



CITY OF
SAVAGE
MINNESOTA

Peddler/Solicitor Permit Application

City of Savage
6000 McColl Drive
Savage, MN 55378

Office: 952-882-2660
Fax: 952-882-2656
Email: comments@cityofsavage.com
Website: cityofsavage.com

Updated: April 5, 2023

The City of Savage required peddlers/solicitors to obtain a city-issued license before selling in the community. They are required to carry their city-issued badge, worn clearly on a lanyard around their neck when soliciting. Soliciting hours are limited to 9 a.m. – 9 p.m.

HOW TO OBTAIN A PERMIT

Completed applications can be mailed or faxed to the City of Savage provided all the requirements below are met. Applicants can also apply in person by calling 952-882-2660 to schedule an appointment with the City Clerk's Office. Office hours are Monday-Friday, 8 a.m. – 4:30 p.m. (except on national holidays). No groups larger than 5 applicants allowed per appointment. **Note: Each applicant will be issued a solicitor photo ID badge. Applicants must pick up their badge in person at Savage City Hall and show a valid photo ID.**

Requirements

The following materials must be submitted to the City Clerk for consideration of a Peddler/Solicitor Permit.

- A completed Peddler/Solicitor Permit Application. Please print legibly using blue or black ink. Answer all questions and indicate not applicable (NA) if appropriate.
- Supply a readable and clear copy of a valid government-issued picture ID.
- Provide credentials establishing relationship to employer/supplier (company-issued ID card, business card, paystub, etc.).
- Copy of all product or service literature that will be distributed to residents.
- Copy of competent evidence of sufficient rehabilitation (if required).
- Signed receipt acknowledgment of Chapter 112 of the Savage City Code.
- Provide a clear photo headshot of each solicitor to be used on the solicitor's badge. No hats or sunglasses permitted in the photo.

Payment

A non-refundable payment of \$150 per applicant is due with the submission of the application. Payments can be mailed to or dropped off at City Hall. Checks payable to the City of Savage. Credit card payments are accepted with a processing fee. Applications will not be processed until payment is received.

Reasons for denial include the following (Chapter 112 of City Code):

- (1) The applicant has failed to truthfully provide any of the information requested by the City as part of the application or failed to pay the permit fee.
- (2) Conviction of any crime or crimes directly related to carrying on business as a peddler, solicitor, or transient merchant as provided in M.S. § 364.03, Subd. 2, as it may be amended from time to time; where the applicant has not shown competent evidence of sufficient rehabilitation* and present fitness to perform the duties and responsibilities as provided in M.S. § 364.03, Subd. 3, as it may be amended from time to time. Crimes that are considered to be directly related to the business of peddlers, solicitors, and transient merchants include but are not limited to crimes involving assault, criminal sexual conduct, burglary, robbery, fraud, theft, murder, manslaughter, rape, child abuse, incest, kidnapping, arson, blackmail, embezzlement, extortion, forgery or larceny.
- (3) The revocation of any permit issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant within the past five years.
- (4) The applicant is determined to have a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of substantiated complaints against the applicant with the Better Business Bureau, the Attorney General's office, or other similar business or consumer rights office or agency, within the preceding 12 months; a rating of C or less with the Better Business Bureau or other similar business or consumer rights office or agency; or the existence of substantiated complaints against the applicant with the City or with any other jurisdiction where the applicant performed permit activities within the preceding 3 years.
- (5) Failure to follow all Federal, State, and Local laws, rules, and regulations related to permit activities.

- (6) If the permit activities are to be performed on another person's behalf, the person on whose behalf the permit activities are to be performed would be disqualified under any of the above.

***Competent evidence of sufficient rehabilitation must include one of the following (M.S. 364.03):**

A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Competent evidence of sufficient rehabilitation may be established by the production of the person's most recent certified copy of a United States Department of Defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the United States armed forces for military service rendered following a conviction for any crime that would otherwise disqualify the person from the public employment sought or the occupation for which the license is sought, or:

- (a) a copy of the local, state, or federal release order; and
 - (b) evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or
 - (c) a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision.
- (2) In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:
- (a) the nature and seriousness of the crime or crimes for which convicted;
 - (b) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
 - (c) the age of the person at the time the crime or crimes were committed;
 - (d) the length of time elapsed since the crime or crimes were committed; and (e) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.
- (3) The certified copy of a person's United States Department of Defense form DD-214 showing the person's honorable discharge or separation under honorable conditions from the United States armed forces ceases to qualify as competent evidence of sufficient rehabilitation for purposes of this section upon the person's conviction for any gross misdemeanor or felony committed by the person subsequent to the effective date of that honorable discharge or separation from military service.
- Please allow 5 to 10 business days for processing
 - The permit expires December 31st regardless of the date issued
 - No peddling, soliciting or selling until a permit has been issued – to do so is a violation of City Ordinance and is cause for denial of the permit



