City of Lino Lakes
Department of Administration
600 Town Center Pkwy
Lino Lakes, MN 55014

SOLICITOR/PEDDLER LICENSE APPLICATION

All application materials must be received before your application will be processed.

SOLICITOR/PEDDLER LICENSE FEES:

1. **License Fee (6 MONTHS): $250**
2. **Background Investigation Fee: $35/solicitor-peddler**

Required Documentation

	Completed Application Form – one form perf company
	Completed Background Check Authorization Form (for each proposed solicitor/peddler under the company license)
	2-inch x 2-inch photo (passport photo) of each proposed solicitor/peddler
	Completed Certificate of Compliance for MN Worker Compensation
	Completed Tax Identification Form

This application requests information that may be classified as private or confidential under the Minnesota Data Practices Act. State law or City ordinance requires this information. The information will be used to determine your eligibility for issuance of a license, permit, or identification card. Failure to provide the information may result in a denial of the license.

DIRECTIONS: This form must be filled out completely. An incomplete application will be rejected. This application must be submitted at least 30 days in advance of any proposed solicitation or peddling activities.

BUSINESS DETAILS	
Name of Company or Organization	
Name of Primary Company Contact	
Company Address	
Company Phone (main phone)	
Company Primary Contact Phone	
Company Primary Contact Email	
MN Tax ID and Federal Tax ID Numbers:	

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SOLICITOR/PEDDLER DETAILS	
Provide a detailed description of the nature of business, goods to be sold, and method of operation.	
Proposed range of dates for soliciting/peddling (approximate).	
If selling goods, specify where the goods will be stored.	
If selling goods, where are the goods manufactured or obtained?	
Has this business or any employee been charged with violating any municipal ordinances related to soliciting or peddling?	☐ YES ☐ NO If yes, explain below:

INDIVIDUAL SOLICITORS/PEDDLERS	
List names of all proposed solicitors/peddlers who will be conducing business in Lino Lakes. Attach extra sheets if necessary. **Each must complete a background authorization form**.	

VEHICLE DETAILS			
List vehicle details for any vehicles to be used in soliciting/peddling activity			
MAKE	**MODEL**	**COLOR**	**LICENSE PLATE**

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REFERENCES
List three (3) cities where this company has conducted business as a solicitor or peddler.
1.
2.
3.

I, the undersigned, being an authorized representative of the above-named company/organization, hereby confirm that the information provided above is true and accurate. I am aware that any misrepresentation on this application will be the basis for a denial of this application. I have been provided a copy of Lino Lakes City Code, Chapter 613, and have reviewed the full ordinance and agree that I am willing to comply with all provisions therein; I further agree that failure to comply with the ordinance will result in forfeiture of the permit.

____ ____________________
Applicant Signature Date

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BACKGROUND AUTHORIZATION AND TENNESSEN WARNING

A BACKGROUND AUTHORIZATION AND TENNESSEN WARNING Form must be completed for each applicant and submitted together with the license application. The application background fee is non-refundable.

The City of Lino Lakes is investigating background information for approval of a request for licensing. This application requests information, which may be classified as private or confidential under the Minnesota Data Practices Act. State law or City ordinance requires this information. The information will be used to determine eligibility for issuance of the license or renewal. Failure to provide the information may result in a denial of the license.

Your background may include (but not limited to):

Criminal History, Driver's License Check, Outstanding Warrants, Fingerprinting, Photograph, Civil & Criminal Record Check, IRS Document Check, Credit Check and Interview.

Any information that you provide will be made accessible to the following persons or entities:

A. The subject(s) of the data, which may include someone other than yourself.

B. Individuals within the City of Lino Lakes whose work assignments reasonably require access to the information you provide.

C. Any persons, entities or agencies authorized by state or federal law to have access to the information. These include, but are not necessarily limited to, the following:

1. Law enforcement agencies. The information you provide may be referred to a law enforcement agency for purposes of initiating or furthering a criminal investigation. You are advised, however, that any statements you make under threat of discipline, or evidence obtained as a result of such statements, cannot be used against you in any criminal proceeding.
2. Contracting Parties. Where a contract between the City of Lino Lakes requires that such party have access, the information you provide will be shared with that contracting party. The contracting party may not disclose the information except as authorized by state or federal law.
3. City Attorneys. The information you provide may be shared with the City of Lino Lakes attorneys, if the information is related to a matter upon which the City of Lino Lakes has requested legal advice.
4. Open Meetings. If it becomes reasonably necessary to discuss such information at any meeting required by law to be open to the public, the information you provide may become available to the public at such meeting.
5. Court Order. The information you provide will be made available to any persons or entities authorized by court order to have access to the information.

