

## ORDINANCE NO. 811

### AN ORDINANCE AMENDING ORDINANCE NO, 763 ADOPTED ON JULY 20, 2021, ORDINANCE NO. 725 ADOPTED ON MARCH 4, 2020 AND TITLED PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, AND MOBILE FOOD UNITS

#### THE CITY COUNCIL OF THE CITY OF ISANTI DOES ORDAIN:

**Section 1- Amendment.** Ordinance No. 763, and Ordinance No.725 codified in Chapter 245 of City Code, are hereby amended as follows:

#### Chapter 245

#### PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, AND MOBILE FOOD UNITS

##### Article I Peddler, Solicitor, Transient Merchant

- § 245-1. Definitions.
- § 245-2. License Required.
- § 245-3. Exceptions.
- § 245-4. Ineligible People.
- § 245-5. Application.
- § 245-6. Photographs.
- § 245-7. Fees; Duration.
- § 245-8. ~~Investigation, Issuance,~~  
~~Denial~~ Standards of Conduct.
- § 245-9. ~~Standards of~~

- ~~Conduct~~ Background Investigation,  
Issuance, Denial
- ~~245-10 Mobile Food Units.~~ Exclusion  
by Placard.
- ~~§ 245-11. Exclusion by Placard.~~
- ~~§ 245-12. Special Events.~~
- ~~§ 245-13. Suspension; Revocation.~~
- ~~§ 245-14. Violations and Penalties;~~  
~~Enforcement.~~

##### ARTICLE II Mobile Food Units.

- § 245-11. Definitions.
- § 245-12. Application.
- § 245-13. State License.
- § 245-14. Insurance.
- § 245-15. Background Investigation.
- § 245-16. Duration of Sales and Unit  
Standards.
- § 245-17. Overnight Storage.
- § 245-18. Signs.
- § 245-19. Noise and Lighting.
- §245-20. Parking.
- §245-21. Hours of Operation.
- §245-22. Water Supply.
- §245-23. Waste Disposal.
- §245-24. Self-Containment.
- §245-25. Inspections.
- §245-26. Locations.
- §245-27. Prohibited Activities.
- §245-28. Special Events.
- §245-29. Suspension; Revocation.
- §245-30. Violations and Penalties;  
Enforcement.

#### § 245-1. Definitions.

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this chapter as follows:

**LICENSEE** — An individual, partnership, corporation, or association licensed within the City under this chapter and includes a person who is or will be conducting the regulated activity on behalf of the licensee.

~~**MOBILE FOOD UNIT** — A food and beverage service establishment that is a vehicle-mounted unit or freestanding food stand.~~

**NONCOMMERCIAL DOOR-TO-DOOR ADVOCATE** — A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For the purpose of this chapter, the term "door-to-door advocate" shall fall under the term "solicitor" and include door-to-door canvassing and pamphleteering and is intended for noncommercial purposes.

**OCCUPANT** — A person living, staying, or working at a residence, including a guest.

**PEDDLER** — Includes a person who goes from ~~place-to-place~~place-to-place exhibiting merchandise for sale, making sales, and delivering articles to purchasers.

**PERSON** — A natural person, a firm, partnership, corporation, any other association of people, and includes the manager or agent of that person or organization.

**REGULATED ACTIVITY** — The activity of a peddler, transient merchant, solicitor, or mobile food unit as defined in this chapter. 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.

**SOLICITOR** — Includes a person who goes from place-to-place 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. For the purposes of this chapter, the term ~~"solicitor"~~ shall have the same meaning as the term "canvasser."

**TRANSIENT MERCHANT** — A person who temporarily sets up business out of a vehicle, trailer, tent or other portable shelter or empty storefront in a commercial district where retail sales are a permitted or conditional use 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 or intend to remain in any location for more than 14 consecutive days.

## **§ 245-2. License Required.**

A person engaging in a regulated activity within the City must first obtain a license from the City

Clerk or designee.

### **§ 245-3. Exceptions.**

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

- A. Selling personal property at garage sales, rummage sales, or estate sales. This includes persons participating in an organized multi-person bazaar or flea market.
- B. Selling newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
- C. Selling products of the farm or garden grown or raised by the seller, including meat, but such activities must comply with applicable health regulations.
- D. Selling at an auction conducted by a licensed auctioneer, or any officers of the court conducting a court-ordered sale.
- E. Calling upon residents in connection with a regular route service for the sale and delivery of perishable food and dairy products. This includes initial contacts to establish a customer delivery route. This exception does not relieve that person of the duty to comply with other applicable City requirements.
- F. Sales or offers for sales by peddlers or solicitors who appear at the customer's home or place of business by an appointment which was made prior to such appearance are exempt from the provisions of this chapter.
- G. Noncommercial door-to-door advocates. 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 any 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 does not apply if the person's exercise of constitutional rights is merely incidental to a commercial activity.
- H. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a commercial retail seller of the items being sold by the wholesaler.
- I. Disseminating religious, political, social, or ideological beliefs, including pamphleteering and canvassing for noncommercial purposes, or soliciting for, or selling, merchandise on behalf of tax-exempt and nonprofit organizations.