City Offices

6000 McColl Drive, Savage, MN 55378 | Phone: 952-882-2660 | Fax: 952-882-2656

PEDDLER/SOLICITOR PERMIT APPLICATION

CHECKLIST OF REQUIRED APPLICATION MATERIALS

The following materials must be submitted to the City Clerk for consideration of your Peddler/Solicitor Permit:

- Peddler/Solicitor Permit Application form (3 pages)
 - Government issued legitimate ID (to be copied by City Staff at time application is submitted)
 - Data Practices Warning form
 - Background Investigation form
 - Consent for Release of Information form
 - Receipt of Ordinance Acknowledgement form (applicant keeps copy of *ordinance*, not signed Receipt)
 - Credentials establishing relationship to employer/supplier (company-issued ID card, business card, paystub, etc.)
 - Copy of all literature about product or service that will be distributed to residents
 - Copy of competent evidence of sufficient rehabilitation (*if required*)
 - Photo (to be taken by City staff at time application is submitted)
 - Non-refundable fee of \$150
- Please allow 5 to 10 business days for processing
 - Permit expires December 31st regardless of the date issued in the calendar year
 - No peddling, soliciting or selling until permit has been issued – to do so is a violation of City Ordinance and is cause for denial of the permit

Reasons for denial include the following (Chapter 112 of City Code):

- (1) The applicant has failed to truthfully provide any of the information requested by the City as part of the application or failed to pay the permit fee.
- (2) Conviction of any crime or crimes directly related to carrying on business as a peddler, solicitor or transient merchant as provided in M.S. § 364.03, Subd. 2, as it may be amended from time to time; where the applicant has not shown competent evidence of sufficient rehabilitation* and present fitness to perform the duties and responsibilities as provided in M.S. § 364.03, Subd. 3, as it may be amended from time to time. Crimes that are considered to be directly related to the business of peddlers, solicitors and transient merchants include but are not limited to crimes involving assault, criminal sexual conduct, burglary, robbery,

fraud, theft, murder, manslaughter, rape, child abuse, incest, kidnapping, arson, blackmail, embezzlement, extortion, forgery or larceny.

(3) The revocation of any permit issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant within the past five years.

(4) The applicant is determined to have a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of substantiated complaints against the applicant with the Better Business Bureau, the Attorney General's office, or other similar business or consumer rights office or agency, within the preceding 12 months; a rating of C or less with the Better Business Bureau or other similar business or consumer rights office or agency; or the existence of substantiated complaints against the applicant with the City or with any other jurisdiction where the applicant performed permit activities within the preceding 3 years.

(5) Failure to follow all Federal, State and Local laws, rules and regulations related to permit activities.

(6) If the permit activities are to be performed on another person's behalf, the person on whose behalf the permit activities are to be performed would be disqualified under any of the above.

***Competent evidence of sufficient rehabilitation must include one of the following (M.S. 364.03):**

(1) A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Competent evidence of sufficient rehabilitation may be established by the production of the person's most recent certified copy of a United States Department of Defense form DD-214 showing the person's honorable discharge, or separation under honorable conditions, from the United States armed forces for military service rendered following conviction for any crime that would otherwise disqualify the person from the public employment sought or the occupation for which the license is sought, or:

- (a) a copy of the local, state, or federal release order; and
- (b) evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or
- (c) a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision.

(2) In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

- (a) the nature and seriousness of the crime or crimes for which convicted;
- (b) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
- (c) the age of the person at the time the crime or crimes were committed;
- (d) the length of time elapsed since the crime or crimes were committed; and
- (e) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

(3) The certified copy of a person's United States Department of Defense form DD-214 showing the person's honorable discharge or separation under honorable conditions from the United States armed forces ceases to qualify as competent evidence of sufficient rehabilitation for purposes of this section upon the person's conviction for any gross misdemeanor or felony committed by the person subsequent to the effective date of that honorable discharge or separation from military service.



