



## CITY OF MENDOTA HEIGHTS

1101 Victoria Curve, Mendota Heights, MN 55118

651-452-1850 ● [www.mendotaheightsmn.gov](http://www.mendotaheightsmn.gov)

### **Solicitor Registration Application**

**Product:** Future Delivery    **Fee:** N/A – Registration Only

Description of items or service for sale: \_\_\_\_\_

Sales Dates: \_\_\_\_\_

### **Solicitor Information**

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

First

Middle

Last

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ State Issued ID No.: \_\_\_\_\_

Vehicle Year: \_\_\_\_\_ Make \_\_\_\_\_ Model: \_\_\_\_\_

Prior Addresses (past 5 years): \_\_\_\_\_

Convictions (past 5 years): \_\_\_\_\_

### **BUSINESS**

☐ Check if Tax-Exempt Non-Profit Organization – include a copy of tax-exempt letter

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Website: \_\_\_\_\_ Email: \_\_\_\_\_

**REQUIRED:**    **Minnesota Tax ID** \_\_\_\_\_    **Federal Tax ID** \_\_\_\_\_

Recent cities the business has sales experience: \_\_\_\_\_

### **Notice**

Mendota Heights is collecting information from you to evaluate eligibility for licensure. The information you provide may be used to contact other agencies to identify violations of federal, state and local laws and ordinances. You are not legally required to complete this application; however, if you fail to do so, the city will be unable to process this application or issue a license. The information you provide is accessible to government entity users whose work assignments reasonably require access or are authorized by law or court order. We share your taxpayer identification with the Minnesota Department of Revenue. I agree to notify the city of any change. I will comply with all laws and regulations. I understand the privacy notice, certify that the information on my application is true and complete. If I am a Peddler and Transient Merchant applicant, I consent to a background investigation.

**Hours allowed to conduct business: 9:00 am to one half hour before sunset - City Code Chapter 3**

⇒ Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

To be completed by City: Application Complete Date: \_\_\_\_\_ Sent to PD (Y/N) \_\_\_\_\_

License Issue Date: \_\_\_\_\_ Issued by: \_\_\_\_\_

## CHAPTER 3

### PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

#### SECTION:

#### 3-3-1: Purpose

#### 3-3-2: Definitions

#### 3-3-3: Exceptions To Definitions

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#### 3-3-16: Penalty

#### 3-3-17: Mobile Food Trucks

#### 3-3-1: PURPOSE:

To protect the public's health, safety and welfare, the city deems it necessary to regulate door-to-door or street solicitation through a licensing or registration process. (Ord. 569, 7-6-2021)

#### 3-3-2: DEFINITIONS:

For the purposes of this chapter the terms defined in this section have the meanings ascribed to them:

MOBILE FOOD TRUCK:	A motorized vehicle or trailer that is designed and operated for the purpose of preparing and/or selling food and nonalcoholic beverages to the general public.
PEDDLER:	Any person who goes door to door to residences, or business to business, for the purpose of selling or attempting to sell, and delivering immediately upon the sale, the goods or merchandise that the person is carrying.
PROFESSIONAL FUNDRAISER:	Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services for a religious, political, social, non-profit, or other charitable organization.
REGULAR BUSINESS DAY:	Any day during which the city hall is normally open for public business. Holidays defined by state law shall not be considered regular business



	days.
SOLICITOR:	Any person who goes door to door to residences, or business to business, for the purpose of obtaining or attempting to obtain orders for goods or merchandise including books, periodicals, magazines or personal property of any nature whatsoever for future delivery.
TRANSIENT MERCHANT:	Any person, firm or corporation who engages temporarily in the business of selling and delivering goods or merchandise, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, or trailer. (Ord. 475, 4-7-2015; amd. Ord. 569, 7-6-2021)

### **3-3-3: EXCEPTIONS TO DEFINITIONS:**

For the purposes of this chapter, the terms peddler, solicitor, and transient merchant shall not apply to:

- A. Non-commercial soliciting, including door to door canvassing and pamphleting intended for noncommercial purposes.
- B. Canvassing, soliciting, or fund raising for the purpose of a charitable organization if the organization is registered with the Minnesota attorney general.
- C. Fundraising for a school, religious, or service organization.
- D. Newspaper/magazine carriers.
- E. Merchants delivering goods in the regular course of business when the delivery occurs at the customer's home or place of business.
- F. Persons who sell products of the farm or garden occupied, grown or cultivated by such person.
- G. Persons who conduct garage sales, rummage sales, estate sales, or flea markets.
- H. Auctions conducted by a licensed auctioneer or an officer of the court conducting a court-ordered sale.
- I. Persons who are exercising their state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like.
- J. Any utility provider who has a franchise agreement with the City of Mendota Heights attempting to increase their customer base.

