



PROCEDURES AND CHECKLIST FOR-PROFIT APPLICANTS PEDDLER and SOLICITOR LICENSE

Licensing Division
Phone 952/939-8274
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Email: vnorthway@eminnetonka.com

- 1. Complete the application form (2 pages).
 - a. One application form per person (you may make additional copies).
 - b. **Do not leave any lines blank** – if question does not apply, write a “N/A”.
 - c. To apply, you must have a current **state issued identification card, driver’s license, or passport**.
 - d. Application must be **signed in front of a notary and notarized**. (Notaries available at City Hall.) Applicants, by signing, are agreeing to a police background check
 - e. Any falsification of answers on the application form can result in denial of the application.
- 2. Attach **two head-and-shoulders pictures (passport photos)**, approximately 1 ½” by 1 ½”. Possible locations for “passport-style” photos: K-mart, FedEx/Kinko’s, Proex, Walgreens, etc.
- 3. Attach a photocopy of your driver’s license, state identification card, or passport.
- 4. Attach copies of all items you will be handing out or displaying. Include a copy of something that connects you to the company you represent, i.e. a business card or a letter from the company you represent stating you are their employee.
- 5. Fee: \$50 for **company**, plus \$50 for **applicant** = total of \$100.00 if for one person.
Each additional applicant, for the same company, must pay an **additional \$50**.
Make check payable to “City of Minnetonka”.
- 6. Remove and keep **for your own reference** the attached copy of the Minnetonka Code of Ordinances: Section 630. Peddlers and Solicitors. Pay close attention to section 630.050 Standards of Conduct. Your license can be revoked/rescinded if the conduct rules are not followed.
- 7. Return all items to the Community Development department, Licensing division.

PROCESSING:

1. The city will try to complete processing within your time schedule; however, processing may require up to 5 business days.
2. We will request a background check from the police department.
3. A license/card is prepared with the information from the application form, and the photo is attached.
4. You or your supervisor will receive a phone call within 5 days confirming (or not) an approval for the license.
5. You (or the supervisor of a group of applicants) will be called and asked to stop and pick up the badge(s).

REMINDER: The identification badge (license) you will be given must be clipped to your outermost clothing, between the collar and waist of the named individual, at all times when peddling/soliciting in Minnetonka.



LICENSE DIVISION
 14600 MINNETONKA BLVD.
 MINNETONKA, MN 55345
 (952) 939-8274

APPLICATION FOR A PEDDLER AND SOLICITOR LICENSE

OFFICE USE: DATE REC'D _____ DATE CALLED: _____

POLICE APPROVAL: DATE: _____ BY: _____
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This application form requests information that may be classified as private or confidential under the Minnesota Data Practices Act. This information is required by State law or City ordinance. The information will be used to determine your eligibility for issuance of a license. Failure to provide accurate information can result in a denial of the license.

Mr. Ms.			
(Circle one)	First name	Middle name	Last Name
Complete home address (street address, city, state, zip)			()
			Home telephone number
			()
Address where you are staying, locally (street address, city, state, zip)			Local telephone number
Aliases or Maiden Name		Social Security Number	Date of birth
		OR	
State Driver's License number or State Issued ID Card number or Tribal Identification Card number		State where the license/ID was issued	Passport information and visa status if applicant is not a United States citizen
Weight (lbs)	Height (feet/inches)	Eye color	Hair color

The company name that you work for (your employer): _____
Company address, city, state, zip: _____
Company telephone: _____
The company name whose products/services you sell: _____
Company address, city, state, zip: _____
Company telephone: _____
What type of merchandise or service are you selling: _____
The is the source of supply (where goods are now): _____
How will goods be delivered: _____
Your supervisor's name & telephone number – this person <u>must be available by phone</u> during the hours of peddling – a cell phone number is preferred: _____
A complete list of cities (or addresses within a larger city), where you or your company conducted business immediately preceding this application (maximum of 5). Include the year that you were in these cities: _____

When will your activity in Minnetonka occur:	Dates: _____
	On what days of the week: _____
	At what time on each day: _____
In what part of Minnetonka will you be peddling/soliciting (circle all that apply): NORTH EAST WEST SOUTH ALL	
Vehicle information for each vehicle used in connection with the proposed activity (attach page if needed):	
<u>year</u>	<u>make</u> <u>model</u> <u>color</u> <u>license number & state were issued</u>

Complete the back side (or page 2)

Have you ever been convicted of any crime – other than petty traffic violation? (CIRCLE ONE) YES NO	If yes, explain below the nature, time, and location of the offense. Also state the punishment or penalty imposed:
Have you applied for and been rejected, or received a peddler, solicitor, or canvassers license/permit and had it suspended or revoked -- within the state of Minnesota in the past three years. (CIRCLE ONE) YES NO	If yes, list and explain:
Are you familiar with the provisions of the Ordinance Section 630 of the City of Minnetonka – under which you will be operating (see attached copy)? <div style="text-align: right;">(CIRCLE ONE): YES NO</div>	

Sign below, but you must sign in front of a Notary Public.