DATA PRACTICES WARNING

DATA PRACTICES ADVISORY FOR PROTECTED INFORMATION

City of Savage | 6000 McColl Drive, MN 55378 | Office: 952-882-2660 | Fax: 952-882-2656

Read before completing this packet.

As an applicant for a license/permit at the City of Savage, you are being asked to provide information about yourself which will be used in evaluating your suitability for licensure/permit. The purpose of this request is to obtain information about you to allow us to thoroughly analyze your qualifications and suitability for licensure/permit.

Attached are several documents which ask for your signature and/or personal information. You are not legally required to supply any of the data requested or to sign any of the release and authorization forms. However, should you not provide that information, the City may be unable to fully and adequately determine your suitability for license/permit with this agency which may in turn reduce the chance you may have for licensure/permit with this agency.

Under Minn. Statute § 13.04 subd. 2, names and the designated contact address and telephone number are public data and available upon request. All other information provided on your application prior to licensure approval is classified by law as private data and is accessible to you, but not to the public. Upon license approval, all information provided on your application, except for: date of birth, social security, non-designated or secondary contact address and telephone number, financial data, state and federal tax ID's, or data classified under Minn. Statute § 13.02 subd. 12 as private or subd. 13 as protected nonpublic, is public data.

Private data may be distributed to and used by personnel of the City of Savage who are involved directly and/or indirectly in the approval/denial of, and maintenance of records on licenses/permits. The data may be used and disseminated to individuals or agencies specifically authorized access to the data by state, local or federal law or when approved by the State Commissioner of Administration or by you. Public data is available to any person upon written request to the City of Savage.

This information will be maintained through the time of your licensure/permit with the City of Savage and thereafter. If granted a license/permit, the City may request that you supply this information at additional times in the future for the purpose indicated above. This information may also need to be updated periodically.

I HAVE READ AND UNDERSTAND THE DATA PRACTICES ADVISORY.

Applicant Signature

Date



PEDDLER/SOLICITOR PERMIT APPLICATION

City of Savage | 6000 McColl Drive, MN 55378 | Office: 952-882-2660 | Fax: 952-882-2656

Directions: Print legibly using blue or black ink. Answer all questions and indicate not applicable if appropriate. Any falsification of answers will result in denial of the application.

SECTION 1: APPLICANT			
First Name		Last Name	
Middle		Former Name	
Permanent Residence Address			
City	State	Zip	County
Local Address (if not same as above)			
City	State	Zip	County
Date of Birth		Place of Birth (City/State/Country)	
Driver's License/State ID Number		State of Issue	
Cell Phone	Home Phone	Business Phone	
Email: _____			
Address(es) at which you have lived during the preceding five years.			
Address			
City	State	Zip	County
Address			
City	State	Zip	County
Address			
City	State	Zip	County
Address			
City	State	Zip	County
Are you a U.S. Citizen? If yes, but birthplace was not in the U.S., please provide a Certificate of Naturalization, Certificate of Citizenship, or current passport. If no, present proof of immigration/employment status.			Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you ever used or been known by name other than the name given above? If yes, list such name(s) and information concerning dates and places used (former, nickname, etc.):			Yes <input type="checkbox"/> No <input type="checkbox"/>

SECTION 2: BUSINESS INFORMATION

Supply the following information about business, employer, principal, or supplier of applicant.			
Business Name		Phone	
Address			
City	State	Zip	County
Any other names the business is affiliated, owned, managed, or operated by:			
MN Sales Tax Number		Federal Tax ID Number	
Is the business registered with the MN Secretary of State's Office? If no, provide proof of exemption.		Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>
Applicant's relationship to business (employee, owner, manager, etc.):			
Supervisor or Manager's Name:		Phone	
A brief description of the nature of the business and the products to be sold:			
Will you have the merchandise in your possession when you are going door to door?		Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>
What is the source of supply of the products to be sold?			
Where is the local point of distribution and the proposed method of delivery?			

SECTION 3: ADDITIONAL INFORMATION

Dates of selling or soliciting:		Hours of selling or soliciting:	
Have you or the firm of business employing you been the subject of an investigation by a consumer protection agency or state attorney general office? If yes, give dates and places. Attach an additional sheet if necessary.		Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>
Have you had a registration, license and/or identification card for peddler or solicitor denied or revoked by the City or any other government body three years before the application date? If yes, provide the details and locations.		Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>
List the last five cities or other localities where applicant conducted peddling or soliciting in the 12 months preceding the date of application.			

