

**CITY OF MEDICINE LAKE
ORDINANCE NO. 144**

**AN ORDINANCE REGULATING THE CONDUCT OF PEDDLERS, SOLICITORS, AND TRANSIENT
MERCHANTS WITHIN THE CITY OF MEDICINE LAKE**

The city council of medicine lake ordains as follows:

The following section shall hereby repeal and replace Ordinance 102:

Section 1. Purpose.

The City Council finds that peddlers, solicitors and transient merchants, by virtue of the temporary nature of their business and lack of permanent location for their operations, present unique consumer protection issues. In order to protect the health, safety, and welfare of the community and pursuant to the authority granted by Minnesota Statutes, Section 329.15, the City of Medicine Lake herein regulates all, peddlers, solicitors and transient merchants operating within the City. The purpose of this chapter of the City Code is to protect the privacy of residents in their homes, prevent nuisances, fraud and criminal activity, such as burglary, theft and assault. It is not the purpose of this ordinance to burden interstate commerce or interfere with constitutionally protected rights under the First Amendment of the United States Constitution or Art. I, Section 3 of the Minnesota Constitution.

Section 2. 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 ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DAY. A business day shall mean a Monday, Tuesday, Wednesday, Thursday and Friday, excluding holidays defined by state or federal law that occur on one of these days.

GOODS. "Goods" means any tangible thing of value, but does not include money, things in action or intangible personal property other than merchandise certificates or coupons. The term includes such goods that are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part of such property whether nor not severable from such property. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller.

NON-COMMERICAL DOOR-TO-DOOR ADVOCATE. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs not intended sell goods, receive business orders or accept payment of any kind in return. The term shall include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

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 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.

PERSON. Any human individual, group, organization, corporation, partnership, or similar association.

PROFESSIONAL FUNDRAISER. Any person, including a corporation or other entity, who, for compensation, performs any solicitations or other services considered as a non-commercial door-to-door advocate for a religious, politician, social, or other charitable organization.

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 commercial or business orders for goods, wares, products, services, merchandise, or other personal property, of which may or may not be carrying or transporting samples, or that may be described in a catalog, brochure or by other means, and for which delivery or performance shall occur at a later time. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser. For purpose of this ordinance, a commercial door-to-door advocate shall fall under the term solicitor

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 the sale or display of goods, wares, products, services, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

Section 3. Exclusion By Placard.

Unless specifically invited by the property owner or tenant, no hawker, peddler, solicitor, or transient merchant shall enter onto 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:

- A. Stating “No Peddlers or Solicitors,” or “Peddlers and Solicitors 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.

Section 4. Exceptions To Definitions.

For the purpose of this chapter, the terms **PEDDLER**, **SOLICITOR**, and **TRANSIENT MERCHANT** shall not apply to:

- A. Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates.

- B. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller or commercial business.
- C. Any person who is explicitly invited to the property to make contact for the purpose of conducting commercial business.
- D. Any person or courier service making deliveries or on an established customer delivery route for the delivery fulfillment of requested goods, services, perishable food, newspapers, newsletters, or other similar goods.
- E. Any person conducting or participating in the type of sale commonly known as garage sales, rummage sales, or estate sales.
- F. Any person participating in an organized multi-person bazaar or flea market.
- G. Any person conducting an auction as a properly licensed auctioneer.
- H. Any officer of the court conducting a court-order or court ordered sale.
- I. This ordinance does not apply to children age seventeen (17) and younger soliciting for school-sponsored activities or for charitable organizations.
- J. 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 another city ordinance.

Section 5. Prohibited Activities.

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

- A. Calling attention to the business being conducted or the goods to be sold by means of blowing any horn, 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 traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, 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 specific individual or the general public.
- D. Conducting business on non-business days and before 8 a.m. or after 8 p.m.
- E. 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.
- F. Remaining on the property of another when requested to leave.
- G. Otherwise operating in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

Section 6. Penalty.

Any individual found in violation of any provision of this ordinance shall be a guilty of a misdemeanor.

Section 7. Severability.

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

Section 8. Effective Date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minnesota Statute, Section 412.191, Subdivision 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subdivision 10, as it may be amended from time to time.

Adopted by the City Council of Medicine Lake this 3 day of June, 2024.

Chris Heim, Mayor

Attest: Lisa Neary, Deputy City Clerk