



APPLICATION FOR PEDDLERS/SOLICITORS/TRANSIENT MERCHANTS PERMIT

Date of Request: _____

Applicant Information

Full Legal Name: _____

Phone: _____ Email: _____

Permanent Address: _____

Applicant's Driver's License # _____ Applicant's Birth Date: _____

Full Legal Name of any and all business operations owned, managed, or operated by applicant:

Address: _____ Phone: _____

Brief description of the nature of the business and the goods to be sold: _____

Dates which the applicant intends to do business _____

Any and all addresses and telephone numbers where the applicant can be reached while conducting business in the City: _____

Names and addresses of an individuals who will participate in the licensed sales campaign:

Description and license plate number for any vehicle to be used: _____

Statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violations of any state or federal Statutes of any local ordinance, other than traffic offenses: _____

List of most recent locations where the applicant has done business: _____

The building intended to be utilized (by a transient merchant) and written permission of the owner of the property: _____

A general description of the items to be sold or services to be provided: _____

Any additional information deemed necessary by the City Council: _____

APPLICANT NOTE: Make check/money order payable to: City of Jordan

APPLICANT'S SIGNATURE: _____

Applicant has attached a copy of the following to this Application:

1. A certificate of insurance that complies with the insurance requirements of City of Jordan Code § 124.03(c)(1)-(2);
2. Written consent of the private property owner identified above, if any;
3. If the merchant is part of a community special event, written consent from the event coordinator is required;
4. A copy of each related license or permit granted by Scott County, Minnesota or any other agency pursuant to Minnesota Statutes, Chapter 157 or 28A; and
5. Applicant's state sales tax identification number.

| |
|---|
| I HAVE RECEIVED FROM THE ABOVE APPLICANT THE AMOUNT INDICATED IN PAYMENT FOR PEDDLER/TRANSIENT MERCHANT LICENSE: |
| |
| Total Amount Due: \$ _____ Received by: _____ Date: _____ |
| CITY ADMINISTRATOR APPROVAL: _____ |
| CITY ADMINISTRATOR DENIAL: _____ |
| REASON: _____ |

JORDAN POLICE DEPARTMENT
705 Syndicate St.
Jordan, MN 55352

ORIGINAL

AUTHORIZATION FOR BACKGROUND STUDY

I give consent to City of Jordan (Jordan Police Department) for a complete background study on me. I give consent to Law Enforcement agencies, offices and departments to release any data of which I am the subject, reporting party, complainant, mentioned in a report, or a witness, whether such data is public or private: BCA, County Sheriffs, other states, the courts, or the FBI. I also give my consent to release any records about me regarding any present or former law violations or police reports.

Signature of subject

Date

SUBJECT DATA (Please print information clearly)

| | | | | |
|---------------------------------|---------------|------------------|--------|-----|
| Name (Last, First, Full Middle) | Maiden Name | Previous Married | | |
| Current Street Address | City | State | County | Zip |
| Driver's License Number | Date of Birth | Sex | Race | |

I have continuously resided at the above address for 5 or more years. ____ YES ____ NO
If no, please list your address below where you maintained residence during the last five years.

| Address | City | County | State | Dates residing at address |
|---------|------|--------|-------|---------------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |

Have you resided or held business ownership in any State other than Minnesota ____ YES ____ NO
If yes, please list your outstate residential or business addresses.

| Address | City | County | State | Dates residing at address |
|---------|------|--------|-------|---------------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |

____ Attached is City Ordinance that supports reason for Records/Background Check
____ Copy of DL

TO REVIEW THE CITY ORDINANCE IN ITS ENTIRETY YOU MAY CONTACT THE CITY OF JORDAN FOR A FULL COPY OF THE ORDINANCE OR YOU MAY REFERENCE THE CITY CODE ON THE CITY OF JORDAN'S WEBSITE.

115.06 LICENSE ISSUANCE PROCEDURE.

(A) *Applications.* All applications for licensing shall be immediately referred to the City Administrator or other person acting on the City Administrator's behalf. Upon receipt, the City Administrator or designee shall review the application and conduct any investigation necessary to verify the provided information.

(B) *Ineligibility for a license.* The Administrator shall recommend denial of the license if, during the course of the investigation, any of the following circumstances are discovered:

(1) The applicant has failed to truthfully provide any of the information requested by the city as part of the application.

(2) The applicant has been convicted, within the past 5 years from the date of application, of any violation of federal or state law, or any local ordinance which adversely affects the person's ability to conduct the licensed business, or that will adversely affect the health, safety and welfare of the residents of the city. The violations shall include, but are not limited to burglary, theft, larceny, swindling, fraud, assault or unlawful business practices.

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

(4) The applicant has received more than 3 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 or the city discovers other reliable evidence that applicant's business may adversely impact the welfare of the residents of the city.

