

Chapter 4.12

TRANSIENT MERCHANTS*

Sections:

4.12.010	Transient merchant defined--Products not deemed merchandise.
4.12.020	License required.
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* For state law authorizing the regulation and licensing of transient businesses and amusements, see N.D.C.C. §40-05-01 (26)

4.12.010 Transient merchant defined--Products not deemed merchandise. (a) Transient merchant includes any person, individual, co-partnership or corporation, either as principal or agent, who engages in, does, or transacts, any temporary or transient business in the state, either in one locality or in traveling from place to place in this state, selling goods, wares, merchandise, personal property, and personal services, including, but not limited to, spraying, trimming, or pruning of trees and shrubs of all species, painting or repairing buildings or structures, and pest or rodent control, who does not intend to become and does not become a permanent merchant of such place and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, lot, tract, railroad car, or motor vehicle for the exhibition and sale of such goods, wares and merchandise.

(b) Merchandise shall not include any livestock or agricultural products. (Ord. 279 §1, 1984: Ord. 15 1/2 (part), 1947: 1942 Rev. Ords. §15-301).

4.12.020 License required. No person shall engage in the occupation of a transient merchant within the city without first obtaining a license from the city auditor permitting him to carry on the business of a transient merchant. (1942 Rev. Ords. §15-302).

4.12.030 Application--Fees. The application for a license as a transient merchant shall be made in writing to the city auditor, upon such forms as he shall require.

(1) The application shall include the following information:

(A) Applicant's name, present residence, present home address, and present business address;

(B) Applicant's residence and business address for the prior two year period if different from the present residence and address;

(C) Type of business in which applicant has been engaged in the previous two years;

(D) Proposed location of the business to be licensed;

(E) Kind of business to be conducted;

(F) Length of time desired or estimated for completion of sale in the city;

(G) Name and address of the auctioneer, if any, who will conduct the same;

(H) A general list of merchandise to be offered for sale reciting as to the items a description thereof including serial number, if any, the owners actual cost thereof, and a designation by number as to the sale price corresponding with the number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold;

(I) The application shall have attached to it a proof of surety bond coverage obtained from the county treasurer or surety bond approved by the Attorney General's Office as required under Section 51-04-03 of the North Dakota Century Code;

(J) An applicant for a transient merchants license shall also show proof that he has obtained the appropriate corresponding license from the county or Attorney General's Office and has paid the appropriate license fee of twenty- five dollars to the county or Attorney General's Office as required by Section 51-04-03 of the North Dakota Century Code.

(2) Upon receipt of the completed application to the city auditor's office, the city auditor

shall collect the license fee as prescribed in this section. The city auditor shall notify the chief of police, Rugby police department, who shall then have a twenty-four hour period to run a police check on the applicant. At the expiration of the twenty-four hour period, the application as submitted and the report of the chief of police if any available, city auditor shall approve or disapprove the application. If the application is approved by the city auditor, the city auditor shall issue the license to an applicant for a period of not to exceed one year from the date of its issuance. All licenses, permits or bonds required by the city code or state law including receipts showing the per diem fee paid shall be properly displayed to the public at the site, building, structure, lot, tract, railroad car or motor vehicle where the exhibition and sale of such goods, wares and merchandise takes place.

(3) Any person desiring a license as a transient merchant, shall, before receiving such a license, pay to the treasurer or city auditor a license fee computed in the following manner:

(a) twenty-five dollars per diem license fee for each day that he is actually engaged in carrying on his business in the city. Such sum shall be paid in full for the entire license period at the time of the application. (Ord. 279 §2, 1984; Ord. 48 (part), 1952; 1942 Rev. Ords. §15-303)

4.12.040 Penalty. Any person violating any provisions of this chapter, for which another penalty is not specifically provided, who is found guilty shall be subject to a penalty not exceeding five hundred dollars in fines or thirty days in jail or both. (Ord. 279 §3, 1984)

Chapter 4.16

PEDDLERS AND SOLICITORS*

Sections:

4.16.010	Residential district.
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4.16.070	Fees.
4.16.080	Restrictions--Term.
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* For state law authorizing the regulation and licensing of hawkers, peddlers and pawnbrokers, see N.D.C.C. §40- 05-01 (26).

4.16.010 Residential district. Section 4.16.020 shall apply and be in force only as to residences in the city and shall not be deemed to apply to business places, or places occupied by doctors, lawyers, or other professional persons within the city. (1942 Rev. Ords. §15-408)

4.16.020 Persons not classified as solicitors. This chapter shall not apply to government mail carriers, telegraph, express, or freight messengers, inspectors, agents, or representatives of the Federal Government or the city or the county or the state of North Dakota, or local merchants, to inspectors or service employees of any established telephone, electric light, or other utility, to any newsboys making regular deliveries to a subscriber of any owner or occupant of such private residence, to duly licensed transient merchants, hawkers, peddlers, or solicitors. (1942 Rev. Ords. §15-409)

4.16.030 Police department to enforce. The police department of the city is required to abate the business hereinbefore described by the immediate arrest of those found guilty of perpetrating any such nuisance. (1942 Rev. Ords. §15-410)

4.16.040 On private property. The practice of going in and upon private residences or privately owned property in the city, by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants, of the private residences or property, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable in the manner provided in Section I.01.110. (Ord. 49 §1, 1952).

4.16.050 Exceptions. The provisions of this chapter shall not apply to the sale or solicitation of orders for the sale of milk, dairy products, vegetables, poultry, eggs, or other farm produce so far as the sale of such commodities is now authorized by law. (Ord. 49 §3, 1952).

4.16.060 License required. No person shall travel from place to place within the limits of the city, for the purpose of carrying to sell, or exposing or offering to sell, barter, or exchange, any goods, wares, merchandise or other property whatever without first obtaining a license so to do. This shall not apply to peddlers and hawkers of agricultural, horticultural, or farm products which they may grow. (Ord. 50 §1, 1952)

4.16.070 Fees. Any person desiring to procure a license to engage in the occupation of peddling and hawking in the city, shall make application in writing to the city auditor, upon such forms as he shall require, and if application therefore is approved by the city auditor, the applicant shall thereupon pay to the city auditor for such license the sum of twenty-five dollars per day or part of a day. (Ord. 279 §4, 1984; Ord. 50 §2, 1952)

4.16.080 Restrictions--Term. The city auditor shall thereupon issue to the applicant a receipt for the amount paid and deliver the same to the applicant and shall issue to the applicant such license. No license shall be transferable and no license shall authorize more than one person named therein in his own right to peddle or hawk thereunder. Upon the request of the applicant a license may be issued for any number of days within the year in which it is issued upon payment by the applicant of the per diem set out in Section 4.16.070 for each day of the license. If no time shall be specified by the applicant the license shall be issued for one day, only, and may be renewed from time to time thereafter upon payment of the per diem set out above. (Ord. 50 §3, 1952).

4.16.090 Penalty. Any person violating any of the provisions of this chapter, for which another penalty is not specifically provided, who is found guilty shall be subject to a penalty not exceeding five hundred dollars in fines or thirty days in jail or both. (Ord. 279 §5, 1984)