

CITY OF WOODLAND CODE OF ORDINANCES

CHAPTER 3  
LICENSING, PERMITS, AND FEES

## CHAPTER 3. LICENSING, PERMITS AND FEES

### SECTION 300 GENERAL PROVISIONS

300.01 License or Permit Required. No person may conduct any activity or use any property for which a license or permit is required by law or this Code without a current valid license or permit for that activity or use. For the purpose of this Code, a person will be deemed to be engaged in a business for which a license is required if the person:

- (a) Sells any goods or service for which a license is required under this Code.
- (b) Solicits such business or offers such goods or services for sale or hire.
- (c) Acquires or uses a vehicle or any premises in the City for such business purposes.

Agents or other representatives of non-residents of the City who do business in the City will be personally responsible for any failure of their principals or the businesses they represent to comply with this Code. A license is required for each branch establishment or location of a business as if it were a separate business. No license is required for mere delivery in the City of any property purchased or acquired in good faith from a regular place of business outside the City if there is no intent to evade this Code.

300.02 Application. A person required to obtain a license under this Code will apply to the Clerk for the license. The application will:

- (a) Be on forms provided by the Clerk.
- (b) Include an affidavit sworn to by the applicant before a person authorized to administer an oath.
- (c) Contain all information necessary to comply with the Code and any other information required by the Clerk, including full identification of the applicant, the applicant's address, and the address of the business.
- (d) Be accompanied by the applicable license fee stated in Section 305.02.

300.03 Bond. Where a bond is required for a license or permit, the bond will be a corporate surety bond executed on a form approved by the City Attorney and will be filed with the Clerk before the license or permit is issued. The bond will be in the amount and with the penalty provisions as required by the Code.

300.04 Procedure for Issuance. If, after investigation, the Clerk is satisfied that all requirements of law and this Code have been met, the Clerk will present the application and a report of the investigation and findings to the Council for action. If the license or permit does not require Council approval, the Clerk may issue the license or permit.

300.05 Appeal Procedure. Upon denial of a license or permit by the Clerk, an applicant may appeal the denial to the Council by filing a request for review with the Clerk within 10 days after notice of the denial. The Council will hear the applicant at its next regular meeting, and review the determination of the Clerk. The Council may then grant or deny the license.

300.06 License Period. All licenses will terminate on December 31 of the year issued, unless otherwise indicated.

300.07 Renewal. Applications for renewal of a license will be made to the Clerk on forms provided. The renewal application will contain the information required for the original application plus any additional information required by the Clerk. The application for renewal will be accompanied by the applicable license fee stated in Section 305.02.

300.08 Duplicates. A duplicate license certificate or tag may be issued by the Clerk to replace any license certificate or tag previously issued which has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, if the licensee files an affidavit with the Clerk attesting to such fact and pays to the Clerk a fee of seventy-five cents.

300.09 Refunds. License fees will not be refunded in whole or in part for non-use of a license, or for any change in the business or its location. The Clerk may refund a license fee collected through error, or in cases where the application for the license is denied.

300.10 Duties of Licensee. Every licensee will:

- (a) Permit reasonable inspections of the business and books and records of the business by City officers or employees or by duly authorized agents of the City.
- (b) Comply with all laws, ordinances, and regulations applicable to the licensed business.
- (c) Stop operating the licensed business after expiration or revocation of the license and during any suspension of the license.
- (d) Display the license in a conspicuous place on the licensed premises, vehicle, or device to which the license relates.
- (e) Pay prior to the date any penalty attaches for non-payment, all special assessments and real and personal property taxes levied against real and personal property owned by the licensee and used in the licensed business.

300.11 Unlawful Disposition. A licensee may not lend, sell, give or assign a license to any person, or allow any other person to use, display or possess the license.

300.12 Enforcement. Police officers and other appropriate officers of the City may inspect and examine all premises, businesses and enterprises subject to license under this Code.

300.13 Termination of License. If the Clerk determines that a licensee has not complied with some requirement of this Code, the Clerk will give the licensee written notice of the violation delivered either personally or by depositing the notice in the U.S. mail addressed to the address stated on the license application, which will constitute valid service of the notice. If the licensee cannot be found, the notice also may be posted on the licensed premises. The notice will require compliance with the provisions of law stated in the notice within a reasonable time as specified by the Clerk. Upon expiration of the stated time, the Clerk may terminate the license if the license was issued by the Clerk. If the license was issued by the Council, the Clerk will report the matter to the Council and the Council may terminate the license.