(C) *City Council review/decision.* The Administrator shall forward the application and a recommendation to approve or deny the license to the City Council within 14 regular business days after receipt of the application. If the Council approves the application, the Administrator shall be instructed to issue a license to the applicant. If the Council rejects the application, the applicant shall be notified in writing of the decision, the reason for the denial, and of the applicant's right to appeal the denial by requesting within 10 days of receiving the Council's notice of rejection, a public hearing to be heard by the City Council within 20 days of the date of the request. The final decision of the Council following the hearing shall be subject to an appeal by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

(D) *Duration.* A license granted under this chapter shall be valid only during the time period indicated on the license. In no case shall a license be valid longer than 1 calendar year.

(E) *Transferability.* No license issued under this chapter shall be transferred to any other person.

Jordan, MN Code of Ordinances

CHAPTER 115: PEDDLING AND SOLICITATION

Section

- 115.01 Purpose
- 115.02 Definitions
- 115.03 License required
- 115.04 Regulation of transient merchants
- 115.05 Application license fee
- 115.06 License issuance procedure
- 115.07 Suspension of license
- 115.08 Revocation of license
- 115.09 Registration of solicitors
- 115.10 Practices prohibited
- 115.99 Penalty

§ 115.01 PURPOSE.

This section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The purpose of this section is to regulate peddling and soliciting within the City of Jordan. These regulations will attempt to ensure that appropriate business practices are maintained, and will provide for relief from improper business activities or harassing conduct by peddlers and solicitors regulated by this section.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.02 DEFINITIONS.

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

PEDDLER. Any 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 sells and delivers merchandise at the same time he or she offers it for sale.

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 delivery or performance shall occur at a later time.

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, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.03 LICENSE REQUIRED.

(A) It is unlawful for any peddler or transient merchant to engage in any such activity within the city without first having secured a license.

(B) The license does not exempt compliance with other applicable state and federal laws.

(1) *Exemptions.* The provision of this section shall 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; door-to-door canvas for a political candidate or question; to the sale at wholesale to a retailer; to the delivery of perishable food or dairy products to customers on an established delivery route; and to activities associated with the exercise of a person's constitutional rights (freedom of press, speech, religion and the like) provided that no merchandise is concurrently offered for sale.

(2) *Non-profit organizations.* Peddlers representing a religious or nonprofit charitable organization registered at the Office of the Secretary of State, State of Minnesota shall be exempt from the licensing requirement, but shall be required to register with the city according to provision of § 115.09.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.04 REGULATION OF TRANSIENT MERCHANTS.

(A) *Eligibility for transient merchant license.* A transient merchant shall be eligible for a city license only under the following circumstances:

(1) Transient merchant operates within a building in accordance with the zoning and other applicable codes and ordinances.

(2) Transient merchant operates in any other circumstances in compliance with requirements of division (B) below.

(B) *Exceptions.* No license shall be required for the following activities: The sale of farm or garden products on property upon which such 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 such occasions per property shall be limited to 3 per year, and the duration of each occasion shall be limited to 4 days.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.05 APPLICATION LICENSE FEE.

(A) Application for a city license to conduct business as a peddler or transient merchant shall be made on a form available from the office of the City Administrator/Treasurer, and shall be accompanied by the license fee, which shall be established from time to time by resolution of the City Council.

(B) All applications shall be signed by the applicant, and shall include the following information:

- (1) Applicant's full legal name, permanent address, telephone number, driver's license number or other equivalent form of identification;
 - (2) Full legal name, address and telephone number of any and all business operation(s) owned, managed or operated by the applicant; or, for which the applicant is an employee or agent;
 - (3) The type of business for which the applicant is applying for a license;
 - (4) The dates during which the applicant intends to conduct business;
 - (5) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city;
 - (6) The names and addresses of all individuals who will participate in the licensed sale campaign;
 - (7) A description and license plate number for any vehicle to be used in conjunction with the licensed business;
 - (8) A statement as to whether or not the applicant has been convicted within the last 5 years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statutes or any local ordinance, other than traffic offenses;
 - (9) A list of the most recent locations where the applicant has conducted business as a peddler or transient merchant;
 - (10) The building intended to be utilized (by a transient merchant) and written permission of the owner of the property;
 - (11) A general description of the items to be sold or services to; and
 - (12) All additional information deemed necessary by the city.
- (Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.06 LICENSE ISSUANCE PROCEDURE.

(A) *Applications.* All applications for licensing shall be immediately referred to the City Administrator or other person acting on the City Administrator's behalf. Upon receipt, the City Administrator or designee shall review the application and conduct any investigation necessary to verify the provided information.

(B) *Ineligibility for a license.* The Administrator shall recommend denial of the license if, during the course of the investigation, any of the following circumstances are discovered:

- (1) The applicant has failed to truthfully provide any of the information requested by the city as part of the application.
- (2) The applicant has been convicted, within the past 5 years from the date of application, of any violation of federal or state law, or any local ordinance which adversely affects the person's ability to conduct the licensed be provided, or that will adversely affect the health, safety and welfare of the residents of the city. The violations shall include, but are not limited to burglary, theft, larceny, swindling, fraud, assault or unlawful business practices.
- (3) The revocation of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant within the past 5 years.
- (4) The applicant has received more than 3 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 or the city discovers other reliable evidence that applicant's business may adversely impact the welfare of the residents of the city.