### **§ 245-4. Ineligible People.**

The following people are not eligible for a license from the City:

- A. A person whose license for a regulated activity was revoked by the City or another governmental body within three years before the application date;
- B. 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;



- C. A person who has violated, or whose representative has violated, a provision of this chapter within three years before the application date, or who violates a provision of this chapter during the application period pending issuance of the license;
- D. 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~~conduct the regulated activities honestly, safely, or lawfully, unless the individual can show sufficient evidence of rehabilitation as defined in Minn. Stat. § 364.03, Subd. 3, as it may be amended from time to time;
- E. A person who has falsified information, or omitted material information, required by this chapter, or
- F. A person who produces documentation of identification that is torn, pasted, peeled, or otherwise damaged or altered.

#### **§ 245-5. Application.**

Application for a license must be made at least 10 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:

- A. Full legal name, ~~date of birth, and phone number and physical description~~ of the applicant;
- B. ~~Complete home and local address~~Address of the applicant;
- C. A brief description of the proposed activity, its location, and the merchandise or service involved;
- D. The dates and hours of the day during which the activity will be conducted;
- E. 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;
- F. 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;
- G. 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;
- H. 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;
- I. Make, model, year, color, and state license number of each motor vehicle to be used in connection with the proposed activity;
- J. ~~Social security number, date of birth, and d~~Driver's license or state or tribal identification card number or ; passport information and visa status if the applicant is not a United States citizen;
- K. ~~Passport information and visa status if the applicant is not a United States citizen;~~
- L.K. The name, address and phone number of the person or company employing the individual, if



different from the information in Subsection E above;

~~M.L.~~ A copy of all documents to be used by the applicant in the regulated activity;

~~N.~~ Phone number(s) for the applicant; and

~~O.M.~~ All names of employees or multiple persons under one license.

~~P.~~ Mobile food unit additional requirements:

~~(1) Valid copies of all necessary licenses or permits required by the state or county.~~

~~(2) Pictures of mobile food unit vehicle and a site plan showing location of vehicle on the property. Plans and specifications for nonvehicular mobile food stand or unit and a site plan showing the proposed location of the stand or unit on the property.~~

~~(3) A copy of the written permission from the property owner or property owner's agent where the mobile food vendor will be conducting business.~~

~~(4) A list of other communities or locations where the applicant has been a mobile food vendor.~~

#### **§ 245-6. Photographs.**

Each individual who will be conducting the regulated activity on behalf of the partnership or organizational applicant (including the applicant) must submit two copies of a recent photograph, 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.

#### **§ 245-7. Fees; Duration.**

The application must be accompanied by the required license fees specified in the City fee schedule, which may be amended from time to time by action of the City Council. A license is valid only for the time periods in the calendar year in which it is issued. No fees are required of individuals taking orders for the shipment of goods through interstate commerce.

#### **§ 245-8. Background Investigation; Issuance; Denial.**

A. Within five working days after a complete application is submitted, the Police Department will conduct ~~an~~ background investigation regarding the information provided for a peddler, solicitor, or transient merchant ~~in the application and the eligibility for a~~ license. The City Clerk will issue a license only to eligible people. The license shall bear the name of the applicant; and in the case of additional employees or multiple persons, a copy of the license shall be issued that bears their name and photograph. That copy shall correspond to the copy of record retained by the City. Any alteration of that license and/or photograph invalidates the license.

B. The City Clerk may not issue a license if there are circumstances indicating that the intended recipient may not honestly, lawfully, and safely conduct the proposed regulated activity. The City Clerk must notify an applicant in writing of a denial of a license, specifying the reasons. The applicant may appeal the denial by submitting to the City Clerk a written request within 10 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 they

believe such action will protect the public health, safety, or welfare.

