

CHAPTER 12
Business Regulation

Section - Transient Merchants

- 12.1 Definitions. For purposes of this Section, the following terms shall be defined as:
- (A) Transient Merchant: Any individual, corporation, or partnership, both principal and agent, who engage in, do, or transact any temporary and transient business in the City either in one locality or in traveling from place to place, selling goods, wares and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy or use a building, structure, vacant lot or railroad car for the exhibition and sale of such goods, wares and merchandise.
 - (B) Hawker or Peddler: Any person selling any goods or products from a vehicle pack, going about from place to place carrying said goods for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be non-edible, such person is a peddler.
 - (C) Solicitor: Any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor.
- 12.2 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 without having obtained a license from the Council to do so.
- Subd. 1. Each license shall be valid for seven (7) days unless a shorter time period is specified upon the license.
 - Subd. 2. Licenses shall be non-transferable.
 - Subd. 3. Licenses shall be carried by the licensee, or conspicuously posted, and the licensee shall when requested show the license to any person who demands to see the same.
- 12.3 Owner. The landowner or person in charge of any premises within the City who enters into an agreement with a transient merchant as defined herein, to operate or temporarily conduct a transient merchant business on the premises, shall be responsible for the conduct of such business upon the premises.
- 12.4 Fees. The City may, by resolution, adopt a schedule of fees for any license.
- 12.5 Exclusions. No applicant shall be required to apply for a license in the following cases:

- (A) For the conduct of business by appointment.
- (B) For the conduct of "garage sales" or "rummage sales" when conducted in or by a non-profit institution, or when conducted upon the premises of the owner of the articles offered for sale, provided that such sales do not last longer than 72 hours.
- (C) For the conduct of "church bazaars" or other such "sales" or "fairs" when such events are conducted in of by non-profit institution, provided such events do not last longer than 72 hours.
- (D) To any sale under Court Order.
- (E) To any bona fide auction sale of a city resident.
- (F) To any sale at wholesale to retail dealers only.
- (G) Persons making an initial uninvited call upon the householders of the City as preliminary to the subsequent establishment of a regular service on a minimum monthly 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.
- (H) Charitable organizations and representatives thereof, duly registered under the laws of Minnesota, or 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.
- (I) Farmers or truck gardeners who offer for sale or sell, vegetables, butter, eggs or other farm or garden products which are locally grown provided the sale of such items are restricted to the areas designated by the Council.
- (J) To any person who makes initial contacts with city residents for the purpose of establishing or trying to establish a regular customer service delivery route for the delivery of perishable food and dairy products, nor to any person making deliveries of perishable food and dairy products to city residents as part of an established delivery route.

12.6 Prohibited Practices. It is unlawful for any transient merchant, hawker, peddler or solicitor to:

- (A) Engage in solicitation for any unlawful business or organizational purpose or activity;

- (B) Practice harassment, nuisance, theft, deceit or menacing, troublesome or otherwise unlawful activities during the course of solicitation;
- (C) Refuse to leave premises when requested by owner, lessee or person in charge thereof;
- (D) Call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise; or
- (E) Display merchandise, park vehicles or place a 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.

12.7 Revocation. A license issued pursuant to this Section may be revoked by the Council after notice and hearing for any of the following reasons:

- (A) Any fraud, misrepresentation or false statement made in connection with the selling of the goods and merchandise offered for sale;
- (B) Any violation of any provisions of this ordinance; or
- (C) The conduct of business by the applicant in an unlawful manner or in a manner which constitutes a breach of peace, nuisance or menace to the health, safety or general welfare of the public.

Section - Garage Sales

12.8 Definition of Garage Sale. An offering or display of goods to the public on a temporary basis by a person or organization on residential premises. The term "garage sale" encompasses yard sales, estate sales, moving sales, block sales rummage sale and related sales where second hand or other goods are sold or displayed to members of the public on a temporary basis. An estate sale or auction conducted at a decedent's residence is not included in the definition of garage sale.

12.9 Restrictions. No garage sale shall be held or conducted contrary to the following:

- (A) None of the items offered for sale shall have been obtained for resale or received on consignment for sale;
- (B) Any sale shall be conducted solely within the boundaries of the property owned or occupied by the occupant who is conducting the sale;

- (C) There shall be no more than six sales conducted at any one residence during any period of twelve calendar months;
- (D) No sale shall be conducted during any part of more than three consecutive days; and/or
- (E) No garage sale may be conducted before 7:00 a.m. or after 8:00 p.m.

12.10 Penalty. Any person violating this Section shall be guilty of a petty misdemeanor.