

CITY OF SHOREVIEW

ORDINANCE NO. 1052

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE X, REGARDING MOBILE VENDORS

The Shoreview City Council ordains that Chapter 10, Article X, Peddlers, of the Shoreview Municipal Code is amended to read as follows (New language is underlined and highlighted red; ~~red-stricken text is proposed for deletion~~):

CHAPTER 10 BUSINESSES

ARTICLE X. PEDDLERS MOBILE VENDORS

Sec. 10-312. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food unit vendor means an individual operating out of a self-contained vehicle, trailer, or food cart that is used to store, prepare, display, or serve food and can readily move without disassembling.

Non-commercial door-to-door advocate means an individual traveling from place to place within the city for the primary purpose of soliciting a donation of money or services or disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

~~Peddler means an individual traveling from place to place within the city, by whatever means of transportation, for the purpose of selling, offering for sale or taking orders for the sale of~~ attempting to sell, and delivering immediately upon sale, the goods or services, of whatever kind, ~~for present or future delivery, including any person who utilizes or occupies any permanent or temporary building, structure or portions thereof, within the city, for the purpose of sales, exhibiting samples or taking orders for future delivery.~~

~~Solicitor means an individual traveling from place to place within the city, by whatever means of transportation, for the purpose of~~ attempting to obtain orders for goods or services, of whatever kind, and for which delivery or performance shall occur at a later time. ~~approaching another in their home to make a request for a donation of money or services.~~

Sec. 10-313. Permit exemptions.

The permit provisions of this article shall not apply to the following individuals, but such individuals shall register with the city ~~manager~~ as hereinafter provided:

- (1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business;

- (2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
- (3) ~~Bona fide residents~~ **Residents** of the state selling fruits, vegetables, dressed meats, fowl or other farm products which were produced on land within the state under the ownership or control of the vendor, provided that such sales occur only in areas permitted by the city's development regulations and only if such sales can be conducted without creating traffic hazards;
- (4) Sales made by ~~bona fide~~ nonprofit organizations registered within the state, or solicitations made by individuals or organizations.

(5) Non-commercial door-to-door advocates.

(6) Mobile food unit vendor operating on private property, as part of a city event, or as part of a private event on city property. Mobile food unit vendors must obtain written approval from the property owner prior to the event.

Sec. 10-314. Registration required.

All solicitors or individual who is exempt from the permit requirements ~~Any peddler or solicitor who is exempt from the permit requirements~~ shall register with the city ~~manager~~. Registration shall be made on forms provided by the city ~~manager~~. No registration fee shall be required. Upon completion of the registration form, the city ~~manager~~ shall issue a certificate of registration to the applicant. Certificates of registration shall be non-transferable. Non-commercial door-to-door advocates are not required to register. The following are exempt from registration:

(1) Non-commercial door-to-door advocates.

(2) Mobile food unit vendors operating under circumstances listed in section 10-313 (6).

Sec. 10-315. Permit required.

It shall be unlawful for any person to engage in business as a ~~peddler/solicitor~~ mobile food unit vendor or peddler without first obtaining a permit from the city ~~manager~~.

- (1) *Application.* Applications shall be verified and shall be submitted on forms provided by the city ~~manager~~ which shall include the following:
 - a. The name of the applicant;
 - b. The permanent home address and full local address of the applicant;
 - c. A brief description of the nature of the business and the goods to be sold;
 - d. If employed, the name and address of the employer, together with credentials establishing the exact relationship;

- e. The place where the goods proposed to be sold and the manner in which such goods shall be delivered to the customer;
 - f. A statement as to whether the applicant has been charged with a misdemeanor, gross misdemeanor, or felony violation of a municipal ordinance, state statute, or federal law; the nature of the offense; the date of the offense; and the status of the proceeding;
 - g. A description of any vehicle which the applicant will use while engaged in the business of a peddler within the city;
 - h. When the application is filed, the applicant shall provide photographic proof of an application in the form of a state driver's license or other photo identification acceptable to the city manager or their designee.
 - i. Such other relevant information as may be required by the city ~~manager~~.
- (2) *Procedure.* Upon receipt of the completed application form, the receipt of the permit fee, and a completed background check of the applicant, the city manager or their designee shall act on the approval or denial of the permit within a minimum of two weeks and shall notify the applicant of such decision. If the application is approved, a permit shall be issued. The application may be denied for the following reasons:
- a. The failure of the applicant to truthfully provide any of the information requested by the city as part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
 - b. The conviction of the applicant within the past five 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 a permit is being sought in an honest and legal manner or that will not adversely affect the health, safety and welfare of the residents of the city. Such 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.
 - c. The revocation within the past five years of any permit or license issued to the applicant for the purpose of conducting business as a peddler.
 - d. The applicant is determined to have a bad business reputation; evidence of a bad business reputation shall include, but not be limited to, the existence of more than two complaints against the applicant with the Better Business Bureau, the attorney general's office or other similar business consumer rights office or agency within the preceding 12 months, or five such complaints against the applicant within the preceding five years.