**§ 245-9. Standards of Conduct.**

- A. Except for those people specified in § 245-4, a person may conduct regulated activity in the City only if they carry a license with attached photograph identifying the person has been issued a license and it has not been revoked, suspended, or impounded. The license and attached photograph must be shown upon request.
- B. A licensee must not transfer its license to another person. A license that has the photograph removed is invalid. Use of that invalid license is a violation of this chapter.
- C. A person must not use a license issued to someone other than that person.
- D. 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.
- E. 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.
- F. A person must not conduct regulated activity in a manner that creates a health or safety hazard. No person shall call attention to their business or items to be sold by means of blowing a horn, whistle, bell, or crying out or by any other noise, so as to be unreasonably audible within an enclosed structure.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. A licensee must not make statements to the people contacted indicating or implying that the City license constitutes an endorsement of their activities or products by the City.
- L. 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.
- M. No person shall conduct business in residential zoned areas before 10:00 a.m. or after 7:00 p.m.

#### **§ 245-10. Exclusion by Placard.**

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business when the property is marked with a sign or placard at least four inches long by four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors, or Transient Merchants" or "Peddlers, Solicitors and Transient Merchants Prohibited" or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

### **ARTICLE II Mobile Food Units.**

#### **§ 245-110. Mobile food units. Definitions.**

Unless the context clearly indicates otherwise, the words below are defined for the purpose of this chapter as follows:

MOBILE FOOD UNIT- A food and beverage service establishment that is a vehicle-mounted unit, food stand, special event food stand, and food cart.

#### **§ 245-12 Application for License.**

Application information shall include: food unit name, name of contact person, telephone number, and email.

#### **§ 245-13 State License.**

Mobile food units shall hold a valid license from the State of Minnesota Department of Health or Department of Agriculture. A license is valid for one vehicle or stand. Any conditions of the State Health Department shall be incorporated into the license issued under this section. A copy of the license shall be submitted to the City.

#### **§ 245-13 Fees.**

The application must be accompanied by the required fees specified in the City fee schedule; if any, which may be amended from time to time by action of the City Council.

#### **§ 245-14 Insurance Required if on City Property.**

A certificate of insurance evidencing the following forms of insurance shall be submitted to the City:

- (1) Commercial general liability insurance, including products and completed operations coverage, with a limit not less than \$1,000,000 for each occurrence/\$2,000,000 aggregate.
- (2) Automobile liability insurance with a limit not less than \$1,000,000 combined single limit.
- (3) The City of Isanti shall be named as an additional insured and provided with a



certificate of insurance.

- (4) A signed statement that the licensee shall defend and indemnify the City, its ~~officers~~officers, and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.

**§ 245-15 Background Investigation.**

A background investigation, and applicable fee, is required for ice cream novelty mobile food units within residential neighborhoods.

**§ 245-16 Duration of Sales and Unit Standards.**

A license shall ~~be valid for~~not exceed one year. The license is valid for one vehicle or stand only. ~~The mobile food unit can operate in the same location for a time period not to exceed six months. The unit, stand or vehicle must not have rust, peeling paint, dents and must be maintained in a professional manner. The vehicle or stand must be approved for aesthetics by the City.~~ The license must be displayed in plain view on the vehicle/stand.

**§ 245-17 Overnight storage.** No overnight storage of a mobile food ~~unit~~truck on City property, including public rights-of-way, shall be permitted.

**§ 245-18 Signs.**

No mobile food unit shall use exterior signage (unless issued a temporary sign permit), flags, feathers, banners, bollards, or any other equipment not contained on or within the vehicle or stand.

**§ 245-19 Noise and Lighting.**

No shouting, blowing a horn, ringing a bell, or use of any sound devices upon any streets, alleys, parks, or other public places of the City or upon any private premises in the City shall be permitted. No vendor shall use or maintain any outside amplifying equipment, televisions, or similar entertainment devices. Lighting will be downcast, concealing light source from view, and must not spill onto adjacent properties and rights-of-way. Ice cream ~~mobile food units~~trucks traveling through a residential district may have outdoor music or noise-making devices to announce their presence.

**§ 245-20 Parking.**

Mobile food ~~units~~trucks must be located on a paved surface. A mobile food unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons or advancement of vehicles. A pedestrian walkway of six feet must be maintained on the service side of the vehicle.

**§ 245-21 Hours of Operation if on City Property.**

Hours of operation shall be allowed from 8:00 a.m. to 10:00 p.m. In the case of an event authorized under a special event permit, the hours will match the time period indicated in the permit.

**§ 245-22 Water Supply.**

Drinking water tanks must be designed for holding potable water, be easily cleanable,

of sufficient capacity to meet the needs of the operation and constructed of an approved food grade non-toxic material. A wastewater, or grey water, holding tank must be provided which is sized 15 percent larger in capacity than the water supply tank. MFU must have wastewater and fresh water tanks permanently installed on the unit. A water heater must be adequately sized to meet the demands of the foodservice facility.