300.14 Hearing. A licensee may by written notice request a hearing by the Council before termination. The hearing will be held not less than 10 days and not more than 20 days after the request. At the hearing the licensee will be advised of all information upon which the alleged violation is based, and the licensee will be given the opportunity to offer evidence regarding the alleged violation. After the hearing, the Council may make a final order suspending, terminating or reinstating the license.

### SECTION 305 FEES

305.01 License Fees. The fee for any license, permit or application required under this Code will be the amount stated in Section 305.02, which amount will be paid by the applicant at the time the application is submitted to the Clerk. All fees paid are non-refundable if the license has been correctly issued.

305.02 Establishment of Fee Amounts. The dollar amounts of fees required by this Code are as stated in the following table.

Animal Licenses & Fees				
Fee No.	Code No.	Purpose of Fee	Item	Amount
1	405.03	Dog license – Multiple Dog	Annual license	\$ 25.00
2	405.03	Release of impounded dog	0 impounds last 12 months	\$ 40.00
			1 impound last 12 months	\$ 65.00
			2 or more impounds last 12 months	\$ 90.00
3	405.03	Impounded animals	Monthly retainer fee	\$100.00
			Euthanasia & disposal	\$ 75.00
			Cremation only	\$ 60.00
			Daily fee for boarding of cats	\$ 23.00
			Daily fee for boarding of dogs	\$ 25.00

			Minimum daily fee per animal	\$ 25.00
4	406.02 Subd. 5	Dangerous Dog Annual Fee	Certification of Registration of Dangerous Dog Annual fee	\$500.00
4A	407.01	Backyard Chicken Permit	Annual permit	\$25.00

Building Permit Fees				
Fee No.	Code No.	Item	Amount	
5	700.03	Minimum Building Permit Fee	\$23.50	
		All Building Permit Fees based on 1997 UBC/SBC Standards	Fee per Building Valuation Standards per Current I.C.B.O. Data	
		Plan Review Fee	65% of Building Permit Fee	
	705.05	Individual Sewage Treatment Permit (New or Repair)	Fee per Building Valuation Standards per Current I.C.B.O. Data	

Contractor's Licenses				
Fee No.	Code No.	Purpose of Fee	Item	Amount
6	315.01	Annual Tree Trimming / Removal		\$ 50.00
7	314.02	Gas Fitter's License	Class A	0
8	314.02	Heating/ventilation installer	Class B	0
9	313.01	Plumbers License (registration)		0

Electrical Permit Fees				
Fee No.	Code No.	Item	Amount	
10	312.03	Minimum Residential Fee	\$40.00	
		Swimming pool flat rate	\$45.00	

False Alarm Fees & Fire Call Charges				
Fee No.	Code No.	Purpose of Fee	Item	Amount
11	445.02	3-6 false alarms	Within one calendar year	\$50.00
		7-10 false alarms	Within one calendar year	\$100.00
		In excess of 10 false alarms	Within one calendar year	\$150.00
12	430.02	Fire Call Charge Minimum (false alarm or actual fire)	First Summons within one calendar year	\$250.00

13	430.02	Fire Call Charge	Second and subsequent summons within one calendar year	\$500.00
14	430.02	Delinquent Fire Call Charge	Per each unpaid Fire Call Charge within one calendar year	\$100.00

Heating and Gas Fitting Permit Fees				
15	415.08	Heating, Ventilating, Air-conditioning and Refrigeration		
	(1) Central System	2% of estimated cost with a minimum of		\$ 40.00
	(2) Additions, Alterations & Repairs	2% of estimated cost with a minimum of		\$ 40.00
	(3) Addition of A/C to heating system	2% of estimated cost with a minimum of		\$ 40.00
	(4) Furnace or boiler replacement	1.25% of estimated cost with a minimum of		\$ 40.00
	(5) Gas Piping	First (3) units		\$ 7.50
		Each additional unit		\$ 4.00

