

## TRANSIENT MERCHANT LICENSE

Added 1-26-01  
**COPY**

The County Board of Morrison County does hereby ordain:

### **Section I. Purpose.**

A. The purpose of this Ordinance is to establish standards and controls to protect the public from unfair trade practices and inferior or defective goods sold by transient merchants and to protect the health, safety and general welfare of the people of Morrison County.

B. This Ordinance sets forth circumstances for which a Morrison County Transient Merchant License is needed and the procedures for obtaining a license in order to do business as a transient merchant in Morrison County.

### **Section II. Definition.**

A "Transient Merchant" is any merchant defined by Minnesota Statute 329.099.

### **Section III. License.**

A. Any transient merchant desiring to transact business by auction or otherwise in this County shall file an application for a license with the County Auditor at least 30 days prior to the event. The applicant shall include the following information:

- 1) Name of applicant.
- 2) Proposed place of business.
- 3) Kind of business proposed to be conducted.
- 4) Length of time desired to do business.
- 5) Applicant's residence and business address for the prior two-year period.
- 6) Type of business applicant was engaged in during the previous two years.
- 7) Name and address of the auctioneer or sales person who will conduct the sale.
- 8) Itemized list of merchandise to be offered for sale with a description, including the serial number, if any, the owner's actual cost, and a designation by number corresponding with the number to be affixed to each item by a tag, said tag to remain on that item until it is sold.

B. A license fee in the amount of \$150.00 shall be submitted with the application.

C. A bond in the amount of \$3,000 shall be submitted with the application. The bond shall be conditioned on the merchant's conformance to laws relating to transient merchants, on the full compliance with material or oral statements and representations made by the seller or the seller's agent with reference to the merchandise sold or offered for sale, and on the merchant's faithful performance under all warranties made with reference to the merchandise sold or offered for sale.

D. In lieu of the bond the applicant may provide a certificate of insurance showing commercial general liability coverage, including product liability, in the amount of \$1,000,000

per occurrence and product warranties for any products to be sold. The insurance must be written by an insurance company with an "A" rating or higher by the A.M. Best Company. The certificate must entitle the County to 30 days written notice prior to the cancellation or reduction in coverage. Any bond or certificate of insurance provided in relation to the issuance of a transient merchant license must be kept valid during the term of the license.

E. The license is valid for one year from date of issue.

F. The County Auditor shall keep a record of all transient merchant licenses issued within the County. The books shall be open for public inspection during regular business hours of county government.

G. No license shall be issued unless the merchant produces evidence that the merchant is the holder of a valid Seller's Permit issued under Minnesota Statutes Section 297A.83, or a signed statement from the merchant that the merchant is not offering for sale any item that is taxable under Chapter 297A.

H. The license applicant shall appoint in writing the County Auditor as the applicant's agent to accept service of process in any action commenced against the applicant arising out of the sale for which the license is sought. In lieu of the County Auditor, the applicant may appoint any County resident as an agent of service of process provided that an affidavit consenting to service of process by mail on such resident agent is submitted to the County Auditor. For any agent for service of process other than the County Auditor, the applicant must provide the address of such agent where the service of process may be affected.

#### **Section IV. Sales.**

Sales made by a transient merchant shall comply in all respects with Minnesota Statutes 329.099 through 329.17, except as specifically exempted herein.

#### **Section V. Application of Ordinance**

A. This Ordinance applies to only that class of merchant conducting sales on ten (10) or fewer days within the County during a calendar year. Any transient merchant conducting sales on more than ten (10) days per year must comply with all the requirements of Minnesota Statute 329.

B. Merchants otherwise subject to this Ordinance can be exempted from the conditions of this ordinance by showing that the city or township in which the transient merchant is conducting business has, by Ordinance, imposed restrictions that are as restrictive or more restrictive than those contained in this Ordinance.

#### **Section VI. Posting Requirements.**

A transient merchant shall post, or have available for inspection on the premises, any license or certificate of exemption issued pursuant to this Ordinance.

## **Section VII. Penalties.**

A. Any person who violates the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, or who makes any material false statement or knowing omission in any document required to be submitted under the provisions herein, shall be guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not to exceed \$1,000 or to imprisonment to a time not to exceed 90 days, or both.

B. Each day such violation occurs shall be deemed a separate offense.

C. Nothing in this Ordinance shall be construed as limiting the ability of the County or any other governmental unit to exercise any right or remedy provided at law or in equity.

