



OLD BUSINESS – TEMPORARY COMMERCIAL STRUCTURE

Topic: Temporary Commercial Structure

Agenda Item: 7 (b)

Background Information: Last month Staff brought forward a request for a permanent temporary structure. The Planning Commission directed Staff to provide information to possibly amend the ordinance to allow Temporary Commercial Structures as an Interim Use.

The following is from our City Code:

Section 17-3.2. DEFINITIONS

- 130. **Interim Use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

- 233. **Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide outside of the shore impact zone, stoops not exceeding 30 square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.

- 243. **Temporary.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.

- 244. **Temporary Structure.** A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles and tents.

The following is from Nisswa's Code with minor changes to fit Pequot Lakes:

Definition:

Temporary Commercial Structure: A structure of a temporary character including but not limited to sell food, services or retail.

Temporary Commercial Structures within the Downtown Mixed Use District may be allowed by an interim use permit with appropriate conditions to ensure the

health, safety, and welfare of the public. The following requirements will apply to all temporary commercial structures within the Downtown Mixed Use District:

1. Temporary commercial structures shall not be permitted in the public realm including but not limited to public sidewalks, public streets, parks, right-of-way, and parking spaces.
2. An interim use permit may be granted with appropriate conditions for temporary commercial structures on private property.
3. Adequate measures to control power, noise, and waste shall be provided. A copy of an electrical inspection stating the power source is state electric code compliant shall be provided to the City.
4. Temporary commercial structures that include food handling shall provide the City with a copy of all required permits, inspections and/or licenses from the State Health Department and/or other applicable state agencies.
5. Temporary commercial structures must comply with Section 17-7.1 of the Pequot Lakes Land Use and Subdivision Ordinance regarding Signs.
6. The Planning Commission may restrict temporary commercial structures to ensure the preservation of the up north character of the City of Pequot Lakes.
7. All temporary commercial structures shall be removed from the property once the interim use permit expires.

Do we want to require hookup to municipal water and wastewater?

Planning Commission Direction: The Planning Commission should come prepared to discuss the above information.

City of Pequot Lakes Zoning Map

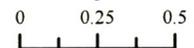


Zoning Classification

- Open Space
- Water Resource
- Forest Management
- Agriculture
- Rural Residential
- Shoreline Residential
- Transition Residential
- Urban Residential
- Shoreline Commercial
- Shoreline Com and Open Space
- Commercial
- Downtown Mixed Use
- Light Industrial
- Recreation
- Public
- Paul Bunyan Trail

