



City of Mora
101 Lake Street South
Mora, MN 55051-1588

Tel: 320.364.1173
Fax: 320.679.3862
E-mail: n.segelstrom@cityofmora.com

PEDDLER & TRANSIENT MERCHANT PERMIT APPLICATION

Organization

Name _____

Mailing Address _____

Telephone _____

E-Mail Address _____

Applicant

Name _____

Mailing Address _____

Telephone _____

E-Mail Address _____

I hereby request a permit for the following purposes (please be specific in describing your request):

Permit Fee(s): ☐ First Day \$75 ☐ Each Additional Day \$15 ☐ Annual \$225

Acknowledgements

The applicant hereby makes an application for a permit. The applicant agrees to abide by all pertinent regulations governing the permit applied for, including city ordinances, as well as county, state, or federal laws as well as the conditions of the permit. The applicant further agrees to indemnify and hold harmless the city, its agents, officers, and employees from any and all claims, causes of action, liabilities, losses, damages, costs, and expenses, and agrees to defend any action brought against the city on any related matter, and to pay all costs and expenses incurred in connection therewith. The city shall in no way be liable for any claims or charges incurred by the licensee.

Signature of Applicant _____

Date _____

PERMIT

A permit is hereby granted to the above-named applicant upon receipt of a fee of \$_____ for the purpose stated above for a term to run from _____ to _____.

Special Conditions: _____

Signed _____ Date _____



CITY OF MORA

Transient Merchant, Peddler, or Solicitor Registration

Full Legal Name:	<input type="text"/>
All other names under which you conduct business or to which you officially answer:	
<input type="text"/>	
Physical description (hair color, eye color, height, weight, distinguishing marks, and features, etc.):	
<input type="text"/>	
Full address of permanent residence:	
<input type="text"/>	
Telephone number of permanent residence:	<input type="text"/>

Full legal name of any and all business operations owned, managed or operated by you, or for which you are an employee or agent:
<input type="text"/>
Full address of your regular place of business (if any):
<input type="text"/>
Any and all business-related telephone numbers:
<input type="text"/>

Type of business for which you are applying for a license:
<input type="text"/>
Are you applying for an annual or daily license? <input type="checkbox"/> ANNUAL <input type="checkbox"/> DAILY
Dates intended to conduct business. If applying for a daily license, the number of days you will be conducting business in the city (maximum fourteen (14) consecutive days):
<input type="text"/>
Any and all addresses and telephone numbers where you can be reached while conducting business within the city, including the location where a transient merchant intends to setup business:
<input type="text"/>

<p>Have you been convicted within the last five (5) years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, please explain:</p> <div style="height: 40px; border: 1px solid black; margin-top: 5px;"></div>
<p>List three (3) most recent locations where you have conducted business as a peddler or transient merchant:</p> <p>1) _____</p> <p>2) _____</p> <p>3) _____</p>
<p>Proof of any requested county license to be provided.</p>
<p>Have you received written permission from the property owner or the property owner's agent for any property to be used by a transient merchant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>General description of items to be sold or services to be provided:</p> <div style="height: 100px; border: 1px solid black; margin-top: 5px;"></div>
<p>Driver's license number or other acceptable form of identification. <i>(Present at time of submitting application.)</i></p>
<p>License plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle:</p> <div style="height: 100px; border: 1px solid black; margin-top: 5px;"></div>

Applicant Signature

Date _____

REQUIRED SUPPORTING DOCUMENTATION SUBMITTED AS APPLICABLE:

- ☐ Written Permission for Parking on Property
☐ General Map of Activity/Location
☐ Photocopy of MN Department of Health License as Applicable

PERMIT APPLICATION: ☐ **APPROVED** ☐ **DENIED**

By:		Date:	
Background Check:		Payment Received:	Type:
Comment/Reason: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>			



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DATA PRACTICES RIGHTS ADVISORY

To License Applicant:

As an applicant for a business license from the City of Mora, you are being asked to provide information about yourself which will be used in evaluating your application for said license. The purpose of this request for information is to obtain information about you to permit the city to thoroughly review, consider, and act upon your application.

Attached are several documents which require your signature and/or personal information about you. **You are not legally required to supply any of the data requested or to sign any of the release and authorization forms.** However, should you not provide that information, the city may be unable to fully and adequately evaluate your application for said license.

The data which you are being asked to provide is defined to be personal data under the Minnesota Data Practices Act. Some personal data is classified as public data, and the remaining information is classified as private data.

Public data is data which is available to any person upon request.

Private data is data which you would be entitled to have access to. A third party is entitled to such data only with your consent, pursuant to court order or statutory provision. The authorizations for information which you sign and the data you provide may be conveyed to third parties. To the extent they reveal private information, they will be disclosed only to the extent that is necessary to do so to complete this employment investigation.