- (3) *Permit fee.* A fee, in an amount to be determined from time to time by city council resolution, shall be paid when the application is submitted.
- (4) *Record.* The city manager or their designee shall keep records of all permits issued under this article.
- (5) *Display.* Every peddler shall display the city-issued permit upon the request of any person.
- (6) *Duration.* Every permit issued under the provisions of this article shall be valid for the period of time stated therein but in no event shall any such permit be issued for a period of time in excess of ~~90 days~~ six months.
- (7) *Revocation.* Any permit issued under this section may be revoked at the discretion of the city manager or their designee for violation of any of the following:
 - a. Fraud, misrepresentation or incorrect statements on the application form.
 - b. Fraud, misrepresentation or false statement made during the course of the permitted activity.
 - c. Conviction of any offense for which granting a permit could have been denied.
 - d. Violation of any provision of this article.

Sec. 10-316. Prohibited activities.

It shall be unlawful for any mobile food unit vendor, non-commercial door-to-door advocate, peddler, or solicitor to engage in the following activities: ~~No peddler shall conduct business in any of the following manners:~~

- (1) *Entrance to premises restricted.* ~~It shall be unlawful for any peddler or solicitor to enter~~ Enter upon any private premises when such premises are posted with a sign stating "no peddlers or solicitors allowed" or ~~"no solicitation allowed"~~ or other words to such effect.
- (2) *Refusing to leave.* ~~It shall be unlawful for any peddler or solicitor to enter~~ Enter upon premises owned, leased or rented by another and refuse to leave such premises after having been notified by such owner or occupant to leave.
- (3) *Misrepresentation.* ~~It shall be unlawful for any peddler or solicitor to make~~ Make false or fraudulent statements concerning the quality of the goods or services which are being offered for sale.
- (4) *Hours of operation.* ~~It shall be unlawful for any peddler or solicitor to operate~~ Operate within the city between the hours of 9 pm and 9 am the following morning, or at any time on Sundays, except by specific appointment with or invitation from the

prospective customer. Mobile food unit vendors may operate between 9 am and 8 pm on Sundays.

- (5) *Use of audio devices.* ~~It shall be unlawful for any peddler or solicitor to call~~ Call attention to their activity by means of a sound amplification device, blowing a horn or whistle, ~~by~~-ringing any bell, ~~by~~-crying out, or ~~by~~-making any other noise in an unreasonable manner.
- (6) *Obstructing traffic.* ~~It shall be unlawful for any peddler or solicitor to obstruct~~ Obstruct the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way.
- (7) *Safety hazard.* ~~It shall be unlawful for any peddler or solicitor to conduct~~ Conduct business in such a way as to create a threat to the health, safety and welfare of any individual or general public.
- (8) *Proof of permit.* ~~It shall be unlawful for any peddler or solicitor to fail~~ Fail to provide proof of permit or registration and identification when requested; or to use the permit or registration of another person.
- (9) *False statements.* ~~It shall be unlawful for any peddler or solicitor to make~~ Make false or misleading statements about the product or services being sold, including untrue statements of endorsement. No peddler or solicitor shall claim to have the endorsement of any city solely based on the city having issued a permit or certificate of registration to that person.
- (10) *Harassment.* ~~It shall be unlawful for any peddler or solicitor to remain~~ Remain on property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Sec. 10-317. Additional requirements for mobile food unit vendors.

- (1) State and county licenses. Mobile food unit vendors must obtain all applicable licenses from Ramsey County, the Minnesota Department of Health or the Minnesota Department of Agriculture.
- (2) Location. Mobile food unit vendors may not operate on public sidewalks, trails, rights-of-ways within 50 feet of an intersection, or in a no parking zone.
- (3) Gray water. Gray water must be disposed of daily and cannot be drained into city storm water drains or public trash cans.

Sec. 10-~~317~~318. - Candidates for public office.

Candidates for public office are exempt from the provisions of this article.

Sec. 10-~~318~~319. Misdemeanor.

Any violation of this article shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

Secs. 10-~~319~~320—10-339. Reserved.

Adoption Date: Passed by the city council of the City of Shoreview on the 2nd day of June, 2025.

Effective Date: This ordinance shall become effective the day following its publication in the city's official newspaper.

Publication Date: Published on the 17th day of June, 2025.

Sue Denkinger, Mayor

Attest:

Brad Martens, City Manager

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