

2012-Or-____

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Schiff and Colvin Roy

Repealing Title 13, Chapter 333 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 333 of the above-entitled ordinance be and is hereby repealed.

CHAPTER 333. SOLICITORS

ARTICLE I. GENERALLY*

~~**333.10. Defined.** The term "solicitor" when used in this article shall mean (1) a person who goes from house to house or from place to place in the city, or approaches other persons upon the public streets or sidewalks, selling or taking orders for, or offering to sell or take orders for, or promoting the sale of, goods, wares, merchandise or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatever for future delivery, and who demands, accepts or receives payment or deposit of money therefor in advance of final delivery; or who hands out cards or slips containing free chances on drawings or systematically approaches other persons in any of said places to obtain their name, address or telephone number for prospect lists, for promoting or accomplishing any of the activities or purposes above described; (2) or a supplier, whether individual, partnership, corporation or association who engages employees, agents, or representatives to perform any of the above-mentioned activities in selling or promoting the sale of its goods, merchandise or services.~~

~~**333.20. License required.** No person, partnership, corporation or association shall carry on the business of solicitor either directly or through agents or representatives without being licensed under this article.~~

~~**333.30. Application required.** Application for such license shall be made to the department of licenses and consumer services. The application of~~

~~an individual, agent, or representative shall state full name and residence and address while working as a solicitor in Minneapolis, the full name and residence of the person, firm or company by whom employed, for whom acting, selling, or promoting; the kind or line of goods, wares, merchandise, articles, things or services he or she proposes to sell, solicit or take orders for, and the brand or trade names thereof. The application of a partnership, corporation or association shall state its correct name, the state of its incorporation, if any, the street and mailing address of its home office or principal place of business, as well as the address of its closest business office, if any, the kind or line of goods, wares, merchandise, articles, things or services it proposes to sell, solicit or take orders for, and the brand or trade names thereof; and the names and addresses of all employees, agents, or representatives it proposes to engage in solicitation. Every applicant and every licensee, whether an individual representative or a supplier, shall keep the department of licenses and consumer services informed of any changes in any of the information required herein to be furnished to the city.~~

~~**333.40. Issuance of license.** Upon receipt of a new application and payment of the license fee, the department of licenses and consumer services shall issue a license where (1) the applicant is an individual person; and (2) the applicant has not been convicted of a crime. All other new applications and renewals shall be considered by the city council.~~

~~**333.50. Service of process.** All applicants, whether an individual desiring to work directly as a solicitor, or the supplier of the goods, wares, merchandise or services proposed to be sold or promoted, and whether the applicant is an individual, partnership, corporation or association, shall furnish to the department of licenses and consumer services, in the application, the name and address of the principal or officer of the applicant upon whom may be served in accordance with the laws of the State of Minnesota any legal process in any cause of action arising out of any operation of the applicant within the city. It shall be the duty of the licensee to keep the department of licenses and consumer services currently informed of any change in the name or address of such person upon whom legal process may be served. The furnishing by applicants or licensees of inaccurate or false information as to such names and addresses shall be a violation of this article. The return of any person authorized to serve legal process that such principal or officer cannot be found for service pursuant to Minnesota Statutes, Sections 543.19 and 303.13 or other laws of the State of Minnesota, at the address filed with the department of licenses and consumer services by an applicant or licensee, shall constitute a violation of this article by such applicant or licensee.~~

~~**333.60. License fee.** The annual license fee for an individual employee, agent, or representative, and for a supplier shall be as established in Appendix J, License Fee Schedule. Upon payment of the fee and proper filing of the application, and upon granting of the license by the city council, the license shall be issued by the department of licenses and consumer services and also the~~

~~identification card described in section 333.80; provided, however, that if at any time, any action or complaint is pending against the applicant for any violation of this chapter or in the event of an unfavorable report of the police license inspector, the matter shall be referred by the department of licenses and consumer services to the city council for review and determination as to the issuance, renewal or revocation of the license.~~

~~**333.70. When licenses expire.** Licenses issued under this chapter shall expire on June first of each year.~~