Parking Permits				
Fee No.	Code No.	Purpose of Fee	Item	Amount
16	500.05	Temporary on-street parking permits (designated zones)	Per Day All purpose Contractors or residents	\$ 5.00
17		Temporary on-street parking permits (designated zones)	Monthly (30 day period) Contractors or residents	\$ 25.00
18	500.03	Load Limit Permit	Permit to exceed the road load limit of 9 ton per axel by 2 ton per axel - May 2 to February 28	\$50.00
19	500.04	Seasonal Load Limit Permit	Permit to exceed the posted seasonal road load limit of 4 ton per axel by 2 ton per axel – March 1 to May 1	\$500.00

Planning and Zoning Fees				
Fee No.	Code No.	Purpose of Fee	Item	Amount
20	800.05	Subdivision	Filing fee plus direct costs from (City Attorney & Engineer)	\$150.00
21	900.06	Alteration of Nonconforming Use	Filing fee	\$250.00
22	900.14	Variance	Filing fee	\$400.00
23	900.15	Conditional Use Permit	Filing fee	\$400.00
24	900.16	Application for Wetland Alteration	Filing fee	\$ 50.00
25	900.17	Land Alteration Permit	Filing fee	\$200.00
26	900.19	Permit for Vegetation Clearing	Filing fee	\$ 25.00

27	900.06 900.14 900.15	Renewal of zoning permits	Filing fee (1 year extensions of previously approved zoning applications)	\$ 50.00
28	900.24 Subd. 1 (b)	<p>Road Damage Deposit</p> <p>Escrow Fee Based on Project Valuation:  \$20,000 - \$200,000 = \$ 2,500  \$200,001 - \$500,000 = \$ 3,500  &gt; \$500,001 = \$ 4,500</p> <p>Projects less than \$20,000 are not subject to a road damage escrow fee</p> <p>Road Condition Inspection Fee</p>	<p>Escrow Fee in conjunction with all construction activity per Ordinance 900.24 (b). (refund of unexpended balance not to include earned interest) (effective 5-24-2013)</p> <p>City Engineer inspection of the road condition prior to any construction and final inspection of the roads at the completion of the project.</p>	<p>\$2,500.00 to \$4,500.00 based on project value</p> <p>\$150.00</p>
29	700.03 Subd. 3 (e)	As-built Survey Deposit	Escrow fee for issuance of temporary occupancy pending completion of as-built surveys 700.03 (e) (refund of unexpended balance not to include earned interest upon completion of as-built survey)	\$2,500.00

**Plumbing Fees**

Fee No.	Code No.	Purpose of Fee	Item	Amount
30	313.04	Residential plumbing fee	Minimum fee	\$50.00
		Residential plumbing fee	Fee per fixture	\$8.50
		Water softener	Minimum fee	\$50.00
		Water heater	Minimum fee	\$50.00
31		State Surcharge Fee for plumbing permits	Surcharge	\$1.00

**Police Service Fees & Other Fees**

Fee No.	Code No.	Purpose of Fee	Item	Amount
32	215.03	Release of impounded property	Fee + \$5.00 per day	\$50.00

33	320.07	Peddler, solicitors and transient merchant - photograph	2 photographs provided by Police Dept. to be used for peddler, solicitors and transient merchant application	\$5.00
34	320.01	Peddler, solicitors and transient merchant	Per applicant for 14 consecutive day period	\$50.00

Right-of-Way Fees				
	<u>502.02</u>	<u>Encroachment Permit</u>	<u>Application Fee</u>	<u>\$200</u>
	<u>503.03</u>	<u>Excavation, Obstruction, Right-of-Way Use</u>	<u>Application Fee</u>	<u>\$500, plus deposit for ROW restoration in addition to a certificate of insurance for at least \$2 million naming the city as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring 30-day notice to the city of cancellation or material modification of the policy. The actual restoration costs shall be determined and paid by the permittee or refunded on completion of the project. Note: Fees are established in accordance with MN STATE Statutes 237.162 &amp; 237.163 or any ordinance enacted under those sections.</u>
	<u>502.10</u>	<u>Small Wireless Facility Collocation (for locations on city-owned structures)</u>		<u>a) Up to \$150 per year for rent to collocate on the city structure. b) \$25 per year for maintenance associated with the collocation. c) A monthly fee for electrical service as follows: \$73 per radio node less than or equal to 100 maximum watts; \$182 per radio node over 100 maximum watts; or The actual costs of electricity, if the actual cost exceed the foregoing. Note: Fees are established in accordance with MN STATE Statutes 237.162 &amp; 237.163 or any ordinance enacted under those sections.</u>

