

Chapter 670 – Peddlers, Hawkers, Solicitors, Transient Merchants, and Food Vendors

670.01 Purpose. The purpose of this chapter is to regulate and control the conduct of selling goods and merchandise in any manner where the sale or solicitation does not occur within a building, store, or structure owned or leased by a business entity and properly zoned for commercial uses. It does not regulate personal and household effects sold at a “garage” or estate sale held at or in a residential property which is regulated under Ordinance 550.

670.02 Definitions.

“Peddler and/or Hawker” – means any person, whether a resident of the City of Princeton or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares, or merchandise of offering or exposing the same for sale, or making sales and delivering the articles to purchasers. The term “Peddler and/or Hawker” does not include vendors who distribute their products to regular customers on established routes.

“Solicitor” – means any person, whether a resident of the city of Princeton or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take order for sale of goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders.

“Transient Merchant” – also includes any person, individual, partnership, or corporation, whether principal, employee, or agent, who sponsors any temporary or transient business in this city which consists of several merchants selling goods, wares, and merchandise at one specific location for one specific period of time (i.e. craft sales, flea markets, trade shows, etc.); and who, for the purposes of carrying on such business, hires, leases, occupies, or uses a building, structure, vacant lot, railroad car, or any public right-of-way for the exhibition and sale of such goods, wares, and merchandise.

“Goods, wares, and merchandise” – does not include personal and household effects sold at a “garage” or estate sale held at or in a residential property.

“Food Vendor” – means any person, individual, partnership, or corporation, whether principal, employee, or agent, who goes from house to house, from place to place, from street to street, or who, for the purposes of carrying on such business, hires, leases, or occupies, or uses a building, structure, vacant lot, railroad car, or any public property right-of-way for the exhibition and sale of food items for immediate consumption. Food vendors are required to provide a trash container near their business for customer use.

“Farmers Sales” – means any person or persons selling, on a seasonal basis at a temporary, unowned location in accordance with the City zoning ordinance, fresh vegetables, fruits, and/or flowers which are the produce of a farm or garden occupied and cultivated by the li-

cense holder. This does not include produce used for or decorated as “craft” items.

670.03 License Required. It shall be unlawful for any transient merchant, food vendor, peddler and/or hawker, or solicitor, or food vendor to engage in do, or transact any business as such without first obtaining a license as hereinafter provided unless specifically exempted from the terms of this ordinance.

670.04 License Exemption. The terms of this ordinance do not include the following:

1. Manufacturers’ representatives, sales persons, or agents of wholesalers or manufacturers calling on local businesses for orders of products for business use or for resale by business.
2. Any non-profit organization, society, association, or corporation, licensed by or incorporated in the State of Minnesota, desiring to solicit or to have solicited in its name money, donations of money, property, or financial assistance of any kind, or as a fundraising activity to solicit orders for merchandise upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of this ordinance. However, all organizations, societies, or corporations under this section shall be required to register with City Hall (on forms so provided) five (5) days prior to canvassing, soliciting, or obtaining of donations or other financial assistance within the City of Princeton.
3. Any non-profit organization, society, association, or corporation, licensed by or incorporated in the State of Minnesota, desiring to sponsor as a fundraising activity any temporary or transient business in this city, which consists of several merchants selling goods, wares, and merchandise at one specific location for one specific period of time (i.e. craft sales, flea markets, trade shows, etc.); and who, for the purposes of carrying on such activity, hires, leases, occupies, or uses a building, structure, vacant lot, or any public property right-of-way for the exhibition and sale of such goods, wares, and merchandise shall be exempt from the provisions of this ordinance. However, all organizations, societies, or corporations under this section shall be required to register with City Hall (on forms so provided) five (5) days prior to the activity.

670.05 License Application. Every person or organization desiring to engage in the activities provided in this ordinance shall be required to make application in writing to the Princeton City Administrator/Clerk on forms so provided. Said application forms must be completed in their entirety. Failure to abide by this provision shall be sufficient cause to deny license.

At the time of filing the application, the appropriate application fees, as set by the Princeton City Council, shall be paid to the City Administrator/Clerk to cover the cost of the investigation of the facts contained in the application and to cover the costs of the license. Upon receipt of each application, it shall be referred to the Princeton Police Department, who shall immediately investigate the applicant’s business, and conduct inquiries as deemed necessary for the protection of the public good. Upon completion of the investigation, the

Princeton Chief of Police shall recommend approval or disapproval of the application. Any disapproval shall be accompanied with written reasons for the disapproval.

