

Minutes
Silver Lake City Council
Regular Meeting
December 16, 2019

Mayor Butler called the meeting to order at 6:30pm.

Members present: Mayor Dorothy Butler, Councilor Josh Winfrey, Councilor Brenda Fogarty and Councilor Nolan Johnson

Members absent: Councilor Chris Penaz

Staff present: Jon Jerabek, Clerk/Treasurer; Ian Coates, Police Officer, Dale Kosek, Fire Chief/Public Works Supervisor (PWS); Michelle Schneider, EMT and Steven Hackbarth, EMT

Others present: Karin Ramige, McLeod Publishing; Bruce Bebo, Tony Victorian, Brenda Garoutte, John Rodeberg, SEH; Sheriff Scott Rehmann, Ken Merrill, Ray Bandas

Motion by Fogarty seconded by Johnson to approve the agenda.

Vote for: Unanimous

Motion carried.

Consent Agenda

1. Approve minutes from November 18, 2019 Regular Meeting
2. Approve minutes from November 25, 2019 Special Meeting
3. Approve minutes from December 4, 2019 Special Meeting
4. Approve Payroll #24, 25 November Ambulance and Annual Fire Department
5. Claims to be paid:

\$25,652.77	(November EFT)
\$42,172.64	(11/19/19)
\$27,548.88	(12/4/19)

Motion by Fogarty seconded by Winfrey to approve the Consent Agenda.

Vote for: Unanimous

Motion carried.

Public Comment

1. Jim Blazinski addressed the Council on a family member's car being towed and the towing cost.

Old Business

1. PER Update from SEH. John Rodeberg updated the Council on the status of the engineering report and will have more details at the next Council meeting.
2. Multi-Unit Housing Review. There was no update on the clean-up or building permit at 104 Grove Ave S. A letter was sent to Mike Jaunich from the City Attorney regarding securing the back entrance of the apartment complex.
3. 2020 Budget Review. Council reviewed final draft of 2020 Budget.

- a. Resolution 19-22: Resolution Adopting the 2020 City Budget and Tax Levy for Taxes Collectible in 2020. General Fund levy of \$515,484 and GO Bond Fund 2013A levy of \$24,381.
Motion by Fogarty seconded by Johnson to approve Resolution 19-22.
Vote for: Unanimous
Motion carried.
- b. Resolution 19-23: Resolution Authorizing Year-End Transfer to Various Funds.
Motion by Johnson seconded by Fogarty to approve Resolution 19-23.
Vote for: Unanimous
Motion carried.
4. Second Reading Ordinance 97: An Ordinance Amending Chapter 13 Section 6 of the Silver Lake Municipal Code Regarding Regulation of Peddlers, Solicitors and Transient Merchants. Council reviewed final draft of Ordinance 97.
Motion by Winfrey seconded by Johnson to approve Ordinance 97.
Vote for: Unanimous
Motion carried.
5. Compost Site Policy. Council discussed signage and obtaining quotes for signage as well as looking at City Ordinance for prosecuting illegal dumping.

New Business

1. Request by Nutrition and Fitness Club for Auditorium Use. Brenda Garoutte addressed the Council on using the Auditorium for an Herbalife satellite business. Council requested Clerk Jerabek and MLS Manager Kaczmarek to determine a rental cost and notified Garoutte that other events would have priority.
2. Resolution 19-24: Resolution Designating Polling Place for 2020. Resolution would set the Auditorium as the official polling place for elections held in 2020.
Motion by Fogarty seconded by Johnson to approve Resolution 19-24.
Vote for: Unanimous
Motion carried.
3. Annual Appointments Discussion. Council discussed Liaison appointments for 2020 and possibility of splitting Community Development into two positions. The Annual meeting in January to be combined with regular January meeting on Tuesday, January 21, 2020.
4. Workshop with Lester Prairie City Council. Council to have workshop with Lester Prairie City Council on December 17 at 6:30pm at the Lester Prairie City Hall to discuss cost sharing and cost savings among the two cities.