I hereby authorize the City of Minnetonka to have access to all sources of information that may be consulted to verify the information I have provided above. This includes authorization to check criminal history records if I have been asked to provide that information.

I agree to operate such business in accordance with the laws of Minnesota and the ordinances of the City of Minnetonka. The foregoing statements are true and correct to the best of my knowledge and belief.

Date of application

Signature of applicant – no part of your signature can be outside the box lines above. Also, you are required to sign in front of a Notary Public (see their signature below). Notary Publics are available at City Hall.

Subscribed and sworn to before a Notary Public on this _____ day of _____, 20_____.

_____ *My commission expires on _____.*

(Notary Signature)

(Notary Seal:

REMINDER, ATTACH THE FOLLOWING TO THE APPLICATION FORM:

1. **A copy of your credentials establishing your relationship to the company (business card or letter).**
2. **A copy of all company handouts, brochures, invoices, order forms, etc., to be used in this city.**
3. **A photocopy of your driver’s license, state ID card, or passport (lightened to show photo).**
4. **Two copies of a recent photograph, approximately 1 ½" X 1 ½", showing the head and shoulders.**
 Lately people are trying to use instant photos instead of the “passport photos” taken at FedEx/Kinkos, Walgreens, etc. If you make your own photos, follow these “passport photo” rules:
 - 1) the “head” alone is to be between 1” and 1 3/8” from top of hair to chin – no larger and no smaller.
 - 2) But the full photo must include the upper shoulders. (The city will then cut the entire photo to the required size for our license.)
 - 3) The background must be light in color and plain (no paneling, trees, wallpaper).
 - 4) The photo must be in color.
5. **License fee: \$50 company fee, plus \$50 for EACH applicant (person).**

SECTION 630. PEDDLERS AND SOLICITORS.

630.005. 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.
2. "Solicitor" includes a person who goes from place to place 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. "Regulated activity" means the activity of a peddler and solicitor 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.
4. "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.
5. "Person" has the same meaning as defined in section 1305.005.
6. "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.
7. "Occupant" means a person living, staying, or working at a residence, including a guest.

630.010. 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.

630.015. License Required.

A person engaging in a regulated activity within the city must first obtain a license and an identification card from the community development department.

630.020. 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.

630.025. 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 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; or
5. A person who has falsified information, or omitted material information, required by this section.
6. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

630.030. 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 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 the proposed activity;
10. social security number, date of birth, and drivers 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, and phone number of the person or company employing the individual, if different from the information in sub-paragraph 5 above; and
13. a copy of all documents to be used by the applicant in the regulated activity.

630.035. 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. An application is not complete until the required photographs are supplied.

630.040. Fees, Duration.

The application must be accompanied by the required license and identification card fees specified in section 710. 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.

630.045. Investigation, Issuance, Denial.

1. Within five working days after the application, the police department and the community development department will conduct an investigation regarding the information provided in the application and the eligibility for a license and identification card. The community development director 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 community development director 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 director must notify an applicant in writing of a denial of a license and/or identification card, specifying the reasons. The director 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 director a written request within ten days after the denial asking to address the city council. The city council may refer the matter to an independent hearing officer or may consider the appeal itself. The city council or hearing officer may deny a license and/or identification card when it/he/she believes such action will protect the public health, safety, or welfare.

630.050. Standards of Conduct.

1. Except for those people specified in section 630.020, 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 its license or identification card to another person.

3. A person must not use a city identification card issued to someone other than that person.
4. A city identification card must be displayed only while conducting regulated activity in the city and must be used for no other purpose and in no other location.
5. A person conducting 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.
6. A person must not be on a street, highway, or adjacent boulevard and direct regulated activity toward 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.
7. A person must not conduct regulated activity in a manner that creates a health or safety hazard.
8. A person must conduct 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 a door
9. 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,
10. A licensee entering onto residential property must go directly to a door of the house, unless there is an adult present outside of 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.
11. A person conducting 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.
12. 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.
13. While conducting regulated activity, a licensee must not be accompanied by a person who is not licensed or is not listed in the license application.

630.055. Suspension; Revocation.

1. The city may suspend or revoke an identification card and/or license, using the procedure established in section 700.035, 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 of 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.

630.060. Penalty, Enforcement.

1. A violation of a provision of this section is subject to the penalties established in section 1310.

2. The community development director, the chief of police, and their 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 an automatic suspension of the license or card for three years.

(Section amended by Ord. 2007-19, adopted May 21, 2007)