Vehicle Information				
Year	Make	Model	Color	State of Registration
License Plate Number		Registered Owner Name(s)		
Driver of Vehicle (<i>if other than self</i>)				
DOCUMENTATION NEEDED				
<p>Attach the following documentation:</p> <ol style="list-style-type: none"> 1. Credentials establishing relationship to employer/supplier (company issued ID card, paystub, etc.). 2. A copy of all literature about products and/or services that will be shown or distributed to residents. 3. Non-refundable Application/Investigation fee of \$150. Checks payable to the City of Savage. 				
NOTICE				
<p>Note: A photo ID card will be issued to each peddler/solicitor. All applicants must pick up their badge in person at Savage City Hall.</p> <p>The information I have provided on this application is truthful. I confirm that the application is complete and all required information has been provided. No further information will be allowed to be submitted after the background investigation has been started. I authorize the City of Savage investigate the information and contact persons/organizations named on this application.</p>				

Applicant Signature

Date



BACKGROUND INVESTIGATION DATA PRACTICES ADVISORY FOR PROTECTED INFORMATION

City of Savage | 6000 McColl Drive, MN 55378 | Office: 952-882-2660 | Fax: 952-882-2656

Read this Advisory before completing the attached Consent for Release of Information and providing the protected information on said form.

As an applicant for a license/permit with the City of Savage, you are being asked to provide information about yourself that will be used to evaluate your eligibility to obtain a license/permit.

The purpose and intended use of the data requested on the Consent for Release of Information is to conduct the background inquiries that this City uses to establish your eligibility to obtain a license/permit. A complete criminal history and driver's license check is conducted to determine whether there are any factors that affect your suitability for a license/permit.

DATA WE HAVE REQUESTED	INTENDED USE
All names you are known by, or have been known by	To conduct a complete criminal history and background check
Date of birth	To access driver's license and criminal history data
Driver's license number	To access driver's license data

This data will be used solely for the above-mentioned purposes. This data will be forwarded to the appropriate City staff as determined necessary for completion for the background investigation.

You are not legally required to provide the requested information. However, if you do not, the City of Savage will be unable to conduct the required background inquiries and will not be able to issue a license/permit.

I have read and understand the information stated above.

Applicant Signature

Date



CONSENT FOR RELEASE OF INFORMATION IN ACCORDANCE WITH MSA 13.05, SUBD. 4(D)

City of Savage | 6000 McColl Drive, MN 55378 | Office: 952-882-2660 | Fax: 952-882-2656

I, _____, authorize the City of Savage Police Department to release criminal history data, as defined by Minnesota Statute 13.87, subd. 1 and driver's license and traffic record data to the City Clerk for the City of Savage. I understand that some of this data may be classified as private data under Minnesota statutes and I hereby give my informed consent to the release of that private data by the City of Savage Police Department to the City Clerk for the City of Savage.

This consent for the release of data is for the purpose of determining my eligibility to obtain a license/permit with the City of Savage. This information cannot be used for any other purposes.

I may revoke this authorization in writing at any time and in no event will it be valid for more than one year from the date below.

Signature of Individual Authorizing Release

Date

PLEASE COMPLETE THE FOLLOWING INFORMATION

First

Middle

Last

Date of Birth

Address

City

State

Zip

Driver's License No.

State Issued

Please list any other names you are or have been known by:

Business/Employer

I certify that all statements by me on this form are true and complete. I understand that any false statements or omissions on this form shall be sufficient cause for rejection of my application for a license/permit.

I hereby authorize the City of Savage to use this information to determine my eligibility to obtain a license/permit.

Applicant Signature

Date



Savage City Code
Title XI: Business Regulations
Chapter 112: SOLICITATION

Receipt of Ordinance Acknowledgement

I acknowledge receipt of Chapter 112 of the Savage City Code for Solicitation; and I have read and understand the Ordinance.

Print Applicant Name: _____

Signature: _____

Date: _____

CHAPTER 112: SOLICITATION

Section

Peddling and Solicitation

- 112.01 Definitions
- 112.02 Permit required
- 112.03 Transient merchant; regulation of
- 112.04 Application for permit; fee
- 112.05 Permit issuance procedure
- 112.06 Suspension of permit
- 112.07 Revocation of permit
- 112.08 Practices prohibited
- 112.09 Severability
- 112.10 Penalty

Temporary/Seasonal Outdoor Sales

- 112.25 Definition
- 112.26 Permit required
- 112.27 Application for permit; fee
- 112.28 Duration
- 112.29 Exemptions
- 112.30 Permit holder
- 112.31 Permit authority/performance standards
- 112.32 Denial for noncompliance
- 112.33 Violations

PEDDLING AND SOLICITATION

§ 112.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person who files an application with the City Clerk for a permit pursuant to this subchapter.

