

ORDINANCE No. 150 3rd SERIES

AN ORDINANCE OF THE CITY OF WADENA, MINNESOTA AMENDING THE WADENA CITY CODE, CHAPTER 6, ENTITLED "BUSINESS REGULATIONS AND LICENSING" "BY REPEALING SECTION 6.20, SUBDIVISION 9A AND 9A-1 ENTITLED "FEES" AND REPLACING WITH A NEW SUBDIVISION 9A AND 9A-1 ENTITLED "FEES"

THE CITY COUNCIL OF THE CITY OF WADENA ORDAINS:

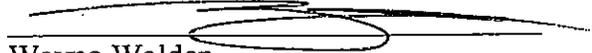
That Chapter 6, Subdivision 9A and 9A-1 of the Wadena City Ordinances captioned "Fees" is amended to read as follows:

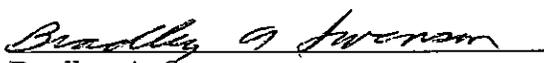
(A) Transient Merchant, Hawker, Peddler or solicitation license fee to include the first (3) three operation days is \$50.00.

(1) In addition to the transient merchant, hawker, peddler or solicitor license fee a per diem of \$10.00 per day shall be charged after the initial (3) three operating days.

Adopted by the City Council of the City of Wadena this 13th day of January, 2004.

ATTESTATION


Wayne Wolden
Mayor


Bradley A. Swenson
City Administrator

Published in the Wadena Pioneer Journal on January 22, 2004. (Proof of Publication Attached)

ORDINANCE NO. 102, 3rd Series

AN ORDINANCE OF THE CITY OF WADENA, MINNESOTA, AMENDING THE WADENA CITY CODE SECTION 6.20 ENTITLED "HAWKERS, PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS" BY REPEALING SUBDIVISION 9A & 9B ENTITLED "FEES" AND REPLACING WITH A NEW SUBDIVISION 9A ENTITLED "FEES" AND ALSO BY REPEALING SUBDIVISION 10B ENTITLED "EXCLUSIONS" AND REPLACING WITH A NEW SUBDIVISION 10B ENTITLED "EXCLUSIONS".

THE CITY COUNCIL OF THE CITY OF WADENA; ORDAINS

That Section 6.20, Subdivision 9A & 9B of the Wadena City Ordinances captioned "Fees" is amended to read as follows:

(A) Transient merchant, hawker, peddler or solicitation license fee to include the first (5) five operating days is \$200.00.

(1) In addition to the transient merchant, hawker, peddler, or solicitor license fee a per diem of \$25.00 per day shall be charged after the initial first (5) five operating days.

That Section 6.20, Subdivision 10B, of the Wadena City Ordinance captioned "Exclusion" is amended to read as follows:

(B) For the conduct of "Garage Sales" or "Rummage Sales" when conducted in or by a non-profit institution, or when conducted upon the premises of the owner of the articles being offered for sale, provides that such sales do not last longer than 72 hours in any one month period of time, and provided further, that such sales are adequately advertised by notices in a paper of local distribution or by placing of signs announcing the sale upon the premises.

Adopted by the City Council of the City of Wadena this _____ day of _____ 1994.

ATTESTATION:

Mayor

City Administrator

Published in the Wadena Pioneer Journal on _____
1994. (Proof publication attached).

ORDINANCE NO. 95, 3rd SERIES

AN ORDINANCE OF THE CITY OF WADENA, MINNESOTA, AMENDING WADENA CITY CODE CHAPTER 6 ENTITLED BUSINESS REGULATIONS AND LICENSING " BY REPEALING THE CURRENT SECTION 6.20 SOLICITORS AND REPLACING WITH A NEW SECTION 6.20 ENTITLED HAWKERS, PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS."

THE CITY COUNCIL OF THE CITY OF WADENA, MINNESOTA; ORDAINS

SECTION 1. WADENA CITY CODE, CHAPTER 6, IS THEREBY AMENDED BY REPEALING SECTION 6.20 ENTITLED SOLICITORS IN ITS ENTIRETY.