(Ord. 475, 4-7-2015)

### **3-3-4: LICENSE REQUIRED FOR PEDDLERS AND TRANSIENT MERCHANTS AND LICENSE FEE:**

No peddler or transient merchant shall sell or offer for sale any goods or merchandise within the City without first obtaining a city license. Each peddler or transient merchant shall secure a separate license.

The City Council shall establish the license fee for peddlers or transient merchants in the fee schedule. No refunds shall be made on unused portions of licenses. (Ord. 569, 7-6-2021)

### **3-3-5: REGISTRATION REQUIRED FOR SOLICITORS AND PROFESSIONAL FUNDRAISERS:**

No solicitor shall take orders for any goods or merchandise within the City without first registering with the city. No professional fundraiser shall perform any solicitations or other services within the city without first registering with the city. No fee will be charged for solicitors and professional fundraisers registering with the city. (Ord. 569, 7-6-2021)

### **3-3-6: LICENSE AND REGISTRATION FORM:**

The application for a license shall be made to the City Clerk on a form supplied by the City at least fifteen (15) regular business days before the start of business.

Registration with the city shall be made to the City Clerk on a form supplied by the City.

The license application and registration form shall state:

- A. Applicant's name, former names, current address, date of birth, telephone number, and state issued identification number.
- B. The places of residence of the applicant for the previous five (5) years;
- C. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks)
- D. Full legal name of the business operation for which the applicant is peddling, soliciting, or selling for, and the permanent address and phone number of the business;
- E. The dates during which the applicant intends to conduct business;
- F. A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses;
- G. A list of the three (3) most recent municipalities, if any, where the applicant has conducted business;
- H. Proof of any required county license;
- I. For a transient merchant, the address where the business is to be located;
- J. Written permission from the property owner for the location to be used by a transient merchant;
- K. A general description of the items to be sold or services to be provided;
- L. Descriptions and license plate numbers of all vehicles to be used;
- M. Any additional information deemed necessary by the City Clerk;
- N. Signature of applicant. (Ord. 569, 7-6-2021)

**3-3-7: BACKGROUND INVESTIGATION:**

For peddlers and transient merchants, the applicant must authorize the Mendota Heights Police Department to investigate all facts set out in the application and conduct a personal background and criminal record check. The applicant shall further authorize the Police Department to release information received from such investigation to the City Clerk. Should the City deny the applicant's request for a license due, partially or solely, to the applicant's prior conviction of a crime, the City Clerk shall notify the applicant, in writing, of the following:

- A. The grounds and reasons for the denial;
- B. The applicable complaint and grievance procedure set forth in Minnesota Statute Section 364.06;
- C. That all competent evidence of rehabilitation will be considered upon reapplying.

When all of the requirements of this Chapter have been met, the Clerk shall issue a license. (Ord. 569, 7-6-2021)

**3-3-8: HOURS ALLOWED:**

Peddlers, solicitors, professional fundraisers, and transient merchants are allowed to conduct business between the hours of 9:00 am to one-half hour before sunset. (Ord. 569, 7-6-2021)

**3-3-9: CERTAIN SALES PROHIBITED:**

No peddler, solicitor, professional fundraiser, or transient merchant shall sell or solicit orders for goods or services which are otherwise illegal. (Ord. 569, 7-6-2021)

**3-3-10: DURATION OF LICENSE AND REGISTRATION:**

Each peddler license and solicitor or professional fundraiser registration shall be valid from the date of approval and expire on December 31 of the year issued.



Each transient merchant license shall be valid for one fourteen (14) consecutive day period, per year. (Ord. 569, 7-6-2021)

**3-3-11: LICENSE NOT TRANSFERABLE:**

All licenses shall be nontransferable. (Ord. 569, 7-6-2021)

**3-3-12: LICENSE TO BE CARRIED:**

Each peddler shall carry a city license. A license shall be conspicuously posted in a transient merchant's place of business. The license shall be exhibited to any officer or citizen upon request.

