CITY OF FALCON HEIGHTS

2077 W Larpenteur Ave
Falcon Heights MN 55113
Phone 651-792-7600. Fax 651-792-7610
www.falconheights.org

FOR OFFICE USE
License Number:
Approval Date:
Amount Paid:
Receipt:

Solicitors, Peddlers & Transient Merchants Certificate of Registration Application

Fee: $25 per individual- **Credit card charges will incur a convenience fee**

Business Information: Copy of Driver's License is required.

Business Name: _____

Applicant's Full Legal Name: _____

Date of Birth: _____

Permanent Address: _____

_____

Physical Description: Hair color: _____ Weight: _____

Eye color: _____ Height: _____

Address of Employer: _____

_____

Business Phone Number: _____ Fax Number: _____

Fill in any applicable ID #s below:

MN TAX ID # _____ FEDERAL TAX ID NUMBER_____ SSN_____

Municipalities wherein the applicant/company has worked before coming to the City of Falcon Heights:

1. _____
2. _____
3. _____
4. _____
5. _____

Describe the nature of your business: _____

_____

Description of goods to be sold:_____

_____

Address where goods are manufactured: _____

_____

Address where goods are stored: _____

_____

Manner of which the goods shall be delivered to customer: _____

Requested dates for working within the City of Falcon Heights: _____
Requested hours for working within the City of Falcon Heights: _____

Has the applicant been convicted of any crime, or misdemeanor or violation of any municipal ordinance of any municipality other than traffic violations? Yes ◯ No ◯

If yes, please explain the nature of the offense and the punishment or penalty assessed therefor.

_____

_____

Notice: Per City Code Sec. 14-104:

- No peddler or solicitor shall enter upon any premises after 7:00 p.m.or before 9:00 a.m.
- No peddler or solicitor shall enter upon any premises where a sign prohibiting peddlers and solicitors is posted.

ITEMS REQUIRED FOR LICENSURE:

- *Completed application*
- *Copy of individual's driver's license*
- *Payment of license fee (Cash, check, or Credit Card)*

I certify that to the best of my knowledge and belief the above information is true, correct and complete. I understand that failure to correctly and completely answer the above questions will be cause for denial of the license for which I am applying.

Applicant's Signature:_____ Date:_____

CITY OF FALCON HEIGHTS
2077 W LARPENTEUR
FALCON HEIGHTS, MN 55113

INFORMED CONSENT

Date: _____

The following named individual has made application with the City of Falcon Heights for city licensure.

Last Name of Applicant (please print): _____

First Name (please print): _____

Middle Name (full) (please print): _____

Maiden, Alias or Former Name (please print):_____

Date of Birth: _____Sex (M or F): _____ Race _____
Month/Day/Year

Drivers License or ID # _____ State _____

I authorize the St. Anthony Police Department to disclose all criminal history record information, from the Bureau of Criminal Apprehension, to the City of Falcon Heights for the purpose of licensure with the aforementioned city.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature:

_____ _____
Signature of Applicant **Date**

City Code of Falcon Heights, Minnesota

Chapter 14 - Businesses

ARTICLE IV - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS[2]

Sec. 14-94 - Definitions

Unless otherwise expressly stated, whenever used in this article, the following words shall have the meaning given to them by this article:

Peddler. Any person who goes from dwelling to dwelling, business to business, street to street, or any other type of place to place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property that the person is carrying or otherwise transporting. The term "peddler" shall mean the same as the term "hawker".

Person. Any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships, and associations, the term shall include each member, officer, partner, associate, agent, or employee.

Solicitor. A person who goes from dwelling to dwelling, business to business, street to street, or any other type of place to place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term "solicitor" shall mean the same as the term "canvasser".

Transient merchant. Any person who engages in any temporary and transient business in this state, either in one 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. 07-02, § 1(1), 1-10-2007)

Sec. 14-95 - License required

No peddler or solicitor shall sell or offer for sale any goods, wares, or merchandise within the city unless a license therefor shall first be secured as provided in this article. The nonrefundable license fee is $25.00. 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 license fee.

(Ord. No. 07-02, § 1(2), 1-10-2007)

Sec. 14-96 - Conditions governing license

Application shall be made with the city clerk of the city at least seven regular business days prior to the date when the activity to be carried on is to commence. Persons applying must file with the city clerk an accurate sworn statement in writing, on a form furnished by the city clerk, giving the following information:

(1) Name and physical description of the applicant;

(2) Complete 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 product or services involved;

(4) If employed, the name and address of the employer, together with credentials therefrom, establishing the exact relationship;

(5) The dates and hours of the day during which the activity will be carried on;

(6) The source of supply of any goods or property proposed to be sold or orders taken for the sale thereof, where such goods or products are located at the time said registration is filed and the proposed method of delivery;

(7) A statement as to whether or not the applicant has been convicted of any crime, or misdemeanor or violation of any municipal ordinance of any municipality other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

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

(Ord. No. 07-02, § 1(3), 1-10-2007)

Sec. 14-97 - Procedure

An application shall be determined to be complete only if all required information is provided. If the city administrator determines that an application is incomplete, then he or she shall inform the applicant of the information required to be provided prior to issuance of a license. The city administrator shall review the application and order any investigation, including background checks, necessary to verify the information provided with the application. The city administrator shall either approve or deny the license within seven regular business days. If the application is rejected, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting, within 20 days of the date of the denial, a public hearing to be heard by the city council within 20 days of the date of the request.