## **Section VIII. Severability and Savings Clause.**

A. Should any section, paragraph, provision, term or condition of this Ordinance be found invalid or unconstitutional by a court of competent jurisdiction, then such invalid or unconstitutional section, paragraph, provision, term or condition shall be severed from this Ordinance and all remaining sections, paragraphs, provisions, terms and conditions shall remain in full force and effect.

## **Section IX. Effective Date.**

This Ordinance shall be in full force and effect 30 days after its passage.

PASSED BY THE MORRISON COUNTY BOARD OF COMMISSIONERS  
THIS DAY OF December 19, 2006.

Bob Block  
Approved by:  
Chair - Morrison County Board

T. W. D. Hall  
Attested to by:  
Clerk - Morrison County Board

STATE OF MINNESOTA

)

AFFIDAVIT OF PUBLICATION

) ss.

COUNTY OF MORRISON

)

NOTICE OF INTENT TO ENACT  
TRANSIENT MERCHANT ORDINANCE  
Notice is hereby given that the Morrison County Board of Commissioners intends to enact a Transient Merchant Ordinance. The ordinance is intended to protect the public from unfair trade practices and inferior or defective merchandise sold by transient merchants. Transient merchants and transient merchant sales are defined by Minnesota Statute Chapter 329. The ordinance will require transient merchants to apply for a license from the county and pay an annual fee of \$150.00. Transient merchants will be allowed to post a bond or show proof of commercial liability insurance before receiving a license. The licensee must appoint the County Auditor or another county citizen as the licensee's agent to receive service of process. Only transient merchants holding sales in the county on 10 or fewer days are regulated by this Ordinance; others must comply with Minn. Stat. 329. Transient merchants holding sales in a municipality that has an Ordinance that regulates such sales in a manner that is as restrictive or more restrictive than this Ordinance are exempt from this Ordinance. Penalties for violation of the Ordinance are punishable as misdemeanor offenses.

A full copy of the proposed Transient Merchant Ordinance is available for review at the Offices of the Morrison County Auditor and Administrator during regular business hours.

NOTICE OF PUBLIC HEARING  
CONCERNING A TRANSIENT  
MERCHANT ORDINANCE

The Morrison County Board of Commissioners will hold a public hearing to consider adoption of a Transient Merchant Ordinance. The public hearing will be held at 10:00 a.m. on December 19, 2006 in the County Board Room of the Morrison County Government Center, 213 First Ave. Southeast, Little Falls, Minnesota.

Members of the public may comment at the public hearing or in writing prior to the public hearing by mail addressed to the Morrison County Administrator, 213 First Ave. SE, Little Falls, MN 56345. Mailed comments must be received by the Administrator's Office prior to the day of the hearing.

PUBLISH: December 3, 2006

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed

*Intent to Enact -  
Transient Merchant Ordinances*

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Dec 3, 2006 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

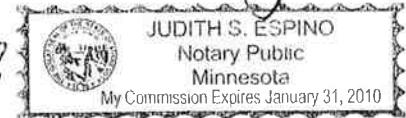
\*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus  
TITLE: legal secretary

Subscribed and sworn to before me on this

4 day of Dec., 2006.

Judith S. Espino  
Notary Public



\*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

(1) Lowest classified rate paid by commercial users for comparable space.	\$ <u>30¢ per word</u> (Line, word or inch <u>rate</u> )
(2) Maximum rate allowed by law for the above matter.	\$ <u>30¢ per word</u> (Line, word or inch <u>rate</u> )
(3) Rate actually charged for the above matter.	\$ <u>.63</u> (Line, word or inch <u>rate</u> )

STATE OF MINNESOTA  
COUNTY OF MORRISON

)  
ss.  
)

AFFIDAVIT OF PUBLICATION

Susan Kulus, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as the *Morrison County Record*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Minutes

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language; that it was first so published on:

Jan. 7, 2007 for 1 time(s),

the subsequent dates of publication being as follows:

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

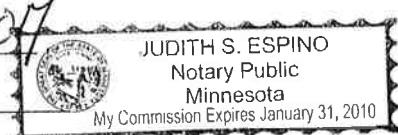
\*abcdefghijklmnopqrstuvwxyz

BY: Susan Kulus

TITLE: legal secretary

Subscribed and sworn to before me on this

8 day of Jan, 2007  
Judith S. Espino  
Notary Public



\*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION:

(1) Lowest classified rate paid by commercial users for comparable space.	\$ <u>30¢ per word</u> (Line, word or inch <u>rate</u> )
(2) Maximum rate allowed by law for the above matter.	\$ <u>30¢ per word</u> (Line, word or inch <u>rate</u> )
(3) Rate actually charged for the above matter.	\$ <u>63</u> (Line, word or inch <u>rate</u> )

**MORRISON COUNTY BOARD OF COMMISSIONERS****MINUTES FOR DECEMBER 19, 2006**

The meeting was held in the County Board Room, Government Center, Little Falls, MN.