SECTION 2. WADENA CITY CODE, CHAPTER 6, IS HEREBY AMENDED BY REPLACING A SECTION TO READ

SECTION 6.20 HAWKERS, PEDDLERS, TRANSIENT MERCHANTS, SOLICITORS

Subdivision 1 DEFINITIONS.

For the purpose of Subdivision 2 to 4, the following terms shall have the meanings given them:

(A) "Transient Merchant" means any person, individual corporation, co-partnership and corporation, both principal and agent, who engages in, do, or transact any temporary and transient business in this city either in one locality or in traveling from place to place, selling goods wares and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy or use a building, structure, vacant lot or railroad car for the exhibition and sale of such goods, wares and merchandise.

(B) "Hawker and Peddler" means any person selling any goods or products from a vehicle pack, going about from place to place carrying said goods for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be non-edible, such a person is a peddler.

(C) "Solicitor" means any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor.

(D) "Locally Grown" means vegetables, butter, eggs, or other farm or garden products grown within a fifty (50) mile radius of the City of Wadena.

Subdivision 2 License Required.

No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in the city without having obtained a city license from the city council to do so.

Subdivision 3 Application For License

In addition to the information required by Subdivision 2 each applicant will provide the following:

- (A) The name and address of the applicant and of all persons associated with him in his business.
- (B) The type of business for which the license is desired.
- (C) The place where the business is to be conducted or carried out.
- (D) The name and address of the applicants employer or employers for the last two years prior to the date of the application.
- (E) The length of time during which the applicant intends to do business within the city and the dates on which the sale or business will be conducted.
- (F) An itemized description of the goods or merchandise to be offered for sale.
- (G) A description of the nature and content of any advertising to be done to promote the sale of goods or merchandise.
- (H) If the sale is to be conducted by a person or persons other than the applicant, credentials from the applicant shall be furnished authorizing such person or persons to act as the representative of the applicant.
- (I) The applicant's Minnesota sales tax permit number.

Subdivision 4 Bond Required.

No transient merchant, hawker or peddler license shall be issued unless and until the applicant shall have filed with the city a corporate surety bond in the penal sum of \$2,000.00, or such greater amount as may be determined by the council, with sufficient sureties and in favor of the city, but for the benefit of any residents who may sustain individual loss by means of fraud, artifice, trick or other means of theft practiced by the licensee on such resident. Provided, however that a certificate evidencing such bond coverage and the availability of the penalty for the uses and purposes herein expressed, shall be sufficient to satisfy this Section without a separate bond, in order that the applicant might be spared the necessity for duplicate bonding.

Subdivision 5 Duration of License.

Each license shall be valid for the period specified therein and no license will extend for a period longer than one year.

Subdivision 6 License Not Transferable.

Licenses issued under this section shall be non-transferable.

Subdivision 7 License To Be Carried.

All licenses issued under this Section shall be carried by the licensee or conspicuously posted in his place of business and such licensee shall whenever requested show said license to any officer or citizen who demands to see the same.

Subdivision 8 Person in Charge of Premises.

The owner or person in charge of any premises within the City of Wadena who enters into an agreement with a transient merchant as defined herein to operate or temporarily conduct a transient merchant business on such premises shall be responsible for the conduct of such business upon his premises, including the application for and obtaining of a license for such transient merchant business as provided in this Section.

Subdivision 9 Fees.

(A) Transient merchant, hawker or peddler license fee - \$200.00

(1) In addition to the transient merchant, hawker or peddler license fee a per diem of ~~\$40.00~~ per day shall be charged.

(B) Solicitation license fee - \$25.00

Subdivision 10 Exclusions.

No applicant shall be required to apply for a license in the following cases:

(A) For the conduct of business by appointment.

(B) For the conduct of "garage sales" or "rummage sales" when conducted in or by a non-profit institution, or when conducted upon the premises of the owner of the articles being offered for sale, provided that such sales do not last longer than 72 hours, and provided further, that such sales are adequately advertised by notice in a paper of local distribution or by the placing of signs announcing the sale upon the premises.

(C) For the conduct of "church bazaars" or other such "sales" "fairs" when such events are conducted by non-profit institution, provided such events do not last longer than 72 hours.

