

**ORDINANCE 2020-02**  
**CITY OF OTTERTAIL**  
**AN ORDINANCE REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

**PURPOSE.**

To regulate the activity of Peddlers, Solicitors and Transient Merchants wishing to do business in the City of Ottertail.

**SECTION 113**

- 113.01 Definitions
- 113.02 PERMIT REQUIREMENTS
- 113.03 PROHIBITED ACTIVITIES
- 113.04 EXCLUSION BY PLACARD
- 113.05 EXEMPTIONS TO REQUIREMENTS
- 113.06 PERSONS INELIGIBLE FOR PERMIT
- 113.07 REVOCATION OF PERMIT
- 113.08 PENALTY

**§ 113.01 DEFINITIONS.**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PEDDLER.*** 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*** shall mean the same as the term ***HAWKER***.

***PERSON.*** Any natural 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.

***REGULAR BUSINESS DAY.*** Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.

***SOLICITOR.*** 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 he or she 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 shall 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*** shall mean the same as the term ***CANVASSER***.

***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 or intend to remain in any one location within City limits.

**§ 113.02 PERMIT REQUIREMENTS:**

(A) Permit Required: No peddler, solicitor or transient merchant shall sell or offer for sale any good, wares, services, or merchandise within the City unless a permit therefore shall first be secured as provided in this ordinance.

(B) Application and Issuance:

1. Application for such permit shall be made to the City Clerk on a form supplied by the City. The application shall state and include:
  - a. The name, address, date of birth and copy of driver's license or photo ID of all persons associated with the application in business.
  - b. Contact information including all business-related phone number, cell phone and email address.
  - c. The type of business for which the permit is desired.
  - d. Copy of appropriate County license as required by M.S. Chapter 329 as it may be amended from time to time.
  - e. A certificate of insurance with the City of Ottertail listed as additional insured.
  - f. In case of transient merchants, the place where the business is to be carried on.
  - g. The length of time and dates for which the permit is desired, and fee prorated for 3 months at a time.
  - h. Vehicle license number and/or VIN Number of vehicles.
  - i. A general description of the thing or things to be sold.
  - j. Whether the applicant complies with requirements of this ordinance.
  - k. Such other information as the city may reasonably request.
2. Upon receipt of the application and payment of permit fee, the Clerk-Administrator will, within two (2) regular business days, determine if the application is complete. A complete application will be considered complete if all required information is provided. If the application is not complete, the Clerk-Administration will inform the applicant of the necessary information that is incomplete and inform the applicant of what is missing. If the application is complete it shall be forwarded to the Chief of Police for information check.
3. Every application shall bear the written report and recommendation of the Chief of Police after a driver's license check. If issuance of the permit would not violate any city ordinance or state law and the Chief of Police recommends issuance of the permit.
4. Within ten (10) business days of receiving the application the Clerk-Administrator will issue the permit unless grounds exist for denying.
5. If the permit is granted the Clerk-Administrator will report to the City Council their next regularly scheduled City Council meeting for their review.
6. Permit Fees: Fees for permits shall be set by ordinance of the City Council.
7. Duration of the Permit: Permits will be good for 1 year from the date of issuance. No permit may extend beyond December 31<sup>st</sup> of the year in which it was granted.
8. Permit not transferable: All permits shall be nontransferable. No refunds shall be made

on unused portions of permits. Each peddler, solicitor, or transient merchant shall secure a separate permit.

9. Permit to be available for inspection: All permits shall be carried by the permittee or conspicuously posted in the permittee place of business and the permit shall be exhibited to any officer or citizen upon request.

### **§ 113.03 PROHIBITED ACTIVITIES.**

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(A) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, use of a speaker system, or by any other noise, so as to be unreasonably audible within an enclosed structure;

(B) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety, and welfare of any individual or the general public.

(D) Business will not be allowed in City Parks unless the merchant has received special permission from the City Council.

(E) Conducting business before 7:00 a.m. or after 9:00 p.m. unless they have received a Special Event Permit that designates additional hours.

(F) Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.

(G) 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 to that person; and

(H) 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. Penalty, see § 10.99

(I) Failure to provide proof of liability insurance when requested.

(J) No peddler, solicitor, or transient merchant shall place any signs or advertising material in any public right of way. Any signs or advertising material may only be placed on private property with the owner's permission and will only be allowed for the duration of the permit.