The meeting was called to order at 9:00 a.m. by Chairman Block.

Members present: Commissioners Bill Block, Don Meyer, Gene Young, Tom Wenzel, and Jeff Schilling.

Staff present: Tim Houle, Russ Nygren, Conrad Freeberg, Steve Reger, Steve Backowski, Deb Gruber, Michel Wetzel, Steve Messerschmidt, Pat Rudie, Fran Dosh, and Connie Waytashek.

Others present: Ken Ballou, Chris Schafer, Bethany Malisheski, Carol Anderson, Floyd Richmond, and Duane Johnson.

**APPROVAL OF COUNTY BOARD MINUTES**

A motion was made by Commissioner Young, seconded by Commissioner Schilling, and carried unanimously to approve the Morrison County Board of Commissioners minutes for December 12, 2006, November 28, 2006, and the Truth in Taxation Public Hearing minutes.

**AGENDA CHANGES**

A motion was made by Commissioner Meyer, seconded by Commissioner Wenzel, and carried unanimously to adopt the agenda as presented with the deletion of the Public Health Report.

**SOCIAL SERVICES REPORT**

A motion was made by Commissioner Schilling and seconded by Commissioner Young to approve the purchase of routing software to support the Electronic File System. Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to authorize placing employee #561 on regular employment status at 1.0 FTE.

**GAMBLING LICENSE APPLICATION**

A motion was made by Commissioner Wenzel, seconded by Commissioner Schilling, and carried unanimously to approve the gambling license application to the Scandia Valley First Response Team, Inc. to hold a fund-raiser on January 14, 2007 at the Scandia Valley Town Hall, Scandia Valley Township.

**COUNTY BOARD WARRANTS**

A motion was made by Commissioner Meyer and seconded by Commissioner Young to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners has reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor's Office for December 19, 2006 be approved for payment:

REVENUE	\$ 82,318.78
PUBLIC WORKS	\$ 30,363.46
SOCIAL SERVICES	\$165,829.60
SOLID WASTE	\$ 8,237.39
LOCAL COLLAB.	\$ 79.92
TOTAL	\$286,829.15

Reimbursable expenses \$ 357.21 Motion carried on a roll call vote with all Commissioners voting "aye".

**BUDGET REPORT**

A motion was made by Commissioner Wenzel and seconded by Commissioner Meyer to approve the 2007 Levy as follows:

FUND	LEVY	LEVY LESS
		HACA
General	\$ 7,753,176	\$ 7,009,432
Highway	3,112,770	2,814,169
Social Services	3,163,950	2,860,440
Solid Waste	100,000	90,407
Debt/Bldg.	1,305,980	1,180,082
"Retirement"		
Ag. Society	45,336	40,987
Historical Society	42,818	38,711
Park Fund	27,500	24,862
Building Fund	50,000	45,204
TOTAL	\$15,601,530	\$14,104,911

Motion carried on a roll call vote with all

Motion carried on a roll call vote with all Commissioners voting "aye".

**BUDGET REPORT**

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Solid Waste	100,000	90,407
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Historical Society	42,818	38,711
Park Fund	27,500	24,862
Building Fund	50,000	45,204
TOTAL	\$15,601,530	\$14,104,911

Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Young and seconded by Commissioner Schilling to approve the 2007 Budget as follows:

FUND	BUDGET
General	\$13,220,240
Highway	10,173,820
Social Service	8,566,800
Solid Waste	2,804,403
Park	48,000
Debt/Bldg. Retirement	1,305,980
Ag. Society	45,336
Historical Society	42,818
Building Fund.	50,000
TOTAL	\$36,257,397

Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Wenzel and seconded by Commissioner Meyer to approve the 2007 Final Levy/budget for Morrison County Housing and Redevelopment Authority at \$30,000.00. Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Schilling and seconded by Commissioner Young to approve the 2007 Salary and Fees for the Medical Examiner's Office as attached. Motion carried on a roll call vote with all Commissioners voting "aye".