(Ord. No. 07-02, § 1(4), 1-10-2007)

Sec. 14-98 - Exemptions

The licensing and identification requirements of this article do not apply to persons engaged in the following activities:

(1) Selling personal property at wholesale to dealers in such articles;

(2) Selling newspaper subscriptions;

(3) Soliciting money, donations, or financial assistance of any kind for nonprofit, religious, political, or education organizations; or taking orders for goods sold by a political, religious, educational, or nonprofit organization, or selling or distributing literature or merchandise for which a fee is charged or solicited on behalf of such an organization;

(4) Calling upon householders in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy products; this exception does not relieve such person of the duty of compliance with any other applicable provision of this Code;

(5) Calling upon householders at the request of said householders.

(Ord. No. 07-02, 1(5), 1-10-2007)

Sec. 14-99 - Proof of license

Every license shall bear the written approval of the city administrator. Within five days after such approval, the city clerk shall provide the applicant with a written certificate showing proof of licensing. Such proof of licensing shall be exhibited by the licensee upon request of any police officer or of any person in the city who is being contacted by the licensee in pursuance of the licensee's activity.

(Ord. No. 07-02, § 1(6), 1-10-2007)

Sec. 14-100 - License nontransferable

No license is transferable from one individual to another. Each individual shall be separately licensed where more than one individual is involved in the same type of activity even though associated with the same organization.

(Ord. No. 07-02, § 1(7), 1-10-2007)

Sec. 14-101 - Persons working for or assisting licensee

The licensee shall also supply the information required in section 14-96 for all persons working for or assisting the licensee and pay the fee for each person.

(Ord. No. 07-02, § 1(8), 1-10-2007)

Sec. 14-102 - Identification

All solicitors and peddlers must wear some type of identification conspicuously showing their name and the organization for which they are soliciting or peddling, must carry their city issued license certificate when conducting the business or activity required to be licensed under this chapter, and must wear or display on their outermost clothing the certificate of licensure provided by the city.

(Ord. No. 07-02, § 1(9), 1-10-2007)

Sec. 14-103 - Licensure control

The certificate of licensure issued by the city is the property of the City of Falcon Heights, and must be returned to the city within seven days after the expiration date of the license. Failure to do so may result in prosecution and will result in the denial of any future license application for 12 months.

(Ord. No. 07-02, § 1(10), 1-10-2007)

Sec. 14-104 - Practices prohibited

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

(1) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way;

(2) Conducting business in such a way as to create a threat to the health, safety, or welfare of any individual or the general public;

(3) Entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of 7:00 p.m. and 9:00 a.m. of the following day, unless such person has been expressly invited to do so by the owner or occupant thereof;

(4) Call attention to his business or to his merchandise, by crying out, by blowing a horn, or by any loud or unusual noise in areas zoned for residential use;

(5) No peddler, solicitor, or transient merchant shall harass, intimidate, abuse, or threaten a person or continue to offer merchandise for sale to any person after being told not to do so by that person.

(Ord. No. 07-02, § 1(11), 1-10-2007)

Sec. 14-105 - Duration of license

Each license shall be valid only for the period specified therein, and no license may extend beyond the 31st day of December of the year in which it is granted.

(Ord. No. 07-02, § 1(12), 1-10-2007)

Sec. 14-106 - Exclusion of peddlers and solicitors

Any person who wishes to exclude peddlers or solicitors from premises occupied by him 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-quarter-inches long and three and three-quarter-inches wide and the printing thereon shall not be smaller than 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 notwithstanding the fact that he may have obtained a solicitation certificate or solicitation credentials, as the case may be, under the provisions of this article. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

(Ord. No. 07-02, § 1(13), 1-10-2007)

Sec. 14-107 - Suspension and revocation

(a) *Suspension.* Any license may be temporarily suspended by the city administrator or revoked by the council for a violation of any of the following:

(1) Fraud, misrepresentation, or incorrect statements on the application form;

(2) Fraud, misrepresentation, or false statements made during the course of the license activity;

(3) Conviction of any offense for which granting of a license could have been denied under this article;

(4) Violation of any provision of this article; or

(5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(b) *Notice.* Prior to revoking or suspending any license issued under this article, the city shall provide the license holder with written notice of the alleged violation(s) and inform the licensee of the licensee's right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, the business address provided on the license application.

(c) *Hearing.* Upon receiving the notice provided in subsection (b) of this section, the licensee shall have the right to request a hearing. If no request for a hearing is received by the city within ten days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a hearing is requested within the required time, a hearing shall be scheduled within 20 days from the date of the request. The city administrator or the administrator's designee shall be the hearing officer and shall render a decision. The decision of the administrator is final unless the licensee, within five days, appeals the decision to the city council.

(d) *Emergency.* If, in the discretion of the city administrator or the administrator's designee, imminent harm to the health or safety of the public may occur because of the actions of a peddler or solicitor licensed under this article, the city administrator may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in subsection (b) of this section.

(e) *Appeals.* Any person whose license is suspended or revoked under this article, shall have the right to appeal that decision in court.

(Ord. No. 07-02, § 1(14), 1-10-2007)

Sec. 14-108 - Compliance with zoning

Transient merchants and transient produce merchants shall comply with provisions of the Falcon Heights Zoning Code. Compliance with the zoning ordinance location, information, and plan requirements shall be verified in writing by the city administrator.

(Ord. No. 07-02, § 1(15), 1-10-2007)