



City of South St. Paul

125 Third Avenue North
South St. Paul, MN 55075
www.southstpaul.org

Licensing/Code Enforcement Division

PEDDLER/TRANSIENT MERCHANT LICENSE

APPLICATION & INFORMATION

\$100.00	Annual License Fee
\$ 25.00	Background Investigation Fee (per applicant/employee)

Enclosed please find the following:

- Peddler & Transient Merchant License Application
- Certificate of Compliance Minnesota Workers' Compensation Law Form (required by the Minnesota Department of Revenue)
- South St. Paul City Code Pertaining to Peddlers, Solicitors and Transient Merchants

Additional items that must be submitted along with the application:

- Copy of current driver's license or government-issued identification card
- Any literature, flyers or pamphlets that will be distributed
- Payment

All Peddler & Transient Merchant Licenses must be approved by the City Council before the Applicant may do business in South St. Paul. Peddler & Transient Merchant Licenses are valid from date of issuance through May 31st.



City Clerk's Office

City of South St. Paul Peddler/Transient Merchant License

Year: _____

**\$100.00 Fee plus \$25.00 Background Check Fee Per Applicant
Proof of Insurance**

Section 1: Applicant

1. Name: _____
Last First Middle
Address _____, City _____, State ____ Zip _____
Phone (____) _____

2. Place of Birth _____ Date of Birth: _____

3. Business name _____ Phone (____) _____
Address _____, City _____, State ____ Zip _____

4. Minnesota Business Tax ID Number _____ Applicant's Social Security Number _____
(if applicable) _____ (Required by MN Statutes 270C.72)
Federal Business Tax ID Number _____

5. Do you have a valid driver's license? Yes ____ No ____
Driver's License number: _____ State ____
If no, provide:
ID Card Number: _____ State ____

If several employees will be conducting business within the City, please complete Section 3.

6. Do you drive a vehicle in connection with this work? Yes ____ No ____
If yes, describe the vehicle:
Color _____ Make _____ Model _____ Year _____
State license plate number: _____ State ____

Section 2: Business Information

7. Describe merchandise being sold: _____

Attach any literature, flyers or pamphlets that will be distributed

8. List the last three cities or other localities where applicant conducted solicitor, peddler, or transient merchant business immediately preceding the date of this application:

9. Per City Code, Sec. 18-417, *No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business outside of the following hours:*

A. 9:00 a.m. to 7:00 p.m. Monday through Friday

B. 10:00 a.m. to 3:00 p.m. Saturday and Sunday

Dates and hours during which solicitation will be conducted:

10. Are you a U.S. citizen? Yes ___ No ___

If yes, but birthplace was not in the United States, please provide a Certificate of Naturalization, Certificate of Citizenship, or current passport. If no, present proof of Immigration/employment status.

11. Have you or the firm or business employing you been the subject of an investigation by a consumer protection agency or State Attorney General's Office? Yes ___ No ___

If yes, provide the details and locations:

12. Have you had a solicitor, peddler or transient merchant license denied or revoked by a City or any other other government body within three years before this application date? Yes ___ No ___

If yes, provide the details and locations:

13. Have you ever been convicted of any felony, crime or violation of any ordinance other than a minor traffic offense? Yes ___ No ___

If yes, provide the time, place, offense and penalty imposed:

BACKGROUND INVESTIGATION CONSENT RELEASE

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public, pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation but that my refusal to so consent may be the basis for denying my application.

TENNESSEN WARNING: In connection with your request for a license, the City has asked that you provide information about yourself which may be classified as private, confidential, non-public, or protected non-public under the Minnesota Government Data Practices Act. This means that this data is not ordinarily available to the general public. Accordingly, the City is required to inform you of the following:

- The purpose and intended use of the information requested is to determine if you are eligible for a license from the City of South St. Paul.
- You are not legally obligated to supply the requested information.
- The known consequences of supplying the requested information is that the information or further investigation could disclose information which could cause your application to be denied.
- The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
- A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minnesota Statute 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
- Other governmental agencies necessary to process your application are authorized by law to receive the information provided.
- The City is required by law to furnish some of this information to the Department of Labor and Industry and the Minnesota Commissioner of Revenue.

