

"Merchandise" does not include the sale of livestock or agricultural products for processing, or the sale of living livestock.

"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 and who does not intend to become or does not become a permanent merchant of the City. The term "transient merchant" shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor shall it apply to a person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting, convention, or event held in or at a publicly-owned or operated building or facility or sales of merchandise damaged by smoke or fire, or of bankrupt condition where such stocks have been acquired from merchants of the city thereof engaged in business; provided, however, no stocks of merchandise shall be augmented by new goods.

It is unlawful for any person or for any agent, servant or employee of any person or entity to engage in, carry on, or conduct the sale of merchandise as a transient merchant, without first obtaining a license to do so.

Exemption: An organization which is a bona fide nonprofit veterans, charitable, educational, religious, fraternal, civic and service club organization, or other public spirited organization as defined by the provisions of Chapter 53-06.1 of the North Dakota Century Code, and any bona fide school, service club or youth organization is not required to have a transient merchant license in order to conduct sales which would otherwise require such a license under this chapter.

Penalty: Any person who engages in business within the City of Devils Lake as a transient merchant without first obtaining a license to do so as herein provided shall be subject to a penalty of up to five hundred dollars. Each day a person conducts business in violation of the provisions of this chapter shall be deemed to be a separate offense and shall be punishable accordingly.

The holder of a transient merchant license shall conduct business in one location but may go to the other locations upon invitation. You CAN NOT go door to door.

Application is hereby made for a permit as required under Chapter 5.10 of the Devils Lake Municipal Code.



TRANSIENT MERCHANT PERMIT APPLICATION

- 1. Applicant's Information
a. Name:
b. Date of Birth:
c. Present Address:
d. Present Home Address:
e. Present Business Address:
f. Daytime Phone Number:
g. If the above is less than two years:
i. Home Address:
ii. Business Address:
iii. Type of Business:
2. The Location of the business to be licensed:
3. The location where the transient merchant will conduct business in the city:
4. Dates and hours when sales will be conducted in the City of Devils Lake:
5. The kind of business to be conducted:
6. Attach an itemized list of merchandise to be offered for sale...
7. The name and address of each political subdivision where the applicant has submitted an application...
8. North Dakota transient merchant license number:

Fee: \$50.00/day or \$500.00 for 12 consecutive months (must accompany application). Surety Bond to transact business in the State of North Dakota or deposit of cash in lieu thereof: \$5,000.00 (must accompany application)

License shall prominently be displayed at the licensed location

Date: Applicant Signature:
Print Name of Applicant:
Reviewed by Chief of Police:
Reviewed by City Attorney:
Date: Approved: Denied:

City Administrator