Is not legally allowed to work under state or federal law;
- B. Has been convicted of a crime that directly relates to the occupation sought to be registered and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation;
- C. Has been the subject of an investigation by a consumer protection agency or state attorney general office and such investigation has indicated a pattern of disregard of consumer rights in the conduct of the business;
- D. Has had a registration, license or permit for any activity subject to this ordinance revoked by the city or any other governmental body within three (3) years before the application date;
- E. Has falsified any information or omitted material information required by the application.

Denied permittees may appeal by requesting a public hearing. Request for public hearing must be in writing and presented to the City Clerk. The public hearing will take place at the next regularly scheduled City Council meeting.

**96.06: REVOCATION OF PERMIT:**

Any license or permit may be revoked by the council for a violation of any provision of this ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.

**96.07: PENALTY:**

Any person who violates any provision of this ordinance is guilty of a misdemeanor and, upon conviction, shall be punished according to the laws of the state of Minnesota for misdemeanors

***Passed by the Ashby City Council on this day: July 9, 2009***

***Amended by the Ashby City Council on this day: August 10, 2023***

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk/Treasurer

**A full copy of this ordinance will be posted in Ashby City Hall.**