CHIEF OF POLICE. The Chief of Police for the Savage Police Department.

NON-COMMERCIAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this subchapter, the term door-to-door advocate shall include door-to-door canvassing, pamphleteering intended for non-commercial purposes, and seeking donations for which no product or service is given in return.

PEDDLER. A person who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares or merchandise, and who receives payment and/or delivers merchandise within 24 hours of time of sale.

PERMIT ACTIVITIES. All activities identified in the definitions of peddler, solicitor and transient merchant.

PERMIT HOLDER. A person to whom a permit has been issued pursuant to this subchapter.

SOLICITOR. A person who goes from house to house, place to place, street to street for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or service, of which the person may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which payment, delivery and/or performance shall occur at least 24 hours after time of sale.

TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, empty store front, vacant lot or parking lot for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property.

(Prior Code, § 3-3-1) (Ord. 412, passed 8-7-1995; Ord. 593, passed 8-8-2005; Ord. 716, passed 5-20-2013; Ord. 769, passed 2-16-2016)

§ 112.02 PERMIT REQUIRED.

It is unlawful for any person to engage in any permit activities within the City without first having secured a permit in compliance with this subchapter. In addition, peddlers, solicitors and transient merchants shall comply with all other applicable local, state and federal laws, rules and regulations. Each peddler, solicitor, or transient merchant engaged in permit activities, whether independently or on behalf of another, must have a separate permit. Each person engaged in permit activities must be permitted as provided herein and may not be accompanied by a person who is not permitted while engaging in such activities.

(A) The permit requirement in this subchapter does not apply to merchants or their employees delivering goods in the regular course of business; to persons who distribute printed material but who do not make personal contact with the resident thereon; to the daily delivery of newspapers; to the sale at wholesale to a retailer; to the delivery of perishable food or dairy products to customers on an established delivery route; or to activities associated with the exercise of a person's constitutional rights (freedom of press, speech, religion and the like)

providing that no merchandise is concurrently offered for sale.

(B) The permit requirement in this subchapter does not apply to peddlers or solicitors who are 17 years of age or younger, who are engaged in permit activities on behalf of a public school or private school, philanthropic organization, or community organization, which private school, philanthropic organization or community organization or its parent organization is on file with the Minnesota Secretary of State as a Minnesota domestic or a foreign business organization or has filed an assumed name, where the proceeds of the sales are mainly devoted to the benefit of the children engaged in the permit activities.

(C) The permit requirement in this subchapter does not apply to non-commercial door-to-door advocates. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to a commercial activity.

(Prior Code, § 3-3-2) (Ord. 412, passed 8-7-1995; Ord. 716, passed 5-20-2013; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.03 TRANSIENT MERCHANT; REGULATION OF.

(A) A transient merchant shall be eligible for a permit only under the following circumstances:

(1) Transient merchant operates within a building in accordance with Chapter 152 of the City Code (zoning) and other applicable federal, state and local laws, rules and regulations; or

(2) Transient merchant operates in compliance with requirements of §§ 112.25 through 112.33.

(B) *Exceptions.* No permit under this subchapter shall be required for the following activities: the sale of farm or garden products upon property in which the products were grown; any sale under court order; garage sales, rummage sales, estate sales conducted by the property owner; or any sale conducted by a properly licensed auctioneer. The number of the occasions per property shall be limited to three per year, and the duration of each occasion shall be limited to four days.

(Prior Code, § 3-3-3) (Ord. 412, passed 8-7-1995; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.04 APPLICATION FOR PERMIT; FEE.

(A) An Application for a permit under this subchapter shall be made on a form available from the office of the City Clerk, and shall be accompanied by the permit fee set forth in the City Fee Schedule as may be amended from time to time. The application form shall require a current photograph of the applicant taken by the City Clerk at the time of submitting the application. No fees are required of persons taking orders for the shipment of goods through interstate

commerce.

(Prior Code, § 3-3-4) (Ord. 412, passed 8-7-1995; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.05 PERMIT ISSUANCE PROCEDURE.

