

## Chapter 345. - Peddlers, Solicitors and Transient Merchants<sup>[18]</sup>

### Sec. 345.01. - Definitions.

Entertainment venue means any place holding an event for which admission is charged. Admission includes: a cover charge, admission fee, entry fee, a required donation, rental fees for chairs, seats, tables or other furnishings, a required minimum purchase (other than a general policy prohibiting loitering by non-customers) or any other fee required to enter or remain on the property. An event includes: sporting events of any kind at any level, musical performances by live performers or a presentation that is presented by a live or recorded speaker, disc jockey, DJ, or other announcer who introduces or actively moderates a presentation, or dancing by patrons.

Peddler means any person who shall sell or offer for sale goods or wares, or other articles of value including event tickets. The term "peddler" shall not apply to any person who may sell or peddle the products of the farm or garden occupied and cultivated by themselves or who sells at a stand at one (1) of the public markets.

Solicitor means any person traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, or street to street, taking or attempting to take orders for sale of goods, wares, merchandise, for future delivery, whether or not such individual carries or exposes for sale a sample of the subject of such sale; provided, however, that this chapter shall apply only to solicitors who demand, accept or receive payment or deposit of money in advance of final delivery, and provided that he is not a transient merchant or peddler as defined herein.

Transient merchant means any person, individual, copartnership and corporation, both as principal and agent, who engages in, does or transacts any temporary and transient business in this state, either in one (1) locality or in traveling from place to place in this state, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, vacant lot or railroad car for the exhibition and sale of such goods, wares and merchandise.

(Ord. No. 17708, § 1, 1-23-90; C.F. No. 07-992, § 1, 12-12-07)

### Sec. 345.02. - License required.

It is unlawful for any peddler, transient merchant or solicitor, other than a solicitor doing business by appointment, to engage in any such business within the City of Saint Paul without first obtaining a license therefor in compliance with the provisions of the chapter. In addition to the license required under this section, any person who shall sell edible products must also obtain the applicable food license under the provisions of Chapter 331, and any person applying to do business as a transient merchant within the city shall file proof of possession of the license required by Minnesota Statutes, Section 329.11. Such filing shall include an affidavit in which the applicant states compliance with Minnesota Statutes, Sections 329.099 to 329.17. No license shall be issued by the city without such proof being presented at the time application is made to the inspector for a transient merchant license.

(Ord. No. 17708, § 1, 1-23-90)

### Sec. 345.03. - Exemptions.

The provisions of this chapter shall not apply to any canvassing or soliciting for a charitable, religious, political or educational organization if such organization is registered with the Secretary of State pursuant to the provisions of Minnesota Statutes, Section 309.52 as a charitable organization or is exempted therefor pursuant to the provisions of Section 309.515, nor to solicitations of orders for future door-to-door delivery of newspapers.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.04. - License fees; term.

- (a) The annual license fee for peddler, solicitor and transient shall be established by ordinance as specified in section 310.09(b) of the Legislative Code.
- (b) Each license granted under this chapter shall expire one (1) year from date of original application.

(Ord. No. 17708, § 1, 1-23-90; C.F. No. 99-509, § 1, 7-7-99)

Sec. 345.05. - Application.

Application for license shall be filed with the inspector, which application shall contain the following information in addition to that prescribed by the inspector:

- (a) The name and address of the applicant.
- (b) A brief description of the nature of the business and the goods to be sold.
- (c) In the case of transient merchants, the place where the business is to be carried on.
- (d) If employed, the name and address of the employer.
- (e) The present place of business of the applicant.
- (f) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (g) Photograph of the applicant showing the head and shoulders and shall be taken by the license division at the time of application and annually at the time of renewal and shall be provided to applicant on an identification badge.
- (h) The applicant's Minnesota sales tax permit number, and satisfactory proof that the statutory requirements for workers' compensation are complied with.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.06. - Exhibition of badge; license.

