

ORDINANCE NO. 988

AN AMENDMENT TO CHAPTER 18 “SOLICITORS & TRANSIENT MERCHANTS” OF THE WILLISTON CODE OF ORDINANCES, ESTABLISHING FURTHER GUIDELINES FOR MERCHANTS OR VENDORS PARTICIPATING IN FARMERS MARKET, FLEA MARKET, FAIR, CIRCUS, OR ANY OTHER SIMILAR ACTIVITY, AND SOLICITORS SOLICITING IN THE CITY OF WILLISTON AND THE EXTRA-TERRITORIAL JURISDICTION.

WHEREAS, the action of the Review Committee has determined that such transient merchants, itinerant merchants, and itinerant vendors have considerable impacts to the City’s zoning regulations;

WHEREAS, such uses are considered to be temporary uses best administered through the City of Williston’s Zoning Code;

WHEREAS, further review, processing, and approval sought for these use types will be at the discretion of the Planning Director in the Planning & Zoning Department along with their designated staff;

WHEREAS, farmers market, flea market, fairs, carnivals, circuses, or any other similar activity will continue to be administered with the City Auditor in the City Auditors Office along with their designated staff; and

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Williston, North Dakota, as follows:

CHAPTER 18- MERCHANTS, VENDORS, & SOLICITORS

ARTICLE I- IN GENERAL

Sec. 18-1 – 18-15. Reserved

ARTICLE II- FARMERS MARKET, FLEA MARKET, FAIR, CARNIVAL, CIRCUS, OR ANY OTHER SIMILAR ACTIVITIES

Sec. 18-16. License required

It shall be unlawful for any merchant or vendor to engage in such business for a farmers market, flea market, fair, carnival, circus, or any other similar activity within the city without first obtaining a license therefore in compliance with the provisions of this article.

Sec 18-17. Definition

(a) Farmers Market- An indoor or outdoor event for merchants or vendors who sell local agricultural products or crafts directly from the farmer to the consumer.

(b) Flea Market or Swap Meet- An indoor or outdoor event for a group of merchants or vendors organized and managed by the owner of the property or flea market association, who conducts the display, trade, and sale of used products or merchandise.

(c) Merchant or Vendor- A person, firm, or corporation, whether as owner agent, consignee or employee who is registered to conduct business in the State of North Dakota.

Sec. 18-18. Application

Applicants for license under this article, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the city auditor showing:

(a) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the city; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(b) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three (3) letters of recommendation from reliable property owners in the County of Williams, State of North Dakota, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the president of the board of city commissioners the good character and business responsibility of such person or persons;

(c) The place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(d) The place or places, other than the permanent place of business of the applicant where applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(e) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the city, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

(f) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the city auditor, copies of all said advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

(g) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(h) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(i) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the city auditor may deem proper to fulfill the purpose of this article in the protection of the public good. (Ord. No. 605, § 3, 9-28-82)

State law reference—License to do business in the state as a transient merchant, N.D.C.C. § 51-04-01 et seq.

SEC. 18-19. Investigation and issuance

Upon receipt of such application, the city auditor shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. During the application process the city auditor may request the Williston Police Department conduct a records check on the applicant or any potential employees of the applicant. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the city auditor shall so certify in writing, and a license shall be issued by the city auditor. The city auditor shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same.

SEC. 18-20. Bond

Before any license, as provided by this article, shall be issued for engaging as a merchant or vendor for a farmers market, flea market, fair, carnival, circus, or any other similar activity, as defined in section 18-17 of this article in the city, such applicant shall file with the city auditor a bond running to the City of Williston in the sum established by resolution and adopted by the City Commission, executed by the applicant, as principal, and two (2) sureties upon which service of process may be made in the State of North Dakota; said bond to be approved by the city attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the City of Williston and the statutes of the State of North Dakota, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond

must be approved by the city attorney, both as to form, and as to the responsibility of the sureties thereon.

