

AN ORDINANCE AMENDING CHAPTER 1403 OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK HEIGHTS REGULATING PEDDLERS AND SOLICITORS.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1403.01 Definitions.

For the purpose of this Ordinance, the words defined in this section shall have the meanings ascribed to them:

- A. "Peddler" means any person who goes from house to house carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers of the same.
- B. "Solicitor" means any person who goes from house to house soliciting or taking or attempting to take orders for the purchase of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for delivery in the future.

1403.02 Registration Required.

A. No Peddler or Solicitor shall sell or offer for sale any goods, wares, or merchandise within the City of Oak Park Heights unless a license therefore has been first secured as provided in this section. A nonrefundable registration fee shall be established by resolution of the City Council from time to time. Any Peddler or Solicitor dealing with merchandise of any kind to be delivered to customers in Minnesota directly from points outside of Minnesota shall be exempt from the payment of the registration fee as shall be any charitable, religious, patriotic or philanthropic organization, duly organized and recognized as exempt under the provisions of the Internal Revenue Code Section 501(c) (3). Any person soliciting any money, donations, or financial assistance of any kind for any religious or charitable organization or selling merchandise for a fee on behalf of such organization, shall not be required to obtain a license or pay a fee under this section but shall be required to register with the City.

B. All applicants for a permit and license under this Ordinance shall file with the City Clerk a sworn application on a form prescribed by the City Clerk which shall give the following information:

- 1. Name and description of the applicant;
- 2. Address;

3. A brief description of the nature of the business and goods to be sold;
4. If employed, the name and address of the employer, together with the credentials establishing the relationship between the peddler and/or solicitor and employer;
5. The length of time for which the right to transact business within the City of Oak Park Heights as desired;
6. If a vehicle is to be used, the description of same, together with a copy of the certificate of insurance and the current license number;
7. If perishable food stuffs are to be sold or offered for sale within the City of Oak Park Heights, the applicant shall also provide evidence of compliance with regulations and rules of the Department of Health with the State of Minnesota; and,
8. Applicant shall also provide his/her social security number and date of birth.

1403.03 Investigation and Issuance of Permit.

- A. Upon receipt of the application, the original shall be referred to the Chief of Police, who shall cause an investigation of the applicant to take place.
- B. The following persons shall be ineligible to obtain a license within the City of Oak Park Heights for purposes of peddling or soliciting as defined above:
  1. A person not a citizen of the United States or resident alien.
  2. A person who has been convicted in the past five (5) years of the date of application of a willful violation of Federal or State law or local ordinance where such offense was a crime of moral turpitude or where offense or activity would constitute an unlawful or deceptive practice (consumer fraud) as specified under Minnesota Statute 325F.69, 325F.67, 325.F.68, 325F.70 or 325F.71.

1403.04 Nontransferability of License.

No license or permit as issued by the City of Oak Park Heights under the provisions of this Ordinance may be transferred, assigned, sold, or otherwise used by any other person or entity other than to the specific individual to whom it was issued.

1403.05      Exhibition of License.  
All peddlers and solicitors are required to exhibit their licenses at the request of any resident.

1403.06      Revocation of License.  
A.      All permits and licenses issued under the provisions of this Ordinance may be revoked by the City Council of the City of Oak Park Heights after notice and hearing for any of the following causes:

1.      Fraud, misrepresentation, or false statement contained in the application for license.
2.      Fraud, misrepresentation, or false statement made in the course of carrying on his/her business as a peddler or solicitor.
3.      Any violation of this Ordinance.
4.      Conviction of any crime or misdemeanor involving moral turpitude.
5.      Conducting the business of a peddler in any unlawful manner in such manner as to constitute breach of the peace or constitute a menace to the health, safety or general welfare of the public.

B.      The City Council for the City of Oak Park Heights may suspend any license or permit issued pending hearing for any of the above causes. All such licenses may be suspended upon notice being mailed, postage prepaid to the licensee at his/her last known address and shall specify the date and time of the hearing and providing a statement identifying the cause for the hearing and outlining with reasonable certainty the facts under which a violation of this Ordinance or the other provisions hereof have been alleged to have occurred.

1403.07      Expiration of License.  
All licenses issued under the provisions of this Ordinance shall have an expiration date listed thereon. No license shall be issued for a period of time in excess of six (6) months.

1403.08      Restriction by Access to Premises by Resident.

- A. Any resident of the City of Oak Park Heights who wishes to exclude peddlers or solicitors from his or her premises may place upon or near the usual entrance to such premises a printed plaque or sign bearing the following notice: "Peddlers and Solicitors Prohibited." Such a plaque shall be at least three and three-fourths (3 3/4) inches long and shall not be smaller than forty-eight (48) point type.
- B. No peddler or solicitor shall enter upon any premises where such plaque or sign is placed and/or maintained.

1403.09

Exemptions.

The provisions of this Ordinance shall not apply to persons engaged in the following activities:

- A. Those persons engaged in the activity of selling personal property at wholesale or to dealers in such articles.
- B. Persons marketing or selling literature exclusively.
- C. Those persons selling products of the farm or garden on the property on which the products are grown or cultivated. The person claiming this exemption must submit a written affidavit indicating that the products to be sold were grown on the property where sales are occurring.
- D. Those persons calling upon homeowners and residents in connection with the regular route service for the sale and delivery of perishable daily necessities of life such as milk and dairy products. This exception does not relieve such person of the duty of compliance of all other applicable provisions of the code.
- E. Those persons calling upon a residence and householders at the request of said resident or homeowner.

1403.10

Records.

The City Clerk shall maintain within the offices of the City of Oak Park Heights a permanent list of all organizations, charitable, religious, or philanthropic duly qualified for exemption under the provisions hereof, specifically included but not limited to those organizations duly organized and recognized under the Internal Revenue Code Section 501(c) (3) and those organizations which have demonstrated and established their exclusive organizational purpose for religious, charitable, or philanthropic purposes. Such an organization shall be exempt from the payment of any registration fee and as long as they are maintained on the list and records so provided by the City Clerk of the City of Oak Park Heights shall be deemed to be registered for purposes of peddling and soliciting activities.

1403.11

Penalty.

Any person violating the provisions of this Ordinance shall upon conviction thereof be punished by fine not to exceed Seven Hundred Dollars (\$700.00) or by imprisonment thereon not to exceed ninety (90), days or both.