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**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

ORDINANCE NO. 20 - ___ - ___

**AN ORDINANCE AMENDING STACY CITY CODE CHAPTER 115
REGULATING PEDDLERS, SOLICITORS, AND TRANSIENT
MERCHANTS**

The City Council of Stacy ordains:

SECTION 1. Section 115.02 of the Stacy City Code is amended by amending the definition of “Peddler” to read as follows:

PEDDLER. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street (ice cream truck), or any other type of place-to-place movement, for the purpose of offering for sale, displaying for 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. For purpose of this chapter, the term PEDDLER shall have the same common meaning as the term HAWKER. The term PEDDLER shall not apply to any persons who may sell or peddle the products of farm or garden occupied and cultivated by themselves or who sells at a stand at the Farmers Market.

SECTION 2. Section 115.02 of the Stacy City Code is amended by repealing the definition of “professional fundraiser”.

SECTION 3. Section 115.04 is amended to read as follows:

§ 115.04 LICENSING; EXEMPTIONS.

(A) County license required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by M.S. Ch. 329, as it may be amended from time to time, if the county issues a license for the activity.

(B) City license required. Except as otherwise provided for by this chapter, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license. Solicitors need not be licensed, but are required to register with the city pursuant to § 115.08.

(C) Application. An application for a city license to conduct business as a peddler or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications shall be signed by the applicant. All applications shall include the following information:

- 46
- 47 (1) The applicant's full legal name;
- 48
- 49 (2) Any and all other names under which the applicant has or does conduct
50 business, or to which the applicant will officially answer;
- 51
- 52 (3) A physical description of the applicant (hair color, eye color, height,
53 weight, any distinguishing marks or features, and the like);
- 54
- 55 (4) Full address of applicant's permanent residence;
- 56
- 57 (5) Telephone number of applicant's permanent residence;
- 58
- 59 (6) Full legal name of any and all business operations owned, managed, or
60 operated by applicant, or for which the applicant is an employee or an agent;
- 61
- 62 (7) Full address of applicant's regular place of business, if any exists;
- 63
- 64 (8) Any and all business-related telephone numbers of the applicant, including
65 cellular phones and facsimile (fax) machines;
- 66
- 67 (9) The type of business for which the applicant is applying for a license;
- 68
- 69 (10) Whether the applicant is applying for an annual or daily license;
- 70
- 71 (11) The dates during which the applicant intends to conduct business. If the
72 applicant is applying for a daily license, the number of days he or she will be conducting
73 business within the city, with a maximum of 14 consecutive days;
- 74
- 75 (12) Any and all addresses and telephone numbers where the applicant can be
76 reached while conducting business within the city, including the location where a transient
77 merchant intends to set up his or her business;
- 78
- 79 (13) A statement as to whether or not the applicant has been convicted with the
80 last 5 years of any felony, gross misdemeanor or misdemeanor for violating any state or federal
81 statute or any local ordinance, other than minor traffic offenses;
- 82
- 83 (14) A list of the 3 most recent locations where the applicant has conducted
84 business as a peddler or transient merchant;
- 85
- 86 (15) Proof of any required county license;
- 87
- 88 (16) Written permission of the property owner or the property owner's agent
89 for any location to be used by a transient merchant;
- 90
- 91 (17) A general description of the items to be sold or services to be provided;

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93 (18) Any and all additional information as may be deemed necessary by the
94 City Council;

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96 (19) The applicant's driver's license number or other acceptable form of
97 identification; and

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99 (20) The license plate number, registration information, vehicle identification
100 number (VIN) and physical description for any vehicle to be used in conjunction with the
101 licensed business operation.

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103 (D) Fee. All applications for a license under this chapter shall be accompanied by the
104 fee established in the city licensing fee schedule as it may be amended from time to time.

105
106 (E) Procedure. Upon receipt of the application and payment of the license fee, the
107 City Clerk will, within 2 regular business days, determine if the application is complete. An
108 application will be considered complete if all required information is provided. If the City Clerk
109 determines that the application is incomplete, the City Clerk must inform the applicant of the
110 required, necessary information that is missing. If the application is complete, the City Clerk
111 must order any investigation, including background checks, necessary to verify the information
112 provided with the application. Within 10 regular business days of receiving a complete
113 application, the City Clerk must issue the license unless grounds exist for denying the license
114 application under § 115.05, in which case the Clerk must deny the request for a city peddler or
115 transient merchant license. If the City Clerk denies the license application, the applicant must be
116 notified in writing of the decision, the reason for denial, and the applicant's right to appeal the
117 denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the
118 City Council. The City Council shall hear the appeal within 20 days of the date of the request for
119 a hearing. The decision of the City Council following the public hearing can be appealed by
120 petitioning the Minnesota Court of Appeals for a writ of certiorari. Sale of products of a farm or
121 garden raised or produced within the city or within 20 miles of the boundary of the city shall not
122 require a permit, but shall require completion of a registration form with the city by the person
123 who raised or produced the product prior to such sale at the Farmers Market. The registration
124 shall include the person's name and address, and shall certify that the product was raised or
125 produced within the geographical area described in this division.

126
127 (F) Duration. An annual license granted under this chapter shall be valid for one
128 calendar year from the date of issuance. All other licenses granted to peddlers and transient
129 merchants under this chapter shall be valid only during the time period indicated on the license.

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131 (G) License exemptions.

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133 (1) No license shall be required for any person to sell or attempt to sell, or to
134 take or attempt to take orders for, any product grown, produced, cultivated, or raised on property
135 located in the city and owned by the producer, or on any private property in the city or within 20
136 miles of the boundaries of the city, or sold in the Farmers Market.

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138 (2) No license shall be required for any person going from house-to-house,
139 door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement
140 for the primary purpose of exercising that person's state or federal constitutional rights, such as
141 the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption
142 will not apply if the person's exercise of constitutional rights is merely incidental to what would
143 properly be considered a commercial activity.

144
145 (3) Any person participating in an organized event; the event organizer is
146 required to provide data to the city regarding the vendor; at least seven days prior to the event,
147 including - name, type of business, and contact information; events held on public property
148 which are not an official organized event require a permit from the city;

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150 **SECTION 4.** Section 115.05 of the Stacy City Code is amended to read as follows:

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152 § 115.05 LICENSE INELIGIBILITY.

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154 The following shall be grounds for denying a peddler or transient merchant license:

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156 (A) The failure of an applicant to obtain and demonstrate proof of having obtained
157 any required county license;

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159 (B) The failure of an applicant to truthfully provide any information requested by the
160 city as part of the application process;

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162 (C) The failure of an applicant to sign the license application;

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164 (D) The failure of an applicant to pay the required fee at the time of application;

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166 (E) A conviction within the past 5 years of the date of application for any violation of
167 any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon
168 the person's ability to conduct the business for which the license is being sought in a
169 professional, honest and legal manner. Such violations shall include, but are not limited to,
170 burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or
171 threatened physical harm against another person; and

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173 (F) The revocation within the past 5 years of any license issued to an applicant for the
174 purpose of conducting business as a peddler, solicitor, or transient merchant.

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176 **SECTION 5.** Section 115.06 (A) (4) of the Stacy City Code is amended to read as
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179 (4) Engaging in any prohibited activity as provided under § 115.09; and
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SECTION 6. Effective Date. This ordinance shall take effect from and after its passage and publication.

ADOPTED this ____ day of _____, 2021 by the City Council of the City of Stacy, Minnesota.

By: _____
Mark Utecht, Mayor

ATTEST:

Sharon Payne, City Clerk