The undersigned, by signing this notice, acknowledges that he/she has read and understood the contents of this notice.

Date: _____

X

Applicant signature

*These statements are true, correct and are made with the knowledge that this information may be made public.
False disclosures are subject to perjury proceedings and forfeiture of the license application*

Receipt Number: _____

Date Received: _____

Insurance Submitted: Yes ___ No ___

Transient Merchant: Copy of County License must be submitted with application

Remit to:

**City of South St. Paul
Licensing Division
125 Third Avenue North
South St. Paul, MN 55075
Phone: (651) 554-3229
Fax: (651) 554-3211**

Section 3: Additional Employee Information

Please complete for all employees that will be conducting business in South St. Paul
(Make additional copies of this page, if necessary)

1. Name: _____
Last First Middle
Address _____, City _____, State _____, Zip _____
Phone (____) _____ Date of Birth: _____
Do you have a valid driver's license? Yes ___ No ___
Driver's License number: _____ State _____
If no, provide:
ID Card Number: _____ State _____
Do you drive a vehicle in connection with this work? Yes ___ No ___
If yes, describe the vehicle:
Color _____ Make _____ Model _____ Year _____
State license plate number: _____ State _____
Have you ever been convicted of any felony, gross misdemeanor or misdemeanor? Yes ___ No ___
If yes, state jurisdiction, type of violation and disposition: _____

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public, pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation, but that my refusal to so consent may be the basis for denying my application.

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- The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
- A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minnesota Statute 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
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X

Applicant signature

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Section 3: Additional Employee Information

Please complete for all employees that will be conducting business in South St. Paul
(Make additional copies of this page, if necessary)

1. Name: _____
Last First Middle
Address _____, City _____, State _____, Zip _____
Phone (____) _____ Date of Birth: _____
Do you have a valid driver's license? Yes ___ No ___
Driver's License number: _____ State _____
If no, provide:
ID Card Number: _____ State _____
Do you drive a vehicle in connection with this work? Yes ___ No ___
If yes, describe the vehicle:
Color _____ Make _____ Model _____ Year _____
State license plate number: _____ State _____
Have you ever been convicted of any felony, gross misdemeanor or misdemeanor? Yes ___ No ___
If yes, state jurisdiction, type of violation and disposition: _____

As a license applicant, I hereby give my consent for a personal background investigation, to include a criminal history check, to be used in the determination of whether my application is to be approved. The results of such investigation shall be made public, pursuant to appropriate City Council approval or denial of the license application. I understand that I am under no legal obligation to consent to such investigation, but that my refusal to so consent may be the basis for denying my application.

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- The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
- A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minnesota Statute 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
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Date: _____

X _____

Applicant signature

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Section 3: Additional Employee Information

Please complete for all employees that will be conducting business in South St. Paul
(Make additional copies of this page, if necessary)

1. Name: _____
Last First Middle
Address _____, City _____, State _____, Zip _____
Phone (____) _____ Date of Birth: _____
Do you have a valid driver's license? Yes ___ No ___
Driver's License number: _____ State _____
If no, provide:
ID Card Number: _____ State _____
Do you drive a vehicle in connection with this work? Yes ___ No ___
If yes, describe the vehicle:
Color _____ Make _____ Model _____ Year _____
State license plate number: _____ State _____
Have you ever been convicted of any felony, gross misdemeanor or misdemeanor? Yes ___ No ___
If yes, state jurisdiction, type of violation and disposition: _____

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- The known consequences of refusing to supply the requested information is that your request for a license cannot be processed.
- A criminal charge, arrest, or conviction will not necessarily bar you from obtaining a license with the City, unless the conviction is related to the matter for which the license is sought, according to Minnesota Statute 364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the application.
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Applicant signature

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ARTICLE XV. - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS^[9]

Footnotes:

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Editor's note—Ord. No. 2013-1275, § 1, adopted October 7, 2013, renamed article XV, §§ 2 and 4 of Ord. No. 2013-1275, repealed the former §§ 18-381, 18-382 and 18-408—18-412, and §§ 3 and 5 enacted a new article XV as set out herein. The former article XV pertained to peddlers and transient merchants and derived from the Code of 1992, §§ 1140.01, 1140.03, 1140.05, 1140.07, 1140.09, 1140.11 and 1140.13.

