

## Chapter 18 BUSINESSES\*

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\*Cross reference(s)--Alcoholic beverages, ch. 6;  
animals, ch. 10; buildings and building regulations, ch. 14;  
environment, ch. 22; fees, ch. 26; fire prevention and  
protection, ch. 30; manufactured homes and trailers, ch. 42;  
sanitation, ch. 54; subdivisions, ch. 62; taxation, ch. 66;  
utilities, ch. 74; vehicles for hire, ch. 78.  
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### Article I. In General

Sec. 18-1. Penalty.

Sec. 18-2. Suspension, revocation of licenses.

Sec. 18-3. Slaughterhouses.

Secs. 18-4--18-25. Reserved.

### Article II. Cigarettes

#### Division 1. Generally

Secs. 18-26--18-35. Reserved.

#### Division 2. License

Sec. 18-36. Required.

Sec. 18-37. Application.

Sec. 18-38. Fees.

Sec. 18-39. Term; expiration.

Sec. 18-40. Transfer.

Secs. 18-41--18-60. Reserved.

### **Article III. Peddlers; Solicitors; Transient Merchants**

#### Division 1. Generally

Sec. 18-61. Definitions.

Sec. 18-62. Exemptions.

Sec. 18-63. Loud noises, speaking devices.

Sec. 18-64. Use of streets.

Sec. 18-65. Duty of police to enforce.

Secs. 18-66--18-75. Reserved.

#### Division 2. Permit

Sec. 18-76. Required.

Sec. 18-77. Application.

Sec. 18-78. Religious and charitable organizations; exceptions.

Sec. 18-79. Investigation; issuance.

Sec. 18-80. Revocation.

Sec. 18-81. Appeal.

Sec. 18-82. Reapplication.

Sec. 18-83. Expiration.

Sec. 18-84. Fees.

Sec. 18-85. Exhibition.

Sec. 18-86. Records.

#### **ARTICLE I. IN GENERAL**

##### **Sec. 18-1. Penalty.**

Any person violating any provision of sections 18-2, 18-3, and 18-36--18-40 is guilty of a petty misdemeanor.

(Code 1977, § 10.05)

##### **Sec. 18-2. Suspension, revocation of licenses.**

The council may suspend or revoke any license issued under this chapter for cause. Cause shall include, but not be limited to, any violation by the licensee or his agent of any local, state, or federal law relating to the licensed activity. The licensee shall be granted a hearing upon at least ten days' notice before suspension or revocation is ordered. The notice shall state the time and place of the hearing, and the nature of the cause.

(Code 1977, § 10.03)

##### **Sec. 18-3. Slaughterhouses.**

No person shall within the city engage in the business of slaughtering animals without a permit to do so from the council.

(Code 1977, § 10.04)

**State law reference(s)**--Authority of municipal council to prohibit or regulate slaughterhouses, Minn. Stat. § 412.221, subd. 22(1).

**Secs. 18-4--18-25. Reserved.**

**ARTICLE II. CIGARETTES**

DIVISION 1. GENERALLY

**Secs. 18-26--18-35. Reserved.**

DIVISION 2. LICENSE\*

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\*State law reference(s)--Municipal cigarette license,  
Minn. Stat. § 461.12 et seq.  
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**Sec. 18-36. Required.**

No person shall within the city directly or indirectly or by means of any device sell at retail, keep for retail sale, or otherwise transfer any cigarette, cigarette paper or cigarette wrapper without first obtaining a cigarette license from the city.

(Code 1977, § 10.01(1))

**Sec. 18-37. Application.**

Every application for a cigarette license shall be made to the clerk on a form supplied by the city and requiring such information as the council may require. The application shall be accompanied by the total required fee. If all application requirements are met, and the issuance of the license would not violate any law, the clerk shall issue the license.

(Code 1977, § 10.01(2))

**Sec. 18-38. Fees.**

The council may, from time to time, set the fees for cigarette licenses. Such amounts shall be specified in chapter 26.

(Code 1977, § 10.01(3))

**Sec. 18-39. Term; expiration.**

No cigarette license shall be issued for a longer term than one year. Every cigarette license shall expire no later than December 31 of the year in which it was issued.

(Code 1977, § 10.01(4))

**Sec. 18-40. Transfer.**

Each cigarette license shall be issued to the applicant only and shall not be transferable to another person.

(Code 1977, § 10.01(5))

**Secs. 18-41--18-60. Reserved.**

**ARTICLE III. PEDDLERS; SOLICITORS; TRANSIENT MERCHANTS\***

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\*State law reference(s)--Hawkers, peddlers, transient merchants, Minn. Stat. § 329.01 et seq.; municipal regulation, Minn. Stat. §§ 329.06, 412.221, subd. 19.  
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DIVISION 1. GENERALLY

**Sec. 18-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in

this section, except where the context clearly indicates a different meaning:

*Peddler* means any person who goes from house to house, from place to place or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers. It does not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes.

*Solicitor* means any person who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders 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. Such definition includes any person who, for himself, or for another person, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, boat, hotel room, lodginghouse, apartment, shop or other place within the city for the purpose of exhibiting samples and taking orders for future delivery.