Mayor Butler called for a recess at 8:42pm.

Mayor Butler re-opened the meeting at 8:46pm.

Department Business

1. Public Works
 - a. Snow events went well thus far.
 - b. PWS Kosek gathering quotes for replacing generator for Cleveland Lift Station and for heater in Public Works shop.
 - c. Part-time Maintenance Worker Matt Kaczmarek to assist with manhole inspections.

- d. Discussed filling full-time Public Works position expected to be open in 2020 due to retirement.
 - e. Reviewed PeopleService report for October 2019 operations.
 - f. Hydrant at Gehlen and Grove to be replaced due to accident.
 - g. Discussed sidewalk snow removal and street sign replacement.
2. Public Safety
- a. Fire Department
 - i. Reviewed run report.
 - ii. Reviewed Officers for 2020. Discussion on selection process, by-laws and seeking more information.
Motion by Fogarty seconded by Johnson to approve Fire Department Officers for 2020.
Vote for: Fogarty, Johnson
Vote against: Butler, Winfrey
Motion failed.
Motion by Winfrey seconded by Johnson to appoint Dale Kosek as Interim Fire Department Chief until officer hiring process can be reviewed.
Vote for: Unanimous
Motion carried.
 - b. Ambulance
 - i. Reviewed meeting minutes.
 - ii. Discussed department garage space being clean, secure and an area that the department controls.
 - iii. Discussed on-call pay increases and child-care service for EMTs.
 - iv. Request to hire Kelly Pischke as EMT.
Motion by Fogarty seconded by Winfrey to approve Kelly Pischke as EMT pending background check and drug test.
Vote for: Unanimous
Motion carried.
 - v. Reviewed Officers for 2020. Discussion on selection process, by-laws and seeking more information.
Motion by Johnson seconded by Fogarty to approve Ambulance Officers for 2020.
Vote for: Johnson, Fogarty
Vote against: Winfrey, Butler
Motion failed.
Motion by Winfrey seconded by Butler to table Ambulance Officer appointments until January 21, 2020 meeting.
Vote for: Winfrey, Butler, Johnson
Vote against: Fogarty
Motion carried.
 - c. Police Department
 - i. Request to appoint hiring committee for Chief of Police position.

Motion by Fogarty seconded by Johnson to appoint Sheriff Scott Rehmann, Public Safety Liaison, Mayor Butler and Clerk Jerabek as the hiring committee for the Chief of Police opening.

Vote for: Unanimous

Motion carried.

- ii. Reviewed monthly call list.
- iii. Officer Coates offered explanation on Mr. Blazinski's car towing incident.

3. Municipal Liquor Store

- a. Sales for November were \$46,439.69 with a profit of \$6,437.16. Year-to-date sales were \$492,387.21 with a net profit of \$35,326.50.
- b. MLS Manager Darrell Kaczmarek continues to work part-time.
- c. Andy Auld resigned from Lead Bartender position on December 6.
- d. Request to advertise for Lead Bartender opening.

Motion by Johnson seconded by Fogarty to approve advertising for Lead Bartender position with accepting applications until January 13, 2020 and appointing MLS Manager Kaczmarek, Councilor Penaz and Deputy Clerk Wicklund-Kurth as the hiring committee.

Vote for: Unanimous

Motion carried.

- e. Promotional events reviewed.
- f. Inventory has been prepped and will be counted in the coming weeks.

4. Community Development

- a. Planning Commission met on December 10. Holding Public Hearing on January 14 at 7pm for updating Comprehensive Plan.
- b. A request for proposals from developers being completed for Main Street lots.
- c. Year-end swimming pool report not yet completed.
- d. Working with SEH on feasible commercial sites near City.

5. Administration

- a. Reviewed November Treasurer's Report.
- b. Gathering quotes for broadcasting Council meetings.
- c. Property/Casualty, Workers Compensation, and Liquor Liability Insurance renewals in progress.