Utility Fees and Permits				
Fee No.	Code No.	Purpose of Fee	Item	Amount
35	1205.03	Sewer Use Rates	130% of current Minnetonka Rate	



			Per quarter, 15,000 gallon minimum	
36	1205.04	Sewer Use – Past Due	Delinquent sewer bill charge / per quarter	\$ 5.00
37	1205.01	Sewer Connection Permit Fee	Stub in	\$50.00
38	1205.01	Sewer Disconnect Permit Fee (CAP)	Physical disconnect from main service line	\$50.00
39	1200.02	New Sewer Connection Charge	Fees based on Minnetonka Trunk and Lateral Charge (Agreement)	
40	1205.02	Sewer Availability Charge	Met Council - charge calculated annually	
41	1210.01	Project User Fee Charge (Water & Sewer)	1997 water and sewer project fee / per quarter; adjusted annually by Resolution	Res.
42	1210.02	Maintenance Charge	Water and sewer system maintenance fee per quarter; adjusted annually by Resolution	Res.
43	1200.06	Water System Use Rates	130% of current Minnetonka Rate Per quarter, 15,000 gallon minimum	
44	1200.06	Water Use – Past Due	Delinquent water bill charge / per quarter (3 calendar days past due)	\$5.00
45	1200.05	Water Service Charge	City staff turning on or off water service per request of property owner	\$90.00
46	1200.06 (Subd. 8)	Annual safe water surcharge per State Statute	Calculated by MN Department of Health annually; adjusted annually <u>by Resolution</u> (Minnetonka updates the City with surcharge amount)	
47	1200.08	Water Meter Charge	City's cost of meter plus 15% (15% added only to the meter cost from the manufacture – do not add 15% to sales tax or shipping costs though)	
48	1200.10	Water Connection Permit Fee	Stub in	\$50.00
49	1200.05 (Subd. 2)	Water Disconnect Permit Fee	Physical disconnect from main service line (excavation permit)	\$50.00
50		Fire Sprinkler	Fire sprinkler with service connect	\$50.00
			Surcharge	\$0.50
51	1200.04	New Water Connection Charge	Fee based on Minnetonka Trunk and Lateral Charge (Agreement)	

305.03 Fees Established by Resolution. Fees other than those set forth in Section 305.02 will be payable to the City in amounts established by resolution of the Council for miscellaneous items and administrative services, including without limitation, special

assessment searches, accident reports, copying, ordinances, maps, minutes of Council and various commission meetings, printed forms, and certified copies.

## **SECTION 310 CONTRACTORS FOR SEWAGE TREATMENT SYSTEMS**

### Section 310.01 Contractor's License.

Subd. 1. License Required. No person may engage in the business of installing, constructing, upgrading, inspecting, pumping or cleaning sewage treatment systems within the City without first obtaining a license from the State of Minnesota in accordance with state law.

Subd. 2. Insurance. Applicants must file with the Clerk a policy of public liability and property damage insurance which will remain in force and effect during the entire term of the license. Public liability insurance will not be less than \$500,000 for injury to person, \$50,000 for injury to property, and \$500,000 for any single occurrence.

Subd. 3. MPCA Certificate. Applicants shall hold a current "Individual Sewage Treatment Systems Certificate" issued by the Minnesota Pollution Control Agency. Applicants holding a 'provisional' certificate shall be subject to staff review of the applicant to determine their competence.

Subd. 4. Reporting. Each sewage treatment systems contractor completing any pumping, construction, relocation or repair work performed within the City, will provide monthly a report to the City covering any such work done in the previous month, identifying the property, the property owner or other person contracting for the work, and describing the work performed. Any report with respect to pumping shall also include all of the information required under Section 705.06, Subd. 3(d). Each licensed contractor who pumps or otherwise performs any work with respect to a system in the City shall also check to see that its baffles are in proper position, and will, in such report, notify the City with respect to any systems which are discovered by the contractor not to be in proper working order.

## **SECTION 312 LICENSING AND REGULATION OF ELECTRICIANS**

312.01 Inspection Required. Any person making a new electrical installation in the City of Woodland that is governed by the provisions of the Minnesota Electrical Act, Minnesota Statutes, Section 326.241 through 326.48 inclusive, shall request inspection of such work by the City before commencement of any installation required to be inspected. Such request shall be made according to standardized procedures specified by the Building Official.