*Transient merchant* includes any person, both as principal and agent, who engages in, does, or transacts any temporary and transient business in this state, either in one locality, or in travelling 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 place or boat, railroad car, or any other type of vehicle, for the exhibition and sale of such goods, wares and merchandise. The person so engaged is not relieved from complying with the provisions of this article merely by reason of associating temporarily with any local person, or by conducting such transient business in connection with, as a part of, or in the name of any local person. The term ``transient merchant''

does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

(Code 1977, § 10.06(1))

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 18-62. Exemptions.**

The terms of this article do not include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newspaper carriers, nor to the acts of merchants or their employees in delivering goods in the regular course of business. Nothing contained in this article prohibits any sale required by statute or by order of any court, or prevents any person conducting a bona fide auction sale pursuant to law.

(Code 1977, § 10.06(3))

**Sec. 18-63. Loud noises, speaking devices.**

No permittee under this article, nor any person on his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound-amplifying device upon any of the streets, alleys, parks or other public places of the city and upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell, without the permission of the council.

(Code 1977, § 10.06(7))

**Sec. 18-64. Use of streets.**

No permittee under this article shall have any exclusive right to any location in the public streets, public parking lots or public parks, nor shall any be permitted to a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede

or inconvenience the public use of such streets without the permission of the council. For the purpose of this article, the judgment of a police officer, issued in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(Code 1977, § 10.06(8))

**Sec. 18-65. Duty of police to enforce.**

It shall be the duty of the police of the city to require any person seen peddling, soliciting or canvassing and who is not known by such officer to have obtained a permit under this article to produce his permit and to enforce the provisions of this article against any person found to be violating the same.

(Code 1977, § 10.06(10))

**Secs. 18-66--18-75. Reserved.**

DIVISION 2. PERMIT

**Sec. 18-76. Required.**

It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the city without first obtaining a permit therefor in compliance with the provisions of this division. Such permit shall not be transferable.

(Code 1977, § 10.06(2))

**Sec. 18-77. Application.**

Applicants for a permit under this division shall file with the clerk a sworn application in writing on a form to be furnished by the clerk. The application shall give the following information:

- (1) Name and physical description of applicant.

- (2) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
- (7) A photograph not more than one year old of the applicant which picture shall be approximately two inches by two inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The names of at least two property owners of the city or the county, who will certify as to the applicant's good character and business respectability or, in lieu thereof, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (9) Statements as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, other than

traffic violations, the nature of the offense and the punishment or penalty assessed therefor.

(10) The last municipalities, not to exceed three, where the applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

(11) At the time of filing the application, a fee as set forth in chapter 26 shall be paid to the clerk to cover the cost of investigation of the facts stated therein.

(Code 1977, § 10.06(4))

**Sec. 18-78. Religious and charitable organizations; exceptions.**

Any organization, society, association or corporation desiring to solicit or to have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations 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 section 18-77.

(Code 1977, § 10.06(5))

**Sec. 18-79. Investigation; issuance.**

(a) All completed applications shall be referred to the chief of police who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within 72 hours after it has been filed by the applicant with the clerk.

(b) If as a result of such investigation, the applicant, his character or business responsibility is found unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no permit shall be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval and return the application to the city clerk, who shall deliver to the applicant his permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kinds of goods to be sold thereunder, the date of issuance and the length of time, not to exceed one year from the date of issuance that the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such licensed business. Each peddler, solicitor or transient merchant must secure a personal permit. No permit shall be used at any time by any person other than the one to whom it is issued. The clerk shall keep a permanent record of all permits issued.

(Code 1977, § 10.06(6); Mo. of 12-28-83)

#### **Sec. 18-80. Revocation.**

(a) Permits issued under the provisions of this division may be revoked by the council after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or incorrect statement contained in the application for permit.
- (2) Fraud, misrepresentation or incorrect statement in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

- (3) Any violation of this article.
- (4) Conviction of a felony or misdemeanor.
- (5) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a permit shall be given by the clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address at least five days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing. Every permittee or applicant may appoint an agent for service of process in connection with this section. If a permittee has appointed an agent for such service of process but such agent cannot be found, then the clerk is the agent of the permittee upon whom the process, notice or demand may be served. Return of mailed notice or return of service by the police officer to the effect that the appointed agent cannot be found at the agent's last known address is conclusive evidence that the permittee has no appointed agent. Service on the clerk of any such process, notice or demand is deemed personal service upon the permittee. The clerk shall maintain a record of all notices served upon the clerk under this section.

(c) The police of the city shall immediately revoke any permit granted under this division if the permittee conducts his business in a manner which constitutes an immediate threat to public health or safety.

(Code 1977, § 10.06(12))

**Sec. 18-81. Appeal.**

Any person aggrieved by the action of the chief of police or the clerk in the denial or revocation of a permit as provided in section 18-79 may appeal to the council. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in section 18-80 for the notice of hearing on revocation.

(Code 1977, § 10.06(13))

**Sec. 18-82. Reapplication.**

No permittee under this division whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

(Code 1977, § 10.06(14))

**Sec. 18-83. Expiration.**

All annual permits issued under the provisions of this division shall expire at midnight on December 31 in the year when issued. Other than annual licenses shall expire on midnight on the date specified in the license.

(Code 1977, § 10.06(15))

**Sec. 18-84. Fees.**

Fees for licenses issued pursuant to this division shall be as set forth in chapter 26.

(Code 1977, § 10.06(17))

**Sec. 18-85. Exhibition.**

Permittees under this division shall display their permit at the request of any citizen.

(Code 1977, § 10.06(9))

**Sec. 18-86. Records.**

The chief of police shall report to the clerk all convictions for violation of this division and the clerk shall maintain a record for each permit issued and record the reports of violation therein.

(Code 1977, § 10.06(11))