

804. SOLICITORS, PEDDLERS, TRANSIENT MERCHANTS,
AND NON-COMMERCIAL DOOR-TO-DOOR ADVOCATES

804.010. SOLICITORS, PEDDLERS, TRANSIENT MERCHANTS, AND NON-COMMERCIAL DOOR-TO-DOOR ADVOCATES. For the purposes of this Chapter, certain words and terms are defined as follows:

1. Non-Commercial Door-to-Door Advocate. A person who goes door-to-door for the primary purpose of disseminating religious, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall include door-to-door canvassing and pamphleteering intended for non-commercial purposes.
2. Person. Any natural individual, group, organization, corporation, partnership, or similar association.
3. Peddler. Any person and/or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing them for sale.
4. Solicitor. Any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place or from street to street soliciting donations of money or services, or attempting to take orders for any goods, wares or merchandise for future delivery.
5. Transient Merchant. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front 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.

804.020. REGISTRATION REQUIRED. It is unlawful for any solicitor, peddler, or transient merchant to engage in any such activity within the City of Little Canada without first registering with the City Administrator in compliance with the provisions of this ordinance. It is strongly recommended that non-commercial door-to door advocates register with the City. Nothing within this ordinance shall be interpreted to prohibit non-commercial door-to-door advocates. Registration does not exempt compliance with all other applicable local, state and federal laws. Persons registering under this ordinance shall file a sworn statement with the City Administrator's office on a form to be furnished by the City.

804.030. REGISTRATION FEE. At the time of registration, the person registering shall pay a fee to cover the administrative costs of processing and investigation. The fee shall be as set forth by City Council resolution. Fees will be waived for all non-commercial door-to-door advocates.

804.040. PERSONS WORKING FOR OR ASSISTING REGISTRANT. The registrant shall also supply the name, address, driver's license and social security numbers of all persons working for or assisting the registrant.

804.050. REGISTRATION IDENTIFICATION. To identify that they have duly registered with the City, all registered solicitors, peddlers, transient merchants, non-commercial door-to-door advocates, and persons working for those registered shall carry a copy of the certificate of registration issued by the City to the registrant.

804.060. EXCEPTIONS TO REGISTRATION. For the purpose of this chapter, the terms solicitor, peddler, transient merchant, and non-commercial door-to-door advocates shall not apply to:

1. 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.
2. 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.
3. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
4. 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.
5. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
6. Any person participating in an organized multi-person bazaar or flea market.
7. Any person conducting an auction as a properly licensed auctioneer.
8. Any officer of the court conducting a court-ordered sale.

Exemption from registration shall not, for the scope of this chapter, excuse any person from complying with applicable statutory provisions or requirements of any other city ordinance.

804.070. VALID INSURANCE ON VEHICLES. Every applicant who intends to vend products from a motor vehicle shall maintain liability insurance in the amount of at least 100,000.00 for single injuries and 300,000.00 for each accident, as well as at least 10,000.00 for property damage insurance.

804.080. REFUTATION. The following shall be grounds for denying a solicitor, peddler, transient merchant, or non-commercial door-to-door advocate a certificate of registration:

1. The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.
2. The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
3. The failure of an applicant to sign the application.
4. The failure of an applicant to pay the required fee at the time of application.
5. A conviction within the past five (5) years of the date of application for burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person. These are only examples and the city reserves the right to deny an applicant a certificate based on his/her criminal record.
6. The revocation within the past five (5) years of any registration issued to an applicant for the purpose of conducting business as a solicitor, peddler, transient merchant, or non-commercial door-to-door advocate.
7. When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

804.090. PROHIBITED ACTIVITIES. No solicitor, peddler, transient merchant, or non-commercial door-to-door advocate shall conduct business in any of the following manners:

1. Refusing to Leave. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to enter upon premises owned, leased or rented by another and refuse to leave such premises after having been notified by such owner or occupant to leave.
2. Misrepresentation. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to engage in any such activity within the City of Little Canada between the hours of ~~9:00~~ 8:00 p.m. and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

3. Safety Hazard. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to conduct business in such a way as to create a threat to the health, safety and welfare of any individual or general public.
4. Noise. It shall be unlawful for any solicitor, peddler, transient merchant, non-commercial door-to-door advocate to call attention to a business or the items being sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible.
5. Proof of Registration. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to fail to provide proof of registration and identification when requested; or to use the registration of another person.
6. False Statements. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to make false or misleading statements about the product or services being sold, including untrue statements of endorsement. No solicitor, peddler, transient merchant, or non-commercial door-to-door advocate shall claim to have the endorsement of any City solely based on the City having issued a Certificate of Registration to the person.
7. Harassment. It shall be unlawful for any solicitor, peddler, transient merchant, or non-commercial door-to-door advocate to remain on 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.

804.100. REVOCATION. Any registration issued under this section may be revoked at the discretion of the City Administrator for violation of any of the following:

1. Fraud, misrepresentation or incorrect statements on the application form.
2. Fraud, misrepresentation or false statements made during the course of the permitted activity.
3. Conviction of any offense for which granting a certificate of registration could have been denied.
4. Violation of any provision of this Chapter.

The revocation of any certificate issued for the purpose of authorizing multiple persons to conduct business as solicitors, peddler, transient merchants, or non-commercial door-to-door advocates on behalf of the registered person, shall serve as a revocation of each such authorized person's authority to conduct business as a solicitor, peddler, transient merchant, or non-commercial door-to-door advocate on behalf of the registered person whose certificate is revoked.

804.110. EXEMPTIONS. Candidates for public office as well as campaign workers for candidates and ballot initiatives are exempt from the provisions of this Chapter.

804.120. EXCLUSION BY OWNER. Unless specifically invited by the property owner or tenant, no solicitor, peddler, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a solicitor, peddler, transient merchant, non-commercial door-to-door advocate or similar activity when the property is marked with a sign or placard:

(1) At least four inches long.

(2) At least four inches wide.

(3) With print of at least 48 point in size.

(4) Stating "Solicitors, Peddlers, Transient Merchants, or Non-Commercial Door-to-Door Advocates Prohibited," or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

804.130. SOLICITATION OF FUNDS. It shall be unlawful for any person, except an organization organized for civic, patriotic, charitable, or religious purposes, to solicit funds in any manner on the streets of the city.

804.140. REGISTRATION PERIOD. An application for a certificate of registration shall be submitted to the City on forms provided by the City, at least 14 days before the applicant desires to conduct business within the City. Registration shall be valid for the calendar year. All registrations shall expire on December 31st after their issuance.

804.150. MISDEMEANOR. Any violation of this Chapter shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

804.160. SEVERABILITY. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Source: Ord. 38, Amended: Ord. 198, 419, 513, 792)