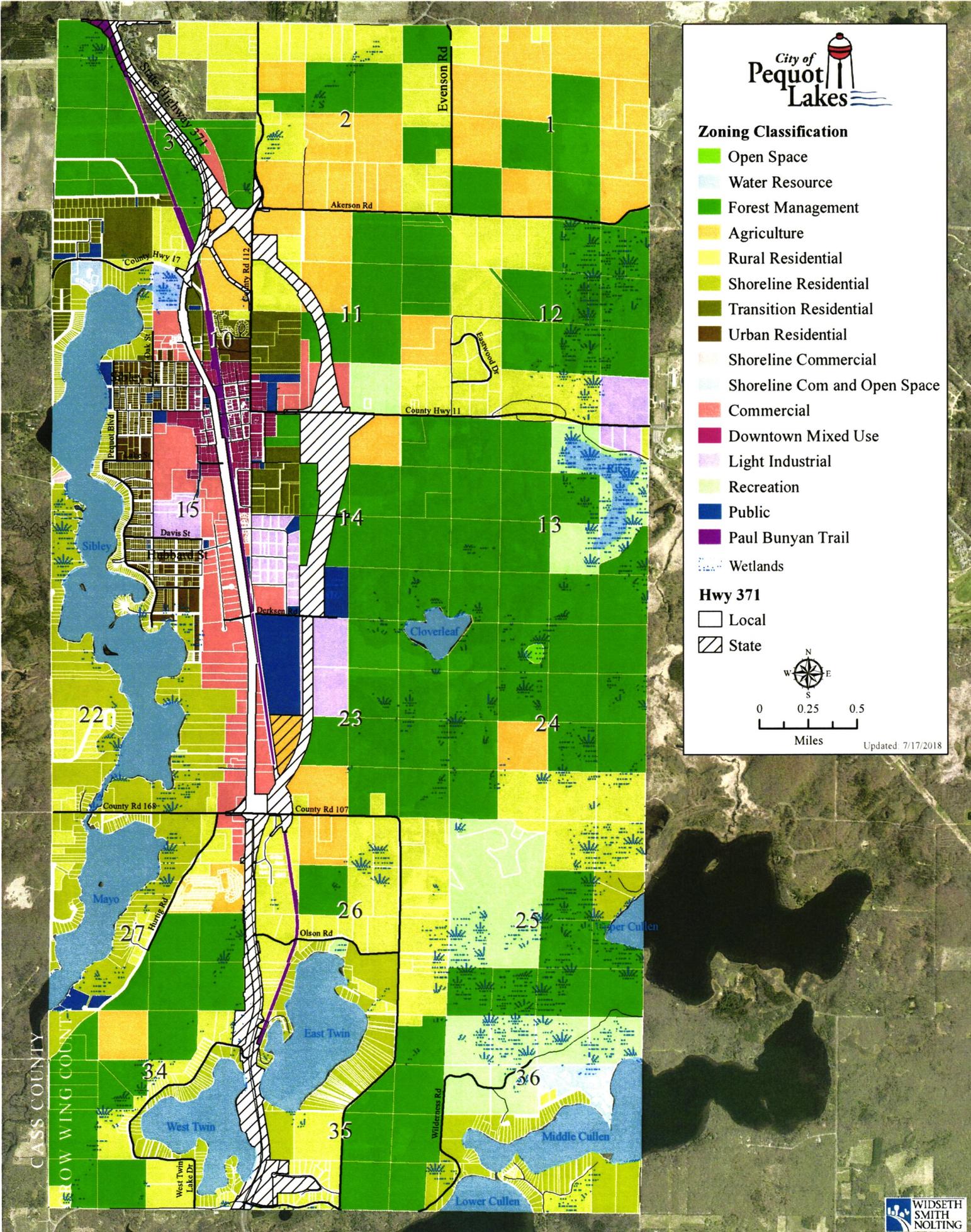
Hwy 371

- Local
- State



Miles

Updated 7/17/2018



http://www.mankatofreepress.com/news/proposed-ordinance-welcomes-food-trucks/article_32c95bec-bb62-11e7-b8fc-e3f3f0f9cc25.html