~~**333.80. Identification card.** Upon the granting of a solicitor's license, the department of licenses and consumer services shall issue to each individual employee, agent, or representative licensed for direct solicitation, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, age, address, a brief physical description, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor," the year for which it is issued, and the number of the identification card which shall be registered with the department of licenses and consumer services. Every solicitor licensed hereunder shall carry his or her license and identification card at all times while engaged in solicitation, and shall exhibit the same to any person when requested.~~

~~**333.90. Sales slip or order.** Every solicitor doing business in the city, upon making any sale of or taking any order for any goods, wares, merchandise, articles, things or services for future delivery shall deliver to and leave with the purchaser or person giving any such order a sales slip or copy of such order contract containing a description of the goods, wares, merchandise, articles, things or services ordered or contracted for, the agreed price thereof, the amount of all delivery charges thereon, the date for the future delivery thereof, the name and address of the solicitor, and the name and address of the person, firm or company, if any, for whom the solicitor is acting.~~

~~**333.100. Prohibited area.** No solicitor licensed under this chapter shall conduct business on the public streets or alleys within the following described territory in the city:~~

~~Commencing at the intersection of First Avenue North and Washington Avenue; thence along said First Avenue North, including both sides thereof, to Ninth Street North; thence along Ninth Street North, including both sides thereof, to Hawthorne Avenue; thence along Hawthorne Avenue, including both sides thereof, to Eleventh Street; thence along Eleventh Street, including both sides thereof, in an easterly direction to Second Avenue South; thence along Second Avenue South, including~~

~~both sides thereof, to Washington Avenue; thence along Washington Avenue, including both sides thereof, to First Avenue North.~~

~~**333.110. Violations.** It shall be unlawful for any individual, employee, agent, or representative to engage in solicitation unless the supplier of the goods, merchandise or service being sold or promoted is also licensed as required herein. It shall be unlawful for any supplier of merchandise or services to be engaged in solicitation through employees, agents, or representatives, unless all of such employees, agents, or representatives so engaged are currently listed with the department of licenses and consumer services and licensed as required herein. Violation of any provision of this article shall be punishable as provided in this Code of Ordinances and shall be grounds for termination of the solicitor's license.~~

~~**333.120–333.130. Reserved.**~~

~~**ARTICLE II. CHARITABLE SOLICITATIONS***~~

~~**333.140. Definitions.** For the purpose of this article, the following words and terms are defined and shall be construed as hereinafter set forth, unless it is apparent from the context that they shall have a different meaning:~~

~~Charitable purpose shall mean and include any philanthropic, social service, welfare or benevolent purpose, whether actual or purported.~~

~~Contribution or donation shall include money or property currently paid or delivered and pledges or subscriptions for the future payment of money or delivery of property to be used in whole or in part for any charitable purpose, as above defined, and donations in the form of a purchase or agreement for the purchase of any kind of advertisement, advertising space, book, card, coupon, device, magazine, membership, merchandise, subscription, tag, flower, emblem or any other thing in connection with which any portion of the purchase price thereof, or donation therefor, is purportedly to be used for any charitable purpose.~~

~~Person shall include any agency, partnership, company, association, society, organization or corporation, as well as a natural person but shall not include individual persons acting as solicitors for an organization or project.~~

~~Public solicitation shall mean the act of soliciting contributions in the city for any charitable purpose, as said terms are herein defined, from ten (10) or more persons by any means whatsoever.~~

~~Street solicitation shall be deemed to be a public solicitation of contributions from persons on the streets or sidewalks in the city.~~

~~**333.150. Permit required.** It shall be unlawful for any person, firm, society, organization, agency or corporation to solicit for donations of money, merchandise or any other thing of value by any means whatsoever for charitable or nonprofit organizations without first having obtained a permit so to do from the city council. Said permit shall not authorize solicitations for more than one year. No additional permits shall be issued under this article until the statement required by section 333.170 hereof, under any preceding permit, shall have been filed.~~

