

## Application Information & Requirements for Peddlers/Solicitors & Transient Merchants



### City of Eden Prairie

Police Department • Licensing

8080 Mitchell Road • Eden Prairie MN 55344

Phone: (952) 949-6200 TDD: (952) 949-8399

#### Information:

- Application must be **complete** and **legible**. (Indicate not applicable on application if appropriate.)
- Make an appointment to present application in person.
- Allow a minimum of three working days for application to be processed.
- No peddling or soliciting until permit has been issued. Peddling or soliciting prior to issuance of a permit is a violation of the City Ordinance and is cause for denial of permit.
- Permit expires December 31<sup>st</sup> regardless of the date issued. (Or earlier if so designated.)
- Peddling or soliciting in City parks is prohibited.
- Failure to provide true and complete information shall constitute a violation of the ordinance in question; and in addition to the penalties prescribed for violation of the ordinance in question, the license of any applicant may be revoked by reason of material falsification or omission of information for said application.

#### Requirements:

- \$35.00 registration fee (Interstate exempted) *Note: When you pay by check, the City of Eden Prairie will present the check for payment to your bank electronically. Your original check will be destroyed once processed and you will not receive your cancelled check back.*
- Credentials establishing relationship to employer/supplier. (If representing self, credentials not necessary.)
- Provide a copy of all literature about product or service that will be distributed to residents.
- Supply two recent color photos (head & shoulders) of self that are pre-cut to 2" x 2". *Passport style photos obtained from Proex, Wal-Mart, Walgreens, Kinkos, etc. work great.*
- Supply a government issued legitimate ID to be photo copied at time application is turned in.

#### Acceptable ID's:

- State issued driver's license with photograph.
- Non-qualification card with photograph.
- Armed Forces (active duty or reserve) identification.
- Passport
- Alien ID

#### Not acceptable:

- Any of the above if expired.
- Any of the above if physical evidence of tampering or copying exists.
- Photocopy of any of the above.
- Credit card or check cashing ID.

# Application for Peddlers/Solicitors & Transient Merchant Permit



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- I am a peddler.  
 I am a solicitor. (Will merchandise be delivered from a point outside of Minnesota?  Yes  No )  
 I am a transient merchant. (Contact the Zoning Administrator for application and approval first.)

Full Legal Name: \_\_\_\_\_

Last First Middle (Full middle name)

Male \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair Color \_\_\_\_\_

Female \_\_\_\_\_ Age \_\_\_\_\_ Race \_\_\_\_\_ Date of Birth \_\_\_\_\_

### Permanent Home Address (Must be the same as that listed on driver's license)

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: (\_\_\_\_) \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

### Local Address

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Local Phone Number: (\_\_\_\_) \_\_\_\_\_

A brief description of the nature of the business and the products to be sold: \_\_\_\_\_

Supply the following information about employer, principal, or supplier of applicant if other than self :

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

Attach flyer, pamphlet, information, or other regarding products to be sold.  Attached

Date(s) of selling or soliciting: \_\_\_\_\_ Hours of selling or soliciting: \_\_\_\_\_

Where are the products at the time the application is turned in? \_\_\_\_\_

Where is the source of supply of the products to be sold? \_\_\_\_\_

Proposed method of delivery: \_\_\_\_\_

**Description of vehicle used in business**

Make/Model \_\_\_\_\_ License Plate Number \_\_\_\_\_

Year \_\_\_\_\_ State \_\_\_\_\_ Color \_\_\_\_\_

Have you ever been convicted of a crime, misdemeanor, or violation of any municipal ordinance, other than a traffic violation? \_\_\_\_\_  
If yes, answer the following:

Location of arrest (City, County, State): \_\_\_\_\_

Charge Information (Offense charged with): \_\_\_\_\_

Conviction Information (Offense convicted of): \_\_\_\_\_

Sentencing (Fine, probation, parole, etc.): \_\_\_\_\_

Current status in regards to parole, probation, etc.: \_\_\_\_\_

List the three municipalities where you have carried on this business immediately preceding the date of this application and include the address(es) from which business was conducted in those municipalities.

1) \_\_\_\_\_

3) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I authorize investigation of all statements contained in this application. I understand that the misrepresentation or the omission of facts called for shall be just cause of the denial of the requested permit. I also understand that peddling or soliciting in this City shall not be carried on until a permit has been issued and is in my possession.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

# Eden Prairie City Code

## Section Title: Peddlers

### Section: 5.37



**Subd. 1. Purpose.** This Section is not intended to interfere with the legitimate business activities of peddlers as the same are defined herein, whether same be local or interstate. These provisions are intended only to, as nearly as possible, ferret out all illegitimate or confidence operators and to regulate and control all those who, in person, would use their unique presence on property within the City of Eden Prairie, or their unique proximity to its residents, for purposes of harassment, nuisance, theft, or other unlawful activities.