### **§ 113.04 EXCLUSION BY PLACARD.**

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, 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 four inches long and four 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. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

Penalty, see § 10.99

**§ 113.05 EXEMPTIONS TO REQUIREMENTS:**

The permit requirements of this ordinance do not apply to the following:

- (A) Any sale under court order.
- (B) Any bona fide auction sale.
- (C) A sale at wholesale to a retail dealer.
- (D) Any sale of the products of a farm or garden.
- (E) Any person soliciting money, donations, or financial assistance of any kind for any religious, charitable, nonprofit, educational, or political organization or selling merchandise for a fee on behalf of such an organization.
- (F) Any person calling upon householders at the request of said householders.
- (G) Garage sales, yard sales, youth sales (such as lemonade stand and baked goods)
- (H) Any person calling upon householders in connection with a regular route service for the sale and delivery of products.
- (I) Part of a Special Event (Special Event Permit required)
- (J) Craft Fair/Farmer’s Market offered as part of an approved business activity.

**§ 113.06 PERSONS INELIGIBLE FOR PERMIT:**

No permit or license shall be issued if the applicant:

- (A) Is not legally allowed to work under state or federal law.
- (B) Has been convicted of a crime that directly relates to the occupation sought to be registered and has not shown competent evidence of sufficient rehabilitation and present fitness to perform duties of the occupation.
- (C) Has been the subject of an investigation by a consumer protection agency or state attorney general office and such investigation has indicated a pattern of disregard of consumer rights in the conduct of the business.
- (D) Has had a registration, license or permit for any activity subject to this ordinance revoked by the City or any other governmental body within three (3) years before the application date.
- (E) Has falsified any information or omitted material information required by the application.

Denied permittee may appeal by requesting a public hearing. Request for public hearing must be in writing and presented to the City Clerk. The public hearing will take place at the next regularly scheduled City Council meeting.

**§ 113.07 REVOCATION OF PERMIT:**

Any license or permit may be revoked by the council or it’s designee for a violation of any provision of this ordinance if the licensee has been given a reasonable notice and an opportunity to be heard.

**§ 113.99 PENALTY:**

Any person who violates any provision of this chapter in its entirety shall be subject to provisions of Chapter 10.98 and penalty and enforcement of Chapter §10.99 of this Code.

Ordinance and its Summary passed by the Ottertail City Council, Otter Tail County, Minnesota on this 17<sup>th</sup> day of December, 2020 and effective from and after its passage and publication.

Seal

\_\_\_\_\_  
Myron J. Lueders, Mayor

Attest:

\_\_\_\_\_  
Clerk- Administrator

**ORDINANCE 2020-02**  
**CITY OF OTTERTAIL**  
**AN ORDINANCE REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

**Form for Summary Publication**

A summary of an ordinance adopting a lengthy ordinance to regulate the activity of Peddlers, Solicitors and Transient Merchants wishing to do business in the City of Ottertail.

1. The City Council has adopted an ordinance regulating the activity of Peddlers, Solicitors and Transient Merchants wishing to do business in the City of Ottertail. The purpose of this summary is to inform the public of the intent and effect of the ordinance and to publish only a summary of the ordinance with the full ordinance being on file in the office of the Clerk during regular office hours.

2. City Code Title XI Chapter 113 of the ordinance is hereby adopted as follows:

113.01 Definitions

113.02 PERMIT REQUIREMENTS. Explains when a permit is required and process for application and issuance of the permit.

113.03 PROHIBITED ACTIVITIES. Explains what type, where and when certain activities are prohibited. What happens if providing false information, insurance requirements and signage.

113.04 EXCLUSION BY PLACARD. Rules regarding trespass and business choice not to allow.

113.05 EXEMPTIONS TO REQUIREMENTS. Explains types of activities that are excluded from the ordinance.

113.06 PERSONS INELIGIBLE FOR PERMIT. Explains why an applicant would not qualify for a permit.

113.07 REVOCATION OF PERMIT. Provides for removal of a permit.

113.08 PENALTY. Penalties that may be imposed.

3. The City Council has determined that publication of the title and summary of the Peddlers, Solicitors and Transient Merchants Ordinance as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published. A copy of the entire text of the ordinance shall be available in the office of the Ottertail City Clerk.

Adopted by the Ottertail City Council on this 17<sup>th</sup> day of December 2020. Effective upon publication.

By Order of the Ottertail City Council  
Elaine Hanson  
Clerk-Administrator