312.02 License to be Filed. Each person doing electrical work in the City of Woodland governed by this Section shall file with the City before commencement of any such work a copy of that person's current license issued by the State Board of Electricity pursuant to the Minnesota Electrical Act or such other evidence of such license as may be

provided by said Board. This requirement may be satisfied by the submission of a written statement signed and dated by the person required to make said filing that the required license or evidence thereof was previously filed with the City, the address in connection with which that information was filed, and that all the information contained on said license or evidence thereof is still current.

312.03 Permit Fee. No requested inspection will be made until the applicant has paid to the City the required permit fees as set forth in Section 305.02 of this Code.

312.04 Violations and Penalties. The activities described as crimes in Minnesota Statutes, Section 326.246, shall also constitute violations of this Section 312.

312.05 Electrical Inspector. Pursuant to authority set forth in Minnesota Statutes, Section 326.244, Subd. 4 and the Minnesota Electrical Act, the City of Woodland hereby creates the position of Electrical Inspector.

Subd. 1. The Electrical Inspector shall inspect new electrical installations for compliance with the Minnesota Electrical Act, the ordinances of the City of Woodland, and accepted standards of construction for safety to life and property.

Subd. 2. The Electrical Inspector must be a licensed master or journeyman electrician under Minnesota Statutes, Section 326.242, Subd. 1 (1) or Subd. 2 (1) and may not otherwise engage or be employed in the sale or installation of electrical wiring, devices, appliances or equipment, and shall have no financial interest in any concern engaged in any such business.

Subd. 3. The Electrical Inspector shall be responsible for the enforcement and administration of the laws, ordinances and standards referred to in Subd. 1 above.

Subd. 4. In addition to any powers or duties given the Electrical Inspector, the inspector shall have the powers and duties set forth in Minnesota Statutes, Section 326.244, Subd. 2. For purposes of administering those Statutes, any reference to the "board" shall mean the City of Woodland.

## **SECTION 313 LICENSING AND REGULATION OF PLUMBERS**

313.01 License Required. No person may engage in the business of plumbing, or construct, extend, alter or repair any plumbing work or house drainage, or construct cesspools, or connect any house drainage with cesspools, or with the sewer or water supply system of the City without first obtaining a license from the Clerk.

313.02 Insurance. The applicant must provide evidence of public liability insurance written by an insurer licensed to do business in the State, including products liability insurance, with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The term of the insurance must include the entire term of the license.

313.03 Bond. A license will not be effective until the applicant has furnished the Clerk with a copy of the bond given to the State for the issuance of a Master Plumber's License. The City and its residents may look to the bond to insure the performance of all plumbing work undertaken in the City (including all water and sewer connections), to insure that any streets and sidewalks excavated by the licensee are restored to their former condition to the satisfaction of the Director of Public Works with a warranty for one year, and to insure the performance of all other requirements of this Code.

313.04 Permits. Every licensed plumber, before constructing, extending, altering or repairing any plumbing work or connecting any plumbing work with a cesspool or City water or sewer system, except as provided in this Code, will apply to the Building Inspector for a permit that purpose, and will pay the permit fee required under Section 305.02.

313.05 Restoring Water Service. If water service is restored after it has been discontinued, the owner will pay to the City a service fee for restoring the service.

## **SECTION 314 LICENSING AND REGULATION OF GAS FITTERS**

314.01 Definition. The term "Gas Fitter" means any person engaged in the business of installing, altering, repairing, testing or extending any fuel tanks, power plants, gas or oil piping or gas or oil appliance items or connections.

314.02 License Required. No person, firm or corporation may engage in the business of a gas fitter within the City without first obtaining a license.

314.03 Classes of Licenses. There are two classes of gas fitter's licenses: Class A and Class B.

Subd. 1. Class A. The holder of a Class A license may perform "Hayes Orsatt" safety tests on gas and oil burners and may, after first obtaining the proper permit, install, alter, repair, test or extend fuel tanks, power plants, gas or oil burners, gas or oil piping and gas or oil appliance items and connections, including clothes dryers, gas ranges, gas water heaters and barbeque grills.

Subd. 2. Class B. The holder of a Class B license may only install, alter or repair only gas or oil appliance items and connections, such as clothes dryers, gas ranges, gas water heaters and barbecue grills.

314.04 Issuance. Licenses will be issued according to the following requirements.

Subd. 1. Applicant's Training. Application for the license will include a description of the applicant's training and experience as a gas fitter.