A single bond covering multiple merchants or vendors, all representing the same person, event, firm or corporation shall be acceptable.

Sec. 18-21. Service of process

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the city such applicant shall file with the city auditor an instrument nominating and appointing the city auditor, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by section 18-20 of this article, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this article, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the city auditor, as herein provided, the city auditor shall send to the licensee at his last known address, by registered mail, a copy of said process. (Ord. No. 605, § 6, 9-28-82)

Sec. 18-22. Exhibition of license

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business. (Ord. No. 605, § 7, 9-28-82)

Sec. 18-23: Fees

The fee for a license under this article shall be set by resolution and adopted by the City Commission

Sec. 18-24. Transfer

No license shall be transferred without written consent from the president of the board of city commissioners as evidenced by an endorsement on the face of the license by the city auditor showing to whom the license is transferred and the date of the transfer. (Ord. No. 605, § 9, 9-28-82)

Sec. 18-25. Loud noise and speaking devices

No licensee under this article nor anyone in his behalf shall shout, make an outcry, blow a horn, ring a bell or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable

of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. (Ord. No. 605, § 10, 9-28-82)

Sec. 18-26. Duty of police to enforce

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same. (Ord. No. 605, § 11, 9-28-82)

Sec. 18-27 Records

The city auditor shall deposit the record of fingerprints of licensee, together with a license number, with the chief of police; the chief of police shall report to the city auditor any complaints against any person licensed under the provisions of this article and any conviction for violation of this article; the city auditor shall keep a record of all such licenses and of such complaints and violations. (Ord. No. 605, § 12, 9-28-82)

Sec. 18-28 Revocation of license

(a) The permits and licenses issued pursuant to this article may be revoked by the president of the board of city commissioners of the city, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of this article;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing. (Ord. No. 605, § 13, 9-28-82)

Sec. 18-29 Appeal

Any person aggrieved by the decision of the city auditor in regard to the denial of application for license as provided for in section 18-19 of this article or in connection with the revocation of a

license as provided for in section 18-28 of this article, shall have the right to appeal to the board of city commissioners. Such appeal shall be taken by filing with the board of city commissioners within fourteen (14) days after notice of the decision by the city auditor has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The board of city commissioners shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in section 18-28 of this article for notice of hearing on revocation. The order of the board of city commissioners on such appeal shall be final. (Ord. No. 605, § 14, 9-28-82)

Sec. 18-30 Expiration of license

The date or dates allowing the merchant or vendor to conduct activities within the city, shall be clearly shown on the license issued by the city auditor. Licenses shall be valid for the date or dates so authorized and shall not exceed 42 days within a calendar year.

Sec. 18-31 Penalty

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine as provided by section 1-11 of this Code. (Ord. No. 605, § 16, 9-28-82)

Sec. 18-31.1. Home rummage sales and garage sales exempt

This article shall not cover "rummage sales" and "garage sales" held in the home of the vendor. (Ord. No. 605, § 20, 9-28-82)

Sec. 18-31.2. Reserved

Sec 18-31.3. Certain merchants or vendors exempt

- a) A merchant or vendor selling merchandise only in a farmers market, flea markets, fairs, carnivals, circuses, or similar activities regulated by city or county governments, fair associations, convention bureaus, or other political subdivisions, is exempt from the requirements of sections 18-16, 18-18, and 18-20. (Ord. No. 727, 3-13-90)
- b) Sellers of agricultural products who are bona fide residents of Williams County, North Dakota.