~~**333.160. Application for permit.** The applicant for such permit shall make application upon a form supplied by the director of licenses and consumer services, which form shall contain the name or names of the person, association, agency, firm, partnership or corporation desiring to make such solicitation and the purpose thereof, and the name of the charitable or nonprofit organization participating in such solicitation, together with the names and addresses of the officers and managing agents of all such organizations, the time, place and type of the solicitation and the duration thereof. The application shall be made under oath and signed by the applicant. If the applicant shall intend to conduct more than one public solicitation during the twelve-month period following the date of issuance of a permit, he or she may, include in the application a statement of intention so to do, and give therein all of the information required by this article with respect to each such solicitation, and the permit may then authorize solicitations conducted within said twelve-month period and in conformity with all other provisions of this article applicable to each such solicitation. The application must be filled out in full. Failure to answer any questions shall make the application invalid.~~

~~**333.170. Budget estimate required; final report.** There shall be filed with the application a statement or budget showing the anticipated amount to be realized by the solicitation, together with the estimated costs of such solicitation including salaries, advertising, overhead and all other costs and the anticipated net amount to be realized by such solicitation. Within twelve (12) months after the issuance of the permit and prior to the issuance of another permit, a statement shall be filed showing the amount realized from such solicitation, the costs thereof, and the net amount actually paid to the charity or agency for which the solicitation is held.~~

~~**333.180. Information to be public.** Any information contained in the application shall be considered public property and may be reproduced in any local medium to inform the citizens of the community.~~

~~**333.190. Solicitations among membership excluded.** This article shall not apply to any organization conducting a solicitation among its own members only.~~

~~**333.200. Permit fee.** The application shall be accompanied by a fee of sixty-five dollars (\$65.00) to defray the costs to the city.~~

~~**333.210. Purpose.** Permits issued under this article shall not imply approval or recommendation by the city. The sole purpose of such permit is to provide the public with information. Since the city does not recommend or approve solicitations, the name of the city shall not be used in any advertising or in the actual solicitation of cash, sale of tickets, etc., by any person, firm, society, organization, agency or corporation, as it may imply approval. Further, that language as set forth in this section shall be incorporated on the actual permit issued under the terms of this article.~~

~~**333.220. Use of public properties regulated.** No permittee shall use the public streets, boulevards, alleys, sidewalks or other public grounds for a fund-raising event described as, or similar to, a bike-a-thon or walk-a-thon without having filed with the department of licenses and consumer services a bond, or in lieu thereof cash, in such amount as the department deems necessary, but not to exceed one thousand dollars (\$1,000.00) conditioned that the permittee shall in all respects well and faithfully clean and restore all public streets, boulevards, alleys, sidewalks or other public grounds to their former condition within eight (8) hours after the event. The posting of such bond or cash shall be in addition to any other license, permit or requirement otherwise required.~~

~~**333.230. Identification cards.** (a) No individual shall solicit donations for a charitable purpose in a public place or door-to-door without an identification card displayed prominently on his or her person. The identification card shall include the following information in a readily readable format: Name of the permittee, the permit number, the permittee's address, a telephone number at which information about the permittee and its charitable purpose can be obtained at least during the normal business hours, the expiration date of the permit, and the solicitor's name. Violators of this paragraph may be tagged by police officers and duly appointed inspectors of the department of licenses and consumer services.~~

~~(b) It shall be the responsibility of the permittee under this article to provide identification cards to all individuals soliciting donations for the permittee and to ensure that the identification cards are displayed as required by section 333.230(a). Failure of any individual to display the identification card in accordance with this section may be grounds for revoking a permit granted hereunder.~~

~~(c) No permit shall be issued or renewed until the applicant has filed with the department of licenses and consumer services a sample identification card meeting the requirements of this section. Every identification card provided by~~

the permittee to individuals soliciting for it shall conform to the sample filed with the application.

~~**333.240. Exemption.** Notwithstanding section 333.210 or any other provision of this Code or other city policy, procedure or practice, upon city council findings that city department participation will have no impact on the delivery of city services, will be in the public interest and serves a public purpose, city department personnel may engage in public solicitation for a charitable purpose. The organization on whose behalf the city department engages in public solicitation and the city employee engaging in the public solicitation shall comply with all other requirements of this Code. The organization on whose behalf the city department engages in public solicitation shall agree to defend and indemnify and hold harmless the city for all worker's compensation claims and tort claims arising out of the public solicitation.~~