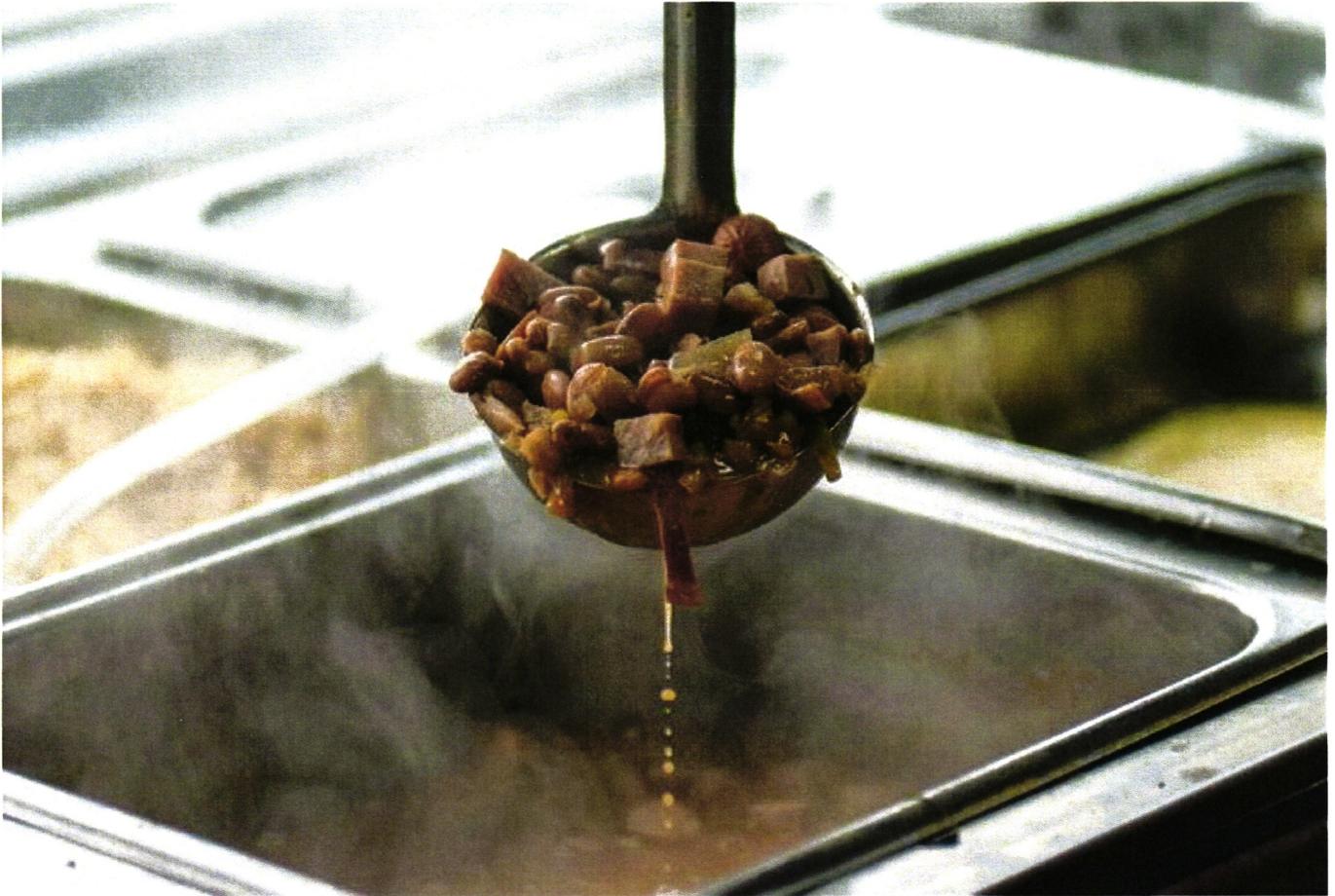
FEATURED

Proposed ordinance welcomes food trucks

Rules wouldn't preclude Old Town Food Truck Hub

By Mark Fischenich mfischenich@mankatofreepress.com Oct 27, 2017





Adam De Leon shows his Mexican beans, one of the dishes available from the On Every Corner food truck. De Leon passed inspection from the Minnesota Department of Health and opened for their first day of business on Friday. De Leon has catered food for 20 years. Photo by Jackson Forderer

Jackson Forderer



MANKATO — As long as they run a clean operation, don't park right next to a restaurant and abide by a few other rules, food trucks will be free to set up for business along most commercial areas in Mankato under a proposed ordinance.

And the ordinance governing "mobile food vendors" doesn't preclude the operation of Old Town's Food Truck Hub, created this year by Dain Fisher on a private parking lot he owns on Riverfront Drive. That operation, which is expected to ramp up significantly next spring, is just beyond the 100-foot setback the ordinance would require from eating and drinking establishments.

Several maps created by Mankato's Department of Community Development show the ring of protection for restaurants for both a 100-foot setback, shown with a red circle, and a 200-foot setback, shown in pink.

"Is it coincidence that the proposed Food Truck Hub is just into the pink?" Council President Mike Laven wondered when examining the maps earlier this week.

