

PART 8. PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS

508.01 DEFINITIONS

Subdivision 1. General. Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

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 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 space, motor vehicle, trailer, railroad car or other vehicle, whether on public or private property.

Subdivision 5. Mobile Food Unit. A food and beverage service establishment that is a vehicle mounted unit, either motorized or trailered and readily movable, without disassembling, for transport to another location.

508.02 “GREEN RIVER” PROVISIONS FOR PEDDLERS AND SOLICITORS

Any resident of the City who wishes to exclude peddlers or solicitors from premises occupied by him 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 3-3/4 inches long and 3-3/4 inches wide and the printing thereon shall not be smaller than 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises here such placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

508.03 LICENSE REQUIRED FOR TRANSIENT MERCHANTS AND MOBILE FOOD UNITS.

No transient merchant or mobile food unit 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. Transient merchant or mobile food unit must also provide proof of applicable licenses or permits required by the State of Minnesota Department of Health, State of Minnesota

Department of Agriculture, or Otter Tail County, as may be required by Minnesota Statutes, including but not limited to Chapter 329 of the Minnesota Statutes, as amended from time to time.

508.04 APPLICATION AND ISSUANCE

Application for such license shall be made to the City Clerk on a form supplied by the City. The information required by said application form shall be determined by the City Clerk either with or without the approval of the City Council.

Blank applications shall be issued by the Clerk upon request. The completed application shall be acted upon by the Clerk, who may grant the license with or without consulting the Council. The City Clerk may elect to consult with the City Council prior to issuing said license. If the Clerk denies the license, the applicant may appeal the Clerk's decision to the Council and require the Clerk to place the matter on the agenda of the next regular Council meeting, at which time the Council shall review the Clerk's decision and make its determination as to whether or not the license shall be issued.

508.05 LICENSE FEES

The fee for each license shall be established by Council resolution, which shall not be refundable. The City Council by resolution may change the fee without notice, and may by resolution set different fees for different types of licensees without notice.

508.06 DURATION OF LICENSE

Each license shall be valid through December 31 of the year of issuance unless otherwise specified therein.

508.07 SPECIAL TERMS OF LICENSE

The City Council may impose special terms and conditions for use of the license by the licensee including, but not limited to, restricting the total number of licenses issued under this ordinance, restricting the location where the licensee may operate said business, restricting the hours of the day during which the licensee may be open for business, and restricting the days of the week during which the licensee may be open for business, and any other matter. Such licenses shall also be subject to the following:

Subdivision 1. All Transient Merchant and Mobile food units may not operate within 500 feet from a community event or parade unless the licensee obtains written permission from the event coordinator of that community event or parade, said 500 feet measured in a straight line of constant elevation.

Subdivision 2. Mobile food units may not operate within 100 feet from the public entrance to any restaurant and/or any portion of a restaurant's outdoor dining area or parking area during that restaurant's hours of operation unless the licensee obtains written permission from the restaurant

owner or manager, or unless said mobile food unit is ancillary to the said restaurant. Said 100 feet measured in a straight line of constant elevation.

Subdivision 3. All transient merchants and Mobile food units are prohibited from blocking access to a public street, alley, bike path, sidewalk or access to an adjacent property.

Subdivision 4. All transient merchants and mobile food units must be located on a parcel of land which is appropriately zoned for commercial development.

Subdivision 5. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity toward the occupants of any motor vehicle in transit and must not obstruct the free flow of vehicular or pedestrian traffic on any public street, sidewalk, or other public right-of-way.

Subdivision 6. All mobile food units shall provide and maintain at least one clearly designated waste container for customer use.

508.08 LICENSE NOT TRANSFERABLE

All licenses shall be non-transferable. Each licensee shall secure a separate license.

508.09 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.

508.10 REGISTRATION

Subdivision 1. All solicitors and peddlers shall be required to register with the City prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Upon completion of the registration/license form, the City Clerk shall provide a signed registration/license form that will act as the registration/license. Registration/license forms are non-transferrable. Exemptions listed under section 508.13 are not required to register.

Subdivision 2. Individuals that will be engaging in non-commercial door-to-door advocacy shall not be required to register.

508.11 PRACTICES PROHIBITED

No licensee 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.

508.12 PUBLIC HEALTH AND SAFETY

All licensees shall conduct the business in such a manner as to protect and preserve the health and safety of its customers and the public in general, shall maintain clean and sanitary conditions. Any application for a license to engage in the sale of prepared food or beverages shall be required to furnish and maintain a certificate of health inspection from the State of Minnesota Department of Health, State of Minnesota Department of Agriculture, or as delegated to Otter Tail County through any applicable Minnesota Statutes, including but not limited to Section 145A.07 of the Minnesota Statutes, as may be amended from time to time, in their places of business, and shall abide by all laws, ordinances, rules and regulations applicable to their business activities.

508.13 EXEMPTIONS

This ordinance does not apply to any of the following:

Subdivision 1. Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Persons engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor.

Subdivision 2. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

Subdivision 3. 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 or milk.

Subdivision 4. Any person making deliveries of perishable food and dairy products to the customers on that person's established delivery route.

Subdivision 5. 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.

Subdivision 6. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

Subdivision 7. Any person participating in an organized multi-person bazaar or flea market.

Subdivision 8. Any person conducting an auction as a properly licensed auctioneer.

Subdivision 9. Any officer of the court conducting a court-ordered sale.

Subdivision 10. Farmers Market produce .

Subdivision 11. Activities associated with a Community Event, subject to any applicable community event sponsor permitting process/regulation that is required.

Subdivision 12. Satellite locations and locations ancillary to the business of any primary office, store, shop, restaurant of existing merchants not defined as “transient merchants” or “Mobile Food Units”.

Subdivision 13. Any non-profit group conducting fundraisers or sales solely for the benefit of such a non-profit group, subject to the City obtaining certification from such a non-profit group that provides proper evidence, to the City’s satisfaction, of such non-profit status.

The foregoing exemptions shall not excuse any person or party or entity from complying with any other applicable statutory provision or requirement set forth in other parts of the City Code of Pelican Rapids.

508.13 REVOCATION

Any license may be revoked by city administration and/or the police department for a violation of any provision of this ordinance if the licensee has been given a reasonable notice and an opportunity to be heard, said reasonable notice and an opportunity to be heard shall be at the sole discretion of city administration and/or police department. Any revoked license holder can request a hearing before the city council.

ORDINANCE NO. 2018-02

**AN ORDINANCE AMENDING CITY CODE CHAPTER FIVE, MUNICIPAL
REGULATION AND LICENSING, PART 8. PEDDLERS, SOLICITORS, TRANSIENT
MERCHANTS**

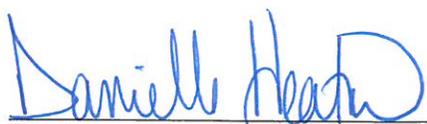
Ordinance No. 2018-02 is part of permanent public record in the city clerk's office. It was passed and adopted by the City Council of Pelican Rapids, Minnesota, this 25th day of September, 2018, and will be in full force and effect upon publication.

(SEAL)

By: 

Mayor Brent E. Frazier

Attest:



Clerk-Treasurer Danielle Heaton