Subd. 2. Examination. The Building Inspector may require the applicant to take an examination given by the Building Inspector to test the applicant's knowledge and experience as a gas fitter. If the examination is required, a score satisfactory to the Building Inspector will be a condition to issuance of the license. If the applicant does

not obtain a satisfactory score, the applicant may not take the examination against within the next 30 days.

Subd. 3. Bond, Insurance. No license will be issued until the applicant has delivered to the City:

- (a) A performance bond in the amount of at least \$2,000 in favor of the City and in favor of all persons suffering damages by reason of the breach of the conditions of the bond. The bond will be in a form prescribed by the City and will be conditioned upon the faithful performance of all contracts performed in the City and upon compliance with this section. A copy of the bond given to the State for the issuance of a master plumber's license will satisfy the requirements of this Section.
- (b) A certificate of comprehensive liability insurance issued by an insurance company licensed to do business in the State and naming the applicant and the City as insured. The minimum limits of coverage for such insurance are:
  - (1) Each claim, at least \$100,000
  - (2) Each occurrence, at least \$200,000
  - (3) Property damage, at least \$50,000

This insurance must be kept in force during the term of the license and must provide for notification to the City 10 days before termination or cancellation. Any license issued under this Section will automatically be revoked upon notification of termination or cancellation of the insurance and will remain revoked until the required insurance is provided.

314.05 Duration. The license will be issued for a calendar year or the remaining portion thereof and will be renewable annually on or before January 1<sup>st</sup> of each year.

314.06 Revocation. The license may be revoked or refused renewal by the Council for cause. Any work done in violation of State Law or Section 314, or refusal on the part of a license to correct any defective work, may be cause for revocation of or refusal to grant or renew a license. Any revocation or suspension of or refusal to grant or renew a license may be appealed to the Council for a hearing on the matter conducted according to Section 300.05.

314.07 Transfer. No person, firm or corporation licensed under Section 314 may allow any other person, firm or corporation other than a bona fide employee to use the license.

314.08 Permits for Class A License Work. A person having a Class A license may do work which can be performed only with a Class A license only if a permit for the job is issued according to the following requirements.

- (a) At the discretion of the Building Inspector, the applicant for the job permit may be required to take and complete, to the satisfaction of the Building Inspector, an examination given by the Building Inspector.
- (b) A fee for the job permit will be paid according to Section 302.
- (c) Every permit issued under this Subsection 314.08 will expire in accordance with Section 300.06.

### **SECTION 315 TREE REMOVAL**

315.01 License Required. No person may engage in the business of trimming or removing trees in the City without first obtaining a license from the City to do so, and paying the license fee set forth in Section 305.02.

315.02 Insurance. Each applicant for a license will include with his application policies or certificates of insurance by an insurance company authorized to do business in the State evidencing the following insurance coverage:

- (a) Workers compensation insurance as required by State law.
- (b) Insurance against claims for death, bodily injury and property damage liability in the amounts of at least \$500,000 for injury to or death of any one person, \$500,000 for injury to or death of more than one person in any one accident, and \$100,000 for damage to property.

### **SECTION 320 REGULATING PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**

320.01 Definitions. Unless the context clearly indicates otherwise, the words below are defined for the purpose of this section as follows:

1. "Peddler" includes a person who goes from place to place on residential property exhibiting merchandise for sale, making sales, and delivering articles to purchasers for no more than 14 consecutive days.
2. "Solicitor" includes a person who goes from place to place for no more than 14 consecutive days on residential property soliciting orders for the sale of merchandise or personal services for future delivery or future performance, whether or not the person has a sample of the merchandise or is collecting advance payments for the orders. The word also includes activity that has as its ultimate purpose the obtaining of orders even though it may not initially purport to do so, but does not include soliciting donations for non-profit entities.
3. "Transient Merchant" includes 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 no more than fourteen (14) consecutive days.

4. “Regulated activity” means the activity of a peddler, solicitor and transient merchant as defined above. The term only includes activities that involve the sale of a product or service. It does not include activities that involve only statements of opinion or belief or that request only a donation.
5. “Licensee” means an individual, partnership, corporation or association licensed within the City under this section and also includes a person who is or will be conducting the regulated activity on behalf of the licensee.
6. “Person” means any natural individual, group, organization, corporation, partnership, or similar association.
7. “Non-profit” means an organization that currently has tax-exempt status from either the state or federal government and provides written evidence of that status.
8. “Occupant” means a person living, staying, or working at a residence, including a guest.
9. “Do Not Solicit List” means a list maintained by the City of those residents who want to exclude peddlers, solicitors, and transient merchants from their property.