Any person who shall exercise the vocation of a peddler or solicitor shall display a badge, containing a current photograph of the licensee, a number to correspond to the number of the license, and license expiration date issued by the Office of License Inspector, which badge shall be worn in a conspicuous place on the person's outer garment or clothing. Transient merchants shall post conspicuously in his place of business the license issued hereunder which license shall be shown at the request of any citizen or police.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.07. - License not transferable.

Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.08. - Restrictions.

- (a) Peddlers peddling from vehicles or pushcarts shall not stand upon any sidewalk, street or alley for the purpose of disposing of their goods without first obtaining a use of street permit from the department of public works, but this provision shall not prevent such peddlers from stopping for a sufficient length of time to complete a sale to such purchasers as may be present at the place where such stop is made.
- (b) No licensee shall have any exclusive right to any location in the public sidewalks, streets or other public property without first obtaining a use of street permit from the department of public works, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or public ways. For the purpose of this chapter, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- (c) Peddling is prohibited within one hundred (100) feet of an entrance to an entertainment venue within three (3) hours of an event scheduled at that entertainment venue.
- (d) Peddling is prohibited within twenty-five (25) feet of the sidewalk forming the corner at the intersection of two (2) streets, or on any sidewalk less than six (6) feet wide.
- (e) Peddling is prohibited within two thousand (2,000) feet of any area for which a permit has been issued under chapter 366, except upon written permission from the organizers of the event.
- (f) Peddling is prohibited within the State Capitol complex buildings and grounds and the Saint Paul River Centre complex buildings, grounds and surrounding sidewalks. Peddling is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe. Peddling is not prohibited if the activity takes place on land owned or leased by said person.

(Ord. No. 17708, § 1, 1-23-90; C.F. No. 07-992, § 2, 12-12-07; Ord 13-25, § 1, 7-17-13)

Sec. 345.09. - Solicitor; bond.

Application for solicitor license shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00) executed by a surety company, conditioned upon the making of final delivery of the goods ordered or services to be performed in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded. Any person injured or damaged by the action of any such solicitor shall have a right of action on the bond for the recovery of moneys or damages or both.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.10. - City policy on soliciting.

It is hereby declared to be the policy of the governing body of the City of Saint Paul that the occupant or occupants of the residences of this city shall make the determination of whether peddlers, solicitors or merchants shall be, or shall not be, invited to their respective residence.

(Ord. No. 17708, § 1, 1-23-90)

Sec. 345.11. - Notice regulating soliciting.

- (a) A person desiring that no peddler, solicitor or merchant or other person engage in a home solicitation at his residence shall exhibit in a conspicuous place upon or near the main entrance to the residence a weatherproof card, not less than three (3) inches by four (4) inches in size, containing the words, "NO SOLICITORS." The letters shall be not less than two-thirds of an inch in height.

- (b) Every peddler, solicitor or merchant, upon going upon any premises upon which a residence is located, shall first examine the residence to determine if any notice prohibiting soliciting is exhibited upon or near the main entrance to the residence. If notice prohibiting soliciting is exhibited, the peddler, solicitor or merchant shall immediately depart from the premises, without disturbing the occupant, unless the visit is the result of a request made by the occupant.
- (c) No person shall go upon any residential premises and ring the doorbell or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the residence for the purpose of securing an audience with the occupant and engaging in or attempting to engage in solicitation or sale of merchandise if a card as described in paragraph (a) above is exhibited in a conspicuous place upon or near the main entrance to the residence, unless the visit is the result of request made by the occupant.
- (d) No person, other than the occupant of the residence, shall remove, deface or render illegible a card placed by the occupant pursuant to paragraph (a) above.
- (e) Any person who has gained entrance to a residence, or audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.
- (f) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant and engage in soliciting or peddling in defiance of the notice exhibited at the main entrance of the residence pursuant to paragraph (a) above.

(Ord. No. 17708, § 1, 1-23-90)