



City of Bayport
 294 North Third Street
 Bayport, Minnesota 55003
 Phone 651-275-4404
 Fax 651-275-4411
 www.ci.bayport.mn.us

PEDDLER AND SOLICITOR REGISTRATION / LICENSE APPLICATION

Case #

Any person or organization wishing to go door to door selling goods or services within the city must first check with City Hall to determine whether a peddler and solicitor license is required. Please be advised that in most cases, a license is required and it may take up to 10 days for the city to issue the license. Licenses are issued for up to sixty (60) days. Each person engaging in peddler and solicitor activities must carry a valid peddler/solicitor license with them at all times. **Peddler and solicitor activities are allowed only Monday – Friday, 9:00 a.m. – 6:00 p.m. (City Ordinance 22.160 – 22.172).**

In order to be considered for a peddler and solicitor license, individuals/organizations must complete this form in its entirety, listing specific information for each person or applicant wishing to engage in peddler and solicitor activities. As part of the application process, a warrant/criminal history check will be conducted on each applicant. Applicants with a felony conviction are not eligible for a license or to engage in peddler or solicitor activities. A \$30.00 non-refundable fee per applicant is required with the application.

KEEP A COPY OF THIS PERMIT ON YOUR PERSON

Application Type	<input type="checkbox"/> New
	<input type="checkbox"/> Renewal (within 60 days after last license expiration)

Peddler and Solicitor Activities	
Dates: From	To
Location:	<input type="checkbox"/> Business District <input type="checkbox"/> Residential <input type="checkbox"/> City Park
Nature of business and/or goods to be sold:	

Organization / Employer Information	<input type="checkbox"/> Non-profit <input type="checkbox"/> For-profit
Name:	
Mailing Address:	
Contact Name:	
Contact Phone Number (cellular, if applicable):	
Copy of a state-issued picture ID or driver's license attached for all individuals: <input type="checkbox"/> Yes <input type="checkbox"/> No If not, please explain:	

Individual Applicant Information #1	Date of Birth:
Name:	
First	Middle
Mailing Address:	
Driver's License #:	State of Issue:
Vehicle Make:	Model:
	Color:
Vehicle License Plate #:	State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>	
Applicant Signature:	Date:

Individual Applicant Information #2	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Individual Applicant Information #3	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Individual Applicant Information #4	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Please request a form for additional applicants, if necessary.

Office Use - Dept. Review		Officer Name	Date Approved
Initial background check	<input type="checkbox"/> Pass <input type="checkbox"/> Fail		
Renewal record check	<input type="checkbox"/> Pass <input type="checkbox"/> Fail		
Office Use - Fees	Amount Received	Method of Payment	Date Received
License fee - \$30.00 per applicant	\$ _____	<input type="checkbox"/> Check <input type="checkbox"/> Cash	



Bayport Police Department
294 North 3rd Street
Bayport, Minnesota 55003
Phone: 651-275-4400
Fax: 651-275-4411
Emergency: 911

Laura Eastman
Chief of Police

Jay Jackson
Sergeant

Date: _____

The following named individual has made application with this agency for licensing.

Last Name of Applicant: _____

First Name: _____

Middle: _____

Maiden, Alias or Former: _____

Address: _____

Date of Birth: _____ Race: _____ Sex (M or F): _____

DL #: _____ State: _____

License Plate (if applicable): _____ State: _____

Social Security Number: _____

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to the Bayport Police Department for the purpose of licensing with this agency.

- Liquor License
- Peddler and Solicitor License

The expiration of this authorization shall be one year from the date of my signature.

Signature of Applicant

Date

Notary Signature

Date

**CITY OF BAYPORT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. 780**

**ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA AMENDING CHAPTER 22 - BUSINESSES OF THE BAYPORT CITY
CODE REGARDING REGULATION OF PEDDLERS AND SOLICITORS**

Section 1. Chapter 22 of the Code of Ordinances for the City of Bayport regarding businesses is hereby amended by adding Article VI regarding Peddlers and Solicitors, to read as follows:

“ARTICLE VI. PEDDLERS AND SOLICITORS

Sec. 22-160. Definitions and Interpretation.

1. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter, and vice-versa the term "shall" means mandatory and the term "may" is permissive. The following terms shall have the definitions given to them:

Person. The term "person" shall mean 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.

Peddler. The term "peddler" shall mean a person who goes from house-to-house, door-to-door, 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. The term shall also apply to any person offering for sale any service that the person can immediately provide.

Solicitor. The term "solicitor" shall mean a person who goes from house-to-house, door-to-door, 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. The term "transient merchant" shall mean a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods,

wares, products, merchandise, or other personal property, and who does not remain or intend to remain in any one location for more than ten consecutive days.