6. Persons or entities who have the express written consent of the data subject, who may be someone other than you.

TENNESSEN WARNING

Data is requested from the applicant on various forms. The purpose and intended use of the requested data is to verify the applicant meets all state statute and city code provisions and, if the license or permit is approved, to verify that all required data remains current. The following data collected, created, or maintained is classified under the Minnesota Government Data Practices Act as Private data until license approval when the data becomes Public: (13.41, Subd.4).

1. Data submitted by applicants (other than names and designated addresses
2. Orders for hearing and findings of fact
3. Conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action
4. Entire record concerning the disciplinary proceeding
5. License numbers
6. License status

The following data collected, created, or maintained is classified as Private: (13.41, Subd. 2).

1. The identity of complaints who have made reports concerning licenses or applicants which appear in inactive complaint data unless the complainant consents to the disclosure
2. The nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action
3. Inactive investigative data relating to violations of statutes or rules 4. The record of any disciplinary proceeding except as limited by Subd. 4

The following data collected, created, or maintained is classified as Confidential: (13.41, Subd.3).

1. Active investigative data relating to the investigation of complaints against any license Under law, private data may be shared with licensing and inspection employees, approval authorities, insurance providers, law enforcement employees, contracted inspection officials, as required by court order and City officials who have a bona fide need for it.

The City of Lino Lakes may make any data classified as private or confidential accessible to an appropriate person or agency if the licensing agency determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety. We ask that you complete or provide all data requested on the application form(s) unless we have noted that it is not required. Refusal to supply required information may mean that your application cannot be processed.

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION REGARDING MY RIGHTS AS A SUBJECT OF GOVERNMENT DATA.

____ ____________________

Signed *Date*

BACKGROUND CHECK AUTHORIZATION

DIRECTIONS: This form must be filled out entirely. Attach a copy of your valid ID, license, or passport.

1. True Name (exactly as on ID or passport): ____

2. Maiden, Alias, or Former Name: ____

3. Residential Address: ____
____

4. County in which you reside: ____

5. Date of Birth ____

6. Place of Birth ____

7. Phone Number: ____

8. Email Address: ____

9. Business Address: ____
____

10. Business Phone: ____

11. Driver's License/ID Number:
Have you ever had a DL in another state? ☐ YES ☐ NO If yes, state: ___________

12. Marital Status ☐ Married ☐ Single ☐ Divorced

If married, provide spouse true name, place/date of birth, and maiden name ____
____
____

13. Address(es) at which you have lived during the preceding 10 years (begin with present address). Attach additional sheets if needed.

List Street, City, State, Zip	*Date range*

I authorize the Lino Lakes Public Safety Department and the Minnesota Bureau of Criminal Apprehension to disclose all criminal background information on me as permitted by law to the City of Lino Lakes for the purpose of a background check.

The expiration of this authorization shall be one year from the date of my signature.

Signature of Applicant _______________________________ Date ________________

Certificate of Compliance

Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a $2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number	Alternate telephone number	
Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.)			
DBA ("doing business as" or "also known as" an assumed name), if applicable			
Business address (must be physical street address, no P.O. boxes)	City	State	ZIP code
County	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☐ **I have a workers' compensation insurance policy.**

Insurance company name (not the insurance agent)		
Policy number	Effective date	Expiration date

☐ **I am self-insured for workers' compensation.** (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see www.mn.gov/commerce/industries/insurance/licensing/self-insurance.)

2. **I am not required to have workers' compensation insurance because:**

☐ I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)

☐ I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)

☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)

☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a busir
am authorized to sign on behalf of the business.

Print name		
Applicant signature (required)	**Title**	**Date**

Tax Identification Form – City of Lino Lakes License Applicants

License Applicant:

Pursuant to "Minnesota Statute 270C.72 Tax Clearance: Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest.