320.02 Regulation Established. A person engaging in a regulated activity within the City must comply with the provisions of this section. The person must also comply with any applicable zoning and health regulations.

320.03 License Required. A person engaging in a regulated activity within the City must first obtain a license and an identification card from the Police Department.

320.04 Exceptions. A person engaging in the following activities is not required to obtain a license and an identification card from the City:

1. selling personal property at wholesale to dealers of the articles;
2. selling newspapers;
3. selling products of the farm or garden grown or raised by the seller, including meat, but such activities must comply with applicable health regulations;
4. selling antiques, collectibles, or other products in a show or festival which lasts for five days or less and which involves two or more sellers or exhibitors;
5. calling upon residents in connection with a regular route service for the sale and delivery of perishable daily necessities of life such as bakery products and dairy

products. This exception does not relieve that person of the duty to comply with other applicable City requirements; or

6. soliciting money, donations or financial assistance for a political, religious or non-profit tax-exempt organization, or selling or distributing literature or merchandise for which a fee is charged or solicited on behalf of such an organization.

320.05 Ineligible People. The following people are not eligible for a license and identification card from the City:

1. A person whose license and/or identification card for regulated activity was revoked by the City or another governmental body within three years before the application date;
2. A person who has been denied a license for regulated activity by the City or another governmental body because of circumstances that occurred within three years before the application date;
3. A person who has violated, or whose representative has violated, a provision of this section within three years before the application date, or who violates a provision of this section during the application period pending the issuance of the license;
4. A person who has been convicted within three years before the application date of a crime that adversely reflects on the person's ability to honestly safely, or lawfully conduct the regulated activities, unless the individual can show sufficient evidence of rehabilitation as defined in Minn. Stat. 364.03, subd. 3;
5. A person who has falsified information, or omitted material information, required by this section; or
6. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

320.06 Application. Application for a license must be made at least five working days before the regulated activity is proposed to begin and must include an accurate, sworn statement in writing, on a form furnished by the City, that gives the information listed below and includes the required supporting documentation:

1. name and physical description of the applicant;
2. complete home and local address of the applicant;
3. a brief description of the proposed activity, its location, and the merchandise or service involved;
4. the dates and hours of the day during which the activity will be conducted;



5. name, address, and phone number of the person on whose behalf the orders are solicited, together with credentials establishing the applicant's relationship to the person;
6. the source of supply of merchandise proposed to be sold, where the goods are located at the time the application is filed and the proposed method of delivery;
7. whether or not the applicant has been convicted of any crime other than petty traffic violations, the nature, time and location of the offense and the punishment or penalty imposed;
8. the last cities or other localities, not exceeding five, where the applicant has conducted the proposed activity immediately preceding the date of the application and where within those areas the activity took place;
9. make, model, year, color, and state license number of each motor vehicle to be used in connection with this proposed activity;
10. social security number, date of birth, and driver's license or state or tribal identification card number;
11. passport information and visa status if the applicant is not a United States citizen;
12. the name, address, tax identification number and phone number of the person or company employing the individual, if different from the information in subparagraph 5 above; and
13. a copy of all documents to be used by the applicant in the regulated activity.

**320.07 Photographs.** Each individual applicant and person who will be conducting the regulated activity on behalf of the partnership or organizational applicant must submit two copies of a recent photograph of themselves approximately 1½ inches by 1½ inches, showing the head and shoulders of the person in a clear and distinguishable manner. If a recent photograph is unavailable, the Police Department will provide the applicant with two copies of a photograph at a fee specified in Section 305. An application is not complete until the required photographs are supplied.

**320.08 Fees, Duration.** The application must be accompanied by the required license and identification card fees specified in Section 305. A license or identification card is valid only for the calendar year in which it is issued. The fees are for a one year period and will not be prorated for periods less than one year. No fees are required of individuals taking orders for the shipment of goods through interstate commerce.