The application and investigation report shall be returned to the City Administrator/Clerk, who shall notify the applicant of the results of the investigation and approval/disapproval by the City council.

670.06 Proof of Insurance. No license shall be issued before the applicant furnished proof of insurance (registered in the State of Minnesota) to the Princeton City Administrator/Clerk.

The insurance shall be in an amount to be determined by the City Council and shall be approved by the City Administrator/Clerk prior to the issuance of the license applied for. Such insurance shall be obtained by the applicant at the applicant's own cost and expense. The applicant shall obtain minimum insurance limits of \$100,000 combined single limits per occurrence, or \$100,000/\$300,000/\$50,000 dual limits for general liability (including premises/operations and products liability) and automobile liability at all times throughout the life of the license. The applicant will in all things conform to the ordinances relating to transient merchants, peddlers and/or hawkers, or solicitors and further conditioned in full compliance with all material, statements, and representations, oral or written, made by the seller, his agents or representatives, with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. Neither the City's failure to require or insist upon certificates or other evidence of insurance showing a variance from the specified coverage changes applicant's responsibility to comply with the insurance specifications.

The City Administrator/Clerk shall issue to such applicant receipts therefore and a license to do business as such at the place described in the applicant's application and the kind of business to be done shall be described therein.

670.07 Enforcement. It shall be the duty of the Princeton Police Department to require any person observed in peddling, hawking, or soliciting, and who is not known by such officer to have obtained a license hereunder, to produce said license and to enforce the provisions of this ordinance against person found to be violating the same.

Any person failing to exhibit his license when requested by the Princeton Police Department or any officer thereof shall be guilty of a misdemeanor.

670.08 Revocation of License. Any license issued under the provisions of this ordinance may be revoked for any of the following causes:

Fraud, misrepresentation, incorrect statement contained in the application, any violation of this ordinance, conviction of any crime or misdemeanor, conducting the business of a transient merchant in any unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety of the general welfare of the public, or failure to exhibit license to an officer of the Princeton Police Department upon request.

Said license shall be revoked by mailing to the licensee at the licensee's address contained

in the licensee's application or by personal service a notice of revocation stating the reasons and grounds for the revocation. Said revocation shall be effective upon handing the notice to the licensee or upon 24 hours after depositing the notice of revocation in the United States mail, postage prepaid and addressed to the licensee at the address indicated in his application.

Said notice shall provide that any person claiming to be aggrieved by the revocation of a license may appeal to the Princeton City Council by filing with the Council a written statement setting forth the grounds for the appeal and by filing said statement with the City Administrator/Clerk within ten (10) days after the effective date of the revocation. The revocation shall remain in effect until reinstated by the City Council of the City of Princeton.

Unless reinstated by the City Council of the City of Princeton, the licensee's application and license fee shall be forfeited to the City of Princeton to cover its expenses incurred in the prosecution of any crime committed in the violation of this ordinance.

670.09 Expiration of License. All licenses issued under the provisions of this ordinance shall expire at midnight on the date stated for termination. All licenses shall specify the date of expiration.

All licenses shall expire no later than December 31 of the year in which the license was issued.

670.10 License Fees. The license fees shall be set by ordinance adopted by the City Council and reviewed from time to time. All fees shall be paid at the time of making the application.

670.11 Posting Notice of No Solicitation. All owners or occupants of residential or business premises who do not wish to be disturbed by peddlers and/or hawkers, solicitors, salespersons, transient merchants, or similar persons may post a notice stating, "No Soliciting." Said notice should be in sufficiently sized letters of contrasting lettering and posted in a conspicuous location(s) such that it can be easily discerned by a passerby.

Any licensed or unlicensed person or organization attempting to peddle or solicit orders for the sale of services or goods, and whose attention has been called to the posted notice by an occupant, shall constitute a nuisance and the penalty section of this ordinance shall apply.

Nothing contained herein shall relieve a transient merchant, peddler and/or hawker, or solicitor from complying with the Mille Lacs County's application provisions governed by Minnesota Statutes Chapter 329, §329.01 to 329.17.

670.12 Severability. In the event any portion of this chapter is hereafter declared or held to be invalid, that shall not affect the remaining provisions of this chapter which shall remain in full force and effect.

670.99 Penalty. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor and shall be punished as provided by §100.99.