



City of Larimore Ordinances

8.0108 Licenses - Short Term

No license, unless otherwise specified, shall be issued for a fractional part of the year, but shall relate back if taken out subsequent to the first day of January of each year.

8.0109 Licenses - Enforcement

All City officials having duties to perform with reference to licensed premises, including all police officers, shall have authority to enter the licensed premises with or without a search warrant to check for violations of ordinances or state laws by the licensee.

8.0110 Licenses – Obligation to the City

No applicant shall be granted a license who is in default under the provisions of any City ordinance, or is indebted or obligated to the City, or is delinquent in the payment of any taxes in which the City shares.

ARTICLE 2 - Transient Merchants

8.0201 Definitions

1. For the purpose of this article:

a) "Transient merchant" includes any person, individual, co-partnership or corporation, either as principal or agent, who engages in, does or transacts any temporary or transient business in the City limits, either in one locality or in traveling from place to place selling goods, wares and merchandise who does not intend to become and does not become a permanent merchant of the City and who, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, lots, tract, railroad car or motor vehicles for the exhibition and sale of such goods, wares and merchandise. The person, individual, co-partnership or corporation so engaged shall not be relieved from complying with the provisions of this article merely by reason of 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.

b) "Merchandise" does not include any livestock or agricultural product. (Source: North Dakota Century Code § 51-04-01)

8.0202 License Required

It shall be unlawful to do business in the City as a transient merchant without having first secured a license therefore as is herein provided. For the purpose of this article, any merchant engaging or intending to engage in business as a merchant in the City for a period of time not exceeding 100 days shall be considered as a transient merchant.



City of Larimore Ordinances

8.0203 License Fee

The license fee to be required of all transient merchants for the transaction of such business within the City is hereby fixed at the sum of \$25.00 per day for each and every day during which any such transient merchants shall transact business in the City. (Source: North Dakota Century Code § 51-04-09)

8.0204 License - Application for

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

- a) Applicant's name, present residence, present home address, present business address, and if a corporation, under the laws of what state the same is incorporated;
- b) The name, present residence, present home address and present business address 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;
- c) The residence, business address and type of business in which applicant has been engaged in the previous two (2) years;
- d) The residence, business address and type of business in which the person having the management or supervision of applicant's business has been engaged in the previous two (2) years;
- e) 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;
- f) If a vehicle is to be used, a description of the same, together with license number;
- g) The kind of business to be conducted;
- h) The name and address of the auctioneer, if any, who will conduct the sale; and
- i) 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 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 produces, and where such goods or products are located at the time the application is filed. (see North Dakota Century Code § 51-04-02)

8.0205 Bond

Before any license shall be issued to a transient merchant for engaging in business in this City, the applicant therefore shall file with the City auditor a bond running to the City in the sum of \$1,000 executed by the applicant, as principal, and a responsible surety upon which service of process may be made in the



City of Larimore Ordinances

State of North Dakota; said bond not to be revocable nor to terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be cancelled has been given to the City auditor. The bond is to be approved by the City attorney, conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the City and the statutes of the State of North Dakota, regulating and concerning the sale of goods, wares and merchandise. The bond must be conditioned to pay all judgments rendered against the applicant for any violation of City ordinances or state statutes, together with all judgments and costs that may be recovered against the applicant by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting business with the applicant, whether misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, 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.

8.0206 Service of Process

Before any license as herein provided shall be issued for engaging in business as a transient merchant, as herein defined, in this City, such applicant shall file with the City auditor an instrument nominating and appointing the City auditor as a true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond given as required by this article, or for the performance of the conditions of said bond or for any breach thereof. This instrument shall also contain recitals to the effect that the applicant for 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 license under this article, according to the law of this state or any other state, and waiving all claim or right of error by reason of such acknowledgement 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 by registered mail, at the licensee's last known address, a copy of said process.

8.0207 Exhibiting 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 a 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.

