

CHAPTER 610 PEDDLERS AND SOLICITORS

SECTION 610.01 PURPOSE: The City has the authority to regulate nuisances created by certain business practices under the police power. It is the purpose and intent of this Section to establish regulations relating to Peddlers, Solicitors and Transient Merchants as specifically authorized by Minnesota Statutes Sections 329.15 and 412.221 Subd. 19.

SECTION 610.03 DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Chapter 610:

Subd. 1. Peddler: A Peddler means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property, that the person is carrying or otherwise transporting. The term “Peddler” also includes the term “hawker.”

Subd. 2. Person: A person means an individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

Subd. 3. Police Chief: Police Chief means the West St. Paul Police Chief, acting as Police Chief for Sunfish Lake by contractual agreement.

Subd. 4. Solicitor: A Solicitor means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which a person may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs does not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. The term “Solicitor” also includes the term “canvasser.”

Subd. 5. Transient Merchant: A Transient Merchant means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

SECTION 610.05 EXCEPTIONS: For the purpose of this Chapter, the terms “Peddler” “Solicitor” or “Transient Merchant” shall not apply to the following:

Subd. 1. Auctions. Any persons conducting an auction with a licensed auctioneer.

Subd. 2. Government Sales. Any government agency conducting a sale, including court-ordered sale, a sheriff's sale or the sale of the government agency's surplus property shall not be required to obtain a license or register with the City.

Subd. 3. Customer Route Sales. 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, frozen goods and milk, or any person making deliveries of perishable food and dairy products to the customers on an established regular delivery route.

Subd. 4. Exercise of Constitutional Rights. Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when that activity is for the purpose of exercising that person's State or Federal constitutional rights (i.e., freedom of speech, press, religion, etc.), except that this exemption may be lost if the person's exercise of constitutional rights is merely incidental to a commercial activity. However, professional fundraisers working on behalf of an otherwise exempt person or group must comply with the licensing requirements in Section 610.07.

Subd. 5. Flea Markets. Any person participating in an organized multi-person bazaar or flea market, when there are no more than two (2) such sales in each calendar year and the sale lasts no longer than one (1) week.

Subd. 6. Garage Sales. Any person conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, when there are no more than two (2) such sales in each calendar year and the sale lasts no longer than one (1) week.

Subd. 7. Isolated Sales. Any isolated or singular sale of property.

Subd. 8. Wholesalers. Any person selling or attempting to sell any goods, wares, products, merchandise or other personal property to a retailer at wholesale.

Subd. 9. Advertising Material. Any person engaging in the mere distribution of flyers or other advertising material from house-to-house or place-to-place where personal contact is not made.

Subd. 10. Newspapers. 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.

Exemption from the Peddler, Solicitor and Transient Merchant requirements shall not, for the scope of this Chapter 610, excuse any person from complying with any other applicable statutory provisions or requirement provided by another City ordinance.

SECTION 610.07 PEDDLERS: Except as provided in Section 610.11 or Section 610.15, no person may conduct business as a Peddler in the City without obtaining a license from the City. A separate license is required for each person engaging in the proposed activity.

Subd. 1. Contents of License Application. The application shall contain the following information:

1. Name, address, date of birth, driver's license number and contact information of applicant.

2. Name, address and contact information of employer.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.

Subd. 2. Submission of Application. The license application shall be submitted to the City at least thirty (30) business days before the applicant desires to conduct business in the City. An application shall be determined to be complete only if all the required information under subdivision 1 is provided. If the City Clerk, Police Chief, or their designee, determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of the license.

Subd. 3. Procedure for Approval or Denial of License. The Police Chief or their designee, shall review the license application and order an investigation, including a background check for which the appropriate fee must be paid, necessary to verify the information provided in the application. The Police Chief shall either approve or deny the license within ten (10) business days of the license application's submission to the City. If the application is approved, the license shall be issued. If the application is rejected, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting a public hearing before the City Council. The applicant's request for a public hearing must be made within twenty (20) days of the date the notice of denial is received, or the applicant's right to a hearing will be deemed waived. Within twenty (20) days of the receipt of the applicant's request for a public hearing on the denial of the license, a public hearing will be held before the City Council. At the hearing, the applicant has the right to be represented by counsel, the right to respond to the reason for denial, and the right to present evidence through witnesses under oath. Following the hearing, the City Council will render a decision on the approval or denial of the license. The decision of the City Council following the hearing is final.

Subd. 4. Photo Identification Required. No Peddler may conduct business within the City without obtaining a photo identification card authorized by the City.

Subd. 5. Fee. The license fee, photo identification card fee, and background investigation fee are established by City Council Resolution.