Open Discussion

- 1. Discussion on length of meetings and increasing frequency in future.

Motion by Fogarty seconded by Johnson to adjourn this regular meeting of the Silver Lake City Council.

Vote for: Unanimous

Motion carried.

Meeting adjourned at 10:08pm.

Jon Jerabek, Clerk/Treasurer

Seal of the City:

CITY COUNCIL

CITY OF SILVER LAKE

**RESOLUTION 19-22: RESOLUTION ADOPTING THE 2020 CITY BUDGET
AND TAX LEVY FOR TAXES COLLECTIBLE IN 2020**

WHEREAS, the City of Silver Lake has complied with the State of Minnesota's budget and tax levy requirements; and

WHEREAS, the City has determined its projected revenues & expenditures for the year 2020 for the following funds:

- General Fund
- Special Revenue Funds
- Capital Improvement Funds
- Enterprise Funds

WHEREAS, the City has also determined its needs for tax revenues through these procedures.

THEREFORE BE IT RESOLVED, by the Council of the City of Silver Lake, McLeod County, Minnesota, that the 2020 City Budget be adopted as presented and the following sum of money be levied for the current year, collectible in 2020, upon the taxable property in the City of Silver Lake:

General Fund	\$ 515,484.00
GO Bond Fund 2013A	<u>\$ 24,381.00</u>
Total Tax Levy	\$ 539,865.00

BE IT FURTHER RESOLVED, that the City Clerk/Treasurer is hereby instructed to transmit a copy of this resolution to the County Auditor of McLeod County, Minnesota.

Adopted by the Council this 16th day of December 2019.

Dorothy Butler, Mayor

Seal of The City:

Jon Jerabek, Clerk/Treasurer

CITY COUNCIL
CITY OF SILVER LAKE

**RESOLUTION 19-23: RESOLUTION AUTHORIZING YEAR-END TRANSFERS
TO VARIOUS FUNDS**

WHEREAS, the City of Silver Lake recognizes the need to plan for future expenditures and improvements; and

WHEREAS, the City has budgeted various transfers among funds as part of the capital improvement process designed to reserve monies for these expenses and improvements.

THEREFORE BE IT RESOLVED, by the Council of the City of Silver Lake, McLeod County, Minnesota, that the following transfers be completed:

Transfer From	Transfer To	Amount
101-42200 (Fire)	205-42200 (Fire)	\$ 34,940.00
101-42200 (Fire)	801-42200 (Fire Trust)	\$ 5,000.00
101-42153 (Ambulance)	204-42153 (Ambulance)	\$ 10,000.00
101-43100 (Public Works)	404-43100 (Public Works Equipment)	\$ 7,000.00
101-42100 (Police)	407-42100 (Police Squad)	\$ 13,000.00
101-43100 (Public Works)	411-43100 (Public Works Streets)	\$ 10,000.00
101-45181 (Auditorium)	416-45181 (Auditorium Repair)	\$ 5,000.00
101-43125 (Snow & Ice)	404-43100 (Public Works Equipment)	\$ 2,500.00
101-41910 (Comm. Development)	418-46500 (Main Street)	\$ 17,000.00
101-41910 (Comm. Development)	803-00000 (Economic Development)	\$ 5,000.00
610-49750 (Municipal Liquor Store)	101-39206 (General)	\$ 10,000.00
608-49450-723 (Sewer)	317-43100 (2013A Bond)	\$ 5,000.00
607-49400-723 (Water)	317-43100 (2013A Bond)	\$ 35,000.00
Total Transfers		\$159,440.00

Adopted by the Council this 16th day of December 2019.

