

Peddler, Solicitor or Transient Merchant License Application

LICENSE TYPE: PEDDLER, SOLICITOR OR TRANSIENT MERCHANT

Peddler: A person who offers merchandise or services for sale door-to-door, including house-to-house, business-to-business, street-to-street, or any of place-to-place movement. Delivery and payment occur immediately.

Solicitor: A person who obtains orders for merchandise or services for future delivery. Registration required.

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 selling goods. Individuals may not remain on location for more than 14 consecutive days. Delivery and payment occur immediately.

Non-Commercial Advocate: A person who disseminates religious, political, social or other ideological beliefs. No registration or license is required.

APPLICATION CHECKLIST

1. License Application **** Must be received 14 days prior to conducting business ***
2. Photo ID: Attach a color copy of a driver's license or government issued photo ID
3. County License & Written Permission of Property Owner: Transient Merchants Only
4. Fee: Annual Fee \$50.00

BACKGROUND INFORMATION

Applicant's Full Legal Name: _____
All other names conducted business under: _____
Hair Color : _____ Eye Color: _____ Height: _____ Weight: _____
Residence Address: _____ City: _____ State: ____ Zip: _____
Social Security Number: _____ E-Mail _____
Phone Number: _____

COMPANY INFORMATION

Name of Business/Company: _____
Company Address: _____ City: _____ State: _____ Zip: _____
Company Manager Name: _____ Manager E-mail: _____
Managers Phone Number: _____
MN Tax ID: _____ Federal Tax ID Number: _____

COMPANY INFORMATION - CONTINUED

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

List the last 3 locations where you have worked as a Peddler, Solicitor, Transient or Advocate:

1. _____ 2. _____ 3. _____

Have you ever had a business license denied or revoked by any government entity? YES NO

VEHICLE INFORMATION

Year _____ Make _____ Model _____ Color _____

License Plate Number _____ Last 6 digits of VIN _____

INTENDED BUSINESS OPERATION

License Type –

____ Peddlers (License Required) ____ Transient Merchant (License Required) ____ Solicitors

Annual or Daily License ☐ Annual ☐ Daily

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 any federal, state or local ordinances other than a minor traffic offense within the ten years? ____ YES ____ NO

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 complete 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 City of Westbrook police department, the Westbrook City Council and/or general public. **I have read and understand the above:**

Signature: _____ Date: _____

CONSENT

The data you furnish on the application will be used by the City of Westbrook 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 Westbrook 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 is 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: _____

OFFICE USE ONLY

License Type –

____ Peddlers (License Required) ____ Transient Merchant (License Required) ____ Solicitors

Date Received: _____ Date Paid: _____

POLICE DEPARTMENT APPROVAL

Date PD Received: _____ Date of Background Check: _____

Notes or Reason for Denial:

Police Department Signature: _____ Date: _____

SECTION. 6.33. SOLICITORS.

Subdivision 1. Purpose.

This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control:

- (1) Businesses and organizations using solicitation as a means of concealing unlawful activities; and,
- (2) Businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and,
- (3) Individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices.

The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subdivision 2. Definitions.

The following terms, as used in this Section, shall have the meanings stated:

1. "Business solicitation" means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contacts the solicitee by telephone or in person, other than at the established place of business of solicitor, except:
 - (1) An attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or,
 - (2) An attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or,
 - (3) An attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the newspaper; or,
 - (4) An attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.

2. "Contribution solicitation" means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor or the organization represented by him.
3. "Established place" means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.
4. "Goods" means any tangible thing of value, but not including money, things in action or intangible personal property other than merchandise certificates or coupons as herein described. The term includes such chattels as 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 thereof whether or not severable there from. 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.
5. "Services," means work, labor, or services of any kind.
6. "Solicitee" means the person solicited.
7. "Solicitor" means any person making the solicitation, including such common terms as "peddler", "transient merchant" and "canvasser".

Subdivision 3. Prohibited Solicitation Practices.

1. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.
2. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.
3. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited" in type not smaller than 48 point.

4. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.
5. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.
6. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subdivision 4. Application.

Applications for licensing or registration shall contain the name and address of the solicitor, the name and address of the business or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background and past solicitation practices.

Subdivision 5. Investigation, Approval or Disapproval.

1. 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 five (5) business days within which to investigate and make a recommendation thereon.
2. 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 Clerk-Treasurer shall forthwith advise the applicant. The City Clerk-Treasurer shall issue a license, upon payment of the fee therefore, to the approved applicant for business solicitation, and shall approve the completion of registration by the applicant for a contribution solicitor.
3. If the Chief of Police finds a past history of the applicant indicating 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 ten (10) days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Subdivision 6. Duration of Contribution Solicitation Registration.

Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Subdivision 7. Exclusions.

The Council may, by resolution, exclude certain classes of solicitor events from compliance with licensing or registration provisions of this Section. Provided, however, that such exclusion shall not extend to the prohibited solicitation practices set forth in Subdivision 3, Subparagraphs 1-4, inclusive, of this Section.