604. Transient Merchants, Peddlers, Hawkers, Solicitors

604.01 Purpose This section is not intended to in any way hinder, delay, or interfere with legitimate business or organizational activities. This section is to assure that transient merchants, hawkers, peddlers and solicitors, except as specifically allowed herein, do not use public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome of unlawful actives. This section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. **(Ordinance No. 491, Adopted 6/7/2022)**

604.02 Definitions.

Subd. 1. Transient Merchant. Any person selling any merchandise, either as principal or agent, from a building or lot which he occupies as a tenant at will, or under a lease for a shorter term than six months, or from a railroad car, a truck, watercraft, or any other vehicle, or any person engaged in selling ice cream, ice cream products, popcorn, or soft drinks in booths or stands or in a temporary building.

Subd. 2. Hawker and Peddler. Any person selling any goods or products from a vehicle, or pack, going about from place to place carrying said goods or products for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be nonedible, such a person is a peddler.

Subd. 3. Solicitor. Any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor, provided, any person taking orders to be filled by goods delivered to the purchaser from other states in the original package shall not be included.

604.03 License Required. No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in the City and all surface water more than one-half surrounded by the City without first having obtained a license to do so.

604.04 Fees. All fees for such license is as set forth in Chapter 210.

604.05 County License Required. (Repealed Ordinance No. 219, Adopted 11/5/2002)

604.06 Application. In addition to the information required by 601.02, each application shall show the names of all persons associated with the applicant in his business; the length of time for which a license is desired; a general description of the thing or things to be sold; the place or places of residence of the applicant for the most recent five years and the applicant's Minnesota sales tax permit number. Every application shall bear the written approval of the Chief of Police after an investigation. All applications will be submitted to the City Council and a license will be issued by the City Administrator upon City Council approval.

604.07 Bond Required. No transient merchant, hawker, peddler or solicitor license shall be issued unless and until the applicant shall have filed with the City a corporate surety bond in the penal sum of $2,000.00, or such greater amount as may be determined by the Council, with sufficient sureties and in favor of the City, but for the benefit of any residents who may sustain individual loss by means of fraud, artifice, trick or other means of theft practiced by the licensee on such resident. Provided, however, that a certificate evidencing such bond coverage and the availability of the penalty for the uses and purposes herein expressed, shall be sufficient to satisfy this section without a separate bond, in order that the applicant might be spared the necessity for duplicate bonding.

604.08 Duration of License. Each license shall be valid only for the period specified therein and no license will extend for a period longer than twelve months. No license may extend beyond the 31st day of December of each year. **(Ordinance No. 512, Adopted 7/11/2023)**

604.09 License Not Transferable. Licenses issued under this section shall be non-transferable. No refunds shall be made on unused portions of licenses. Each person engaged in the business of vending, hawking, or peddling goods must secure a separate license.

604.10 License to be Carried. All licenses under this section shall be carried by the licensee or conspicuously posted in his place of business and such licensee shall whenever requested show said license to any officer or citizen who demands to see the same.

604.11 Person in Charge of Premises. The owner or person in charge of any premises within the City of Detroit Lakes who enters into an agreement with a transient merchant or solicitor as defined herein to operate or temporarily conduct a transient merchant business on such premises shall be responsible for the conduct of such business upon his premises, including the application for and obtaining of a license for such transient merchant business as provided in this Section.

604.12 Exemptions. This section shall not apply to the following persons or organizations if the following procedure has been accomplished:

1. Sworn application has been made to the City Administrator showing name or organization, address, period of solicitation, location of solicitation and items to be sold.

2. The City Administrator has investigated and found such statements to be true and for charitable purpose and therefore issued a permit without charge.

3. If the use of City property is requested, Council approval shall be required.

Subd. 1. Persons duly licensed or specifically exempted from licensing under the Constitution and laws of the State of Minnesota, or the City Code, at such times as such persons are conducting only the activity described by said laws.

Subd. 2. Persons making an initial uninvited call upon the householders of the City as preliminary to the subsequent establishment of a regular route service for the sale and delivery to customers of the daily necessities of life which are perishable or subject to spoiling within a reasonable period of time.

Subd. 3. Charitable organizations, and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes, Sections 309.50-309.61 or those specifically exempted from registration under the provisions thereof, including but not limited to schools, scouts, organized youth athletic leagues, social, fraternal, educational or related organizations and their representatives.

Subd. 4. Farmers or truck gardeners who offer for sale or sell, or who peddle from house to house or in the markets, vegetables, butter, eggs, or other farm or garden products produced and raised by said farmer or truck gardener from lands occupied and cultivated. Provided, that every such farmer or truck gardener claiming the exemption from the license requirements of this Section shall upon request of the City Administrator, present satisfactory proof by means of sworn statements or otherwise, that such farmer or truck gardener is entitled to such license, exemptions; provided further that whoever shall execute a false sworn statement or make any false representations which shall induce the City to grant such exemption, shall upon conviction thereof, be deemed to be guilty of a misdemeanor.

604.13 Prohibited Solicitation Practices. Except as otherwise specifically allowed herein, it is unlawful for any transient merchant, hawker, peddler, or solicitor to:

1) Engage in solicitation for any unlawful business or organizational purpose or activity;

2) Practice harassment; nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation;
3) Solicit to residential premises displaying at such entrance a sign with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited"

4) Refuse to leave premises when requested by owner, lessee, or person in charge thereof;

5) Call attention to his business or to his merchandise by crying out, by blowing a horn or by any loud or unusual noise;

6) Displaying merchandise, parking vehicle or placing temporary structure in such place or position as to prohibit or interfere with the movement of traffic or restrict the view of traffic on any City sidewalk, street or highway;

7) Displaying or selling merchandise on any right of way or public property. **(Ordinance No. 491, Adopted 6/7/2022)**

604.14 Public Right of Way Exception. A Transient Merchant License may be issued to Transient Merchants and Hawkers to utilize the public right of way of City streets and roadways to display, sell and deliver pre-manufactured and pre-packaged products containing ice cream, frozen yogurt, frozen custard, frozen flavored water or frozen juice from a self-propelled vehicle temporarily parked in the portion of the street or roadway where parking is allowed. Temporary vehicle parking by such licensed Transient Merchants and Hawkers for sale and delivery of their product is limited in duration to no more than 15 minutes in any one location, and each such parking location must be located at least 100 feet from the immediately preceding parking location where sale and delivery of the product occurred. No manufacture, assembly, creation, mixing, preparation or packaging of the product for display, sale or delivery may occur in or near the vehicle during the period of time when the vehicle is parked on the City street or roadway. **(Ordinance No. 491, Adopted 6/7/2022)**

604.15 Penalty. This Chapter 604 may be enforced through the Administrative Penalties Ordinance, Chapter 214 of the City Code. In addition, each violation of any provision of Chapter 604, shall be a misdemeanor and each day that the violation continues, shall constitute a separate offense. **(Ordinance No. 491, Adopted 6/7/2022)**