(A) *Applications.* Applications shall be submitted to the City Clerk and shall be accompanied by the application fee. The City Clerk shall take a photograph of the applicant for inclusion on the permit. The City Clerk shall determine whether an application is complete within two (2) regular business days. An application shall be considered complete if all required information is provided, the fee is paid and the applicant allows a photograph to be taken by the City Clerk. Upon determining that the application is complete the City Clerk shall refer the application to the Chief of Police. The Chief of Police shall review the application and conduct all investigation he/she deems necessary including, but not limited to, a criminal history and wanted persons check with the Bureau of Criminal Apprehension, and shall approve or deny the application in the manner prescribed in this Section within a reasonable period of time.

(B) If grounds exist under Section 112.05 (C) for denying the permit the Chief of Police shall deny the permit, otherwise the Chief of Police shall immediately issue the permit to the applicant. In the case of a denial the Chief of Police shall notify the applicant in writing that his/her application is denied, the reason for denial, and that the applicant has the right to appeal the denial as set forth below. Notice shall be delivered in person or by mail to the permanent residential address listed on the permit application, or if no residential address is listed, to the business address provided on the permit application.

(C) The following shall be grounds for denying a permit:

(1) The applicant has failed to truthfully provide any of the information requested by the City as part of the application or failed to pay the permit fee.

(2) Conviction of any crime or crimes directly related to carrying on business as a peddler, solicitor or transient merchant as provided in M.S. § 364.03, Subd. 2, as it may be amended from time to time; where the applicant has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities as provided in M.S. § 364.03, Subd. 3, as it may be amended from time to time. Crimes that are considered to be directly related to the business of peddlers, solicitors and transient merchants include but are not limited to crimes involving assault, criminal sexual conduct, burglary, robbery, fraud, theft, murder, manslaughter, rape, child abuse, incest, kidnapping, arson, blackmail, embezzlement, extortion, forgery or larceny.

(3) The revocation of any permit issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant within the past five years.

(4) The applicant is determined to have a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of substantiated complaints

against the applicant with the Better Business Bureau, the Attorney General's office, or other similar business or consumer rights office or agency, within the preceding 12 months; a rating of C or less with the Better Business Bureau or other similar business or consumer rights office or agency; or the existence of substantiated complaints against the applicant with the City or with any other jurisdiction where the applicant performed permit activities within the preceding 3 years.

(5) Failure to follow all Federal, State and Local laws, rules and regulations related to permit activities.

(6) If the permit activities are to be performed on another person's behalf, the person on whose behalf the permit activities are to be performed would be disqualified under any of the above.

(D) *Appeal.* An applicant may appeal the denial of a permit under this subchapter by filing a request for a hearing with the Chief of Police, within ten (10) days of the date of mailing of the notice of denial of the permit. The request for a hearing shall be accompanied by an appeal deposit in the amount of \$1,000, in the form of cash or certified check. If no request for a hearing is received in the time proscribed, the permit shall be deemed denied. If a hearing is requested within the time proscribed, a hearing shall be scheduled before an impartial hearing officer within 20 calendar days of the date of the request. Within 10 calendar days of the hearing the hearing officer shall notify the City and the applicant in writing of his or her decision and the reasons therefore. In the event the denial of the permit is upheld, the actual expenses of the hearing shall be withdrawn from the deposit by the Chief of Police for reimbursement to the City for said expenses and the amount remaining in the deposit, if any, shall be returned to the applicant. In the event the denial is overturned the deposit shall be returned to the applicant.

(E) *Permit.* Each person engaged in permit activities shall carry the City issued permit on his or her person and shall display the permit between the waist and the neck on the front of his or her outer garment while engaged in permit activities. In addition, each person engaged in permit activities shall make the permit available for inspection by City employee or law enforcement upon request. The City issued permit shall be invalidated upon suspension or revocation and shall immediately be surrendered to the City.

(F) *Duration.* All permits granted under this subchapter shall expire on December 31 at 9:00 p.m.

(G) *Transferability.* No permit issued under this subchapter shall be transferred to any other person.

(Prior Code, § 3-3-5) (Ord. 412, passed 8-7-1995; Ord. 704, passed 8-6-2012; Ord. 724, passed 9-3-2013; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.06 SUSPENSION OF PERMIT.

A permit issued under and pursuant to this subchapter may be immediately suspended by the

Chief of Police by oral or written notice if the permit holder:

- (A) Uses fraud, misrepresentation or false statements during the course of permitted activity;
- (B) Has been convicted of any offense, or takes any other action, for which a permit could have been denied under this subchapter;
- (C) Conducts permit activities in an unlawful manner or a manner as to constitute a breach of peace, or to constitute a menace to the health, safety or general welfare of the public; or
- (D) Violates any part of this subchapter.