ARTICLE III- SOLICITORS

Sec. 18-32. Permit—Required

In any event, every person who for himself or as an agent or employee proposes to engage in soliciting within the city, whether canvassing from house to house or in business places or who engages in such solicitation by telephone or other manner wherein a payment or deposit, either in whole or in part, is necessary to and required to be paid prior to the actual delivery of the item or service solicited for, shall make application to the chief of police for a permit and it shall be unlawful for any such person to so solicit or canvass without having first made application and obtained a permit therefore, as provided in this article. (Code 1957, § 22.2)

Sec. 18-33. Same—Application

(a) An application for the permit required by this article shall be made in writing in duplicate upon such blank forms as shall be prescribed therefore by the city auditor and approved by the city commission and shall contain the following information:

- (1) The name, residence, business address, age and occupation of the applicant.
- (2) The name and business address of the person by whom employed or to be employed.
- (3) The length of service of such applicant with such employer.
- (4) The place of residence and the nature of the employment of the applicant during the preceding year.
- (5) The nature, character or description of items or services to be solicited or supplied.
- (6) A personal description of the applicant.
- (7) The length of time for which the permit is desired, not to exceed one year.
- (8) The fingerprints of the applicant.
- (9) Such other information as may be reasonably required by the chief of police.
- (10) An affidavit of the applicant as to the truth of the matters set forth in the application.

(b) Such application shall be accompanied by such credentials or other evidence of good and moral character and identity of the applicant as may be required by the chief of police.

(c) If the chief of police shall determine, after reasonable investigation, that the applicant is of good moral character and proposes to engage in a lawful and legal enterprise, he shall approve the application, retain one copy thereof and forward one copy to the city auditor. (Code 1957, § 22.4)

Sec. 18-34. Same—Age of applicant

No application for a permit required by this article shall be received of a person under the age of eighteen (18) years. (Code 1957, § 22.3)

Sec. 18-35. Same—Bond

In addition to the requirements of section 18-33 of this article, each applicant for the permit required by this article shall furnish and file with the city auditor a surety bond in the penal sum established by resolution and adopted by the City Commission issued by a surety company licensed to do business in the state and to be approved by the city auditor. Such bond shall run to the city and shall be conditioned on indemnifying and saving harmless the city and any citizen thereof from any and all damage or fraud occasioned by such solicitation. Such bond shall

remain in force not to exceed one year and shall expire in ninety (90) days after the holder of such permit notifies the city auditor, in writing, that such holder has ceased to solicit or canvass as aforesaid, and surrenders such permit to the city auditor. Nothing in this section shall make it necessary for persons selling or taking subscriptions for religious books, magazines or literature and the agents or employees of any person having a permanent place of business in the city to post such bond in the discretion of the city auditor. (Code 1957, § 22.5; Ord. No. 512, 10-28-75)

Sec. 18-36. Same—Issuance; fee

Upon approval of the bona and approval of the application for a permit under this article, the city auditor shall issue the permit required herein and collect a fee established by resolution and adopted by the City Commission for each day solicitations are made within the city.

Sec. 18-37. Same—Possession and exhibition

The permit required by this article shall be carried at all times by the applicant to whom issued when soliciting or canvassing and shall be exhibited by such applicant when requested to do so by any police officer or any person solicited or canvassed. (Code 1957, § 22.7)

Sec. 18-38. Same—Revocation

The permit required by this article may be revoked by the chief of police for a violation by the holder thereof of any ordinance of the city or of any state or federal law or for any misrepresentation made in the application or whenever the holder of such permit shall be guilty in the judgment of the chief of police of fraud, misrepresentation or deceit or shall cease to possess the character and qualities required for the issuance of the permit. (Code 1957, § 22.8)

State law reference—Power of city to revoke license of hawkers and peddlers at pleasure, N.D.C.C. § 40-05-01(26).

Sec. 18-39. Soliciting, etc., without permit

Any person who shall solicit or canvass within the city without having first obtained a permit and posted a bond as required by this article, with the exception noted, or who otherwise violates the provisions of this article shall upon conviction be punished as provided by section 1-11 of this Code and also the court may, in addition thereto, revoke the permit of such violator. (Code 1957, § 22.10)

State law reference—Power of city to revoke license of hawkers and peddlers at pleasure, N.D.C.C. § 40-05-01(26).

