

FRIDLEY CITY CODE
CHAPTER 14. PEDDLERS

(Ref. 8, 797, 835, 890)

14.01. STATEMENT OF POLICY

The City Council of the City of Fridley deems it necessary to provide for the special and express regulation of peddlers, solicitors and transient merchants in order to protect the public health, safety and general welfare. The Council further finds that enterprises such as the type described above sometimes lend themselves to "fly-by-night" and other undesirable operations not normally associated with permanently established local merchants.

14.02. DEFINITIONS

When used in this Chapter, the following terms have the following meanings:

1. Peddler.

Any person, whether a resident of the City of Fridley or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes.

2. Solicitor.

Any person, whether a resident of the City of Fridley or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he or she is collecting advance payments on such orders. Such definition includes any person who, for themselves, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery.

3. Transient merchant.

Any person, firm, or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of Fridley or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shop, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell

from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged is relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

14.03. PERMIT REQUIRED

It is unlawful for any peddler, solicitor, or transient merchant to engage in any such business within the City of Fridley without first obtaining a permit therefor in compliance with the provisions of this Chapter.

14.04. EXEMPTIONS

The terms of this Chapter do not include residential garage sales or the acts of persons selling personal property at wholesale to dealers in such articles, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor to persons with bona fide advance residential appointments. Nothing contained in this Chapter prohibits any sale required by statute or by order of any court, or prevents any person conducting a bona fide auction sale pursuant to law.

14.05. APPLICATION

Applicants for a permit under this Chapter shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk. The application shall give the following information:

1. Name and physical description of applicant;
2. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
3. A brief description of the nature of the business and the goods to be sold;
4. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship;
5. The length of time for which the right to do business is desired;
6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
7. A recent photograph of the applicant which picture shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;

8. The names of at least two (2) property owners of Anoka County, Minnesota, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicants as will enable an investigator to properly evaluate such character and business responsibility;

9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any Municipal Ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

10. The last municipalities, not to exceed three (3), where applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.

14.06. RELIGIOUS AND CHARITABLE ORGANIZATIONS

1. Any organization, society, association or corporation desiring to solicit or to have to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations upon the streets, in office or business buildings, by house-to-house canvass, or in public places for a charitable, religious, patriotic, philanthropic or otherwise non-profit purpose shall be exempt from the provisions of Section 14.05 of this Chapter provided there is filed a sworn application in writing on a form. to be furnished by the City Clerk which shall include the following information:

- A. Name and purpose of the cause for which permit is sought;
- B. Names and addresses of the officers and directors of the organization;
- C. Period during which solicitation is to be carried on;
- D. Whether or not any commission, fee, wages or emoluments are to be expended in connection with such solicitation and the amount thereof;
- E. Articles of incorporation.

2. Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic, philanthropic or otherwise non-profit organization, the City Clerk shall issue a permit without charges to such organization, association or corporation to solicit in the City. Such organization, association or corporation shall furnish all of its members, agents, or representatives, conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

14.07. INTERSTATE COMMERCE SOLICITOR

1. Any organization engaged in the business of soliciting by taking or attempting to take orders to be filled in the future for goods, wares, or merchandise delivered to the purchaser from states other than Minnesota, shall be exempt from the provisions of Section 14.05 of this Chapter, provided there is filed a registration in writing on a form to be furnished by the City Clerk which shall include complete information about their organization, each solicitor, backgrounds and methods of operation.
2. Upon being satisfied that such organization is engaged in interstate commerce solicitation, the Clerk shall issue a permit without charge to such person to solicit in the City. Such organization shall furnish all of its members, agents, or representatives, conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

14.08. INVESTIGATION AND ISSUANCE

1. Upon receipt of each application, it shall be referred to the Public Safety Director who shall immediately institute such investigation of the applicant's business and moral character as the Director deems necessary for the protection of the public good. Peddlers, solicitors, or transient merchant licenses may be denied for the following reasons:
 - A. Fraud, deception or misrepresentation in connection with the securing of the permit.
 - B. Conviction of an offense involving moral turpitude by any court of competent jurisdiction or for offenses which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the occupation, or violation of Minnesota Statutes Chapter 329.
 - C. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs, defined in Minnesota Statutes, Section 253A.02 Subdivision 20, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizer
 - D. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers or employees in engaging in conduct involving moral turpitude.
 - E. Failure to fully comply with any requirements of this Chapter.
 - F. Engaging in any conduct which would constitute grounds for refusal to issue a permit therein. (Ref. 890)
2. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Public Safety Director shall endorse on such application his or her disapproval and reasons for the same, and return the application to the City Clerk, who shall notify the applicant that this application is disapproved and that no permit will be issued.

3. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Public Safety Director within five (5) days after the application has been filed by the applicant with the City Clerk shall endorse on the application approval and return the application to the City Clerk, who shall deliver to the applicant the permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said permittee, the class of permit issued and the kinds of goods to be sold thereunder, as well as the permit number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor, or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The City Clerk shall keep a permanent record of all permits issued as required by records retention statutes. (Ref. 890)

14.09. LOUD NOISES AND SPEAKING DEVICES

1. Except as permitted by Section 14.09.2, no permittee, nor any person in his or her person in his or her behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to arty goods, wares or merchandise which such permittee proposes to sell.

2. Exception for Food/Beverage Vehicles.

Notwithstanding any other provision to the contrary, food/beverage vehicles may sound a manually operated bell, between the hours of 10:00 a.m. and 4:30 p.m., and 6:00 p.m. to 8:00 p.m. in any area zoned commercial or industrial, and only between the hours of 1:00 p.m. and 4:30 p.m., and 6:30 p.m. to 8:00 p.m. in any area zoned residential or other than commercial or industrial, which produces a noise level measured at a distance of 50 feet from the source no greater than 65 decibels, as defined in Fridley City Code Chapter 124, "Noise". (Ref. 835)

14.10. USE OF PUBLIC STREETS OR GROUNDS

No permittee shall have any exclusive right to any location on the public streets or grounds, nor shall a permittee be permitted a stationary location thereon, nor shall a permittee be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

14.11. HOURS OF SOLICITATIONS

Solicitations shall be allowed by permit holders under this Chapter between the hours of 8:00 o'clock a.m. and 9:00 o'clock p.m. on any one day. (Ref. 890)

14.12. EXHIBITION OF PERMIT

Permittees are required to exhibit their permit at the request of any citizen.

14.13. DUTY OF POLICE TO ENFORCE

It shall be the duty of the Police of the City of Fridley to require, any person seen peddling soliciting or engaging in the business as a transient merchant and who is not known by such officer to have obtained a permit hereunder, to produce a permit and to enforce the provisions of this Chapter against any person found to be violating the same.

14.14. RECORDS

The Public Safety Director shall report to the City Clerk all convictions for violation of this Chapter and the City Clerk shall maintain a record for each permit issued and record the reports of violation therein, as required by records retention statutes.

14.15. REVOCATION OF LICENSE

1. Permits issued under the provisions of this Chapter may be revoked by the Council of the City of Fridley after notice and hearing, for any of the following causes:

- A. Fraud, misrepresentation, or incorrect statement contained in the application for permit
- B. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his or her business as solicitor, peddler, or transient merchant;
- C. Any violation of this Chapter;
- D. Conviction of any crime or misdemeanor;
- E. Conducting the business of peddler, solicitor, or transient merchant, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.

2. Notice of the hearing for revocation of a permit shall be given by the City Clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his or her last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

14.16. APPEAL

Any person aggrieved by the action of the Public Safety Director or the City Clerk in the denial of a permit as provided in Section 14.08 of this Chapter may appeal to the City Council. Such appeal shall be taken by filing with the City Council within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The

Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 14.14 of this Chapter for notice of hearing on revocation.

14.17. REAPPLICATION

No permittee whose permit has been revoked shall make further application until at least six (6) months have elapsed since the last previous revocation.

14.18. ZONING COMPLIANCE

Every peddler, solicitor and transient merchant shall be required to comply with all applicable sections of the City Zoning Code, Chapter 205.

14.19. LICENSE AND LICENSE YEAR

The license fee and license year shall be as set forth in Chapter 11 of the City Code.

14.20. PENALTIES

Whoever does any act forbidden by this Chapter or omits or fails to do any act required by this Chapter shall be guilty of a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code.

14.21. SEVERABILITY

Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.