

ORDINANCE NO. 2025-545

**Motion By: Nichols
Seconded By: Lanterman**

**AN ORDINANCE REGULATING PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND
DOOR-TO-DOOR ADVOCATES**

THE CORCORAN CITY COUNCIL ORDAINS AS FOLLOWS:

Chapter 120: Peddlers, Solicitors, Transient Merchants and Door-to-Door Advocates

120.01. Purpose. The purpose of this ordinance is to promote the public health, safety, and welfare by protecting the privacy of residents and their properties by discouraging fraudulent sale of or solicitation of goods or services or fraudulent solicitation on behalf of organizations or causes and by protecting against persons of criminal intent who travel from place to place in the city under a guise of legitimacy.

120.02. Definitions. For the purposes of this ordinance, the following terms shall have the meanings given to them:

Subd. 1. "Peddler" means any person who goes from house to house, place to place or street to street conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering immediately upon sale, goods, wares, merchandise or articles to purchasers.

Subd. 2. "Solicitor" means any person who goes from house to house, place to place or street to street soliciting or taking orders for the sale of goods, wares or merchandise of any nature for future delivery, or for services to be performed in the future, regardless of whether such individual has, carries or exposes for sale a sample of the subject of such order or whether advance payment on such orders is collected. Solicitation shall include any effort to obtain orders even though such may not initially purport to be the case.

Subd. 3. "Door-to-Door Advocate" means any person who goes door-to-door for the primary purpose of disseminating religious, political, social or other ideological materials or advocating such beliefs. For purposes of this ordinance, door-to-door advocacy includes door-to-door canvassing and pamphleting for non-commercial purposes.

Subd. 4. "Transient Merchant" means any person who engages in, does or transacts any temporary business in the city, out of a vehicle, building, structure, trailer, boxcar, tent, vacant lot or other portable shelter either in one locality or in traveling from place to place in the city selling or exhibiting for sale goods, wares or merchandise, and who, for the purpose of carrying on such business, does not remain in any one location for more than fourteen (14) consecutive days.

Subd. 5. "Person" means any individual, partnership, corporation, organization, society or association acting as a peddler, solicitor, transient merchant or door-to-door advocate.

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120.03. License Required. Except as listed in sections 120.08, no person shall engage in or follow the business of a peddler or transient merchant without first having obtained a license from the city.

120.04. Application Application for a peddler or transient merchant license shall be made to the city clerk on the forms provided by the city. The application shall contain at least the following information and shall be signed by the applicant. A photograph will be taken of the applicant and an identification badge will be distributed upon approval of the license application.

- (a) Name and any other names under which the applicant has or does conduct business;
- (b) A valid photo Identification (driver's license, passport, citizenship or green card);
- (c) Complete permanent home, local address and telephone numbers of the applicant and the cellular phone number at which the applicant may be reached while working;
- (d) The name and address of the employer and principal business, parent organization or supplier of the applicant;
- (e) A Minnesota Tax Identification Number or Federal Tax Identification Number for the employer and principal business, organization or supplier;
- (f) A brief description of the nature of the business and goods to be sold;
- (g) The source of supply of goods or property proposed to be sold, or orders taken for the sale thereof, the location of such goods or products at the time of the application, and the proposed method of delivery;
- (h) If applicant is offering building or home improvement services, a current contractor's license number as issued by the State of Minnesota;
- (i) The dates and hours of the day during which the business will be carried on;
- (j) A statement as to whether the applicant has been convicted of any misdemeanor, gross misdemeanor or felony within the past ten (10) years for violation of any statute, law, or ordinance, other than traffic violations, the date and nature of the offense and punishment or penalty assessed therefore;
- (k) The names of other municipalities, not to exceed five in number, where the applicant carried on similar business immediately preceding the date of application and the address from which such business was conducted in those municipalities.
- (l) If a transient merchant, written permission of the owner of the property from which sales will be conducted.
- (m) If a transient merchant, a copy of the license issued by Hennepin County;
- (n) If a vehicle is to be used, a description of the vehicle, together with state of registration and license number;
- (o) The required fee; and

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- (p) Any other information reasonably required by the city in order to conduct an investigation of the applicant.

120.05. Application Fee. The application fee for a peddler or transient merchant license shall be set by the ordinance in the city fee schedule. The fee shall be non-refundable regardless of whether the license is issued or denied and shall not be prorated even if the license is issued for less than the six-month period.

120.06. Issuance of License

Subd. 1. Upon receipt of the completed application for a peddler or transient merchant license, including the required fee, the city clerk shall transmit a copy of the application to the police department who has the authority to conduct a criminal history and driver's license check on the applicant through the State of Minnesota, Bureau of Criminal Apprehension.

Subd. 2. Within five days of receipt of a report from the police and other public officials recommending approval of the license application the city clerk shall contact the applicant to complete the license process in person. The applicant's photo will be taken at that time and then be issued an identification badge which will serve as the permit. The Identification badge must be always displayed while soliciting and shall be exhibited by the applicant upon request by a police officer or any person in the city who may encounter the applicant in connection with the licensed activity. Licenses shall be valid for a period of time stated thereon but shall expire six months from the date of issuance. The city clerk shall maintain a record of all licenses issued hereunder.

Subd. 3. Within five days of receipt of a report from the police and other public officials recommending denial of a license application, the city clerk shall deny the application and notify the applicant in writing of the denial. Any person aggrieved by a decision of the city clerk to deny a license may appeal such denial to the city council by submitting a written request to the city clerk within 15 business days of receipt and notification of denial. The city council shall hear the applicant's appeal at its next regular meeting occurring not sooner than 10 days after receipt of the appeal by the city.