2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service.

3. Failure to supply this information may jeopardize or delay the processing of your licensing issuance or renewal application.

Please supply the following information and return along with your application to the City of Lino Lakes. Do not return to the Department of Revenue.

Name of Applicant: ______________________________

Social Security Number: ______________________________

(For individual business owner only, not partnership, corporation, etc.)

Type of Business ______________________________

Minnesota Tax Identification Number: ______________________________

Federal Tax Identification Number: ______________________________

Signed by ____________________ Date ____________________

Print Name of Person Signing ______________________________

If a Minnesota Tax Identification Number is not required, please explain below:

2019 Minnesota Statutes

270C.72 Tax Clearance; Issuance of Licenses - Subdivision 4 Licensing authority; duties.

All licensing authorities must require the applicant to provide the applicant's Social Security number or individual taxpayer identification number and Minnesota business identification number, as applicable, on all license applications. Upon request of the commissioner, the licensing authority must provide the commissioner with a list of all applicants, including the name, address, business name and address, and Social Security number or individual taxpayer identification number and business identification number, as applicable, of each applicant. The commissioner may request from a licensing authority a list of the applicants no more than once each calendar year.

CHAPTER 613: TRANSIENT MERCHANT, PEDDLER, CANVASSER AND SOLICITOR

Section

§ 613.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. 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.

PERSON. Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the terms shall include each member, officer, partner, associate, agent or employee.

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 provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term shall mean the same as the term canvasser.

TRANSIENT MERCHANT. Any person whose business in the city is temporary or seasonal and consists of selling and delivering merchandise within the city, and who in furtherance of the purpose uses or occupies any structure, vehicle or other place for the exhibition and sale of the merchandise.

(Prior Code, § 612.01) (Ord. 01-89, passed 2-13-1989)

§ 613.02 EXCEPTIONS TO DEFINITIONS.

(1) For the purpose of this chapter, the terms peddler, solicitor and transient merchant shall not apply to the following:

(a) Persons doing business by appointment;

(b) Persons selling or attempting to sell at wholesale their goods, wares, products or merchandise to retail, wholesale, professional or industrial establishments;

(c) Persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales, as well as anyone conducting an auction as a properly licensed auctioneer or any officer of the court conducting a court-ordered sale;

(d) No licenses shall be required for vendors as a preliminary step to the establishment of a regular route service for the sale and delivery of commodities or the providing of services to regular customers; and

(e) School aged children selling items for fund raisers.

(f) Persons selling only farm products they have grown themselves.

(2) Exception from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

(Prior Code, § 612.03) (Ord. 01-89, passed 2-13-1989; Am. Ord. 01-11, passed 1-24-2011)

§ 613.03 RELIGIOUS AND CHARITABLE ORGANIZATIONS.

(1) Any organization, society, association or corporation desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise

for which a fee is charged or solicited from persons other than members of the organizations upon the streets, in office or business buildings, by house to house canvass or in public places for a charitable, religious, patriotic, philanthropic or otherwise non-profit purpose shall be exempt from § 613.04 of this chapter, provided a sworn application in writing on a form furnished by the city is filed which shall include the following information:

(a) Name and purpose of the cause for which the license is sought;

(b) Names and addresses of the officers and/or directors of the organization;

(c) The period during which the solicitation is to be carried on; and

(d) Whether or not any commission, fee, wages or emoluments are to be expended in connection with the solicitation.

(2) Upon the foregoing being satisfied, the organization, association or corporation shall furnish all its members, agents or representatives conducting the solicitation credentials in writing stating the name of the organization, name of the agent and the purpose of the solicitation. The credentials shall be kept on the person of the members, agents or representatives during the actual solicitation and be presented to anyone requesting to see same.

(Prior Code, § 612.04) (Ord. 01-89, passed 2-13-1989)

§ 613.04 LICENSING; EXEMPTIONS.

(1) *County license required.* 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 M.S. Ch. 329, as it may be amended from time to time, if the county issues a license for the activity.

(2) *City license required.* Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler, solicitor or transient merchant without first having obtained a license from the city. The license period will be no longer than six months from the date of issuance. A single license may be issued to a company covering its employees or agents as long as an application, as described herein, is completed, for each individual person operating in the city.