#### **§ 245-23 Waste Disposal.**

Mobile food units shall provide waste disposal, clean up all litter and garbage generated by this use and maintain their site in a clean and hazard free condition. All waste liquids shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of. No waste liquids, garbage, litter, or refuse shall be dumped or drained into the sidewalks, streets, gutters, drains or public trash receptacles. The licensee shall be responsible for all litter and garbage left by customers.

#### **§ 245-24 Self-containment.**

Mobile units cannot connect to public utilities unless on private property through agreement with the property owner. No power, cable or equipment shall be extended at any grade across any City street, alley, or sidewalk. Any generators must be self-contained and any noise created by their operation shall not cause a public nuisance, as per Chapter 216, Nuisances.

#### **§ 245-25 Inspections.**

Mobile units shall comply with all applicable fire codes and may be inspected by the City prior to operation.

#### **§ 245-26 Locations.**

- A. A. Mobile food units shall only be allowed to operate on private property in zoning districts where retail sales are allowed as permitted or conditional uses under the City's Zoning Ordinance. Mobile food units may be allowed in public rights-of-way, residential zoning districts or park zoning districts in conjunction with an approved special event permit.
- B. Ice cream novelty mobile food units are allowed to operate within the public right-of-way in residential districts.

#### **§ 245-27 Rules and Regulations.**

- A. The mobile food ~~unit~~vender shall not set up in a manner so as to create a traffic hazard and shall follow police orders. The mobile food unit shall not have a drive through. Ingress and egress to private property shall be through existing driveways only.
- B. Mobile food units providing external seating must not block any sidewalk or driveway area or occupy any required parking spaces.
- C. ~~Ice cream novelty trucks are allowed to operate within the public right-of-way in residential districts.~~
- D.C. Mobile food units are prohibited from vending activities within 150 feet of a food service



building or within 500 feet of a community event, unless part of the sponsor license and/or special event permit for the event.

~~E.D.~~ No mobile food unit shall sell alcoholic beverages.

~~F.E.~~ Mobile food unit vendors shall maintain a fire extinguisher at all times.

~~G.F.~~ Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition.

~~H.G.~~ The mobile food vendor shall not operate in such a manner so as to constitute a public nuisance.

#### **~~§ 245-11. Exclusion by placard.~~**

~~No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business when the property is marked with a sign or placard at least four inches long by four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors, or Transient Merchants" or "Peddlers, Solicitors and Transient Merchants Prohibited" or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.~~

#### **§ 245-~~2812~~. Special Events.**

The following standards shall apply to all events that are authorized by a special event permit:

- A. It is not necessary for each transient merchant or mobile food unit to obtain a license under this chapter provided that the sponsor, promoter, or organizer of the event obtains a special event permit from the City Council, ~~and~~ maintains a list of all participants and assumes responsibility and insurance liability for their activities and conduct.
- B. The sponsor, promoter or organizer of the event may designate where peddlers ~~and transient merchants and~~ mobile food units set up their booths, sales stands or vehicles.

#### **§ 245-~~2913~~. Suspension; Revocation.**

- A. The City may suspend or revoke an identification card and/or license, if the person who is acting on behalf of the licensee, or the licensee has:
  - (1) Violated a provision of this chapter, or other local laws governing the same activity, during the license period;
  - (2) Violated a criminal law during the license period that adversely reflects on the ability to honestly, safely, or lawfully conduct the regulated activity ~~conduct the regulated activity honestly, safely, or lawfully~~; or
  - (3) Submitted false information or omitted material information in the licensing process required by this chapter.
- B. If a license is revoked or suspended, all licenses issued to people acting on behalf of the licensee are automatically revoked or suspended.

#### **§ 245-~~3014~~. Violations and Penalties; Enforcement.**



- A. The Chief of Police, and their designees are authorized to enforce this chapter. They may impound a license when a person has been found violating a provision of this chapter, when cause exists for suspending or revoking the license, or when the license has been suspended or revoked. When impounding a license, the official must send a notice to the licensee and at the address on the application form, giving the parties 10 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.
- B. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by Chapter 1, Article I, of this Code of the City of Isanti.

**Section 2- Effective Date.**

This Ordinance takes effect upon its passage and publication in the official newspaper of the City of Isanti.

Adopted by the City Council this 4<sup>th</sup> day of June 2024.

  
\_\_\_\_\_  
Mayor James Gordon

Attest:

  
\_\_\_\_\_  
Jaden Strand  
City Clerk

Posting Date: 5-21-2024  
Reading Date: 6-4-2024  
Publication Date: 6-13-2024  
Effective Date: 6-13-2024