Regular business day. Any day during which the City Hall is normally open for the purpose of conducting public business. Holidays defined by State law shall not be counted as regular business days.

2. *Exceptions to definitions.* For the purpose of the requirements of this section, the terms "peddler," "solicitor," and "transient merchant" shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property, to a retailer of the item(s) being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route. In addition, persons conducting the type of sales commonly known as temporary fruit or vegetable stands, garage sales, rummage sales, estate sales, or lemonade stands operated by children, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of peddlers, solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court ordered sale.

Sec. 22-161. Posting notices prohibiting peddlers and solicitors.

1. *Posting notice of prohibition.* Any owner or occupant of real estate located in the city who wishes to exclude peddlers or solicitors from their premises may place upon or near the usual entrance a printed placard or sign bearing the following notice: **Peddlers and Solicitors Prohibited.** The placard must be at least 3 3/4 inches long and 3 3/4 inches wide and the printing thereon may not be smaller than 48-point type.

2. *Entry of posted premises.* No peddler or solicitor shall enter upon or attempt to enter upon any premises where a sign is placed and/or maintained.

3. *Removal of placard or sign.* No person other than the person occupying the premises may remove, injure or deface a placard or sign.

Sec. 22-162. Registration/License Required.

No solicitor, peddler, hauler or transient vendor of merchandise, without having been requested or invited to do so by the owner or occupant, shall enter a private residence of the city for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hauling such goods, wares and merchandise, without first registering/licensing with the city. The city police department is authorized to use the CJDN terminal to run background checks on solicitors and peddlers that register with the city.

Sec. 22-163. Application Content.

The registration must be completed on a form approved by the City Administrator and must include the following information:

1. Personal and business name, addresses, and all related telephone numbers of employer/applicant (credentials required).
2. Full legal name (including middle name), personal and business addresses, all related telephone numbers, date of birth, copy of a current state issued picture driver's license or state issued picture identification card for all persons who will be soliciting, peddling, or acting as a transient vendor of merchandise on behalf of employer/applicant.
3. If a vehicle is to be used by a person described in paragraph 2 above, description of same including make, model, color, license number and state of issue with a copy of current insurance.
4. Location within the city for soliciting, peddling, or acting as a transient vendor of merchandise (business, residential or city park).
5. General description of the nature of the business and items to be sold.

Sec. 22-164. Application Verification.

Upon receipt of a complete application packet, it shall be referred to the Chief of Police, who may cause an investigation of the applicant to take place. An application shall be determined to be complete only if all required information is provided. If complete and eligibility requirements are met, a registration/license card, initialed by the City Administrator, will be issued for each individual associated with the application. Each individual is required to show this registration/license card and a picture ID to any resident, law enforcement officer or City of Bayport employee upon request.

Sec. 22-165. Registration/License Exemptions.

1. No registration/license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when such activity is for the purpose of exercising that person's State or Federal Constitutional rights (i.e., freedom of speech, press, religion etc.) except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity. Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this section.
2. Charitable organizations, and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes, Sections 309.50-309.61 or those specifically exempted from registration under the provisions thereof, including schools, scouts or organized youth athletic leagues and their representatives.

Sec. 22-166. Ineligibility for Solicitation within the City.

Any permits, licenses or registration applied for under this article may be denied at the discretion of the city administrator for any of the following reasons:

1. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application or the failure to sign the application.
2. The conviction of the applicant within the past five years from the date of registration/license, for any violation of any federal or state statute or regulation, or of any local code provision or ordinance, which adversely reflects on the person's ability to conduct the business for which the registration/license is being sought in an honest and legal manner or that will not adversely affect the health, safety, and welfare of the residents of the city. Such violations shall include but not be limited to: burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
3. The revocation within the past five years of any registration/license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.
4. The applicant is determined to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than two complaint(s) against the applicant with the Better Business Bureau, the attorney general's office, or other similar business or consumer rights office or agency, or the Bayport Police Department within the preceding 12 months, or five such complaints filed against the applicant within the preceding five years.

Sec. 22-167. Suspension and Revocation.

1. *Grounds for suspension/revocation.* Any permits, licenses or registration issued under this article may be suspended or revoked at the discretion of the city council for violation of any of the following:
 - (A) Fraud, misrepresentation, or incorrect statements on the application form.
 - (B) Fraud, misrepresentation, or false statements made during the course of the registered/licensed activity.
 - (C) Conviction of any offense for which granting of a registration/license could have been denied under section 22-166 of this article.
 - (D) Violation of any provision of this article.
2. *Application to employees and independent contractors.* The suspension or revocation of any registration/license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the applicant, shall serve as a suspension or revocation of each such authorized person's authority to conduct business as a peddler or transient merchant on behalf of the application whose registration is suspended or revoked.

