



City of Moorhead  
500 Center Avenue, PO Box 779  
Moorhead, MN 56560-0799  
Phone: 218.299.5304  
Fax: 218.299.5306  
cityclerk@ci.moorhead.mn.us

# BUSINESS REGISTRATION

## Moorhead City Code

### Title 2. BUSINESS AND LICENSE REGULATIONS Chapter 4. TRANSIENT MERCHANTS/SOLICITORS

Business Name \_\_\_\_\_

Business Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Phone \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Applicant's Home Address \_\_\_\_\_

Applicant's Local Address \_\_\_\_\_

Applicant's Local Phone Number \_\_\_\_\_

Description of goods/services to be sold: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date(s) to conduct sale: \_\_\_\_\_ to: \_\_\_\_\_

Proposed place of business \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Minnesota Sales Tax Permit Number \_\_\_\_\_

List all subordinate's full name, address and date of birth: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CITY CLERK SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



# MOORHEAD CITY CODE

## Title 2. BUSINESS AND LICENSE REGULATIONS

### Chapter 4. TRANSIENT MERCHANTS/SOLICITORS

---

#### **2-4-1: PURPOSE:**

This chapter is not intended to interfere with legitimate business activities of merchants and solicitors as the same are herein defined, whether the same be local or interstate. These provisions are intended only to use their unique presence on property within the city, either in person or by means of a telephone contract, or their unique proximity to its residents, to conduct their sales, services or canvassing. (Ord. 88-20, 1-23-1989)

#### **2-4-2: DEFINITIONS:**

The following terms as used in this chapter shall have the meanings stated:

**TELEPHONE SOLICITATION:** Any contact by telephone to secure an appointment or to make a sale of any service or merchandise, which call results in the delivery of any merchandise, performance of any service, arranging an appointment, meeting or other confrontation between the telephone solicitor and the person contacted for the purpose of selling any such service or merchandise shall constitute conducting a temporary or transient merchant business.

**TRANSIENT MERCHANT:** Includes any temporary or transient door to door, street to street, place to place, or temporary vendors of sales, services or canvassing. (Ord. 759, 10-18-1982)

#### **2-4-3: LICENSE REQUIREMENTS:**

A. License Required: It is unlawful for any person to operate as a temporary or transient merchant or solicitor without a license therefor from the city.

B. Application For License: An application for such license shall be made to the city clerk on forms provided by the city and shall contain such information as the city clerk shall determine to be necessary for the issuance of a transient merchant/solicitor license, including the applicant's Minnesota sales tax permit number. The application shall also contain the names, addresses, dates of birth and such other information regarding the applicant, the licensed activity and any individual or entity involved with the applicant in the licensed activity as the city clerk may deem necessary to apprise the city as to the facts and circumstances surrounding the applicant's proposed business activities within the city. (Ord. 759, 10-18-1982)

C. License Fees: As established by the city's fee schedule. (Ord. 2007-30, 1-7-2008, eff. retroactive to 1-1-2008)

D. Issuance Or Denial Of License: The city clerk shall review the application, including forwarding the application to the police department for its recommendations, and if it is found to be in order may issue the license forthwith upon payment of the license fee as set forth in subsection C of this section. If the city clerk declines to issue the license, the city clerk shall forthwith notify the applicant of that decision and shall place the question of the issuance of the license on the agenda for consideration of the council at its next regularly scheduled meeting. The applicant shall be notified of and have the right to appear at said council meeting and be heard upon said application. The council shall thereafter determine whether or not the applicant shall be issued a license. This procedure for denial of license specifically supersedes the denial provisions of subsection [2-1-10B](#) of this title.

E. Suspension Of License: The council may suspend or revoke any license to operate as transient merchant or solicitor in accordance with the provisions of subsection [2-1-10B](#) of this title. (Ord. 759, 10-18-1982)

#### **2-4-4: CONDITIONS OF LICENSE:**

A. Separate Licenses: Each individual engaged as a temporary or transient merchant or solicitor, as an employee or agent of a temporary or transient merchant or a solicitor within the city, must secure a separate license and have such license in the individual's possession at all times.

B. Practices Prohibited: It is unlawful for any persons, licensed under this chapter, to call attention to their business or to their merchandise by crying out, blowing a horn, ringing a bell, or by any loud or unusual noise, or by use of any amplifying device.

C. Exceptions: This chapter shall not apply to any sale under court order, nor to any bona fide auction sale, nor to any "flea market", nor to newspaper carriers, nor to a sale at wholesale to a retail dealer in the articles sold, nor to the sale of farm or garden products by the person producing the same which production shall be proven by the vendor, nor sales of admissions by local school students to a school function. Nor shall this chapter apply to solicitations for philanthropic, religious and educational charitable causes or sponsored events if the following procedure has been accomplished:

1. Sworn application has been made to the city showing name of organization, its purpose, its officers and directors, period of solicitation and solicitor's form of remuneration.
2. The city clerk has investigated and found such statements true and for charitable purpose. (Ord. 759, 10-18-1982)

#### **2-4-5: RESPONSIBILITY OF BUSINESS OWNER:**

The owner or person in charge of any premises within the city who enters into an agreement with a temporary or "transient merchant" or solicitor, as defined herein, to operate or temporarily conduct business on such premises, shall be responsible for the conduct of such business upon the premises including the application for and obtaining of a license for such business as provided in this chapter. (Ord. 759, 10-18-1982)

**2-4-6: PENALTIES:**

A. Any person violating any provisions of this chapter shall, upon conviction, be penalized in accordance with the provisions of section [1-4-2](#) of this code.

B. Notwithstanding the within and foregoing penalty, the city may apply to the district court of Clay County, Minnesota, for injunctive relief against any individual violating this chapter in addition to the penalties for violation thereof. (Ord. 759, 10-18-1982)