Seal of The City:

Dorothy Butler, Mayor

Jon Jerabek, Clerk/Treasurer

CITY COUNCIL
CITY OF SILVER LAKE

RESOLUTION 19-24: RESOLUTION DESIGNATING POLLING PLACE FOR 2020

WHEREAS, the City Council is required to designate a polling place every year by December 31 for the following calendar year, and

WHEREAS, the polling place must meet certain criteria as outlined in MN Statute 204B.16, and

WHEREAS, the Silver Lake Auditorium meets the requirements as outlined in said statute,

THEREFORE BE IT RESOLVED, by the Silver Lake City Council that the Silver Lake Auditorium located at 320 Main St W in Silver Lake, MN is hereby designated as the polling place for 2020.

Adopted by the City Council this 16th day of December 2019.

Dorothy Butler, Mayor

Seal of the City:

Jon Jerabek, Clerk/Treasurer

**ORDINANCE 97: AN ORDINANCE AMENDING CHAPTER 13 SECTION 6 OF THE
SILVER LAKE MUNICIPAL CODE REGARDING REGULATION OF PEDDLERS,
SOLICITORS AND TRANSIENT MERCHANTS**

The City Council of the City of Silver Lake, Minnesota does hereby ordain:

Section 1. Chapter 13 Section 6 of the Silver Lake Municipal Code shall be amended as follows:

Section 6. Regulation Of Peddlers, Solicitors And Transient Merchants.

Subd. 1. License of Registration Required.

It is unlawful for any peddler, solicitor or transient merchant to engage in such business within the City of Silver Lake without first obtaining a license or registration there for in compliance with the provisions of this Section.

Subd. 2. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) Non-Commercial Door-to-Door Advocate. A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purpose of this ordinance, the term door-to-door advocate shall fall under the term solicitor and include door-to-door canvassing and pamphleteering intended for non-commercial purposes.

(B) Peddler. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personnel property that the person is carrying or otherwise transporting. For purpose of this ordinance, the term peddler shall have the same common meaning as the term hawker.

(C) Person. Any natural individual, group, organization, corporation, partnership, or similar association.

(D) Regular Business Day. Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

(E) Solicitor. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. For purposes of this ordinance, the term solicitor shall have the same meaning as the term canvasser. Such definition includes any person, who, for themselves, or for another person, firm or corporation hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, boat, lodging house, apartment, shop or other place within the City for the primary purpose of exhibiting samples or taking orders for future delivery.

(F) Transient Merchant. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days. The person, firm or corporation so engaged is relieved from complying with the provisions of this Section by associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Subd. 3. Exceptions to Definitions.

For the purpose of this Section, the terms Peddler, Solicitor, and Transient Merchant shall not apply to:

(A) Non-commercial door-to-door advocates. Nothing within this ordinance shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in non-commercial door-to-door advocacy shall not be required to register as a solicitor.

(B) Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.

(C) Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.

(D) Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.

(E) Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.

(F) Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.

(G) Any person participating in an organized multi-person bazaar or flea market.

(H) Any person conducting an auction as a properly licensed auctioneer.

(I) Any officer of the court conducting a court-ordered sale.

(J) Children under the age of eighteen (18) years, provided such solicitations are for the benefit of a non-profit athletic, religious, social or educational organization to which such children belong, and provided further, that the use of such children in conducting such solicitations is not for the sole purpose of obtaining this exemption.

Exemption from these definitions shall not, for the scope of this Section, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance.

Subd. 4. Licensing Exemptions.

(A) County license required. No person shall conduct business as a peddler, solicitor, or transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minnesota Statutes Chapter 329 as it may be amended from time to time, if the county issues a license for the activity.

(B) City license required. Except as otherwise provided for by this ordinance, no person shall conduct business within this jurisdiction as a peddler or a transient merchant without first obtaining a city license. Solicitors need not be licensed, but are required to register with the city pursuant to Subdivision 8.

