

City of Paynesville Solicitor Application Process

1. Complete Application & Release For Background Check.
2. Submit \$100.00 for application and investigation fee to the City of Paynesville
3. It may take up to 7 to 10 business days before the application would be approved or denied.

**CITY OF PAYNESVILLE
SOLICITORS
APPLICATION/REGISTRATION**

Application/Registration for a Solicitors License under and pursuant to Section 6.22 of the City Code of Paynesville, Minnesota. (A copy of Section 6.22 attached herewith.)

The undersigned hereby makes application for a Solicitors License in the City of Paynesville, Minnesota, under and pursuant to Section 6.22 of the City Code and does hereby make the following statements and answers:

Full Legal Name _____
First Middle Last

Legal Address _____
Street City State Zip Code

Local Address _____
Street City State Zip Code

Telephone Number _____

Date of Birth _____ Drivers License Number _____
(must take a photo copy)

Make and Model of Vehicle _____ Color _____

License Plate # _____

Employers Name _____

Employers Address _____
Street City State Zip Code

Employers Telephone Number _____

Check One:

- Business Solicitation (must be accompanied by valid and current license issued by County.)
- Residential Solicitation
- Contribution Solicitation

Give a brief description of the nature of the business and the goods to be sold and in the case of farm or orchard, whether produced or grown by the applicant.

Give the specific length of time and the dates for which the right to do business is desired:

List the names, addresses and telephone numbers of at least two reliable persons or businesses who will certify as to the applicant's good character and business responsibility:

Give a statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation, the nature of the offense and the punishment or penalty assessed therefor:

Indicate place where sales will be conducted: _____

Address _____

If sales are to be made from an open lot, vacant land, or an open sales lot, indicate where sales will be conducted and file written permission from the landowner showing knowledge and consent on the landowner's part to such sales.

STATE OF MINNESOTA)
)
COUNTY OF STEARNS)

ss.

_____ being duly sworn, deposes and says he/she is making the foregoing application; has read Section 6.22 of Paynesville City Code; and that the answers to the foregoing questions and other statements contained therein are true of his/her own knowledge and belief.

Signature of Applicant

Sworn to before me and subscribed in my presence this _____ day of _____

Notary Public

County of _____, Minnesota
My Commission Expires _____

Stamp

APPROVED BY:

Chief of Police

City Administrator

Release for Background Check

TO:

**Paynesville Police Department
221 Washburne Ave.
Paynesville, MN 56362**

I, _____, have applied for a Solicitor's Application with the City of Paynesville, Minnesota. As part of that city's application process a background investigation is being conducted.

I request and authorize you to release all information concerning my background to the City of Paynesville.

This authorization shall be valid for a period of one year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City of Paynesville or to you of that fact.

Signature: _____

Date: _____

SEC. 6.22. SOLICITORS.

Subd. 1. Purpose. This Section is not intended in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. **"Solicitor"** means any person making the solicitation, including such common terms as "peddler", "transient merchant" and "canvasser".

2. **"Solicitee"** means the person solicited.

3. **"Goods"** means any tangible thing of value including money if the selling price exceeds the face value thereof. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom.

4. **"Services"** means work, labor, or services of any kind.

5. **"Established place"** means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

6. **"Business solicitation"** means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contacts the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both

the delivery and sale of the newspaper; or, (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.

7. "**Contribution solicitation**" means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contact with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.

B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited" in type not smaller than forty eight (48) point.

D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.

E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.

F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subd. 4. Application. Applications for licenses or registration shall contain the name and address of the solicitor, the name and address of the businesses or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background, past solicitation practices and criminal history, if any. No application for a business solicitor's license shall be complete unless it is accompanied by a valid and current license issued by the county in which such solicitor proposes to engage in solicitation and such application fee as may be fixed by resolution of the City Council from time to time.

Subd. 5. Investigation, Approval or Disapproval.

A. All completed applications for licensing or registration shall be immediately referred to the Chief of Police, and by him or other persons acting in his stead, to investigate the background of the applicant, including a criminal history check by computerized criminal history or other available sources of information, and to verify the truth of the contents of the application, and the Chief of Police shall have seven (7) business days within which to investigate and make recommendation thereon.

B. If the Chief of Police finds no past history of the applicant indicating violations similar to those declared unlawful in this Section, he shall recommend issuing a license or approving registration, as the case may be, and the City Administrator shall forthwith advise the applicant of the recommendation. The City Administrator shall issue a license to the approved applicant for business solicitation and shall approve the completion of registration by the applicant for a contribution solicitation license.

Source: Ordinance No. 83, 2nd Series
Effective Date: 06-30-2005

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

Subd. 7. Exclusions. The City may exclude certain classes of solicitor events from compliance with licensing or registration provisions of this Section. Provided, however, that such exclusion shall not extend to the prohibited solicitation practices set forth in Subdivision 3, Subparagraphs A through D, inclusive, of this Section.