Sec. 18-40. Conduct

It shall be unlawful for any person licensed as a solicitor as provided in this article to solicit or canvass by using any loud or boisterous language or by making any unnecessary noise, advances or threats or by touching or interfering with the person or freedom of prospective customers or by forcing entry into the residence or place of business of such customers against their expressed desire or in any way otherwise than in a quiet, orderly and proper manner. (Code 1957, § 22.9)

State law references—Criminal coercion, N.D.C.C. § 12.1-17-06; criminal trespass, § 12.1-22-03.

Sec. 18-41. Soliciting without invitation

The practice of going in and upon private residences or privately-owned property in the city by solicitors, not having been requested or invited so to do by the owner or occupant of the private residences or property, is hereby declared to be a nuisance. (Code 1957, § 22.1)

State law references—Criminal trespass, N.D.C.C. § 12.1-22-03; nuisances, N.D.C.C. Title 42.Secs. 18-42—18-46. Reserved

ARTICLE IV. SOLICITATIONS FOR CHARITABLE, RELIGIOUS AND OTHER PURPOSES

State law reference—Charitable organizations soliciting contributions, N.D.C.C. § 50-22-01 et seq.

Sec. 18-47. Definitions

Whenever used in this article unless a different meaning clearly appears from the context:

(a) *Solicit* and *solicitation* shall mean the request directly or indirectly of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this article. These words shall also include the sale of or offer or attempt to sell any item where the home of any charitable or religious person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purposes.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this section.

(b) *Charitable* shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, or fraternal, either actual or purported.

(c) *Religious* and *religion* as used herein shall not mean and include the word "charitable" as herein defined, but shall be given their commonly accepted definitions.

(d) *Contributions* shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

(e) *Person* shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

(f) *Promoter* shall mean any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise, or organize a campaign of solicitations. (Ord. No. 597, § 1, 5-25-82)

Sec. 18-48. Solicitations permit required—Exemptions

No person shall solicit contributions for any charitable or religious purpose within the city without a permit from the city auditor authorizing such solicitation. The provisions of this article shall not apply to the following:

(1) Any established person organized and operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person if the solicitations by such established person are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of any such established person.

(2) Those activities regulated by the charitable gambling laws of the State of North Dakota so long as a valid permit to conduct the activity has been secured from the city.

(3) Any persons who have a permanent residence or permanent place of business in Williams County, North Dakota. (Ord. No. 597, § 2, 5-25-82)

Sec. 18-49. Application for solicitations permit.

An application for a permit to solicit as provided by section 18-48 of this article shall be made to the city auditor upon forms provided by the city. Such application shall be sworn to and filed with the city auditor at least fifteen (15) days prior to the time at which the permit applied for shall become effective. (Ord. No. 597, § 3, 5-25-82)

Sec. 18-50. Investigation by city auditor of solicitation permit applications.

The city auditor shall examine all applications filed under section 18-49 of this article and shall make, or cause to be made, such further investigation of the application and the applicant as the city auditor shall deem necessary in order for him to perform his duties under this article. Upon request by the city auditor, the application shall make available for inspection by the city auditor, or any person designated in writing by the city auditor as his representative for such purpose, all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired. (Ord. No. 597, § 4, 5-25-82)

Sec. 18-51. Standards for city auditor's action in granting or denying applications for solicitation permits.

The city auditor shall issue the permit provided for in section 18-47 hereof whenever he shall find the following facts to exist:

(a) That all of the statements made in the application are true;

- (b) That the applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity;
- (c) That the control and supervision of the solicitation will be under responsible and reliable persons;
- (d) That the applicant has not engaged in any fraudulent transaction or enterprise;
- (e) That the solicitation will not be a fraud on the public;
- (f) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application, and will not be conducted primarily for private profit.

The city auditor shall file in his office for public inspection, and shall serve upon the applicant by registered mail, a written statement of his finding of facts and his decision upon each application if such application is denied. (Ord. No. 597, § 5, 5-25-82)

Sec. 18-52. Fee for solicitations permit.