Subd. 6. License Term. The term of the license shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct the business activity, or twelve (12) months from the date the license is approved.

SECTION 610.09 SOLICITORS: Except as provided in Section 610.11 or Section 610.15, all Solicitors are required to obtain a Certificate of Registration from the City Clerk. A registration application may be submitted on behalf of a group or organization, however, each person who will be engaging in the proposed activity shall be listed on the application.

Subd. 1. Contents of Registration Application. The application shall contain the following information:

1. Name, address, date of birth, driver's license number and contact information of applicant.

2. Name, address and contact information of employer, if related to the business activity.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.
6. Name and address of each person who will be engaging in the proposed activity.

Subd. 2. Background Investigation. A background investigation of the applicant may be conducted at the discretion of the City Clerk, Police Chief, or City Council, but no fee shall be required of the applicant.

Subd. 3. Action by City Clerk. The application shall be submitted to the City at least thirty (30) business days before the applicant desires to conduct business in the City. An application shall be determined to be complete only if all the required information under subdivision 1 is provided. If the City Clerk determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of the Certificate of Registration. The City Clerk shall review and verify the information provided in the application and either approve or deny the Certificate of Registration within ten (10) business days of the application's submission to the City. If the application is approved, the Certificate of Registration shall be issued.

Subd. 4. Denial of Certificate of Registration. If the application is rejected by the City Clerk, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting a public hearing before the City Council. The applicant's request for a public hearing must be made within twenty (20) days of the date the notice of denial is received, or the applicant's right to a hearing will be deemed waived. Within twenty (20) days of the receipt of the applicant's request for a public hearing on the denial of the Certificate of Registration, a public hearing will be held before the City Council. At the hearing, the applicant has the right to be represented by counsel, the right to respond to the reason for denial, and the right to present evidence through witnesses under oath. Following the hearing, the City Council will render a decision on the approval or denial of the Certificate of Registration. The decision of the City Council following the hearing is final.

Subd. 5. Registration Fee. No registration fee is required.

Subd. 6. Registration Term. The term of the registration shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct the business activity, or twelve (12) months from the date the registration is approved by the City Clerk.

SECTION 610.11 NON-PROFIT, CHARITABLE, RELIGIOUS ORGANIZATIONS; PUBLIC OR PRIVATE SCHOOLS: All non-profit organizations, charitable organizations, religious organizations or public or private schools are required to obtain a Certificate of Registration from the City Clerk prior to engaging in the activity of a Peddler or Solicitor. A registration application may be submitted on behalf of a group or organization, however, each person who will be engaging in the proposed activity shall be listed on the application.

Subd. 1. Contents of Registration Application. The application shall contain the following information:

1. Name, address, date of birth, driver's license number and contact information of applicant.
2. Name, address and contact information of employer, if related to the business activity.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.
6. Name and address of each person who will be engaging in the proposed activity.

Subd. 2. Background Investigation. A background investigation of the applicant may be conducted at the discretion of the Council, but no fee shall be required of the applicant.

Subd. 3. Action by City Clerk. The application shall be submitted to the City at least thirty (30) business days before the applicant desires to conduct business in the City. An application shall be determined to be complete only if all the required information under subdivision 1 is provided. If the City Clerk determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of the Certificate of Registration. The City Clerk shall review and verify the information provided in the application and either approve or deny the Certificate of Registration within ten (10) business days of the application's submission to the City. If the application is approved, the Certificate of Registration shall be issued.

Subd. 4. Denial of Certificate of Registration. If the application is rejected by the City Clerk, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting a public hearing before the City Council. The applicant's request for a public hearing must be made within twenty (20) days of the date the notice of denial is received, or the applicant's right to a hearing will be deemed waived. Within twenty (20) days of the receipt of the applicant's request for a public hearing on the denial of the Certificate of Registration, a public hearing will be held before the City Council. At the hearing, the applicant has the right to be represented by counsel, the right to respond to the reason for denial, and the right to present evidence through witnesses under oath. Following the hearing, the City Council will render a decision on the approval or denial of the Certificate of Registration. The decision of the City Council following the hearing is final.

Subd. 5. Registration Fee. No registration fee is required.

Subd. 6. Registration Term. The term of the registration shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct business activity, or twelve (12) months from the date the registration is approved by the City Clerk.

SECTION 610.13 TRANSIENT MERCHANTS: Pursuant to Section 1201.08 of the City Code, whenever in any zoning district a use is neither specifically allowed nor denied, the use shall be considered prohibited. The City does not have a zoning district for business activity, for retail

sales, or for any commercial enterprise. Subject to the applicable zoning district provisions, no person may conduct business as a Transient Merchant in the City, unless the business activity involves selling local farm or garden products under Section 610.15 or qualifies as an exception under Section 610.05.

