CITY OF NEVIS

SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS POLICY

Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. 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 movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, other personnel property, or services that the person is carrying or otherwise transporting. For purpose of this chapter, the term peddler shall have the same common meaning as the term hawker.

Person: Any natural individual, group, organization, corporation, partnership, or similar association.

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 considered 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 movement, 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. For purposes of this chapter, the term solicitor shall have the same meaning as the term canvasser.

Transient merchant: A person who temporarily sets up business out of a vehicle, trailer, 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 in any one location for more than fourteen (14) consecutive days.

Exceptions to definitions.

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

1. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
2. 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 or milk.
3. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
4. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

5. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

6. Any person participating in an organized multi-person bazaar or flea market.

7. Any person conducting an auction as a properly licensed auctioneer.

8. Any officer of the court conducting a court-ordered sale.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by this or any other city policy.

License required; exemptions.

1. *City license required.* No person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license.

2. *Application.* An application for a city license to conduct business as a peddler or transient merchant shall be made before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by and available from the Nevis City Council. All applications shall be signed by the applicant. All applications shall include the following information:

   a. The applicant's full legal name.

   b. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

   c. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).

   d. Full address of applicant's permanent residence.

   e. Telephone number of applicant's permanent residence.

   f. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

   g. Full address of applicant's regular place of business, if any exists.

   h. Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

   i. The type of business for which the applicant is applying for a license.

   j. The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city, with a maximum of fourteen (14) consecutive days.

   k. 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 his or her business.

   l. 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 violating any state or federal statute or any local ordinance, other than minor traffic offenses.

m. A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.

n. A general description of the items to be sold or services to be provided.

o. Any and all additional information as may be deemed necessary by the director of regulatory services.

p. The applicant's driver's license or other acceptable form of identification.

q. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

Fee.
All applications for a license under this policy shall be accompanied by the fee as established in the license fee schedule.

Procedure.

Upon receipt of the application and payment of the license fee, the City Clerk will present to the City Council at its next monthly council meeting. An application will be considered complete if all required information is provided.

If the city council determines that the application is incomplete, the clerk must inform the applicant of the required, necessary information that is missing.

If the application is complete, the 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 clerk must issue the license unless grounds exist for denying the license application under this chapter, in which case the clerk must deny the request for a city peddler or transient merchant license.

If the clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a hearing before the city council. The city council shall hear the appeal at its first regularly-scheduled meeting at least five (5) regular business days after the date of the request for a hearing. 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.

When licenses expire.
Licenses issued under this chapter shall expire on January first (1st) each year.

License exemptions.
No license shall be required pursuant to this chapter for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm. No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

License ineligibility.

The following shall be grounds for denying a peddler or transient merchant license:

1. The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.
2. The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
3. The failure of an applicant to sign the license application.
4. The failure of an applicant to pay the required fee at the time of application.
5. A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
6. The proposed activity is in violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.
7. The revocation within the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
8. For other good cause shown which renders the applicant unfit to hold a peddler or transient merchant license.

Adverse license action.

1. *Generally.* Any license issued under this section may be suspended or revoked, or otherwise subject to adverse license action, at the discretion of the city council for violation of any of the following:
2. Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
3. Fraud, misrepresentation or false statements made during the course of the licensed activity.
4. Subsequent conviction of any offense to which the granting of the license could have been denied under this chapter.
5. Engaging in any activity prohibited under this chapter.
6. Violation of any other provision of this chapter.
7. Violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.
8. Failure to comply with any valid orders issued by the licensing official or any department or division of the city.
9. For other good cause shown which renders the licensee unfit to hold a peddler or transient merchant license.

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, in the council's discretion, to a subsequent and expedited hearing, an administrative law judge or a hearing officer retained by the city. Any decision made by an administrative law judge or hearing officer shall be in the form of a report and recommendation subject to modification and approval by the city council.

License transferability.

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

Registration and identification of solicitors.

1. All solicitors and any person exempt from the licensing requirements of this policy shall be required to register with the city prior to engaging in those activities. 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 director of regulatory services or the director's designee shall issue to the registrant a certificate of registration and identification card as proof of the registration. Certificates of registration and identification cards shall be non-transferrable.

2. Upon the issuance of a solicitor's registration or a peddler's or transient merchant's license, the licensing official shall issue to each individual employee, agent, or representative registered for direct solicitation, peddling or operation as a transient merchant, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, address, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor," "peddler," or "transient merchant," as applicable, the time period for which it is issued, and the number of the identification card which shall be registered with the licensing official. Every solicitor, peddler, or transient merchant registered or licensed hereunder shall carry and display his or her identification card at all times while engaged in solicitation, peddling or operation as a transient merchant, upon a lanyard or in a manner such that the photograph and information is readily, continuously and clearly visible and unobstructed.

3. Notwithstanding any provision of this section, any person, age seventeen (17) and under, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities, shall register with the city as part of said group prior to engaging in those activities. No fee shall be required. The licensing official shall accept registration of the group as a single entity and such registration shall be made by the school principal, scout troop leader or other similar adult with authority over the conduct and operations of the group. Registration shall be made on a form approved by the director of regulatory services and each group member engaging in peddling or soliciting shall carry with and display a city-approved group identification card.