120.07 Grounds for Denial of License. The following shall be grounds for denial of an application for a peddler or transient merchant license:

- (a) Omission or misrepresentation of any material fact or information on the application;
- (b) Revocation or suspension within the previous five years of any peddler or transient merchant license in any jurisdiction;
- (c) Failure or refusal to consent to a background check;
- (d) Previous, repeated violations of the this ordinance or non-payment of the license fee or administrative fines;
- (e) Conviction within the previous ten years of any crime involving fraud, deceit or misrepresentation in any trade or business or of any crime which reflects adversely

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on the applicant's suitability to conduct business or of any crime involving any form of actual or threatened physical harm to another;

- (f) Intent to sell or take orders for the sale of any goods, wares, merchandise or services which are illegal or injurious to the public health, safety or welfare; or
- (g) Revocation or suspension by any jurisdiction of any other license or permit required to conduct business.

120.08 Exemptions. This ordinance shall not apply to the following:

- (a) Sale of personal property at wholesale to dealer is such articles;
- (b) Sale or delivery of newspapers or making contact for the purpose of establishing a delivery route for newspapers;
- (c) Delivery by merchants for goods purchased in the regular course of business;
- (d) Sale or delivery of items of food or drink to households on a regular route;
- (e) Sale to dealers by commercial travelers or selling agents in the usual course of business;
- (f) Sale of the products of the farm or garden occupied or cultivated by the seller;
- (g) A sale required by statute or by order of any court, or a bona fide auction sale pursuant to law;
- (h) A garage, rummage or similar sale involving household or other items owned and used by the seller;
- (i) Solicitation by an organization that is religious, political, non-profit, or educational in nature solely of its own members;
- (j) Non-commercial door-to-door advocates not engaged in the sale of any goods or services; or
- (k) Distribution of materials door to door free of charge.

Exemption from the requirements of this ordinance does not include exemption from any other applicable provision of the code of ordinances unless an exemption under such other provision also applies.

120.09 Door-to-Door Advocate Exemption.

No license shall be required under this ordinance for any person going door-to-door for the purpose of advocating any religious, political, social or other position or belief protected by federal and state constitution. This exemption does not apply, and such person is required to obtain a license if the exercise of a person's constitutional rights are merely incidental to a commercial activity.

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120.10. Prohibited Activities. No peddler, solicitor, transient merchant or door-to-door advocate shall conduct business or activities in any of the following manners:

- (a) Calling attention to any goods or services by means of blowing a horn or whistle, ringing a bell, crying out, using amplified sound or any other noise in an unreasonably audible manner;
- (b) Obstruction of vehicular or pedestrian traffic on any street, sidewalk, alleyway or right-of way;
- (c) Alleging false or misleading statements about the goods or services being sold including untrue statements of endorsement by the city solely based on the city having issued a license to that person;
- (d) Conducting business or activities other than permitted hours;
- (e) Failing to produce a license and identification when applicable and requested by a police officer or any other person in the city when requested;
- (f) Using the license of another person or a false license;
- (g) Remaining on the property of another after being requested to leave;
- (h) Failing to heed any no solicitation or similar notice posted on the property;
- (i) Selling or taking orders for the sale of any goods or services which are illegal or injurious to the public health, safety or welfare; or
- (j) Conducting business or activities in any manner which a reasonable person would find threatening, intimidating or abusive.

120.11. Licenses Not Transferable. No license or certificate issued pursuant to this ordinance shall be transferable. Each individual shall be separately licensed or certified when more than one individual is involved in a sales or advocacy activity.

120.12. Use of Property. No person licensed or certified under this ordinance has an exclusive right to any specific location on public property, nor shall a stationary location thereon be permitted. No Person licensed or certified under this ordinance shall operate in a congested area so that such operation creates a public safety hazard or nuisance or where he or she may impede or interfere with traffic. Nothing in this ordinance shall be deemed to permit persons licensed or certified hereunder to use private property without the consent of the property owner.

120.13. Exclusion by Placard. Any person who wishes to exclude peddlers, solicitors and door-to-door advocates from premises he or she occupies may place upon or near the usual entrance to such premises a conspicuous printed placard or sign bearing a No Solicitation notice. No Soliciting shall be interpreted to include all peddlers, solicitors and door-to-door advocates. No peddler, solicitor or door-to-door advocate shall enter in or upon any premises or attempt to enter in or upon any premises where such a placard or sign is placed and maintained notwithstanding the fact that he or she may have obtained a license under the provisions of this

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ordinance. No person other than the occupant shall remove, damage or deface such placard or sign.

120.14. Suspension or Revocation. Any license may be suspended or revoked by the City Clerk upon reasonable evidence the person is or has become ineligible for a license under section 120.07 or for any violation of section 120.10. The City Clerk shall notify the person of the suspension or revocation in writing at the person's permanent address or place of business at the addresses provided on their application. Any person aggrieved by the suspension or revocation of a license under this section may appeal the suspension or revocation to the city council in the manner specified in section 6 of this ordinance.

120.15. Hours of Solicitations. Peddlers, solicitors and door-to-door advocates may engage in sales or activities daily between the hours of 9:00 a.m. and 7:00 p.m. or until sundown, whichever occurs first.

120.16. Violations. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

120.17. Effective Date.

This Ordinance shall be in full force and effect upon its publication and passage.

ADOPTED by the City Council on the 10th day of April, 2025.

VOTING AYE

☒ McKee, Tom
☒ Friedrich, Michelle
☒ Lanterman, Mark
☒ Nichols, Jeremy
☒ Vehrenkamp, Dean

VOTING NAY

☐ McKee, Tom
☐ Friedrich, Michelle
☐ Lanterman, Mark
☐ Nichols, Jeremy
☐ Vehrenkamp, Dean

ATTEST:



Debra Johnson – City Clerk



Tom McKee - Mayor

City Seal