

**CITY OF EYOTA
EYOTA, MINNESOTA**

ORDINANCE NO. 130

**AN ORDINANCE RELATING TO PEDDLERS, SOLICITORS AND TRANSIENT
MERCHANTS**

Eyota City Ordinance No. 15-1 is hereby repealed.

Section 1. Definitions and Interpretation.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter, and vice-versa. The term “shall” means mandatory and the term “may” is permissive. The following terms shall have the definitions given to them:

- A. Person. The term “person” shall mean any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships, and associations, the term shall include each member, officer, partner, associate, agent or employee.
- B. Peddler. The term “peddler” shall mean 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 offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property, that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term hawker. The term shall also apply to any person offering for sale any service that the person can immediately provide.
- C. Solicitor. The term “solicitor” shall mean 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, or 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 provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. The term solicitor shall mean the same as the term canvasser.
- D. Transient Merchant. The term “transient merchant” shall mean a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front 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 one location for more than ten (10) consecutive days.

Section 2. **Exceptions to Definitions.**

For the purpose of the requirements of this Section, the terms “peddler”, solicitor”, and “transient merchant” shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property, to a retailer of the item(s) being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route. In addition, persons conducting the types of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of peddlers, solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court ordered sale. The terms also shall not apply to non-profit organizations such as Girl Scouts of America or Boy Scouts of America.

Section 3. **Prohibited Activities.**

The practice of going in and upon private residences or residents’ properties in the City of Eyota by peddlers, solicitors and transient merchants not having been requested or invited to do so by the owner or owners, occupant or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling the same, is hereby declared to be a nuisance.

Section 4. **Penalty.**

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor.

Section 5. **Constitutionality.**

If any part of this ordinance is found invalid or unconstitutional by any court, that portion of the ordinance shall be deemed a separate, distinct and independent portion of the remainder of the ordinance, and shall not affect the validity of the rest of the ordinance.

This ordinance becomes effective from and after its passage and publication in the Post Bulletin on March 9, 2013.

PASSED AND ADOPTED BY THE EYOTA CITY COUNCIL THE 28 DAY OF FEBRUARY 2013.



Tyrel Clark
Mayor

ATTEST:



Marlis Knowlton
Clerk/Treasurer