**Subd. 2. Definitions.** When used in this Section, the following terms have the following meanings:

- A. "Peddler" means any person, whether a resident of the City of Eden Prairie or not, 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 where payment is received immediately for future delivery to purchasers. It does not include vendors of milk, bakery products or groceries who distribute their products to regular customers on established routes.
- B. "Peddling" means the act of being a peddler.
- C. "Solicitor" means any person, whether a resident of the City of Eden Prairie or not, who goes from house to house, from place to place, or from street to street with the intention of taking immediate orders for services or goods for future delivery and payment. All solicitors dealing with merchandise of any kind to be delivered to customers directly from points outside the State of Minnesota shall be exempt from payment of the license fee.
- D. "Transient merchant" includes any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of Eden Prairie or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided however that such definition does not include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only nor shall such definition apply to any person, firm or corporation who sells such goods, wares, or merchandise from within the confines of a lawfully established and operating permanent retail sales operation.

**Subd. 3. Permit Required.** It is unlawful for any peddler, solicitor or transient merchant to engage in any such business within the City of Eden Prairie without first obtaining a permit therefor in compliance with the provisions of this ordinance.

**Subd. 4. Exemptions.** The terms of this Section do not include the acts of persons selling personal property at wholesale to dealers in such articles, not to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor to the sale of farm or garden products by the person producing the same at the location where such products are produced, which production shall be proven by the vendor, nor sales of admissions by local school students to a school function. Nothing contained in this Section 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. Nor shall Subd. 5 apply to solicitations by any organization for philanthropic, religious or educational causes if the following procedure has been accomplished: the requesting entity must file a sworn application in writing on a form to be furnished by the City Clerk which shall give the following information:

- A. Name and purpose of the cause for which exemption is sought.
- B. Names and addresses of the officers and director of the organization.
- C. Period during which solicitation is to be carried on.
- D. Whether or not any commission, fee, wages, or emoluments are to be expended in connection with such solicitation and the amount thereof.

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- E. Certificate of non-profit status from the state where organized.

Upon being satisfied of the philanthropic, religious or educational cause of such organization, the City Clerk shall issue a permit without charge to such organization, association or corporation to solicit in the City. Such organization shall furnish all of its members, agents, or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

**Subd. 5. Application.** Applicants for a permit under this Section shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk. The application shall give the following information:

- A. Name (including last, first and middle).
- B. Physical description of applicant.
- C. Date of birth.
- D. 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.
- E. A brief description of the nature of the business and the goods to be sold.
- F. The name and address of the employer, principal or supplier of the applicant, together with credentials therefrom establishing the exact relationship.
- G. The length of time for which the right to do business is desired.
- H. The source of supply of the goods or products proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- I. A recent photograph of the applicant, which pictures shall be taken by the City Clerk or the designee of the City Clerk.
- J. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor.
- K. The last municipalities, not to exceed three, where applicant carried on business immediately preceding the date of application, and the addresses from which such business was conducted in those municipalities.
- L. At the time of filing the application, a fee (of whatever amount is necessary to cover the expenses of investigation) shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein.

**Subd. 6. Investigation and Issuance.**

- A. Upon receipt of each application, it 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 including but not limited to a criminal history and wanted persons check with the Bureau of Criminal Apprehension for the protection of the public good and shall endorse the application in the manner prescribed in this Section within seventy-two (72) hours, not including holidays or weekends, beginning the day after it has been filed by the applicant with the City Clerk.
- B. If as a result of such investigation the applicant's business and moral character are found to be 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/her application is disapproved and that no permit will be issued. Any applicant's business and moral character may be found to be unsatisfactory for reasons including, but not solely limited to:

1. Fraud, misrepresentation or incorrect statement contained in the application for permit.

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2. Past fraud, misrepresentation or incorrect statement made in the course of carrying on business as a solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor.
  3. Past conviction of any crime or misdemeanor involving fraud, theft or moral turpitude.
  4. Conducting the business of a peddler, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may have been, 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.
- C. If as a result of such investigation, the business and moral character 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 the permit to the applicant. Such permit shall contain the signature of the City Clerk and shall show the name, address and photograph of said permittee, the class of permit issued and the kinds of goods to be sold thereunder, the date of issuance and the length of time that the same shall be operative, not beyond the current year in which issued 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. Each person issued a permit must carry it on his or her person while conducting or engaging in any activities regulated hereunder. No permit shall be used at any time by any person other than the one to whom it is issued. The City Clerk shall keep a permanent record of all permits issued.

#### **Subd. 7. Restrictions.**

- A. Loud Noises and Speaking Devices. No permittee, nor any person in his/her 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 or 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.
- B. Signs. Any resident of the City who wishes to exclude peddlers or solicitors from premises occupied by him/her may place upon or near the usual entrance to such premises a printed placard or sign bearing the notice: "Peddlers and Solicitors Prohibited". Such placard shall be at least 3-3/4 inches long and 3-3/4 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. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

#### **Subd. 8. Revocation of License.**

- A. Permits issued under the provisions of this Section may be revoked by the Council of the City 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 made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
  3. Any violation of this ordinance.
  4. Conviction of any crime or misdemeanor involving fraud, theft or moral turpitude.
  5. Conducting the business of a peddler, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in any 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 City 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 to his/her last known address at least five (5) 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 (3) days prior to the date set for hearing.

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**Subd. 9. Appeal.** Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit as provided in Subd. 6 of this Section may appeal to the Council. Such appeal shall be taken by filing with the Council within fourteen (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 hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Subd. 8 of this ordinance for notice of hearing on revocation. No individual may conduct any business regulated hereunder while an appeal is pending.

Source: Ordinance No. 45-92 Effective Date: 1-1-93