

ORDINANCE NO. 108

AN ORDINANCE LICENSING AND REGULATING
PEDDLERS, SOLICITORS, AND TRANSIENT
MERCHANTS, AND PROVIDING PENALTIES
FOR VIOLATIONS

The City Council of Moose Lake, Minnesota, ordains:

Section 1. Definitions. Subdivision 1. General. For the purposes of this ordinance, the terms defined in this section shall have the meanings ascribed to them.

Subdivision 2. Peddler. "Peddler" means any person with no fixed place of business 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.

Subdivision 3. Solicitor. "Solicitor" means 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.

Subdivision 4. Transient Merchant. "Transient merchant" means any person, firm or corporation who engages temporarily in the business of selling and delivery 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.

Section 2. License Required. No peddler, solicitor or transient merchant shall sell or offer for sale any goods, wares, or merchandise within the city unless a license therefor shall first be secured as provided in this ordinance.

Section 3. Application and Issuance. Application for such license shall be made to the City Clerk on a form supplied by the city. The application shall state:

- (1) the name and address of the applicant and of all persons associated with him in his business;
- (2) The type of business for which the license is desired;
- (3) in case of transient merchants, the place where the business is to be carried on;
- (4) the length of time for which the license is desired;
- (5) a general description of the thing or things to be sold;
- (6) The places of residence of the applicant for the five years next preceding the date of application. Every application may be subject to a written report and recommendation of the police after an investigation of the moral character of the applicant. If applicant meets approval of Chief of police, a license shall be issued by the City Clerk upon payment of the required fee.
- (7) Minnesota Sales and Use Tax number is required.

Section 4. License Fees.

Solicitors, Transient Merchants and Peddlers fees shall be as follows;

per day	\$5.00
per month	10.00
per year	15.00

Permit fees shall be waived to State registered Non Profit Organizations.

Section 5. Duration of License. Each license shall be valid only for the period specified therein and no license may extend beyond the 31st day of December of the year in which it is granted.

Section 6. License Not Transferable. All licenses shall be nontransferable. No refunds shall be made on unused portions of licenses except by resolution of the council. Each peddler, solicitor or transient merchant shall secure a separate license.

Section 7. License to be Carried. All licenses shall be carried by the licensee or conspicuously posted in his place of business and the license shall be exhibited to any officer or citizen upon his request.

Section 8. Practices Prohibited. No peddler, solicitor, or transient merchant shall call attention to his business or to his merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

Section 9. Exemptions. This ordinance does not apply to any sale under court order, to any bona fide auction sale, or to a sale at wholesale to a retail dealer.

Section 10. Revocation. Any license 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.

Section 11. Penalty. Any person who violates any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding 90 days or both, plus, in either case, the costs of prosecution.

Section 12. Repeal. Ordinance No. 9 adopted February 20, 1919, and entitled "An Ordinance Specifying Certain Kinds of Business Conducted in the Village of Moose Lake to be Peddling, and Fixing a Violation Therefor and a Penalty for the Violation Thereof" is repealed.

Section 13. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the council this 7th day of June, 1982.

Mayor, Leo Rentz

ATTEST:

Clerk, Donald Clausen