

Chapter 8

BUSINESSES*

ARTICLE I. IN GENERAL2
 Secs. 8-1 -- 8-30. Reserved.....2
ARTICLE II. CIGARETTES*2
 Secs. 8-31 - 8-35.....2
 Secs. 8-36 -- 8-55. Reserved.....2
ARTICLE III. PEDDLERS, SOLICITORS AND HAWKERS*2
 Sec. 8-56. Definitions.....2
 Sec. 8-57. Penalty for violation.....2
 Sec. 8-58. Notice prohibiting peddlers.....2
 Sec. 8-59. Entry onto premises restricted.....3
 Sec. 8-60. Removal of notice.3
 Sec. 8-61. Peddling in right-of-way.3
 Secs. 8-62--8-80. Reserved.....3
 Sec. 8-81. Required.....3
 Sec. 8-82. Exemptions.3
 Sec. 8-83. Application.....3
 Sec. 8-84. Possession; display.....4
ARTICLE IV. LAWFUL GAMBLING4
 Section 8-85. Definitions.....4
 Section 8-86. Donation Required.....4
 Section 8-87. Reports.....4
 Section 8-88. Suspension, Revocation, and Non-renewal of Licenses.4
 Section 8-89. City of Afton Charitable Gambling Fund.....4

***Cross references** – Kennels, § 6-101 et seq.; bed and breakfast facilities, § 12-222; hotels, § 12-223; marinas, § 12-224; coin operated machines, § 12-225; collection of solid waste, § 18-31 et seq.

AFTON CODE

ARTICLE I. IN GENERAL

Secs. 8-1 -- 8-30. Reserved.

ARTICLE II. CIGARETTES*

Secs. 8-31 - 8-35. Reserved.

(Repealed Ord 1997-23, 6/15/99)

***State law reference**—Authority to license and regulate the sale of cigarettes, M.S.A. § 461.12 et seq.

Secs. 8-36 -- 8-55. Reserved.

ARTICLE III. PEDDLERS, SOLICITORS AND HAWKERS*

DIVISION 1. GENERALLY

Sec. 8-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hawker means any person selling any edible goods or products from a vehicle, pack, going about from place to place, carrying such goods or products for the purpose of sale and delivery.

Peddler means any person with no fixed place of business who is selling any non-edible goods or products from a vehicle or pack, going about from place to place, carrying such goods or products for the purpose of sale and delivery.

Solicitor means any person who goes from house to house soliciting or taking or attempting to take orders for:

(1) The purchase of any goods, wares, or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for delivery in the future; or

(2) Services to be performed then or in the future.

(Code 1982, § 803.101)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 8-57. Penalty for violation.

Any person who violates any provisions of this article is guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-13.

(Code 1982, § 803.109)

Sec. 8-58. Notice prohibiting peddlers.

Any resident of the city who wishes to exclude peddlers, solicitors or hawkers from their premises may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers, Solicitors and Hawkers Prohibited." Such placard shall be at least 33/4 inches long and 33/4 inches wide and the printing thereon shall not be smaller than 48 point type.

(Code 1982, § 803.106)

***State law references**—Authority to regulate hawkers and peddlers, M.S.A. § 329.06; authority to regulate transient merchants, M.S.A. §§ 412.221, subd. 19, 437.02.

BUSINESSES

Sec. 8-59. Entry onto premises restricted.

No peddler, solicitor or hawker shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

(Code 1982, § 803.107)

Sec. 8-60. Removal of notice.

No person other than the person occupying the premises shall remove or deface any placard or sign posted under this article.

(Code 1982, § 803.108)

Sec. 8-61. Peddling in right-of-way.

No activity allowed under this article shall be done on the public right-of-way.

(Ord. No. 1996-36, 10-15-96)

Secs. 8-62--8-80. Reserved.

DIVISION 2. LICENSE

Sec. 8-81. Required.

No person shall engage in the business of peddler, solicitor or hawker within the city without first obtaining a license from the city clerk.

(Code 1982, § 803.102)

Sec. 8-82. Exemptions.

This division shall not apply to:

- (1) Any sale under court order.
- (2) Any bona fide auction sale.
- (3) A sale at wholesale to a retail dealer.
- (4) The sale of milk or ice.
- (5) The sale of farm or garden products by the person producing same.
- (6) The sale of goods or products by minors wherein the proceeds from such sale go for the support of a nonprofit organization.

(Code 1982, § 803.105)

Sec. 8-83. Application.

Application for a license under this division shall be made to the clerk on a form supplied by him and shall show the following:

- (1) The name of the applicant and of all persons associated with him in his business.
- (2) The type of business for which the license is desired.
- (3) The length of time for which such license is desired.
- (4) A general description of the thing or things to be sold.

AFTON CODE

(5) The present place of business of the applicant.

(6) The places of residence of the applicant for the five years just passed.

(7) Written permission from the landowner that the applicant may use private property within the city to conduct his business.

(Code 1982, § 803.103; Res. No. 1996-36, 10-15-96)

Sec. 8-84. Possession; display.

All licenses issued under this division shall be carried by the licensee and such licensee shall whenever requested show such license to any officer or citizen who demands to see the same.

(Code 1982, § 803.104)

ARTICLE IV. LAWFUL GAMBLING

DIVISION 1. GENERALLY

Section 8-85. Definitions.

Subd. 1. The terms contained in this Section shall have the meaning as scribed to them by Minnesota Statutes Section 349.11 et seq. and any successor statutes dealing with regulation of lawful charitable gambling.

Subd. 2. Net Profits. Net profits are profits less allowable expenses under the laws and regulations of the State of Minnesota relating to lawful gambling.

Section 8-86. Donation Required.

Any organization licensed to conduct lawful gambling within the City of Afton shall donate ten percent (10%) of its net profits from the conduct of lawful gambling each month to the Special Charitable Gambling Fund. Such donations shall be made within fifteen (15) days at the end of each calendar quarter. For purposes of this Section, a calendar quarter shall be deemed to end at 11:59 p.m. on the last day of March, June, September and December.

Section 8-87. Reports.

All organizations conducting lawful gambling within the City of Afton shall provide the City Administrator with copies of all reports it provides to the Charitable Gambling Board.

Section 8-88. Suspension, Revocation, and Non-renewal of Licenses.

If any organization shall fail to make payments required by this Section or fail to provide the City Administrator with reports as required by this Section, such failure shall be grounds for the City to recommend to the Charitable Gambling Board that the gambling license for such organization to be suspended, revoked or not renewed.

Section 8-89. City of Afton Charitable Gambling Fund.

Subd. 1. There is hereby created a City of Afton Charitable Gambling Fund which shall be held for safe-keeping by the City of Afton in an account separate from any City funds. Such funds shall be designated Afton Charitable Gambling Fund. No expenditures shall be made from such funds except upon resolution by the City Council and then only for "lawful purposes" as defined by Minnesota Statute Section 349.12, Subd. 25.

Subd. 2. Each organization within the City of Afton which is licensed by the State of Minnesota to conduct lawful gambling shall contribute 10% of its net profits as defined by Minnesota Statutes Section 349.12 monthly to the City of Afton Charitable Gambling Fund.

(Ord. 2005-6, 4/19/05)