8.0208 Transfer

No license issued to a transient merchant in the City shall be transferred.

8.0209 Enforcement by Law Enforcement Officers

It shall be the duty of the law enforcement 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. The City auditor shall deposit with the law enforcement office a record of each license number, together with the location within the City of the business licensed, to assist and promote such enforcement.



City of Larimore Ordinances

8.0210 Revocation

1. Any license issued pursuant to this article may be revoked by the City governing body after notice and hearing for any of the following causes:

- a) Any fraud, misrepresentation or false statement contained in the application for license;
- b) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- c) Any violation of this article;
- d) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;
- e) 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.

2. 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.

8.0211 Expiration of License

All licenses issued under the provisions of this article shall expire at the expiration of the period for which application has been made and prepaid, to be renewable by the City auditor upon application and payment therefore.

ARTICLE 3 - Hawkers and Peddlers

8.0301 Definitions

The word "person" as used herein includes the singular and the plural and means and includes any person, firm or corporation, association, club, co-partnership or society or any other organization. The words "hawker" and "peddler" as used herein include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers. The words "hawker" and "peddler" also include any person who, without traveling from place to place, shall sell or offer the same for sale from an automotive vehicle, railroad car or other vehicle or conveyance. One who solicits as a part of a scheme or design to evade the provisions of this article is deemed a hawker or peddler subject to the provisions of this article.



City of Larimore Ordinances

8.0302 License Required

It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a transient merchant license as provided for under Section 8.0202.

8.0303 Exhibition of License

Hawkers and peddlers are required to exhibit their license at the request of any citizen.

8.0304 Exceptions

No license shall be required for Larimore residents peddling, vending or marketing nuts, cake, candy, ice cream, or other light products or refreshments. No license shall be required for newsboys, nor to the sale of farm or garden products by the person producing the same, nor sale of admissions by local school students to a school function.

ARTICLE 4 - Runners, Solicitors and Canvassers

8.0401 Definitions

A "runner," "canvasser" or "solicitor" is defined as any individual, whether resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future. The definition shall include any person who, for himself, or for another person, firm or corporation hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

8.0402 License Required

It shall be unlawful for any person to engage in the business of runners, solicitors and canvassers of any merchandise, article or thing without having first secured a transient merchant license as provided for under Section 8.0202.

8.0403 Exceptions

1. Nor shall this article apply to solicitations for philanthropic, religious, and education charitable causes if the local charitable cause or entity has charitable status under the federal tax code, and the charitable cause or entity as a whole has filed for and received a license from the City governing body.

APPLICATION FOR
TRANSIENT MERCHANT'S LICENSE
CITY OF LARIMORE

1. Business Name _____
Business Address _____

2. Is the business incorporated? Yes ___ No ___
If "Yes", under the laws of what state is it incorporated? _____

3. List all other business names and business addresses used by the applicant during the past two years, and indicate the nature of the business(es). If none, write "N/A". _____

4. Manager or Supervisor of business while located in Larimore:
Name _____
Home Address _____

Business Address _____

5. Manager or Supervisor's Home Address and Business Address(es) during the past two years. If same as #4, write "N/A". _____

6. Proposed length of time for conducting business in the city. _____

(License fee is \$25.00 per day.)

7. Business location while in city: _____

8. Kind of business to be conducted: _____

9. Name and address of auctioneer who will conduct the sale. If none, write "N/A". _____

10. State the nature, character, invoice value, quality, place of manufacturing or production, and present location of the goods, wares or merchandise to be sold or offered for sale in the city, and state whether merchandise is to be sold from stock in possession or from stock in possession and by sample. If goods are to be sold at an auction sale, state whether goods are to be sold by direct sale or by direct sale and by taking orders for future delivery. (Use back of sheet or attach additional pages if necessary.) _____

I, the undersigned, swear that the information I have given above is true and correct.

(If applicant is incorporated, the president of the corporation must sign. If applicant is a partnership, all partners must sign.)