(C) Application. An application for a city license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by the City Council and available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:

- (1) The applicant's full legal name.
- (2) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
- (3) A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like). Including a recent photograph of the applicant which picture shall be approximately 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (4) Full address of applicant's permanent residence.
- (5) Telephone number of applicant's permanent residence.
- (6) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
- (7) Full address of applicant's regular place of business, if any exists.
- (8) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
- (9) The type of business for which the applicant is applying for a license.
- (10) Whether the applicant is applying for an annual or daily license.
- (11) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily license, the number of days he or she will be conducting business within the city, with a maximum of fourteen (14) consecutive days.
- (12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
- (13) A statement as to whether or not the applicant has been convicted with the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
- (14) A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
- (15) Proof of any required county license.

(16) Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

(17) A general description of the items to be sold or services to be provided.

(18) Any and all additional information as may be deemed necessary by the City Council.

(19) The applicant's driver's license number or other acceptable form of identification.

(20) The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

(D) Fee. All applications for a license under this Section shall be accompanied by the fee established in the city licensing fee schedule as it may be amended from time to time.

(E) Procedure. Upon receipt of the application and payment of the license fee, the city clerk will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application the city clerk must issue the license unless grounds exist for denying the license application under Subdivision 5, in which case the clerk must deny the request for a city peddler or transient merchant license. If the city clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.

(F) Duration. An annual license granted under this ordinance shall be valid for one calendar year from the date of issuance. All other licenses granted to peddlers and transient merchants under this ordinance shall be valid only during the time period indicated on the license.

(G) License exemptions.

(1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm.

(2) No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

Subd. 5. License Ineligibility.

The following shall be grounds for denying a peddler or transient merchant license:

(A) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(B) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.

(C) The failure of an applicant to sign the license application.

(D) The failure of an applicant to pay the required fee at the time of application.

(E) A conviction with the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(F) The revocation within the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

(G) When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general's office, or other similar business or consumer rights office or agency, with the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

Subd. 6. License Suspension and Revocation.

(A) Generally. Any license issued under this Section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

(1) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(2) Fraud, misrepresentation or false statements made during the course of the licensed activity.

(3) Subsequent conviction of any offense to which the granting of the license could have been denied under Subdivision 5.

(4) Engaging in any prohibited activity as provided under Subdivision 9 of this ordinance.

(5) Violation of any other provision of this ordinance.

(B) Multiple persons under one license. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.

(C) Notice. Prior to revoking or suspending any license issued under this Section, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

(D) Public Hearing. Upon receiving the notice provided in part (C) of this subdivision, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

(E) Emergency. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this ordinance, the City Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this subdivision.

(F) Appeal. Any person whose license is suspended or revoked under this subdivision shall have the right to appeal that decision in court.

(G) Reapplication. No licensee whose license has been revoked shall make further application until at least six (6) months have elapsed since the previous revocation.

Subd. 7. License Transferability.

No license issued under this Section shall be transferred to any person other than the person to whom the license was issued.

Subd. 8. Registration.

(A) All solicitors and any person exempt from the licensing requirements of this ordinance under Subdivision 4 shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the city clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.

(B) Individuals that will be engaging in non-commercial door-to-door advocacy shall not be required to register.

Subd. 9. Prohibited Activities.

No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

(A) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

(B) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

(C) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

(D) Conducting business before 8 a.m. or after 9 p.m.

(E) Failing to provide proof of license, or registration, and identification when requested.

(F) Using the license or registration of another person.

(G) Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.

(H) Remaining on the property of another when requested to leave.

(I) Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

Subd. 9. Exclusion by Placard.

Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

- (1) At least four inches long.
- (2) At least four inches wide.
- (3) With print of at least 48 point in size.
- (4) Stating “No Peddlers, Solicitors or Transient Merchants,” “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this Section.

Subd. 10. Penalty.

Any individual found in violation of any provision of this ordinance, shall be a guilty of a misdemeanor.

Subd. 11. Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 2. This ordinance shall take force and be in effect from and after its passage and publication.

Adopted this 16th day of December 2019.

CITY OF SILVER LAKE

Seal:

By: _____
Dorothy Butler, Its Mayor

ATTEST:

By _____
Jon Jerabek, Its City Clerk