(3) *Application.* Application for a city license to conduct business as a peddler, transient merchant or solicitor shall be made at least ten regular business days before the applicant desires to begin conducting business on an application form available from the office of the City Clerk. All applications shall be signed by the applicant and shall include the following information:

(a) Applicant's full legal name, name of business and applicant's current position;

(b) All other names under which the applicant conducts business or to which applicant officially answers;

(c) Applicant's permanent home and business address as well as a local address for correspondence;

(d) Any and all business related telephone numbers, including a number where the applicant can be reached while conducting business in the city;

(e) A brief written description of the nature of the business, the goods to be sold and the applicant's method of operation;

(f) A brief statement of the nature, character and content of the advertising done or proposed to be done in order to attract customers (samples may be requested);

(g) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent;

(h) The length of time which the applicant intends to do business in the city with the approximate dates;

(i) A statement as to whether or not the applicant or the person managing the business activities has been convicted within the last five years of any felony, gross misdemeanor or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;

(j) The applicant's driver's license number or other acceptable form of identification.

(k) If a vehicle is to be used, a description of the same together with license number or other means of identification;

(l) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(m) A list of the three most recent locations where the applicant has conducted business as a peddler, solicitor or transient merchant; and

(n) Transient merchants shall include the addresses of all places where the business is to be located along with written consent of the owners or occupants.

(Prior Code, § 612.06) (Ord. 01-89, passed 2-13-1989)

(4) *Fee.* All applications for a license under this chapter shall be accompanied by the fee established by ordinance annually in the city fee schedule, as it may be amended from time to time.

(5) *Procedure.* Upon receipt of the completed application and payment of the license fee, the City Clerk must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk must inform the applicant of the required or necessary information that is missing. If the application is complete, the City Clerk must order any investigation, including background checks, necessary to verify the information provided with the application. The City Clerk will present the license request to the Council as soon as possible. If there exists grounds for denying the license under § 613.05, the Clerk will present that information to the City Council. If the Council denies the license, the applicant must be notified in writing of the decision, the reason for denial and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal within 20 days of the date of the request.

(6) *License exemptions.*

(a) No license 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.

(b) Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.

§ 613.05 LICENSE INELIGIBILITY.

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

(1) 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;

(2) 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 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;

(3) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant; and

(4) 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 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 12 months.

§ 613.06 LICENSE SUSPENSION AND REVOCATION.

(1) *Generally.* Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(a) Fraud, misrepresentation or incorrect statements on the application form;

(b) Fraud, misrepresentation or false statements made during the course of the licensed activity;

(c) Conviction of any offense for which granting of a license could have been denied under §613.05; and

(d) Violation of any provision of this chapter.

(2) *Multiple persons under one license.* The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(3) *Notice.* Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the local address given on the application.

(4) *Public hearing.* Upon receiving the notice provided in division (3) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the City Council shall notify the licensee of its decision.

(5) *Emergency.* If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (4) of this section.

§ 613.07 LICENSE TRANSFERABILITY.

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

§ 613.08 PROHIBITED ACTIVITIES.

(1) Sell or solicit before the hour of 9:00 a.m. or after one-half hour past sunset unless a previous appointment has been made.

(2) Enter or conduct business upon any premise where a sign or plaque is conspicuously posted stating in effect that no peddlers or solicitors are allowed. The signs shall have letters a minimum of one-half inch high.

(3) Occupy for the purpose of advertising and/or conducting business any area within a sight triangle, at any road intersection.

(4) Occupy as a transient merchant, solicitor or peddler, any public right-of-way or other public property for the purpose of advertising and/or conducting business.

(5) Obstruct the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way.

(6) Conduct business in a way as to create a threat to the health, safety and welfare of any individual or the general public.

(7) Call attention to business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out or by any other noise, so as to be unreasonably audible within an enclosed structure.

(8) Failing to provide proof of license and identification, when requested.

(9) Making false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or registration to that person.

(10) Remaining on the 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.

§ 613.09 PENALTIES.

Whoever does any act forbidden by this chapter or omits or fails to do any act required by this chapter shall be guilty of a misdemeanor and subject to all penalties provided for under Minnesota law.