

Part 4. Peddlers

304.01. **Definitions.** For the purposes of this section, the following terms shall be defined to mean:

Subd. 1. **Peddler.** The term "peddler" as used in this section means and includes a door-to-door, street-to-street, place-to-place vendor of goods or services, who carries his/her goods or services for direct sale to consumers on the spot, without a fixed, determined and permanent location within the corporate limits of the City of Hayfield at which he/she transacts his/her business, carries on his/her occupation or practices his/her profession. An invited vendor or one with a prearranged appointment is not within the definition.

Subd. 2. **Solicitor.** The term "solicitor" as used in this section means and includes a door-to-door, street-to-street, or place-to-place vendor of goods or services who carries samples or displays for direct sale to consumers on the spot, without a fixed, determined and permanent location within the corporate limits of the City of Hayfield at which he/she transacts his/her business, carries on his/her occupation or practices his/her profession. An invited vendor or one with a prearranged appointment is not within the definition.

Subd. 3. **Transient Merchant.** The term "transient merchant" means any person, who engages in the business of selling and delivering goods, wares and merchandise on a temporary basis, and who, to further institute such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car, boat, a public room in a hotel, motel or lodging house, apartment, shop or a street, alley or any other place in the city, for the exhibition and sale of such goods, wares and merchandise, provided that such definition does not include any person who, while occupying such temporary location, does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only.

304.02. **License Required.** It shall be unlawful for any peddler, solicitor, or transient merchant to engage in any such business within the city without first obtaining a license therefore and complying with the provisions of this section. Licenses issued to Peddlers, Solicitors, and Transient Merchants may be approved by the city clerk after a background investigation has been conducted and all other license requirements have been satisfactorily submitted. Such administrative approval shall be reported in each case to the council at the regular council meeting next following such approval, and such licenses shall remain subject to termination by expiration or revocation. A license issued under this section shall be issued no sooner than 10 days and no more than 30 days after its application. Notwithstanding other provisions in this Chapter, the city clerk may waive any waiting period imposed as a condition of licensing.

304.03. **Bond Required.** No peddler, solicitor, or transient merchant license shall be issued unless and until the applicant has filed with the city clerk a bond in the penal sum of \$1,000.00 with sufficient sureties, and in favor of the city and for the benefit of any residents who may sustain individual loss by means of fraud, artifice, trick or other means of theft practices by the licensee on such resident, or in the alternative, in the discretion of the city, a fee of \$50.00, for

a one year duration to be approved by the council. Provided, however, that a certificate evidencing such bond coverage and the availability of the penalty for the uses and or purposes herein expressed, shall be sufficient to satisfy this subdivision without a separate bond, in order that the applicant might be spared the necessity for duplicate bonding.

304.04. **Conditions of Licensing.** Subdivision 1. **Separate Licenses.** Each licenses issued pursuant to this section shall apply to a maximum of three person provided all such person engage in a single licensed activity and they each sign the application and meet all other requirements of this section.

Subd. 2. **Practices Prohibited.** It shall be unlawful for any person, licensed under this Chapter, to call attention to his/her business or to his/her merchandise by crying out, blowing a horn, ringing a bell, or by any loud or unusual noise, or by use of any amplifying device.

Subd. 3. **Descriptions.** The licensee shall furnish a description of the item to be sold or services to be rendered for which the license is requested.

Subd. 4. **Complaints.** Licensee shall exhibit on a billboard at least two feet square the name and address where complaints can be made for defective merchandise or unsatisfactory service. If the peddler goes from place to place or door to door or location to location, he or she must furnish to each location where he or she stops to make a presentation or display merchandise, the name and address where complaints can be made for defective merchandise or unsatisfactory service.

304.05. **Exceptions.** This section shall not apply to any sale under Court order, not to any bona fide auction sale, not to newspaper vendors nor to a sale at wholesale to a retail dealer in the articles sold, nor to the sale of farm or garden products by the person producing the products, nor sales of admissions by local school students to a school function. Nor shall this Section apply to solicitations for philanthropic, religious, and educational charitable causes if the following procedure has been accomplished:

- a. A sworn application has been made to the city clerk showing name of organization, its purposes, its officers and directors, period of solicitation and solicitor's form of remuneration.
- b. The city clerk has investigated and found such statements true and for charitable purpose and therefore issued a permit without charge.

304.06. **Time Limitation on Sales.** A licensee shall be allowed to engage in licensed activities with the city only between the hours of 9:00 o'clock A.M. and 7:00 o'clock P.M.

304.07. **Exclusion by Placard.** Any resident of the city who wishes to exclude peddlers or solicitors from premises the resident occupies may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors

Prohibited." Such placard shall be at least three and three-quarters inches long and three and three-quarters inches wide and the printing shall not be smaller 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

304.08. **Defacing Placard.** No person other than the person occupying such premises shall remove, injure, or deface such placard or sign.