(D) To any regularly scheduled community event such as, but not limited to the following: Wadena "Crazy" days, Chamber of Commerce sponsored events, weekly flea markets, June Jubilee, Christmas Festival, and events of similar nature.

(E) To any sale under Court Order.

(F) To any bona fide auction sale of a city resident.

(G) To any sale at wholesale to retail dealers only.

(H) Persons making an initial uninvited call upon the householders of the city as preliminary to the subsequent establishment of a regular service on a minimum monthly service for the sale and delivery to customers.

(I) Charitable organizations and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes or specifically exempted from registration under the provisions thereof, including but not limited to schools, scouts, organized youth athletic leagues, social, fraternal, educational or related organizations and their representatives.

(J) Farmers or truck gardeners who offer for sale or sell, vegetables, butter, eggs or other farm or garden products which are locally grown provided the sale of such items are restricted to the areas designated by the city council. Provided that every such farmer or truck gardener shall upon request of the City Administrator/Clerk present satisfactory proof by means of sworn statements or otherwise, that such farmer or truck gardener is entitled to such license, exemption, provided further that whoever shall execute a false sworn statement or make any false representations which shall induce the city to grant such exemption, shall upon conviction thereof, be deemed to be guilty of a misdemeanor.

Subdivision 11 Prohibited Solicitation Practices.

It is unlawful for any transient merchant, hawker, peddler or solicitor to:

(A) Engage in solicitation for any unlawful business or organizational purpose or activity.

(B) Practice harassment, nuisance, theft, deceit or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

(C) Solicit to residential premises displaying at such entrance a sign with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited".

(D) Refuse to leave premises when requested by owner, lessee or person in charge thereof.

(E) Call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell or by any loud or unusual noise.

(F) Displaying merchandise, parking vehicles or placing temporary structure in such place or position as to prohibit or interfere with the movement of traffic or restrict the view of traffic on any city sidewalk, street or highway.

(G) Displaying or selling merchandise on any right-of-way or public property.

(H) Soliciting to residential premises other than the hours between 8:00 a.m. thru 8:00 p.m.

Subdivision 12 Revocation.

A license issued pursuant to this Chapter may be revoked by the City Council after notice and hearing for any of the following reasons:

(A) Any fraud, misrepresentation or false statement contained in the application.

(B) Any fraud, misrepresentation or false statement made in connection with the selling of the goods and merchandise offered for sale.

(C) Any violation of any provisions of this ordinance.

(D) The conduct of business by the applicant in an unlawful manner or in a manner which constitutes a breach of peace, nuisance or menace to the health, safety or general welfare of the public.

Subdivision 13 Penalties.

Any person, firm, partnership, corporation or applicant who violates any provisions of this ordinance is guilty of a misdemeanor and upon conviction shall be punished in accordance with the state law.

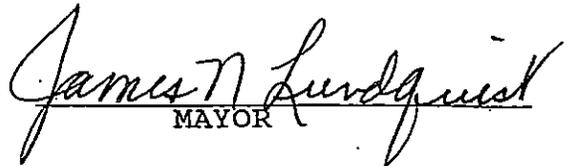
Subdivision 14 Investigation, Approval or Disapproval.

A. All applications for licensing or registration shall be immediately referred to the Chief of Police, and by him or other person acting in his stead, investigated as to the truth thereof. The Chief of Police shall have twenty-four (24) hours within which to investigate and make a recommendation thereon.

B. If he finds no past history of the applicant indicating violations similar to those declared unlawful in this Section he shall recommend issuing a license or approving registration, as the case may be, and the City Administrator shall forthwith advise the applicant. The Administrator shall issue a license, upon payment of the fee therefor, to the approved applicant for business solicitation.

C. If the Chief of Police finds a past history of the applicant indicated violations similar to those declared unlawful in this Section, he shall recommend denial of the license or registration. In all matters of recommended denial the applicant shall be forthwith advised thereof, and the application shall be referred to the Council and considered by it at its next regular or special meeting occurring more than 10 days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Adopted by the City Council this 22nd day of April, 1992


MAYOR

ATTEST

Bradley A. Swenson CITY ADMINISTRATOR

(Published in the Wadena Pioneer Journal on _____, 19____.)

(Proof of Publication Attached.)