Community Development Director Paul Vogel said a review of food truck ordinances in Minnesota showed that most used the 100-foot setback with only Duluth requiring trucks to be 200 feet from brick-and-mortar competitors.

"If you're going to allow food trucks, 200 feet may be too onerous," Vogel said. "... It also matches what other communities are doing."

He compared it to an urban chicken ordinance approved by the City Council several years ago. Chicken opponents on the council added restrictions on backyard chickens that were so burdensome that no chicken lovers ever obtained a permit.

"The 200-foot is so restrictive, would you ever be able to get a food truck business?" Vogel said.

The 200-foot setback would virtually preclude food trucks from the downtown area because of the numerous bars and restaurants. Friesen's Family Bakery and Soup Bar and Midtown Tavern are just over 100 feet from the Food Truck Hub when the measurement is done from the main entrance of the restaurants.

Owners of both establishments originally objected to Fisher's food truck hub, saying the food vendors would compete for customers without having to pay the property taxes and other expenses of a traditional restaurant. Other Old Town business owners applauded the Food Truck Hub, saying it would add vitality and foot traffic to the business district.

On Friday, Tony Friesen said he had no comment on the proposed ordinance. "I think I'll just sit this one out," he said. "Whatever happens, happens."

Fisher intends to recruit up to seven trucks to his parking lot on the 500 block of North Riverfront Drive during warm-weather months, providing musical entertainment and other attractions on some days.

A newcomer to the food truck business who was making his debut on Fisher's lot Friday was concerned about one suggestion by the Department of Public Safety — a restriction on the number of days a truck could operate.

"We're just trying to make a living," said Adam De Leon of North Mankato. "... There's no way you can make it (on 15 days of income)."

Assured by Vogel that the recommended ordinance would not include the restriction on days of operation, De Leon was essentially content with the rest of the rules. He said he doesn't plan to let winter deter him, operating throughout the year at various locations around the city. De Leon's optimism about his new Mexican-themed truck, which he said was a year in the making, is reflected in its name: "On Every Corner."

"If you have good food and a good business, people are going to follow you wherever you go," he said.

Council members won't make a final decision on the ordinance until after businesses and the public have a chance to weigh in at yet-to-be-scheduled meetings and an open house. A few council questions have already been addressed.

The ordinance has a 100-foot setback from city parks and event facilities, but that doesn't mean a truck couldn't set up at Land of Memories Park for a big soccer tournament or at Riverfront Park for an arts fair, said Planning Assistant Courtney Kramlinger. The food truck operator would just need to request a special events permit from the city to operate in those instances.

Council member Trudy Kunkel was concerned that provisions of the ordinance could shut down the Zip Zap Ice Cream truck, which brings music and sweet treats to neighborhoods and parks around Mankato each summer.

"They would be exempt," Kramlinger said.

Other provisions of the ordinance include background checks for food truck employees, mandatory collection of the city food and beverage tax be collected by the trucks, a time limit on hours of operation (8 a.m. to 10 p.m.) and a prohibition on storing the trucks in residential areas. The trucks also must be compliant with all applicable fire and health codes.

"This looks like very good work," Council member Karen Foreman said.

1 comment

Sign in

1 person listening

Brainerd City Council: Food truck ordinance passes

By [Chelsey Perkins](#) on Apr 22, 2015 at 10:17 p.m.

140



The ordinance covers all "transient food units," including trailers, wagons, carts and seasonal temporary food stands. The trucks will be allowed to park in eight designated zones, on public and private property in the city, most from 11 a.m. to 7 p.m. In the downtown zone, hours of operation allowed are from 11 p.m. to 2 a.m. Brainerd Dispatch file photo.

An ordinance governing food trucks in the city of Brainerd is now on the books.

In a 5-2 vote, the Brainerd City Council approved the ordinance Monday night, establishing the permitted boundaries, hours of operation and uses.

The ordinance covers all "transient food units," including trailers, wagons, carts and seasonal temporary food stands. The trucks will be allowed to park in eight designated zones, on public and private property in the city, most from 11 a.m. to 7 p.m. In the downtown zone, hours of operation allowed are from 11 p.m. to 2 a.m.