The suspension shall remain in effect until the permit is revoked or the suspension is lifted subject to the procedure set forth below in Section 112.07.

(Prior Code, § 3-3-6) (Ord. 412, passed 8-7-1995; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.07 REVOCATION OF PERMIT.

(A) *Notification.* After the suspension of any permit issued under this subchapter, the City shall notify the permit holder in writing of the alleged violation(s) and the permit holder's right to appeal the suspension as set forth below. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application. A permit holder may appeal the suspension of a permit under this subchapter by filing a request for a hearing with the Chief of Police, within ten (10) days of the date of mailing of the notice of suspension. The request shall be accompanied by an appeal deposit in the amount of \$1,000, in the form of cash or certified check.

(B) *Hearing.* If no request for a hearing is received by the Chief of Police within the time proscribed, the permit shall be deemed revoked. If a hearing is requested within the time proscribed, a hearing shall be scheduled before an impartial hearing officer within 20 calendar days of the date of the request. Within 10 calendar days of the hearing the hearing officer shall notify the City and the permit holder in writing of his or her decision and the reasons therefore. In the event the permit is suspended or revoked, the actual expenses of the hearing shall be withdrawn from the deposit by the Chief of Police for reimbursement to the City for said expenses and the amount remaining in the deposit, if any, shall be returned to the permit holder. In the event the permit is not suspended or revoked the deposit shall be returned to the applicant. (Prior Code, § 3-3-7) (Ord. 412, passed 8-7-1995; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.08 PRACTICES PROHIBITED.

No peddler, solicitor, transient merchant or non-commercial door-to-door advocate, any person acting on his or her behalf, or other person engaged in permit activities shall:

(A) 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 property where sound of sufficient volume is emitted or produced there from to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places.

(B) Enter in or upon the property of another or attempt to enter in or upon the property of another if a placard or sign has been posted excluding peddlers and solicitors. The printed placard or sign must bear the notice: "Peddlers and Solicitors Prohibited"; "No Soliciting"; or similar language clearly prohibiting permit activities. Such placard shall be at least 3-3/4 inches tall and 3-3/4 inches wide and the letters shall be at least 1 inch tall. . No person other than the person occupying such property shall remove, injure or deface such placard or sign.

(C) Enter in or upon the property of another or attempt to enter in or upon the property of another to engage in permit activities or similar activities before 9:00 a.m. or after 9:00 p.m. local time.

(D) Obstruct the free flow of traffic, either vehicular or pedestrian in any public or private road, street or right of way.

(E) Make false or misleading statements about the permit activities or the products or services being sold.

(F) State or imply that the City, by issuance of a permit, has endorsed his/her activities or products.

(G) Harass, intimidate, abuse or threaten a person.

(H) Engage in offensive, obscene, or abusive language, push open a door not opened by an occupant, place any portion of the person's body through an opened doorway without the invitation of an occupant, or physically attempt to stop an occupant from closing a door.

(I) Enter onto the property of another through any side or rear yard or attempt to make contact with a person at any point other than the main point of entrance of the building or property being approached.

(J) Remain on the property of another and/or engage or continue to engage in permit activities after instructed to leave.

(K) Conduct permit activities in a manner that threatens the health, safety, or welfare of any person or the general public.

(Prior Code, § 3-3-9) (Ord. 412, passed 8-7-1995; Ord. 716, passed 5-20-2013; Ord. 769, passed 2-16-2016) Penalty, see § 10.99

§ 112.09 SEVERABILITY.

Should any section, clause or portion of this article be found invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the finding shall not apply to any other section, clause or portion of this subchapter, unless the court's finding specifically provides otherwise.

(Prior Code, § 3-3-11) (Ord. 412, passed 8-7-1995; Ord. 769, passed 2-16-2016)

§ 112.10 PENALTY.

(A) Failure to perform, meet or comply with any condition or obligation imposed upon any person by the City Code shall constitute a sufficient ground to deny, suspend, or revoke a permit.

(B) A person who commits or attempts to commit, conspires to commit or aids or abets in the commission of an act constituting a violation of this subchapter, whether individually or in connection with one or more other persons or as principal, agent, or accessory is guilty of a misdemeanor. A person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate a provision of subchapter is guilty of a misdemeanor.

(Ord. 769, passed 2-16-2016)

TEMPORARY/SEASONAL OUTDOOR SALES

§ 112.25 DEFINITION.