3. *Notice.* Prior to revoking or suspending any registration/license issued under this section, the city shall provide the applicant with written notice of the alleged violation(s) and inform the licensee of his or her 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, to the business address provided on the license application.

4. *Public hearing.* Upon receiving the revocation or suspension notice, the licensee shall have the right to request a public hearing. If the city clerk receives no request for a hearing within ten regular business 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 public hearing is requested within the stated time frame, a hearing shall be scheduled within 30 days from the date of the request. Within three regular business days of the hearing, the city council shall notify the licensee of its decision.

5. *Emergency.* If in the discretion of the city council, imminent harm to the health or safety of the public may occur because of the actions of a solicitor, peddler or transient merchant registered/licensed under this section, the council may immediately suspend the person's registration/license and provide notice of the right to hold a subsequent public hearing as prescribed in subparagraph (4) above.

6. *Appeals.* Any person whose registration/license is suspended or revoked under this section shall have the right to appeal that decision in court.

Sec. 22-168. Transferability.

No registration/license issued under this section shall be transferred to any person(s) other than the person(s) to whom the registration/license was issued.

Sec. 22-169. Duration of registration/license.

The registration/license described in this section shall be valid for 60 days from the date of issue.

Sec. 22-170. Prohibited activities.

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

1. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out or by any other noise, so as to be unreasonably audible within an enclosed structure.
2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
3. Conducting business in such a way as to create a threat to the health, safety and welfare of any individual or the general public.

4. Conducting business before nine o'clock in the morning (9:00 a.m.) or after six o'clock at night (6:00 p.m.) on weekdays or anytime on the weekend.
5. Failing to provide proof of registration, and photo identification, when requested by resident, law enforcement agency, city staff or others; or using the registration and/or identification of another person.
6. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the City of Bayport solely based on the city having issued a registration card/license to that person.
7. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.
8. No peddler is permitted to operate at any location within the public parks of the city except by written permission of the City Administrator.

Sec. 22-171. Right to Deny.

The city council reserves the right to deny permission to any peddler if the number of peddlers in any park or location will cause congestion, impede or inconvenience the public.

Sec. 22-172. Violations and Penalties.

Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction of any violation shall be subject to a fine not to exceed \$1000.00 or a jail sentence not to exceed 90 days, or both, plus the cost of prosecution. Each day a violation exists shall constitute a separate violation for the purposes of this section."

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council for the City of Bayport this 1st day of May, 2006.

Rick Schneider, Mayor

Attest:

Michael McGuire, City Administrator



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**KEEP A COPY OF THIS PERMIT
ON YOUR PERSON**

Application Type	<input type="checkbox"/> New
	<input type="checkbox"/> Renewal (within 60 days after last license expiration)

Peddler and Solicitor Activities	
Dates: From	To
Location:	<input type="checkbox"/> Business District <input type="checkbox"/> Residential <input type="checkbox"/> City Park
Nature of business and/or goods to be sold:	

Organization / Employer Information	<input type="checkbox"/> Non-profit <input type="checkbox"/> For-profit
Name:	
Mailing Address:	
Contact Name:	
Contact Phone Number (cellular, if applicable):	
Copy of a state-issued picture ID or driver's license attached for all individuals: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If not, please explain:	

Individual Applicant Information #1	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:	State of Issue:	
Vehicle Make:	Model:	Color:
Vehicle License Plate #:	State of Issue:	

By signing this form, I agree to a warrant, criminal history, and records check.

Applicant Signature:	Date:
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Individual Applicant Information #2	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Individual Applicant Information #3	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Individual Applicant Information #4	Date of Birth:	
Name:		
First	Middle	Last
Mailing Address:		
Driver's License #:		State of Issue:
Vehicle Make:	Model:	Color:
Vehicle License Plate #:		State of Issue:
<i>By signing this form, I agree to a warrant, criminal history, and records check.</i>		
Applicant Signature:		Date:

Please request a form for additional applicants, if necessary.

Office Use - Dept. Review		Officer Name	Date Approved
Initial background check	<input type="checkbox"/> Pass <input type="checkbox"/> Fail		
Renewal record check	<input type="checkbox"/> Pass <input type="checkbox"/> Fail		
Office Use - Fees	Amount Received	Method of Payment	Date Received
License fee - \$30.00 per applicant	\$ _____	<input type="checkbox"/> Check <input type="checkbox"/> Cash	