(C) *City Council review/decision.* The Administrator shall forward the application and a recommendation to approve or deny the license to the City Council within 14 regular business days after receipt of the application. If the Council approves the application, the Administrator shall be instructed to issue a license to the applicant. If the Council rejects the application, the applicant shall be notified in writing of the decision, the reason for the denial, and of the applicant's right to appeal the denial by requesting within 10 days of receiving the Council's notice of rejection, a public hearing to be heard by the City Council within 20 days of the date of the request. The final decision of the Council following the hearing shall be subject to an appeal by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

(D) *Duration.* A license granted under this chapter shall be valid only during the time period indicated on the license. In no case shall a license be valid longer than 1 calendar year.

(E) *Transferability.* No license issued under this chapter shall be transferred to any other person.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.07 SUSPENSION OF LICENSE.

(A) Any license issued under and pursuant to this chapter may be suspended for up to 20 days by the Chief of Police with approval of the City Administrator, without notice, if the licensee:

- (1) Uses fraud, misrepresentation or false statements during the course of licensed activity;
- (2) Has been subsequently convicted of any offense for which granting of a license could have been denied under this chapter;
- (3) Conducts the business in an unlawful manner or such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public; and/or
- (4) Violates any part of this chapter.

(B) A suspension for longer than 20 days must be approved by the City Council.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.08 REVOCATION OF LICENSE.

(A) *Notification.*

(1) After the suspension of any license issued under this section, the city shall provide the license holder with written notice of the alleged violation(s) and inform the licensee of their right to a hearing on the alleged violation.

(2) 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.

(B) *Public hearing.*

(1) Upon receipt of the notification, the licensee shall have the right to request a public hearing. If no request is received by the City Administrator within 10 regular business days following the personal service of the notice or deposit of the notice in the First Class U.S. Mail, the city may impose a longer suspension or revoke the license at a regular Council meeting. If a public hearing is requested within the stated time

frame, a hearing shall be scheduled within 20 days from the date of the request with publication of the hearing.

(2) Within 3 regular business days of the hearing, the City Council shall notify the licensee of its decision.

(C) *Appeal*. Any person whose license is suspended or revoked under this chapter shall have the right appeal that decision in court.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.09 REGISTRATION OF SOLICITORS.

(A) Registration with the city shall be required of all solicitors, and of all peddlers and solicitors representing non-profit organizations who, during the course of a door-to-door campaign, solicit money either as a donation (for a charitable cause) or for the purchase of goods or service. Registration shall be made on the same form required for a license application, but no fee shall be required. A preliminary background check shall be completed of all solicitors who intend on conducting door to door solicitations. Convictions of crimes such as theft, theft by swindle, fraud, or any similar crime shall disqualify said solicitor from receiving a permit. Upon successful completion of the background check, the Chief of Police shall issue a non-transferable certificate of registration to the solicitor. The Chief of Police may revoke any certificate upon evidence of misuse or if unethical practices are used in their solicitation practices.

(B) All persons associated with the organization registering and who will be participating in the actual soliciting or peddling must carry a copy of the valid certificate of registration on their person at all times while engaged in activity which falls under the category of this section.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)

§ 115.10 PRACTICES PROHIBITED.

(A) No peddler, solicitor or transient merchant shall call attention to their business or to their merchandise by crying out, by blowing a horn, or ringing a bell or by the making of other noise of a volume that it is audible within the confines of an enclosed dwelling structure.

(B) No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited", or language similar thereto, is located.

(C) No peddler or solicitor shall refuse to leave a premise when requested to do so by the owner, lessee or person in charge of the premises, or, to otherwise conduct business in a manner that a reasonable person would find obscene, threatening, intimidating or abusive.

(D) No business shall be conducted before 9:00 a.m. or after 8:00 p.m.

(E) No peddler, solicitor or transient merchant shall obstruct the free flow of vehicular or pedestrian traffic on any street, alley, sidewalk, required parking area (whether public or private) or other public right-of-way.

(F) No peddler, solicitor or transient merchant shall refuse or fail to provide proof of license or registration when requested by the property owner or representative of the city.

(G) No peddler, solicitor or transient merchant shall make any false or misleading statements about the product or service being sold, including untrue statements or endorsements. No peddler, solicitor or

transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999) Penalty, see § 115.99

§ 115.99 PENALTY.

Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as described in M.S. § 609.02, subd. 3, as amended, or a jail sentence not to exceed 90 days, or both, plus the cost of prosecution. Each day a violation exists shall constitute a separate violation for the purposes of this section.

(Prior Code, § 6.34) (Am. Ord. 20, Second Series, passed 5-3-1999)