There Is One Protein That Can Restart Your "Fat Burner", And No, It's Not Fish
Gundry MD

The trucks will be allowed to sell only food and nonalcoholic beverages and must acquire a license from the city of Brainerd. Operators are not allowed to draw attention to themselves with audible noise or music beyond the unit, nor is exterior lighting permitted. Sales are not permitted within 300 feet of a brick-and-mortar restaurant or bar that serves food or within the same distance from the property perimeter of any festival, sporting event or civic event.

In February, the council directed the planning commission to create an amended ordinance and amend the zoning map to possibly allow for food trucks permanently after a trial period.

The council extended the trial period in October of 2014 for another six months to end June 30, 2015, to allow for more time to craft the ordinance. One food truck from Prairie Bay Grill participated in the trial period.

Council President Gary Scheeler and council member Kelly Bevans opposed the measure.

"This would be a little bit anti-business," Scheeler said. "One food truck can run around and spoil a lot of areas."

Scheeler said food trucks don't pay taxes, while traditional restaurants do, and the comparisons to Minneapolis's downtown food truck scene were not fair because of the population differences.

Council member Dave Pritschet said food trucks would offer a different experience than traditional restaurants.

"If I'm going to go to any of the cafes or any of the restaurants in Brainerd, it's a sit-down experience for the vast majority of them," Pritschet said. "There's mixed studies on whether they (food trucks) harm or they benefit in the first place. There's nothing particularly conclusive."

Mayor James Wallin, who last meeting said he would veto the ordinance as presented, again expressed opposition to the 300-foot buffer zone, noting he would like the area protected around brick-and-mortar restaurants to be larger. Wallin said he thought it worked well last year and did not need to be expanded to other areas.



"To me, to expand it or allow it in other areas, is not something I would like to see happen," Wallin said.

Council member Gabe Johnson said he thought 300 feet was too large of a buffer zone.

"Trying to protect existing businesses by stifling competition, stifling any new innovation in our city, is something that could be perceived as anti-business, anti-innovation," Johnson said. "And I think I'm pro-business by allowing food trucks anywhere."

Before passing the ordinance, council members discussed the issue raised by Toni Kaminski Czczok of Mickey's Pizzas and Subs, who encouraged the city to allow food trucks in city parks to compete with parks and recreation concession stands. Czczok said traditional restaurants were not afraid of the competition and neither should the city be.

An update to the ordinance presented to council April 6 included a provision allowing food trucks in city parks subject to approval by the city.

Council member Mary Koep said she thought authority to approve the food trucks should lie within the council, rather than the park board.

"I believe the park board would have a conflict of interest," Koep said. "They benefit from not having trucks."

Pritchet said a problem with allowing the competition to go to the city parks was the funds from concessions went to support activities people were visiting the parks to see. He said there was a "nuanced difference" between allowing competition with brick-and-mortar restaurants and with the concession stands, noting it could cause an increase in pricing.

Johnson said allowing the trucks at parks could bring more people to watch games and said it may encourage him to attend all of his nephew's baseball games instead of just some of them.

"If there were food trucks there, I may go to all of them for dinner," Johnson said. "We can't say it's going to hurt concessions when it may well draw more people."

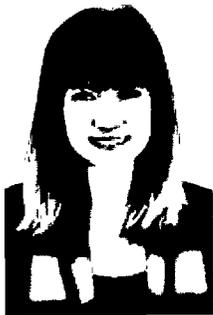
Johnson suggested the approval requirement be struck from the ordinance, noting licenses would need to be approved by the city anyway. Koep agreed to amend her motion to remove that language from the ordinance.

After the vote, Wallin did not voice additional opposition or move to veto the measure.

A second ordinance amending the zoning map to allow the transient food unit districts was approved by the council unanimously.