State Law reference— Peddlers and transient merchants, Minn. Stat. ch. 32; power to regulate transient merchants, Minn. Stat. § 437.02.

DIVISION 1. - GENERALLY

Sec. 18-383. - Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Non-commercial door-to-door advocate means a person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this article, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

Peddler means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying or 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 article, the term peddler shall have the same common meaning as the term hawker.

Person means any natural individual, group, organization, corporation, partnership, or similar association.

Professional fundraiser means any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, politician, social, or other charitable organization.

Solicitor means a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she 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. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this article, the term solicitor shall have the same meaning as the term canvasser.

Transient merchant means a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than 14 consecutive days.

(Ord. No. 2013-1275, § 3, 10-7-2013)

Sec. 18-384. - Exceptions.

For the purpose of this chapter, the terms peddler, solicitor, and transient merchant shall not apply to and no license or registration shall be required for the following, unless otherwise stated below:

- (1) Any person engaging in non-commercial door-to-door advocacy. However, if the non-commercial advocacy is being conducted by professional fundraisers, or fundraisers who receive a commission or a fee, then each person involved in the activity must obtain a license pursuant to city code section 18-413.
- (2) Any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights (i.e. freedom of speech, freedom of the press, freedom of religion). However, if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity, then each person involved in the activity must obtain a license pursuant to city code section 18-413.
- (3) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
- (4) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
- (5) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
- (6) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- (7) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
- (8) Any person participating in an organized multi-person bazaar or flea market.
- (9) Any person conducting an auction as a properly licensed auctioneer.
- (10) Any officer of the court conducting a court-ordered sale.
- (11) Non-profit, charitable, religious organizations or public and private schools who are conducting sales or other similar fundraising activities shall not be required to obtain a license, but are subject to certain requirements as described below:
 - a. Local non-profit organizations that have a direct connection to or are located within the city shall notify the city of the dates during which the activity will be conducted, the location where the activity will be conducted and the nature of the goods or services to be sold or offered for sale. While conducting the activity, all members of the organization shall wear clothing identifying the sponsoring organization or carry a form of identification from the sponsoring organization.
 - b.

Non-local non-profit organizations that have no local connection or who are not located within the city shall be required to register pursuant to city code section 18-416, however, one registration form may be submitted for the organization for each activity. While conducting the activity, all members of the organization shall wear clothing identifying the sponsoring organization or carry a form of identification from the sponsoring organization.

(Ord. No. 2013-1275, § 3, 10-7-2013)

Secs. 18-385—18-412. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-413. - Licensing.

- (a) *County license required.* No person shall conduct business as a transient merchant within the city without first having obtained the appropriate license from the county and the city.
- (b) *City license required.* Except as otherwise provided for by this article, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license.
- (c) *Application.* An application for a city license to conduct business as a peddler or transient merchant shall be made at least 30 days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form that is available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:
 - (1) The applicant's full legal name.
 - (2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
 - (3) A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
 - (4) Full address of applicant's permanent residence.
 - (5) Telephone number of applicant.
 - (6) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
 - (7) Full address of applicant's regular place of business, if any exists.
 - (8) Any and all business-related telephone numbers and e-mail addresses of the applicant, including cellular phones and facsimile (fax) machines.
 - (9) The type of business or activity for which the applicant is applying.
 - (10) The dates during which the applicant intends to conduct business.
 - (11) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
 - (12) A statement as to whether or not the applicant has been convicted with the last five years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
 - (13) A list of the three most recent locations where the applicant has conducted business.
 - (14) Proof of any required county license.

- (15) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.
 - (16) A general description of the items to be sold or services to be provided.
 - (17) The applicant's driver's license number or other acceptable form of identification.
 - (18) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.
 - (19) Any and all additional information as may be deemed necessary by the City Council.
 - (d) *Fee.* All applications for a license under this chapter shall be accompanied by the fees established in chapter 26.
 - (e) *Investigation.* A background investigation is required, pursuant to city code section 19-47.
 - (f) *Insurance.* Proof of insurance must be submitted with the application as required by city code section 18-24.
 - (g) *Procedure.* Licenses will be approved pursuant to city code section 18-25. The city council may approve a license with reasonable conditions, as deemed necessary.
 - (h) *Term.* Unless otherwise stated on the license, a license granted under this article shall be valid through May 31. Unless otherwise stated in the license, the effective date of the license is the date of issuance.
- (Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-414. - License denial, suspension or revocation.