SECTION 610.15 CULTIVATED FARM PRODUCTS: Pursuant to Article 13, Section 7 of the Constitution of the State of Minnesota, any person may sell or peddle the products of the farm or garden occupied and cultivated by them without obtaining a license. Any person selling or attempting to sell, or to take or attempt to take orders for any product grown, produced, cultivated, or raised on their own farm is required to obtain a Certificate of Registration from the City Clerk. A registration application may be submitted on behalf of a group or organization, however, each person who will be engaging in the proposed activity shall be listed on the application.

Subd. 1. Contents of Registration Application. The application shall contain the following information:

1. Name, address, date of birth, driver's license number and contact information of applicant.
2. Name, address and contact information of employer, if related to the business activity.
3. Description of the product being sold.
4. Length of time desired for the business activity.
5. Employer's Minnesota tax identification number.
6. Name and address of each person who will be engaging in the proposed activity.

Subd. 2. Additional Information. In addition to the information required under subdivision 1 of this Section, the person or organization must provide the following information:

1. The address and specific location of the farm or garden upon which the product was cultivated.
2. A signed affidavit from the registrant that the product that will be sold was from property occupied, rented or used by the registrant and the product was cultivated by the registrant.
3. The address and specific location on which the product will be sold and a written acknowledgement from the property owner that includes the following:
 - a. Consent from the property owner to use the property for the sale of the product;
 - b. A site map showing the location on the property that will be used for the sale of the product.
4. A written acknowledgement from the registrant that the registrant will adhere to the following conditions:

- a. The registrant shall not interfere with or obstruct the free flow of vehicular or pedestrian traffic or any right-of-way in order to conduct the business activity, including loading and unloading the product;
- b. All structures, tables, tents, canopies, shelters or other coverings and areas, including the property used for the business activity, shall be maintained in a neat and professional manner during the hours of operation;
- c. All vehicles used to assist with the business activity shall be properly licensed and operable and maintained in a neat and professional manner;
- d. The property used for conducting the business activity shall be maintained in a neat and clean condition and no evidence of the business activity shall remain on the property upon removal of the business activity each day.

Subd. 3. Background Investigation. A background investigation of the applicant may be conducted at the discretion of the City Clerk, Police Chief, or City Council, but no fee shall be required of the applicant.

Subd. 4. Action by City Clerk. The application shall be submitted to the City at least thirty (30) business days before the applicant desires to conduct business in the City. An application shall be determined to be complete only if all the required information under subdivision 1 is provided. If the City Clerk determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of the Certificate of Registration. The City Clerk shall review and verify the information provided in the application and either approve or deny the Certificate of Registration within ten (10) business days of the application's submission to the City. If the application is approved, the Certificate of Registration shall be issued.

Subd. 5. Denial of Certificate of Registration. If the application is rejected by the City Clerk, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting a public hearing before the City Council. The applicant's request for a public hearing must be made within twenty (20) days of the date the notice of denial is received, or the applicant's right to a hearing will be deemed waived. Within twenty (20) days of the receipt of the applicant's request for a public hearing on the denial of the Certificate of Registration, a public hearing will be held before the City Council. At the hearing, the applicant has the right to be represented by counsel, the right to respond to the reason for denial, and the right to present evidence through witnesses under oath. Following the hearing, the City Council will render a decision on the approval or denial of the Certificate of Registration. The decision of the City Council following the hearing is final.

Subd. 6. Registration Fee. No registration fee is required.

Subd. 7. Registration Term. The term of the registration shall be the lesser of either the length of time set forth in the application for which the applicant desires to conduct business activity, or twelve (12) months from the date the registration is approved by the City Clerk.

SECTION 610.17 CONDITIONS OF LICENSES AND CERTIFICATES OF REGISTRATION:

Subd. 1. Display. Every licensee shall display the photo identification card on his or her person in a conspicuous place showing the license number and photo identification card.

Subd. 2. Production of Photo ID, License and Certificate of Registration. Every licensee shall produce and show the photo identification card and license number and every Registrant shall produce and show the Certificate of Registration upon the request of a resident, police officer or City-identified staff person.

Subd. 3. Non-Transferable. No license or Certificate of Registration is transferable from one person to another. Each person shall obtain a separate license and each group or organization shall obtain a separate Certificate of Registration.

Subd. 4. Conduct of Business. No person shall conduct the business of a Peddler, Solicitor or Transient Merchant in any of the following manners. No person requiring a license or certificate of registration under this Chapter 610 shall conduct such activities in any of the following manners.