I HAVE READ AND UNDERSTAND THE ABOVE	
SIGNATURE	DATE

MUST BE SIGNED BEFORE A NOTARY	
NOTARY SEAL	Subscribed and sworn before me this _____ day of _____, _____
	Signature of Notary: _____
	Notary Public for: _____
	My Commission Expires: _____

CHAPTER 113: TRANSIENT MERCHANTS, PEDDLERS AND SOLICITORS

Section

- 113.01 Definitions
- 113.02 Exceptions to definitions
- 113.03 Licensing; exemptions
- 113.04 License ineligibility
- 113.05 License suspension and revocation
- 113.06 License transferability
- 113.07 Registration
- 113.08 Prohibited activities
- 113.09 Exclusion by placard
- 113.10 Mobile food units

§ 113.01 DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. 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.”

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.

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.

SOLICITOR. 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 shall mean the same as the term “canvasser.”

TRANSIENT MERCHANT. 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 anyone (1) location for more than fourteen (14) consecutive days.

§ 113.02 EXCEPTIONS TO DEFINITIONS.

(A) For the purpose of the requirements of this chapter, 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 items 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.

(B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, 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. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(C) Nothing in this chapter shall be interpreted to prohibit or restrict door-to-door advocacy. Persons engaging in door-to-door advocacy shall not be required to register as solicitors under § 113.07. The term **DOOR-TO-DOOR ADVOCACY** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political, and other ideas.

§ 113.03 LICENSING; EXEMPTIONS.

(A) *County license required.* No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as required by M.S. Ch. 329 as it may be amended from time to time, if the county issues a license for the activity.

(B) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed but are still required to register pursuant to § 113.07.

(C) *Application.* Application for a city license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) Applicant's full legal name.
- (2) All other names under which the applicant conducts business or to which applicant officially answers.
- (3) A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like).
- (4) Full address of applicant's permanent residence.
- (5) Telephone number of applicant's permanent residence.
- (6) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent.
- (7) Full address of applicant's regular place of business (if any).
- (8) Any and all business-related telephone numbers of the applicant.
- (9) The type of business for which the applicant is applying for a license.
- (10) Whether the applicant is applying for an annual or daily license.
- (11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum fourteen (14) consecutive days).
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
- (13) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
- (14) A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
- (15) Proof of any requested county license.
- (16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
- (17) A general description of the items to be sold or services to be provided.
- (18) All additional information deemed necessary by the City Council.
- (19) The applicant's driver's license number or other acceptable form of identification.
- (20) The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

(D) *Fee.* All applications for a license under this chapter shall be accompanied by the fee in an amount set by the City Council from time to time.

(E) *Procedure.* Upon receipt of the completed application and payment of the license fee, the City Clerk, within two (2) regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required necessary information that is missing. If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application the City Clerk must issue the license unless there exist grounds for denying the license under § 113.04, in which case the Clerk must deny the license. If the City Clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within twenty (20) days of the date of the request. The decision of the City Council

following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) *Duration.* An annual license granted under this chapter shall be valid for one (1) calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

(G) *License exemptions.*

(1) No 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 the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.

(2) Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.

Penalty, see § 10.99

§ 113.04 LICENSE INELIGIBILITY.

The following shall be grounds for denying a license under this chapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required county license.

(B) 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, or the failure to pay the required fee at the time of application.

(C) The conviction of the applicant within the past five (5) years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those 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.

(D) The revocation within the past five (5) years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(E) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three (3) complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed against the applicant within the preceding five (5) years.

§ 113.05 LICENSE SUSPENSION AND REVOCATION.

(A) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for 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 licensed activity.

(3) Conviction of any offense for which granting of a license could have been denied under §113.04.

(4) Violation of any provision of this chapter.

(B) *Multiple persons under one (1) license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) *Notice.* Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations 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.

(D) *Public hearing.* Upon receiving the notice provided in division (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk within ten (10) 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 twenty (20) days from the date of the request. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) *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 peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (C) of this section.

(F) *Appeals.* Any person whose license is suspended or revoked under this section shall have the right to appeal that

decision in court.

Penalty, see § 10.99

§ 113.06 LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

Penalty, see § 10.99

§ 113.07 REGISTRATION.

All solicitors, and any person exempt from the licensing requirements of this chapter under §113.03, shall be required to register with the city. Persons engaging in door-to-door advocacy shall not be required to register. The term **DOOR-TO-DOOR ADVOCACY** includes door-to-door canvassing and pamphleteering as vehicles for the dissemination of religious, political, and other ideas. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the City Clerk shall issue to the registrant a Certificate of Registration as proof of the registration. Certificates of Registration shall be non-transferable.

Penalty, see § 10.99

§ 113.08 PROHIBITED ACTIVITIES.

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

(A) 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.

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

(C) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

(D) Conducting business before 7:00 a.m. or after 9:00 p.m.

(E) Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.

(F) 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 solely based on the city having issued a license or certificate of registration to that person.

(G) 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.

Penalty, see § 10.99

§ 113.09 EXCLUSION BY PLACARD.

