

CHAPTER 437

POLICE POWERS

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437.01 TRANSIENT DEALERS. No person without permission granted by vote of the council shall engage temporarily in the business of selling goods in any city or village, unless such goods have been duly assessed for taxation within the state for the current year. Permission shall not be granted by the council until the applicant shall have paid to the treasurer such sum as the council may require, not exceeding \$50.00 per week, for the period for which permission is sought, which sum shall be fixed upon consideration of the kind, amount, and value of the goods offered. A transient dealer violating any provision of this section shall be guilty of a misdemeanor, and the fact that such goods are not listed for taxation in the county shall be prima facie proof that they are not assessed for taxation in the state.

[R. L. s. 773] (1839)

437.02 POWER TO REGULATE TRANSIENT MERCHANTS. Every city or village of the state, whether incorporated under a home rule charter or a general or special law of this state, in addition to all other powers given the city or village by any law of this state, shall have power by ordinance to regulate, control, and license transient merchants and to provide for the punishment of persons violating such ordinances.

[1909 c. 84 s. 1] (1840)

437.03 COUNCIL MAY PROHIBIT BUCKET SHOP. The council of any village or city in this state may by ordinance prohibit the keeping or causing to be kept within the village or city any bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions, or other products, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, or wherein is conducted or permitted the pretended buying or selling of any of the property on margins, or when the party buying any of the property or offering to buy the same, does not intend actually to receive the same, if purchased, or to deliver the same, if sold; and to punish any corporation or person, whether acting individually or as a member, or as an officer, agent, or employee of any corporation, association, or copartnership, who shall keep, maintain, or cause to be maintained any such bucket shop, office, or store within the corporate limits, by a fine not exceeding \$100.00 or imprisonment in the county jail not exceeding 90 days.

[1907 c. 174 s. 1] (1926)

437.04 SUBMISSION TO VOTERS. Electors residing within the corporate limits of any village or city in this state, equaling or exceeding in number ten per cent of the vote cast therein at the last general election, may present to the council or board of trustees thereof a petition signed by them and containing a proposed ordinance, as authorized in section 437.03, and it shall be the duty of the council, or board of trustees, to receive the same and to submit the proposed ordinance to the electors of the municipal corporation at the first general or special election occurring more than 15 days after the receipt by it of this petition. The clerk of the village or city shall give ten days' notice of the submission of the proposed ordinance to the electors thereof by publishing same in some newspaper published in the village

or city or, if no newspaper is published therein, in some newspaper published in the county-seat of the county in which the village or city is situated, more than ten days prior to the election and by posting same in three public places in the village or city at least ten days prior to the election. At the election the question shall be voted upon by ballot, which shall have printed thereon, "A proposed ordinance to prohibit the keeping of bucket shops. Yes, No," which vote shall be canvassed, returned, and announced as other votes of the election.

[1907 c. 174 s. 2] (1927)

437.05 ADOPTION OF ORDINANCE. If a majority of the vote cast at the election upon the proposed ordinance favor the adoption thereof, the ordinance shall thereupon be in full force and effect and binding upon every person within the corporate limits of the village or city.

[1907 c. 174 s. 3] (1928)

437.06 WHEN OFFENSE IS COMMITTED. It shall not be necessary, in order to commit the offense defined in an ordinance adopted under the provisions of sections 437.03 to 437.06, that both the buyer and the seller shall agree to do any of the acts therein prohibited, but the crime shall be complete against any corporation, association, copartnership, or person thus pretending or offering to sell, or thus pretending or offering to buy, whether the offer to sell or buy is accepted or not.

[1907 c. 174 s. 4] (1929)

437.07 ITINERANT PLACES OF AMUSEMENT; PROHIBITION; PERMITS. No town board or other public authority shall hereafter issue any license or permit or make any other grant of authority permitting the operation or carrying on of any itinerant carnival, street show, street fair, sideshow, circus, or any similar enterprise within one mile of the corporate limits of any city of the fourth class in this state without having first obtained in writing the consent thereto of the council or other governing body of the city.

[1925 c. 366 s. 1] (1929-1)

437.08 LICENSES OR PERMITS VOID. Any license, permit, or other grant of authority issued or made in violation of the provisions of sections 437.07 to 437.11 shall be absolutely null and void.

[1925 c. 366 s. 2] (1929-2)

437.09 SHOWS PROHIBITED WITHOUT LICENSE; MISDEMEANOR; PUBLIC NUISANCE. No person, firm, copartnership, corporation, or association of any nature or kind shall operate or attempt to operate or carry on any itinerant carnival, street show, street fair, sideshow, circus, or any similar enterprise within one mile of the corporate limits of any city of the fourth class in this state without license or permit so to do lawfully granted under the restrictions provided in sections 437.07 to 437.11.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor; and any such enterprise operated without license or permit as herein prescribed is hereby declared to be a public nuisance.

[1925 c. 366 s. 3] (1929-3)

437.10 DEFINITION. An itinerant carnival, street show, street fair, sideshow, circus, or other similar enterprise, within the meaning of sections 437.07 to 437.11, is any itinerant carnival, street show, street fair, sideshow, circus, or other similar enterprise, which is held, operated, or carried on in the open or indoors or upon or within any public or private ground, at which there congregates and assembles, with or without the payment of an admission fee, a promiscuous gathering of people as spectators or otherwise.

[1925 c. 366 s. 4] (1929-4)

437.11 APPLICATION; ISSUE OF LICENSE WHERE CITY OF THIRD CLASS AND CITY OF FOURTH CLASS ARE CONTIGUOUS. Nothing in sections 437.07 to 437.11 shall be construed as in any way abrogating or detracting from the provisions of section 616.39 but section 616.39 shall be and remain in force and effect; provided that in cases where a city of the third class and a city of the fourth class are contiguous, either municipality may issue such license without the consent of the other.

[1925 c. 366 s. 5; 1927 c. 16] (1929-5)

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437.12 ELEVATOR OPERATORS; LICENSE; PENALTIES. No person shall operate a passenger elevator in any city of the first class without being licensed so to do by the building inspector. The inspector shall examine the applicant as to his knowledge of the construction of elevators, and his experience and ability in their operation and, if he be found qualified, shall license him to run elevators in the city for one year. The licensing officer shall receive 25 cents for each license issued. No person shall employ or permit a person not the holder of a license to operate any passenger elevator under his control. Every violation of this section shall be a misdemeanor.

[R. L. s. 761] (1409)