- (a) In addition to the grounds stated in city code section 18-31(a), the following shall be grounds for denying, suspending or revoking a peddler or transient merchant license:
 - (1) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.
 - (2) The failure of an applicant to sign the license application.
 - (3) The failure of an applicant to pay the required fee at the time of application.
 - (4) A conviction within the past five years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
 - (5) The revocation within the past five years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
 - (6) After completing the background investigation, the police chief recommends that it is not in the best interest of the city to grant the license.
 - (7) Evidence of a bad business reputation, which shall include, but is not limited to, the existence of more than three complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, with the preceding 12 months, or three complaints filed with the city against an applicant within the preceding five years.
- (b)

Multiple persons under one license. The suspension or revocation of any license that authorized multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

- (c) *Notice; public hearing.* Except as provided in city code section 18-31(c) for a temporary suspension, prior to revoking or suspending any license issued under this chapter, the city shall provide notice and a public hearing pursuant to city code section 18-31(b).

(Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-415. - License transferability.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

(Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-416. - Registration.

- (a) All solicitors, farmer's markets and non-local non-profit organizations shall be required to register with the city prior to engaging in any activities. For solicitors, each person engaged in the activity must register. For farmer's markets and non-local non-profit organizations, one registration form may be submitted on behalf of all participants.
- (b) *Application.* Registration shall be made on the same form required for a license application.
- (c) *Fee.* No fee shall be required.
- (d) *Procedure.* Upon receipt of a completed application form containing all the required information, the city clerk shall issue a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.
- (e) *Term.* Registrations shall be valid for the time stated on the certificate of registration. Unless otherwise stated on the certificate of registration, the effective date of the registration is the date of issuance.
- (f) *Contract.* If a solicitor reaches an agreement for obtaining orders for goods, wares, products, merchandise, other personal property, or services of which he or she 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, a written contract containing the terms of the order or service must be provided at the time of the agreement.
- (g) *Farmer's markets.* A person or sponsoring organization representing multiple vendors selling or attempting to sell, or taking orders or attempting to take orders for any product grown, produced, cultivated or raised on any farm occupied, rented or used by the person and cultivated by the person must register with the city and must also provide the following information:
- (1) The address or specific location of the farms or gardens upon which the product was cultivated or obtained.
 - (2) A signed affidavit from the registrant that the product that will be sold was from property occupied, rented or used by the registrant and the product was cultivated by the registrant. For a sponsoring organization, the sponsor will attest that it has received documentation from the participating vendors affirming that they comply with this requirement.
 - (3) Written confirmation from the city planner that the property on which the product will be sold

complies with all zoning requirements and the registrant has obtained all necessary permits.

- (4) The address or specific location on which the product will be sold and written acknowledgment from the property owner that includes written consent from the property owner and a site map showing the location on the property that will be used for the sale of the product.

(Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-417. - Prohibited activities.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

- (1) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- (2) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- (3) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
- (4) Conducting business outside of the following hours:
 - a. 9:00 a.m. to 7:00 p.m. Monday through Friday.
 - b. 10:00 a.m. to 3:00 p.m. Saturday and Sunday.
- (5) Failing to provide proof of license, or registration, and identification when requested.
- (6) Using the license or registration of another person.
- (7) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. 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.
- (8) Remaining on the property of another when requested to leave.
- (9) Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

(Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-418. - Exclusion by placard.

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard stating: "No peddlers, solicitors or transient merchants," "peddlers, solicitors, and transient merchants prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

(Ord. No. 2013-1275, § 5, 10-7-2013)

Sec. 18-419. - Penalty.

Any individual found in violation of any provision of this article, shall be a guilty of a misdemeanor or subject to an administrative citation, pursuant to city code chapter 38 article IV.

(Ord. No. 2013-1275, § 5, 10-7-2013)

Secs. 18-420—18-437. - Reserved.