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four (4) inches long and four (4) inches wide with print of at least forty-eight (48) point in size stating "No Peddlers, Solicitors or Transient Merchants," or "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

Penalty, see § 10.99

§ 113.10 MOBILE FOOD UNITS.

(A) *State license.* Mobile food units shall hold a valid license from the State of Minnesota Department of Health or Department of Agriculture. Any conditions of the State Health Department shall be incorporated into the license issued under this section, in addition to any other conditions by the city.

(B) *Insurance.*

(1) A certificate of insurance that has been issued to the applicant by an insurance company authorized to do business in the State of Minnesota verifying the applicant is insured against claims arising out of all operations of such applicant under this chapter for the sum of at least one million dollars (\$1,000,000.00) against liability for bodily injuries and for at least one million dollars (\$1,000,000.00) against liability for damage or destruction of property. The city shall be endorsed as an additional insured on the certificate of insurance on public property including right-of-way.

(2) Certificate of insurance must contain a provision requiring at least thirty (30) days' advanced written notice to the city, or ten (10) days' written notice for non-payment of premium notification be sent to the city should the policy be

cancelled before its stated expiration date.

(B) *Hold harmless.* A mobile food unit operating on city property, including public right-of-way, must submit a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall defend and indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

(D) *Duration of sales.* A license shall be valid for one (1) year, but the mobile food unit cannot operate in, or in front of, the same location for more than twenty-one (21) days each year within the city.

(E) *Overnight storage.* No overnight storage of a mobile food unit shall be permitted on city property, including public right-of-way, unless approved by City Council.

(F) *Signs.* No signage shall violate the provisions of this Code relating to the size and number of business signs.

(G) *Noise.* No shouting, blowing a horn, ringing a bell, or use of any sound devices upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city. Ice cream trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.

(H) *Parking.* Mobile food units must be located on a paved surface. A mobile food unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons or advancement of vehicles. A mobile food unit may operate on eligible public streets and occupy no more than two (2) parking spaces. No parking or sales shall take place within sixty (60) feet of an intersection of two (2) or more streets or within thirty (30) feet of a driveway that enters a public street.

(I) *Hours.* Hours of operation shall be allowed from 8:00 a.m. to midnight, except in a residential district in which sales shall be allowed from 8:00 a.m. to 10:00 p.m.

(J) *Waste disposal.* Mobile food units shall provide waste disposal and clean up all litter and garbage generated by the mobile food unit before moving from the location.

(K) *Self-containment.* Mobile food units shall not connect to public utilities. Any generators must be self-contained.

(L) *Inspections.* Mobile food units shall comply with all applicable fire codes and may be inspected by a city fire official prior to operation.

(M) *Locations.*

(1) Mobile food units shall be allowed in public right-of-way only in zoning districts where retail sales are allowed as permitted uses under the city's zoning code. Except that mobile food units may be located on privately owned property in the commercial and industrial zoning districts of the city with written property owner permission and residential lots as exempted per division (R)(5) below.

(2) In the B-I district only one (1) mobile food unit shall be permitted on public property located at the designated, signed parking area along Railroad Avenue. In addition to Railroad Avenue, two (2) mobile food units shall be permitted on public property located at PID 22.03435.00.

(3) Reservations are not permitted when there is a special event held at these locations unless authorized by the City Council. City Council may further authorize mobile food units in the B-I district for city-sanctioned activities. Applications for the B-I district will only be accepted up to three (3) months in advance and are on a first come first served basis with fee payment and a completed application.

(N) *City parks.* Mobile food units are not allowed in city parks unless they obtain written permission of the City Administrator.

(O) *Seating.* Mobile food units may not provide external seating unless located in an industrial zoning district.

(P) *Ice cream trucks.* Ice cream trucks are allowed to operate within the public right-of-way in residential districts.

(Q) *Prohibitions.* Mobile food units are prohibited from vending activities within five hundred (500) feet of an event for which the city has issued a special event permit unless they are specifically authorized by the event organizer to participate in the event.

(R) *Exemptions.* The following business activities shall be exempt from the requirements of this section. The City Administrator shall determine if a business activity falls within these exemptions, subject to appeal to the City Council.

(1) Garage sales, public auctions, rummage sales, and craft sales.

(2) Establishing a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods, milk, and groceries.

(3) Selling goods or admissions to events by K-12 students where the proceeds of such sales benefit a program or activity in which the student is involved.

(4) Mobile food units listed as part of a special event permit issued by the city. The terms of the special event permit shall apply. City-sanctioned events are exempt.

(5) Mobile food units contracted by residential property owners for private parties where food is not sold to guests or any other members of the public. This exclusion does not include institutional uses defined in the city zoning code, § 150.503(B), in the residential zoning district where mobile food units are contracted to provide food for a public event.

(6) Mobile food units as part of a school sanctioned event on school property.

(7) Mobile food units located on Kanabec County Fairgrounds property.

(Ord. 459, passed 5-21-2019)