Before a permit is issued there shall be paid to the city auditor a permit fee established by resolution and adopted by the City Commission for each day solicitations will be made within the city. (Ord. No. 597, § 6, 5-25-82; Ord. No. 776, 4-11-95)

Sec. 18-53. Bond required.

Each applicant for the permit required by this article shall furnish and file with the city auditor a surety bond in the penal sum established by resolution and adopted by the City Commission, issued by a surety company licensed to do business in the state and to be approved by the city auditor. Such bond shall run to the city and shall be conditioned on indemnifying and saving harmless the city and any citizen thereof from any and all damage or fraud occasioned by such solicitation. Such bond shall remain in force not to exceed one year and shall expire in ninety (90) days after the holder of such permit notifies the city auditor, in writing, that such holder has ceased to solicit as aforesaid, and surrenders such permit to the city auditor. (Ord. No. 597, § 7, 5-25-82)

Sec. 18-54. Charitable solicitations permit—Form of permit —Granting of permit is not endorsement by city—Time limit on permit.

Permits issued under this article shall bear the name and address of the individuals by whom the solicitation is to be made, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the City of Williston or by any of its departments, officers or employees of the purpose or of the person conducting the solicitation. All permits must be signed by the city auditor. Up to three (3) individuals may solicit for each permit which is issued; provided, however, that only those individuals who are named on the application for the permit may engage in solicitation. The permit may grant the right to solicit longer than ten (10) days from its date, but the city auditor may extend any permit for not more than ten (10) additional days upon a showing that unnecessary hardship would be created by a failure to extend the original ten (10) day period for such additional days. (Ord. No. 597, § 8, 5-25-82)

Sec. 18-55. Permit nontransferable.

Any permit issued under this article shall be nontransferable. (Ord. No. 597, § 9, 5-25-82)

Sec. 18-56. Hearing after denial of application for permit.

Within five (5) days after receiving notification that his application for a solicitation permit has been denied, an applicant may file a written request for a public hearing on the application before the board of city commissioners. At the hearing, the applicant may present evidence in support of his application. Any interested persons shall be allowed to participate in the hearing. The board of city commissioners shall either grant or deny the request for a solicitation permit. (Ord. No. 597, § 10, 5-25-82)

Sec. 18-57. Revocation of permits.

Whenever it shall be shown, that any person to whom a permit has been issued under this article has violated any of the provisions of this article, or that any promoter, agent or solicitor or a permit holder has misrepresented the purpose of this solicitation, the solicitations board may revoke the permit. Notice of revocation must be sent to the permit holder by certified mail addressed to the permit holder at the address set forth on the application. The chief of police shall be notified of the revocation of any permit. The permit holder may appeal his revocation to the board of city commissioners in the same manner as in the case of a denial of a permit. (Ord. No. 597, § 11, 5-25-82)

Sec. 18-58. Use of fictitious name—Fraudulent misrepresentation and misstatements prohibited.

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose in the city, or in any application or report filed under this article. (Ord. No. 597, § 12, 5-25-82)

Sec. 18-59. Penalties.

Any person violating any of the provisions of this article, or filing, or causing to be filed, an application for a permit or certificate under this article containing false or fraudulent misstatements, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by section 1-11 of this Code. (Ord. No. 597, § 13, 5-25-82)

EFFECTIVE DATE:

The proposed effective date of this ordinance is September 24, 2014.

Commissioner Brostuen moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Bekkedahl. On roll call vote of the Commissioners, the following Commissioners voted "AYE": Bekkedahl, Piesik, Cymbaluk, Brostuen and Klug. The following Commissioners voted "NAY": none. Absent and not voting: none.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 9th day of September, 2014.

ATTEST:

APPROVED:

John Kautzman, City Auditor

Howard Klug, President
Board of City Commissioners

PASSED FIRST READING: August 26, 2014

PASSED SECOND READING: September 9, 2014

PUBLISHED: September 22, 2014

ADOPTED THIS 9th Day of September, 2014