As used in this subchapter, ***TEMPORARY OUTDOOR SALES*** shall be defined as the display or sale of seasonal items including but not limited to nursery stock, Christmas trees, plants and related material, lawn and garden accessories and farm produce.

(Prior Code, § 3-3-12) (Ord. 287, passed 8-24-1989)

§ 112.26 PERMIT REQUIRED.

No person shall conduct temporary/seasonal outdoor sales without having first received a permit as provided in this subchapter.

(Prior Code, § 3-3-13) (Ord. 287, passed 8-24-1989) Penalty, see § 10.99

§ 112.27 APPLICATION FOR PERMIT; FEE.

(A) Applications for the permit shall be made to the city and shall include a list of materials to be sold or displayed, the duration of the proposed activity, and graphics to show layout and relationship of the sales area/display to other improvements and/or structures on the property and

any other information deemed necessary by the Zoning Administrator.

(B) The permit fee shall be set by ordinance. The fee is non-refundable and shall be paid in full before the application is accepted. The City Administrator shall be authorized, at its discretion, to waive the fee or a part thereof.

(Prior Code, § 3-3-14) (Ord. 287, passed 8-24-1989) Penalty, see § 10.99

§ 112.28 DURATION.

Permits issued under this subchapter shall be for a period not to exceed 90 days in any calendar year. No more than two permits shall be issued to the same applicant or property in any calendar year.

(Prior Code, § 3-3-15) (Ord. 287, passed 8-24-1989) Penalty, see § 10.99

§ 112.29 EXEMPTIONS.

Schools, academies, universities, libraries, churches, hospitals or similar institutions shall be required to obtain a permit for temporary/seasonal outdoor sales, and to meet performance standards thereof, but shall be exempt from payment of the permit fee.

(Prior Code, § 3-3-16) (Ord. 287, passed 8-24-1989)

§ 112.30 PERMIT HOLDER.

Each permit shall be issued for a particular use and only to the applicant, who shall be the owner of the property or who is authorized by the owner to apply for the permit. The permit shall not be transferred or assigned for use by another without the written consent of the city. The consent, by the city, shall not be unreasonably withheld.

(Prior Code, § 3-3-17) (Ord. 287, passed 8-24-1989)

§ 112.31 PERMIT AUTHORITY/PERFORMANCE STANDARDS.

The Zoning Administrator, or his or her assignee shall review applications and grant permits for temporary/seasonal outdoor sales. The approval shall be given if the applicant demonstrates that the following performance standards have been met.

(A) Property value within the vicinity is protected.

(B) The goals and objectives of the comprehensive plan are achieved.

(C) The number, area, bulk, height, location, frequency and duration of the uses are controlled.

(D) Ingress and egress to the property and the proposed area/structure(s) thereon shall be provided in a way that the following are assured: vehicle and pedestrian safety and convenience, traffic flow and control, access in case of fire or catastrophe.

(E) If required, off-street parking and loading areas shall be provided.

(F) Public address systems shall not be permitted.

(G) The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions.

(H) No uses or displays shall be permitted in required parking areas, or within any right-of-way or other public property.

(I) Signage shall be limited to one sign not to exceed 32 square feet. The sign shall have a professional appearance and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the use or event, including those affixed to vehicles. The sign may be illuminated but must comply with all requirements of the sign regulations.

(J) The use or event shall not interrupt vehicular circulation on the site or obstruct parking spaces needed by any permanent business established on the site.

(K) Written authorization of the property owner must be available upon request at all times.

(L) No portion of the use or event shall take place within 100 feet of any developed property zoned for residential use.

(M) Display of items shall be arranged in as compact a manner as reasonably practical. (Prior Code, § 3-3-18) (Ord. 287, passed 8-24-1989) Penalty, see § 10.99

§ 112.32 DENIAL FOR NONCOMPLIANCE.

A denial of a permit by the Zoning Administrator shall include findings as to reason the proposed use does not comply with the standards set forth in this subchapter. (Prior Code, § 3-3-19) (Ord. 287, passed 8-24-1989)

§ 112.33 VIOLATIONS.

Violation of the above performance standards shall constitute grounds for revocation of the permit. Notice of the violations shall be served in writing. Three days (following the date the notice was given) shall be given for the permit holder to make the required corrections. If, after three days, the area and/or activity remain in noncompliance, the permit shall be immediately revoked.

(Prior Code, § 3-3-20) (Ord. 287, passed 8-24-1989) Penalty, see § 10.99