

**CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA**

**ORDINANCE NO. 194**

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTIONS 4-4-1,  
4-4-3, 4-4-4 AND 4-4-11 OF THE ELKO NEW MARKET CITY CODE  
CONCERNING REGULATION OF PEDDLERS, SOLICITORS AND  
TRANSIENT MERCHANTS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA  
ORDAINS:

**SECTION 1.** Title 4, Chapter 4, Section 4-4-1 Definitions is hereby amended by deleting the definition of solicitor and replacing it with the following language:

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 for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this definition if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed herein.

**SECTION 2.** Title 4, Chapter 4, Section 4-4-3 County and City License Required; Exemptions is hereby amended by deleting it entirely and replacing it with the following language:

**4-4-3 COUNTY AND CITY LICENSES REQUIRED; EXEMPTIONS:**

- A. County License: No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by Minnesota statutes chapter 329, as it may be amended from time to time, if the county issues a license for the activity.
- B. City License: Except as otherwise provided by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed but are still required to register pursuant to section 4-4-11 of this chapter.
- C. Exemptions And Limitations On Exemptions:
  - 1. No license shall be required for any person to sell or attempt to sell or to take or attempt to take orders for any product grown, produced, cultivated, or raised on any farm.

2. No license or registration shall be required of any person going from house to house, door to door, business to business, street to street, or other type of place to place when the activity is for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, press, religion and the like; except, that this exemption may be lost if the person's exercise of constitutional rights is merely incidental to a commercial activity.

**SECTION 3.** Title 4, Chapter 4, Section 4-4-4 Ineligibility for a License is hereby amended by deleting it in its entirety and replacing it with the following language:

**4-4-4 INELIGIBILITY FOR LICENSE:**

The following shall be grounds for denying a license under this chapter:

- A. The failure of the applicant to obtain and show proof of having obtained any required county license.
- B. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
- C. The conviction of the applicant within the previous five (5) years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but not be limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- D. The revocation, within the past five (5) years, of any license issued to the applicant for the purpose of conducting business as a peddler or transient merchant.
- E. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three (3) complaints against the applicant with the better business bureau, the attorney general's office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed against the applicant within the preceding five (5) years.

**SECTION 4.** Title 4, Chapter 4, Section 4-4-11 Registration Requirements is hereby amended by deleting it in its entirety and replacing it with the following language:

**4-4-11 REGISTRATION REQUIREMENTS:**

All solicitors shall be required to register with the city. Persons engaging in door to door advocacy shall not be required to register. The term "door to door advocacy" includes door to

door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas. No registration fee shall be required. Immediately upon completion of the registration form, the city clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be nontransferable.

**SECTION 5.** This ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this 8th day of August, 2019 by the City Council for the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

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Thomas Terry, City Administrator