

CHAPTER 29
TRANSIENT MERCHANTS/VENDORS (1) AND PEDDLERS/SOLICITORS (2)

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Sec. 29-1. “Transient Merchant” Defined (3)

A transient merchant within the meaning of this chapter is defined as, “A transient merchant or transient vendor, within the meaning of this chapter, is defined as any person, firm or corporation, whether as owner agent, consignor or employee, who does not reside within the jurisdiction of the city, or one who engages in the manufacturing, making, producing, creating or processing and vending of merchandise at any place in the city temporarily, and who does not intend to become a permanent merchant.” Provided, however, that any person who is not a resident merchant of this city may dispose of any agricultural products which have been raised or grown by him within the State of North Dakota.

Sec. 29-2. Licenses – 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.

Sec. 29-3. Application – Fees

Any person desiring a license as a transient merchant within this city shall before obtaining same and before offering merchandise for sale, and/or engaging in the manufacturing, making, producing, creating or processing and vending merchandise, make application in writing to the mayor and city auditor stating his name, permanent address and residence, etc., and generally the kind of merchandise he/she desires to sell and /or manufacture, make, product, create, and vend, and the number of days for which he/she desires such license, and shall produce or exhibit to the mayor and city auditor his/her current state license, as such transient merchant, issued by the secretary of state, and shall pay to the city auditor the sum of thirty-five (\$35) dollars per day/per vehicle for the entire term for which he/she desires such license, all of which shall be payable to the city auditor in advance, whereupon the mayor and city auditor shall issue such license.

1. For state law as to transient merchants generally, see NDCC: 51-04-01 to 51-04-10.
2. For state law as to peddlers and solicitors generally, see NDCC: 40-05-01 (26).
3. See also 22-44.

Sec. 29-4. Residential District

Sec. 29-5. 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 (girls) making regular deliveries to a subscriber of any newspaper, magazine or publication, to those delivering goods, wares, or merchandise previously ordered by the owner or occupant of such private residence, to duly licensed transient merchants, peddlers, or solicitors.

Sec. 29-6. Police Department To Enforce

The police department of the city is hereby required to abate the business hereinbefore described by immediately disposing of peddlers and/or solicitors in the manner provided by law in Chapter 22, Sections 22-43 and 22-59, of those found guilty of perpetrating any such nuisance.

Sec. 29-7. On Private Property

The practice of going in and upon private residences or privately owned property in the city, by solicitor, peddlers, 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 the same is hereby declared to be a nuisance and punishable in the manner provided in Chapter 22-43 and 22-59.

Sec. 29-8. 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 or to include non-profit youth groups and school functions.

Sec. 29-9 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 exchanges any goods, wares, merchandise or other property whatever without first obtaining a license to do so. This shall not

apply to peddlers of agricultural, horticultural, or farm products which they may grow within the State of North Dakota.

Sec. 29-10. Fees

Any person desiring to procure a license to engage in the occupation of peddling in the city, shall make application in writing to the city auditor, and if application therefore is approved by the city auditor, the applicant shall thereupon pay to the city auditor for such license the following sum of thirty-five (\$35) dollars per day per person.

Sec. 29-11. Restrictions- Terms

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 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 29-10, for each day of the license. If no time shall be specified by the applicant the licenses 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.