All peddlers, solicitors, professional fundraisers, and transient merchants shall wear a badge showing their name and company working for, if applicable. (Ord. 569, 7-6-2021)

**3-3-13: PRACTICES PROHIBITED:**

No peddler, solicitor, professional fundraiser, or transient merchant shall call attention to their business or to their merchandise by crying out, by blowing a horn, or ringing a bell, or by any loud or unusual noise. (Ord. 569, 7-6-2021)

**3-3-14: REVOCATION:**

Any license may be revoked by the Council for a violation of any provision of this Chapter if the licensee has been given a written notice and been informed of their right to a hearing. Notice of revocation will be delivered in person or by mail to the permanent residential address listed on the application. If no residential address is listed, the notice will be delivered to the business address provided on the application.

Upon receiving the notice of revocation, the licensee shall have the right to request a public hearing before the City Council. If no request for a hearing is received by the city clerk within ten (10) regular business days following the date on the notice, the city may proceed with the revocation. If a public hearing is requested, a hearing shall be scheduled within twenty (20) regular business days from the date of the request or the next regularly scheduled City Council meeting. Within three (3) regular business days after the hearing, the City Council shall notify the licensee of its decision.

If, in the discretion of the Chief of Police, 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 ordinance, the Chief of Police may immediately suspend the license and provide notice of the right to a public hearing.

Any person whose license is revoked under this section shall have the right to appeal that decision in court. (Ord. 569, 7-6-2021)

**3-3-15: EXCLUSION BY PLACARD:**

Unless specifically invited by the property owner or tenant, no peddler, solicitor, professional fundraiser, transient merchant, or other person engaged in similar activities shall enter onto the property of another for the purpose of conducting business when the property is marked with a sign or placard that is at least four inches long and four inches wide, with print of at least forty-eight (48) point in size, stating "Peddlers and Solicitors Prohibited," or other comparable statement. No peddler, solicitor, professional fundraiser, or transient merchant shall remain in or upon any premises when told by the property owner or tenant to leave the premises.

No person other than the property owner or tenant shall remove, deface, or tamper with any sign or placard under this section. (Ord. 569, 7-6-2021)

**3-3-16: PENALTY:**

Any person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 569, 7-6-2021)

**3-3-17: MOBILE FOOD TRUCKS:**

For purpose of this chapter, the intent of this section is to regulate how mobile food truck vendors sell food and/or nonalcoholic beverages to the general public within the industrial zoning district.

A. Registration Required: Annual registration shall be required for each separate property on which the mobile food truck vendor operates.

1. It shall be unlawful for any mobile food truck vendor to sell, or offer for sale, any food or beverage without first registering with the city clerk, or his/her designee.

2. Not later than thirty (30) days after filing of a completed application, the applicant shall be notified of acceptance or denial of registration.

3. The application shall be accompanied by proof of insurance and approval of any and all health department requirements whether from Dakota County or the state of Minnesota.

4. Mobile food truck vendors shall carry one million dollars (\$1,000,000.00) of combined single limit bodily injury and property damage auto liability, one million dollars (\$1,000,000.00) of general liability coverage including products and completed operations. A certificate of insurance shall be provided to the city prior to the issuance of a permit.

B. Operations Requirements: Mobile food truck vendors shall operate under the following conditions:

1. Hours of operation are limited to between nine o'clock (9:00) A.M. and two o'clock (2:00) P.M.

2. All required licenses must be valid.

3. Vendors shall be parked on private property with the property owner's permission and shall not be parked within any public street, right of way or sidewalk unless said street has been closed for a special event, as approved by the city council.

4. Vendors shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas within ten feet (10') of the truck clean of grease, trash, paper, cups or cans associated with their operation. No liquid waste or grease is to be disposed into tree pits, storm sewer drains or onto sidewalks, streets or other public space. Under no circumstances shall grease be released into or disposed of into the city's sanitary sewer system.

5. There shall be no audio amplifier or similar device to attract the attention of the public.

6. No tables, chairs or other structures, except those to hold/display condiments, shall be allowed outside of the food truck within public right of way, designated off street parking spaces, fire lanes, or driveways. This shall not preclude any existing structures that are on the property.

7. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck. No other form of on site advertising shall be permitted.

8. The mobile food truck owner or his/her designee shall be present at all times except in an emergency.

C. Location: Mobile food truck vendors may operate within the following zoning district(s): I industrial.

D. Special Events: Special events proposed to be located in nonindustrial zones of the city may use mobile food trucks upon registration with the city. Said events shall occur no more frequently than one time per year. These events must be in compliance with all criteria outlined in subsections A and B of this section, but changes in the hours of operation may be considered. Any permission for special event mobile food trucks may be granted by the city administrator. (Ord. 475, 4-7-2015; amd. Ord. 569, 7-6-2021)