- a. Conducting business as a Peddler or Solicitor without a license or Certificate of Registration required by Chapter 610.
- b. Calling attention to their business or items to be sold by means of blowing a horn or whistle, ringing a bell, crying out, or by any other noise so as to be unreasonably audible within an enclosed structure.
- c. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
- d. Conducting business in such a way so as to create a threat to the health, safety and welfare of any individual or the public.
- e. Conducting business before 8:00 a.m. or after 9:00 p.m.
- f. Failing to provide proof of license, registration, or identification, when requested.
- g. Using the license or registration of another person.
- h. Making any false or misleading statements about the product or service 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 Certificate of Registration.
- i. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.
- j. Failure to abide by the Exclusion by Placard requirements of Section 610.17, subdivision 5.

Subd. 5. Exclusion by Placard. Unless invited to do so by the property owner or tenant, no Peddler, Solicitor or Transient Merchant shall enter the property of another for the

purpose of conducting business as a Peddler, Solicitor or Transient Merchant when the property is marked with a sign or placard at least 4 inches long and 4 inches wide with print of at least 48 point in size stating “No Peddlers, Solicitors or Transient Merchants,” or “Peddlers, Solicitors and Transient Merchants Prohibited,” or other comparable statement prominently placed in a location clearly visible upon or near the primary entrance to the residence or within three (3) feet near the primary entrance to the residence. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this Section.

SECTION 610.19 REVOCATION, SUSPENSION OR DENIAL OF LICENSE OR CERTIFICATE OF REGISTRATION:

Subd. 1. Grounds for Denial, Suspension or Revocation. A license or Certificate of Registration may be revoked, suspended or denied for one or more of the following reasons:

1. Failure to abide by the license or certificate of registration requirements of Chapter 610.
2. The proposed use does not comply with the Zoning Code, State law or other applicable City Code provision.
3. The applicant has failed to pay any of the appropriate fees.
4. The applicant has made fraudulent statements, misrepresentations, or false statements on the application or as part of the background investigation.
5. Conviction of any crime directly related to the business or activity being applied and failure to show sufficient rehabilitation and present fitness to perform the duties of the business.
6. Conducting the business activity in such a manner as to constitute a breach of the peace, menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon a recommendation of the Police Chief or an appropriate City Official.
7. Actions unauthorized or beyond the scope of the license or Certificate of Registration.
8. The applicant’s license or Certificate of Registration has been denied, revoked or suspended by the City or another governmental unit in the past three (3) years.
9. Violation of any regulation or provision of the City Code, State law, or Zoning Code applicable to the activity for which the license or Certificate of Registration has been granted, or any regulation or state law that may be applicable.
10. Failure to abide by the Exclusion by Placard requirements of Section 610.17, subdivision 5.
11. Other good cause.

Subd. 2. Action on License. Before the suspension or revocation of any license, the City must provide written notice informing the licensee of the right to a hearing.

1. Notice. The notice must be served at least twenty (20) days prior to the time and place of the hearing and state the grounds for suspension or revocation. The notice must be served upon the licensee personally or by certified mail to the address listed on the license application.
2. Hearing. A hearing will be conducted before the City Council. At the hearing, the licensee has the right to be represented by counsel, the right to respond to the charges, the right to present evidence through witnesses under oath and the right to confront and cross-examine witnesses under oath.
3. Final Decision of the City Council. Following the hearing, the City Council may choose to suspend, revoke or take no action on the license. The decision of the City Council following a hearing is final.
4. Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a licensee under Chapter 610, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed under this subdivision.

Subd. 3. Action on Certificate of Registration. A Certificate of Registration may be revoked, suspended or denied by the City Clerk following a recommendation of the Police Chief, based on a reason stated in Section 609.19 subd. 1.

1. Notice. The notice must be served at least twenty (20) days prior to the time and place of the hearing and state the grounds for suspension or revocation. The notice must be served upon the registrant personally or by certified mail to the address listed on the certificate of registration application.
2. Hearing. A hearing will be conducted before the City Council. At the hearing, the registrant has the right to be represented by counsel, the right to respond to the charges, the right to present evidence through witnesses under oath and the right to confront and cross-examine witnesses under oath.
3. Final Decision of the City Council. Following the hearing, the City Council may choose to suspend, revoke or take no action on the certificate of registration. The decision of the City Council following a hearing is final.
4. Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a registrant under Chapter 610, the City Council may immediately suspend the person's certificate of registration and provide notice of the right to hold a subsequent public hearing as prescribed under this subdivision.

SECTION 610.21 PENALTIES: Any person who violates a provision of this Chapter 610 is guilty of a misdemeanor. Each day on which a violation occurs or continues is a separate violation.

(Entirety of Chapter 610 originally adopted by Ordinance No. 2006-02; 11/7/06) (Ord. 23-02, 04/4/23)