

1120.01. Transient sales. Subdivision 1. Peddler. A peddler is defined as any person who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales, or offering services for deliveries immediately to purchasers. This section does not apply to those vendors delivering merchandise from vehicles or to vendors who hold other licenses from the City permitting such activities.

Subd. 2. License required. No peddler shall sell or offer for sale any goods, wares, merchandise, or services for immediate delivery within the City unless a license therefor shall be secured as provided in this section. Neither a solicitor nor a canvasser is required to obtain a license.

Subd. 3. License application and issuance. Application for such license shall be made to the City Clerk on a form supplied by the City. The application shall include:

- (a) The name, address and driver's license number (if applicable) of the applicant and of all persons associated with the applicant in the applicant's business.
- (b) The type of business for which the license is desired.
- (c) The address where the business is based.
- (d) The dates for which the activity is planned.
- (e) A general description of the thing(s) or service(s) to be sold.
- (f) The places of residence of the applicant for the previous five years.

Subd. 4. Police investigation. Every application shall be reviewed by the Chief of Police and a background check shall be conducted to determine whether the merchant has a valid driver's license (if applicable) and assure that there are no warrants.

Subd. 5. License fees. Fees for licenses shall be established by Council resolution and are set forth in Appendix B. Fees shall include an application fee, which includes the cost of initial investigation. The City Council may waive fees at its discretion.

Subd. 6. Duration of license. No license may extend beyond the 31st day of December of the year in which it is granted.

Subd. 7. License not transferable. All licenses shall be nontransferable. No refunds shall be made on unused portions of licenses except by resolution of the City Council. Each peddler shall secure a separate license.

Subd. 8. License to be carried. All licenses shall be carried by the licensee and the license shall be exhibited to any officer or citizen upon such officer's or citizen's request.

Subd. 9. License revocation. Any license may be revoked by the Council for a violation of any provision of this article if the licensee has been given a reasonable notice and an opportunity to be heard.

Subd. 10. Practices prohibited. No peddler shall call attention to such person's business or to such person's merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise. No peddler shall use a motor vehicle for such person's activities unless such person maintains a valid driver's license.

Subd. 11. Solicitor or canvasser.

- (a) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or from place-to-place soliciting or taking or attempting to take orders for the sale of goods, wares, merchandise, or services for future delivery is a solicitor.
- (b) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or from place-to-place when such activity is for the purpose of exercising that person's constitutional rights such as freedom of speech, press, or religion is a canvasser except when the person's exercise of these constitutional rights is merely incidental to a commercial activity.
- (c) A solicitor or canvasser is exempt from the requirements of subdivisions 2 through 6 of this subsection, but all other subdivisions of subsection 1120.01 shall apply.
- (d) Before engaging in any of the activities of a solicitor or canvasser, a solicitor or canvasser is required to register with the city on a form provided by the City. Immediately upon completion of the registration form, the City shall issue the registrant proof of the registration.
- (e) No fee is required.

Subd. 12. Hours. A peddler, solicitor or canvasser may not undertake such person's activities except between the hours of 9:00 a.m. to 8:00 p.m.