Prohibited activities.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business or carry out their activity in any of the following manner:

1. Calling attention to his or her business or the 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 traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

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

4. Conducting business before 8:00 a.m. or after 9:00 p.m. or sunset, whichever is later.

5. Failing to provide proof of license, or registration, and identification if required and when requested.

6. Using the license, registration or identification of another person.

7. Alleging false or misleading statements about the products or services 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.

8. Remaining on the property of another when requested to leave.

9. Otherwise operating their business or activity in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

Exclusion by placard.
Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant or similar activity when the property is marked with a sign or placard:

1. At least four (4) inches long.

2. At least four (4) inches wide.

3. With print of at least forty-eight (48) point in size.

4. Stating "No Peddlers, Solicitors or Transient Merchants," "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.

Severability.
If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Exemption.
Notwithstanding any other provision of this city policy, procedure or practice, upon city council findings that city department participation will have no impact on the delivery of city services, will be in the public interest and serves a public purpose, city department personnel may engage in public solicitation for a charitable purpose. The organization on whose behalf the city department engages in public solicitation and the city employee engaging in the public solicitation shall comply with all other requirements of this Policy. The

organization on whose behalf the city department engages in public solicitation shall agree to defend and indemnify and hold harmless the city for all worker's compensation claims and tort claims arising out of the public solicitation.

This Policy of the City of Nevis was approved on October 13, 2026.

Sue Gray

Mayor, Sue Gray

ATTEST:

Dawn Veit

Dawn Veit, City Administrator

City of Nevis

Administration Office – 104 Main Street West

Solicitor / Peddler License: $50.00

A person who offers merchandise or services for sale door-to-door, including house-to-house, business-to-business, or any other type of place-to-place movement. Transient Merchant/Vendor, a person who temporarily sets up business out of a vehicle, trailer, tent, other portable shelter, or empty store front for the purpose of selling goods.

Applicant Checklist:

√ License Application: Please allow 7 days for processing prior to the next council meeting.
√ Photo ID: Attach a color copy of a driver's license or government issued photo ID.
√ Written Permission of Property Owner: If you are a Transient Merchant.
√ Fee: $50.00

Background Information

Applicant's Full Legal Name: _____

All other names you have used or conducted business under (First, Middle, and/or Last): _____

_____

Residence Address: _____ City _____

State: _____ Zip _____

Local address (if residence address is out of state): _____

Social Security or Individual Tax ID: _____

Email Address: _____ Phone Number: _____

Company Information

Name of Business/Company: _____ Phone: _____

Company Address: _____ City _____

State: _____ Zip _____

Company Manager's Name: _____ Email: _____

Phone: _____

Describe in detail the type and brand name of the merchandise or services for sale:

_____

_____

List the last 3 locations where you have worked as a peddler, solicitor: _____

_____

Have you ever had a business license denied or revoked by any government entity? Yes or No

If yes, indicate the date of denial/revocation, government agency, and reason for denial/revocation:

_____

_____

Vehicle Information:

Year	Make	Model	Color	License Plate	Last 6 digits of VIN
Year	Make	Model	Color	License Plate	Last 6 digits of VIN

Dates and Location intending to Conduct Business:

Start Date: _____ End Date: _____

Location where business will be conducted: _____

_____

Background Check

Have you ever been convicted of a felony gross misdemeanor, misdemeanor, or ordinance violation for violating and federal, state, or local ordinances other than minor traffic offense within the last ten years?

Yes or No

The Minnesota Data Practices Act requires that you be advised of the following information:

As an applicant for a Peddler License, you are asked to provide private and/or confidential information about yourself that will be used to check driving history, criminal history, arrest records, warrant information, and other relevant records. You may refuse to provide this information. However, should you refuse; our investigation cannot be completed and will result in your application not being processed. With the exception of your Social Security Number, the information you provide is public and will be used by the Hubbard County Sheriff's Office, the Nevis City Council, and/or the general public. This AUTHORIZATION FOR RELEASE OF INFORMATION will expire two years from the date you sign it.

I have read and understand the above Data Practices Advisory.

Signature: _____ Date: _____

Consent:

The data you furnish on the application will be used by the City of Nevis to assess your qualifications for licensure. Disclosure of the information is voluntary. You are not legally required to provide this data; however, if you fail to do so, the City of Nevis may be unable to process this application. Disclosure of your Minnesota Tax ID Number, Social Security Number, or Individual Tax ID Number is required by Minnesota Statutes 270C.72, and your Social Security Number may be requested by and released to the Minnesota Commissioner of Revenue. After submission, all information pursuant to Minnesota Statutes, Chapter 13.

A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION

I, (print name) _____, certify or declare under penalty of perjury, under the laws of the State of Minnesota, that the foregoing is true and correct. All information given is subject to verification by the State of Minnesota. I understand that false information may result in the denial, suspension, or revocation of my business license.

Signature: _____ Date: _____

Minnesota Government Data Practices Act

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply it to the Minnesota Department of Revenue. However, under the Federal Exchange of Information act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failing to supply this information may jeopardize or delay the issuance of your license or processing your renewal application.