

ORDINANCE NO. 96

AN ORDINANCE TO AMEND SECTION NO. 7 PENALTY OF ORDINANCE NO. 96 OF THE CITY OF COOPERSTOWN RELATING TO TRANSIENT MERCHANTS.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL FOR THE CITY OF COOPERSTOWN, GRISS COUNTY, NORTH DAKOTA:

SECTION 1: "TRANSIENT MERCHANTS"-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 of Cooperstown by means of traveling from house to house, either on foot or by other means of locomotion, for the purpose of soliciting orders or selling merchandise of any kind or nature whatsoever and whom is not a bona fide resident of the City of Cooperstown, shall be designated as a transient merchant and subject to the provisions of this ordinance. Provided, however, that citizens of this city, those soliciting wholesale business, and commercial travelers soliciting business from an established business establishments in the city only, shall be exempt therefrom.

SECTION 2: It shall be unlawful for any transient merchant to sell merchandise or solicit orders within the City Limits of the city of Cooperstown without first obtaining a license from the City Auditor.

SECTION 3: APPLICATION FOR LICENSE: Any Transient merchant desiring to obtain a license to sell or solicit within the City of Cooperstown shall make application to the City Auditor on the form provided by the City Auditor and which application shall be accompanied by cash or money order for the amount of the license fee plus a surety bond payable to the City of Cooperstown.

SECTION 4: LICENSE FEE: A license fee of \$25.00 shall be payable for each transient merchant and shall be good for a period to three days. Any extension of time in excess of three days, an addition fee of \$5.00 per day shall be added.

SURETY BOND: The surety bond shall be not less than \$1,000.00 and the contents and surety therein shall be subject to the approval of the City Auditor and be conditioned that the applicant will in all things conform to the ordinance relating to "TRANSIENT MERCHANTS" and further condition upon full compliance with all material, oral or written statements and representations made by the applicant, his agents, representatives, with reference to merchandise sold or offered for sale, and on the faithful performance under all warranties made with reference thereto.

SECTION 5: The City Auditor, upon the filling of the application, license fee and surety bond, and within a reasonable time to verify the application, shall issue a license, authorizing the licensee to travel and pursue the business for the type of merchandise stated in the application for the term covered by the license fee. All license fees shall be placed into the General Fund of the City.

SECTION 6: All ordinances or any part of an ordinance which is found in conflict with this ordinance is hereby repealed.

SECTION 7: PENALTY: Any person, individual, co-partnership or

corporation violating any of the provisions of this ordinance or found traveling or trading within the City of Cooperstown in violation of the provisions of this ordinance or should refuse to exhibit his or her license for examination where requested to do so by any resident or officer of the City of Cooperstown, is guilty of an infraction and shall be punished by a fine of not less than \$25.00 nor more than \$100.00 or given a jail sentence of not to exceed 30 days, or by both such fines and imprisonment.

Robert W Baker  
City Mayor

ATTEST:

Doris E. Caudrey  
City Auditor

Ordinance no. 96 amended 12/3/90 by City Council, City of Cooperstown

Adopted date: 12-3-90

Effective Date: 12-3-90