**320.09 Investigation, Issuance, Denial.**

1. Within five working days after the application, the Police Department will conduct an investigation regarding the information provided in the application and the eligibility for a license and identification card. The Police Department will

issue a license and identification card only to eligible people. Each identification card will include a copy of the person's photograph.

2. The Police Department may not issue a license or identification card if there are circumstances indicating that the intended recipient may not honestly, lawfully, and safely conduct the proposed regulated activity. The Police Department must notify an applicant in writing of a denial of a license and/or identification card, specifying the reasons. The Police Department must comply with the provisions of Minn. Stat. Chapter 364 if the denial is based in whole or in part upon prior criminal convictions. The applicant may appeal the denial by submitting to the Police Department a written request within ten days after the denial asking to address the City Council. The City Council may deny a license and/or identification card when it is believed such action will protect the public health, safety, or welfare.

#### 320.10 Standards of Conduct.

1. Except for those people specified in Section 320.04, a person may conduct regulated activity in the City only if a valid City identification card identifying the person has been issued, is prominently displayed by attaching it to the front of the outermost clothing between the waist and neck, and has not been revoked, suspended, or impounded.
2. A licensee must not transfer a license or identification card to another person.
3. A person must not use a City identification issued to someone other than that person.
4. A City identification card must be displayed only while conducting the regulated activity in the City and must be used for no other purpose and in no other location.
5. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity towards the occupants of any motor vehicle in transit and must not obstruct the free flow of vehicular or pedestrian traffic on any public street, sidewalk, or other public right-of-way.
6. A person must not conduct the regulated activity in a manner that creates a health or safety hazard.
7. A person must conduct the regulated activity in a reasonably courteous manner at all times, must not engage in offensive, obscene, or abusive language, must not push open a door not opened by an occupant, must not place any portion of the person's body through an opened doorway without the invitation of an occupant and must not physically attempt to stop an occupant from closing the door.

8. A licensee must immediately leave private property when requested to do so by an occupant or owner and must leave immediately upon completion of a transaction or an unsuccessful attempt to contact an occupant.
9. A licensee entering onto residential property must go directly to the front door of the house, unless there is an adult present outside the house or in an open garage. At no time may a licensee go to a window or to the back yard, unless invited to do so by the occupant.
10. A person conducting the regulated activity must not make untrue statements to the people contacted regarding the purpose of the contact, orders placed by the neighbors, or the goods and services offered.
11. A licensee must not make statements to the people contacted indicating or implying that the City identification card constitutes an endorsement of their activities or products by the City.
12. While conducting regulated activity, a licensee must not be accompanied by a person who is not licensed or not listed in the license application.
13. A licensee must not conduct the regulated activity before 10:00 a.m. or after 5:00 p.m.

#### 320.11 Exclusion of Peddlers, Solicitors, Transient Merchants from Private Property.

1. A person conducting the regulated activity must not go onto private property for that purpose when there are signs prominently posted indicating that trespassing and/or solicitation is unwelcome or prohibited.
2. A person conducting the regulated activity must not go onto private property for that purpose when that property is listed on the Do Not Solicit List.

#### 320.12 Suspension; Revocation.

1. The City may suspend or revoke an identification card and/or license if the person who is the subject of the card, a person acting on behalf of the licensee, or the licensee has:
  - a. violated a provision of this section, or other local laws governing the same activity, during the license period;
  - b. violated a criminal law during the license period that adversely reflects on the ability to honestly, safely, or lawfully conduct the regulated activity; or

- c. submitted false information or omitted material information in the licensing process required by this section.
2. If a license is revoked or suspended, all identification cards issued to people acting on behalf of the licensee are automatically revoked or suspended.
3. The identification card or any person convicted of violating a provision of this section is automatically revoked. The license of the organization on whose behalf the person was acting and all other identification cards issued to people acting on behalf of that licensee are also automatically revoked upon that conviction.

### 320.13 Penalty, Enforcement.

1. A violation of a provision of this section is shall be guilty of a misdemeanor.
2. The Chief of Police or designees are authorized to enforce this ordinance. They may impound an identification card and license when a person has been found violating a provision of this section, when cause exists for suspending or revoking the identification card or license, or when the identification card or license has been suspended or revoked. When impounding a card or license, the official must send a notice to the licensee and the subject of the card at the address on the application form giving the parties ten days to submit a written request for a hearing before the City Council. Failure to timely request an appeal, constitutes a waiver of that appeal and results in automatic suspension of the license or card for three years.