A third ordinance related to food trucks, before the council for its first reading, was sent back to staff for further clarification. The ordinance would have set the licensing fees for transient food units, but council members felt there were too many unanswered questions and Mark Ostgarden, city planner, was not present at the meeting to answer them.

CHELSEY PERKINS may be reached at 855-5874 or chelsey.perkins@brainerddispatch.com (<mailto:chelsey.perkins@brainerddispatch.com>) . Follow on Twitter at www.twitter.com/DispatchChelsey (<http://www.twitter.com/DispatchChelsey>) .



Chelsey Perkins

Chelsey Perkins grew up in Crosslake and is a graduate of Pequot Lakes High School. She earned her bachelor's degree in professional journalism at the University of Minnesota-Twin Cities. Perkins interned at the Lake Country Echo and the Rochester and Austin Post-Bulletins, and also worked for the student-run Minnesota Daily newspaper as a copy editor and columnist during college. She went on to intern at Utne Reader magazine, where she was later hired as the research editor. Before becoming the community editor of the Brainerd Dispatch, Perkins worked as the county government beat reporter at the Dispatch and a staff writer for the Pineandlakes Echo Journal.

chelsey.perkins@brainerddispatch.com
(218) 855-5874

SPONSORED CONTENT



Gut Doctor "I Beg Americans To Throw Out This Vegetable Now"

By United Naturals

CHAPTER 9 – LICENSE AND BUSINESS REGULATIONS

ARTICLE 8. REGULATIONS FOR TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS

Section 9-8.1. PURPOSE AND INTENT

The purpose and intent of this Chapter is to regulate the issuance of permits to Transient Merchants, Peddlers and Solicitors within the City of Pequot Lakes.

Section 9-8.2. 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 Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. 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, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term “hawker.”
2. Person. Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.
3. 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, 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. The term shall mean the same as the term “canvasser.”
4. 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 or intend to remain in any one location for more than 14 consecutive days.

Section 9-8.3. EXCEPTIONS TO DEFINITIONS

1. For the purpose of the requirements of this chapter, the terms *PEDDLER*, *SOLICITOR*, and *TRANSIENT MERCHANT* shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to 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 and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

2. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of *PEDDLERS*, *SOLICITORS*, and *TRANSIENT MERCHANTS*, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance or City Code.

Section 9-8.4. LICENSING

1. City License Required. Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the City.

2. Application. 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 business. 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:

- A. Applicant's full legal name, driver's license number, and date of birth.
- B. All other names under which the applicant conducts business or to which applicant officially answers.
- C. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like).
- D. Full address of applicant's permanent residence.
- E. Telephone number of applicant's permanent residence.
- F. Full address and telephone number of applicant's regular place of business (if any).

- G. The type of business for which the applicant is applying for a license.
- H. The dates during which the applicant intends to conduct business in the City (maximum 14 consecutive days).
- I. 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 business.
- J. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance or City Code, other than traffic offenses.
- K. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
- L. A general description of the items to be sold or services to be provided.
- M. The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.

3. **Fee.** All applications for a license under this chapter shall be accompanied by the fee established by Council Resolution which may be amended from time to time.

4. **Procedure.** Upon receipt of the completed application and payment of the license fee, the City Clerk, within two (2) regular business days, shall determine if the application is complete. An application is determined to be complete only if all required information is provided. If the City Clerk determines that the application is incomplete, the City Clerk shall inform the applicant of the required necessary information that is missing. If the application is complete, the City Clerk shall order any investigation, including background checks, necessary to verify the information provided with the application. If the City denies the license, based upon Section 9-8.6 or Section 9-8.8, the applicant shall 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 decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

5. **Operation on Private Property.** No transient merchant shall sell or offer for sale any goods, wares, or merchandise within the city from a stationary location on private property at any location without first obtaining the written consent of the property owner or occupant. The written consent must accompany the license application.

6. **Signs.** No signage shall violate the provisions of the City Code relating to size and number of business signs.