A motion was made by Commissioner Wenzel and seconded by Commissioner Young to approve the 2007 Fee Schedule. Motion carried on a roll call vote with all Commissioners voting "aye".

Upon the recommendation of the Personnel Committee, a motion was made by Commissioner Schilling, seconded by Commissioner Young, and carried unanimously to approve the 2007 Abstract of Position ratings as attached.

**TREASURER'S REPORT**

A motion was made by Commissioner Meyer, seconded by Commissioner Wenzel, and carried unanimously to approve the Morrison County Investment Policy for Deb Gruber, County Treasurer.

**PUBLIC HEARING**

A public hearing to consider Amendments to its Ordinance regulating Sexually Oriented Businesses was called to order at 9:38 a.m. No comments were received from the public. The public hearing was closed at 9:39 a.m.

**ADMINISTRATOR'S REPORT**

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried 4-1 (Commissioner Block voting "nay") to approve Resolution #2006-057A, Department Head Salaries.

**PUBLIC WORKS REPORT**

A motion was made by Commissioner Wenzel, seconded by Commissioner Meyer, and carried unanimously to approve Resolution #2006-058 and Agreement with the City of Randall for the construction of CSAH 104.

A motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to approve Resolution #2006-059, establishing the 2007 Solid Waste Service Fees.

THE BOARD RECESSED AT 9:57 A.M. AND RECONVENED AT 10:07 A.M. PUBLIC HEARING

Sexually Oriented Businesses was called to order at 9:38 a.m. No comments were received from the public. The public hearing was closed at 9:39 a.m.

**ADMINISTRATOR'S REPORT**

A motion was made by Commissioner Young, seconded by Commissioner Wenzel, and carried 4-1 (Commissioner Block voting "nay") to approve Resolution #2006-057A, Department Head Salaries.

**PUBLIC WORKS REPORT**

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A motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to approve Resolution #2006-059, establishing the 2007 Solid Waste Service Fees.

THE BOARD RECESSED AT 9:57 A.M. AND RECONVENED AT 10:07 A.M. PUBLIC HEARING

A public hearing to consider Adoption of a Transient Merchant License Ordinance was called to order at 10:09 a.m. No public comments were received. The public hearing was closed at 10:10 a.m. A motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to adopt the Morrison County Transient Merchant License Ordinance as presented. A summary of the Ordinance is as follows.

**AUDITOR'S REPORT**

A motion was made by Commissioner Meyer, seconded by Commissioner Wenzel, and carried unanimously to approve a 2006 Tobacco License for Bob & Fran's Grocery in Swanville, MN.

**LIQUOR LICENSE - GORDON WHEELER, JR.**

An application for an on-sale and off-sale liquor license for the Krazy Rabbit, received from Gordon Wheeler, Jr., was reviewed. County staff reviewed proposed Findings of Fact denying the application for an on and off sale liquor license. Upon the recommendation of staff, a motion was made by Commissioner Wenzel, seconded by Commissioner Young, and carried unanimously to adopt the Findings of Fact as presented to deny the application from Gordon Wheeler, Jr. for an on-sale and off-sale liquor license for the Krazy Rabbit.

**ADJOURNMENT**

A motion was made by Commissioner Young, seconded by Commissioner Meyer, and carried unanimously to adjourn the meeting at 10:42 a.m.

**TRANSIENT MERCHANT ORDINANCE**

The Transient Merchant Ordinance is intended to protect the public from unfair trade practices and inferior or defective merchandise sold by transient merchants. Transient merchants and transient merchant sales are defined by Minnesota Statute Chapter 329. The ordinance will require transient merchants to apply for a license from the county and pay an annual fee of \$150.00. Transient merchants will be allowed to post a bond or show proof of commercial liability insurance before receiving a license. The licensee must appoint the County Auditor or another county citizen as the licensee's agent to receive service of process. Only transient merchants holding sales in the county on 10 or fewer days are regulated by this Ordinance; others must comply with Minn. Stat. 329. Transient merchants holding sales in a municipality that has an Ordinance that regulates such sales in a manner that is as restrictive or more restrictive than this Ordinance are exempt from this Ordinance. Penalties for violation of the Ordinance are punishable as misdemeanor offenses.