7. Off-street Parking Required. No license for a transient merchant shall be issued for sales from any location which does not have sufficient parking for customers and for areas where customer parking would interfere with normal traffic flow.
8. Duration of Sales. No transient merchant license shall be issued for more than 365 days, during which sales shall be limited to 30 days per year and no more than 14 consecutive days.
9. Granting, Denying, or Renewing a License. The following shall be considered in granting, denying or renewing a license: any reasonable facts or circumstances relating to public health, safety, and welfare, including but not limited to the following:
 - A. The character and suitability of the area or neighborhood in which the proposed activity is to be located.
 - B. The proximity of the proposed activities to churches, schools, playgrounds, parks, or other community facilities which might be adversely affected.
 - C. The proximity of the proposed activities in relation to traffic congestion and parking which causes interference with normal traffic flow, congestion, or inconvenience to the public.

Section 9-8.5. 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 of the farm or garden occupied or cultivated by themselves.
2. No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
3. Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.
4. All vendors involved in any community event the City Council deems exempt. A main license will be required by the director of the community event. All other vendors must contact the director of the community event.
5. No license shall be required for the sale of goods or merchandise on behalf of a bonified charitable, religious, civic, educational or political organization.

Section 9-8.6. LICENSE INELIGIBILITY.

The following shall be grounds for denying a license under this chapter:

1. The failure of the applicant to obtain and show proof of having obtained any required county license.
2. The failure of the applicant to truthfully provide any of the information requested by the City as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
3. The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance or City Code, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
4. The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.
5. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding 12 months, or three complaints filed against the applicant within the preceding five years.

Section 9-8.7. PROHIBITED SALES.

No Transient Merchant or seller at a Flea Market, except an authorized manufacturers representative, shall offer for sale any of the following items:

1. Infant formula or other food intended primarily for consumption by a child under the age of two (2) years;
2. Over the counter drugs, medical devices, and cosmetics;

Section 9-8.8. SUSPENSION AND REVOCATION.

1. Generally. Any license issued under this section may be suspended or revoked at the discretion of the Chief of Police for any of the following:
 - A. Fraud, misrepresentation or incorrect statements on the application form.
 - B. Fraud, misrepresentation or false statements made during the course of the licensed activity.

C. Violation of any provision of this chapter.

2. **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.

3. **Notice.** Prior to revoking or suspending any license issued under this chapter, the City shall provide the license holder with written notice of the alleged violations and inform the licensee of his/her right to a hearing on the alleged violation.

4. **Public Hearing.** Upon receiving the notice provided in paragraph 3 of this section, the licensee shall have the right to request a public hearing. If no request for hearing is received by the City Clerk within ten (10) regular business days following the service of the notice, the City may proceed with the suspension or revocation. If a public hearing is requested within the stated timeframe, a hearing shall be scheduled. Following the hearing the City Council shall notify the licensee of its decision.

5. **Emergency.** If, in the discretion of the Chief of Police, 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 chapter, the Chief of Police may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in paragraph 4 of this section.

Section 9-8.9. TRANSFERABILITY

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

Section 9-8.10. PROHIBITED ACTIVITIES

No peddler, solicitor or transient merchant shall conduct business or otherwise behave in any of the following manners:

1. Calling attention to his or her business or 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.
2. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way.
3. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.
4. Door to door solicitations shall not be conducted before 8:00 a.m. or after 8:00 p.m.

5. Failing to provide proof of license and identification, when requested; or using the license or registration of another person.
6. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler or transient merchant shall claim to have the endorsement of the City solely based on the City having issued a license to that person.
7. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

Section 9-8.11. EXCLUSION BY PLACARD.

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four inches long and four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors or Transient Merchants," or "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.

Section 9-8.12. GENERAL PENALTY.

1. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor.
2. Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor.
3. In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
4. The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

Section 9-8.13. DUTIES OF POLICE

It shall be the duty of any police officer of the City to require any person seen peddling or engaging in like activities, and who is not known to such officer to be duly licensed, to produce his license and to enforce the provisions of this article against any person when in violation of this Chapter.