

Application Information & Requirements for Peddlers, Solicitors & Transient Merchants



City of Eden Prairie
Police Department • Licensing
8080 Mitchell Road • Eden Prairie, MN 55344
Phone: (952) 949-6200 • TDD: (952) 949-8399

Information:

- **Make an appointment to present application in person.**
- Application must be **complete** and **legible**. (Indicate not applicable on application if appropriate.)
- Allow a minimum of three working days for application to be processed.
- No peddling, soliciting or selling until permit has been issued. Peddling or soliciting prior to issuance of a permit is a violation of the City Ordinance and is cause for denial of permit.
- Permit expires December 31st regardless of the date issued.
- Peddling, soliciting or selling in City parks is prohibited.
- Failure to provide true and complete information shall constitute a violation of the ordinance in question; and in addition to the penalties prescribed for violation of the ordinance in question, the license of any applicant may be revoked by reason of material falsification or omission of information for said application.

Requirements:

- ❑ \$50.00 application fee (Interstate exempted) *Note: When you pay by check, the City of Eden Prairie will present the check for payment to your bank electronically. Your original check will be destroyed once processed and you will not receive your cancelled check back.*
- ❑ Credentials establishing relationship to employer/supplier (*company issued ID card, business card, paystub, etc*)
- ❑ Provide a copy of all literature about product or service that will be distributed to residents (*brochures, receipt example, pricing sheet, etc*)
- ❑ Supply a government issued Driver's License or State ID to be photo copied at time application is turned in.



Peddler & Solicitor Individual Permit Application City of Eden Prairie

To be filled out by each peddler, solicitor, or transient merchant working in Eden Prairie.

Data Practices Advisory

READ THIS BEFORE COMPLETING THIS PACKET.

As an applicant for a license/permit at the City of Eden Prairie, you are being asked to provide information about yourself which will be used in evaluating your suitability for licensure/permit. The purpose of this request is to obtain information about you to permit us to evaluate whether you meet the requirements for licensure/permit.

Attached are several documents which ask for your signature and/or personal information. You are not legally required to supply any of the data requested or to sign any of the release and authorization forms. However, should you not provide that information, the City may be unable to evaluate whether you meet the requirements for licensure/permit with this agency, which may negatively impact your application for licensure/permit with this agency.

You are being asked to provide public and private data about yourself as defined by the Minnesota Data Practices Act. The following information you are being asked to provide is defined as private: Social Security Number and Criminal History classified as private pursuant to Minn. Stat. 13.87.

Private data may be distributed to and used by personnel of the City of Eden Prairie who are involved directly and/or indirectly in the approval, denial, renewal, revocation and maintenance of records on licenses/permits. The data may be used and disseminated to individuals or agencies specifically authorized access to the data by state, local or federal law or when approved by the State Commissioner of Administration or by you.

Public data is data which is available to any person upon request.

This information will be maintained through the time of your licensure/permit with the City of Eden Prairie and thereafter. If granted a license/permit, the City may request additional or updated information in the future for the purposes stated in the first paragraph above.

I HAVE READ AND UNDERSTAND THE DATA PRACTICES ADVISORY.

Applicant Signature

Date

Directions: Use a typewriter or print legibly in blue or black ink. Answer all questions and indicate not applicable if appropriate. *Any falsification of answers will result in denial of the application*

Section 1: Applicant

1. Name _____ Phone (_____) _____
Last First Full middle Maiden name

2. Permanent Residence Address _____
Should match Driver's License Street

City State County Zip

3. Local Address (if not same as above) _____
Street

City State County Zip

4. Sex _____ Race _____ Height _____ Weight _____ Color of hair _____ Color of eyes _____

5. Date of birth _____ Place of birth (*City, State, Country*) _____

6. Driver's License/State ID Number _____ State of Issue _____

7. Home Phone: _____ Cell Phone: _____ Business Phone: _____

8. Address(es) at which you have lived during the preceding five years.

Street City County State Zip

Street City County State Zip

Street City County State Zip

9. Are you a U.S. citizen? *If yes, but birthplace was not in the U.S., please provide a Certificate of Naturalization, Certificate of Citizenship, or current passport. If no, present proof of immigration/employment status.* Yes No

10. Have you ever used or been known by a name or names other than the name given above? *If yes, list such name(s) and information concerning dates and places used (maiden, nickname, etc)* Yes No

Section 2: Business Info

Supply the following information about business, employer, principal or supplier of applicant.

11. Business Name _____ Phone (_____) _____
Address _____
Street City County State Zip

12. Any other names the business is affiliated, owned, managed or operated by _____

13. MN Sales Tax Number _____ Federal Tax ID Number _____

14. Is the Business registered with the MN Secretary of State's Office? *If no, provide proof of exemption* Yes No

- 15. Applicant's relationship to business (employee, owner, manager, etc) _____
- 16. Supervisor or Manager's Name _____ Phone (_____) _____
- 17. A brief description of the nature of the business and the products to be sold _____

- 18. Will you have the merchandise in your possession when you are going door to door? Yes No
- 19. What is the source of supply of the products to be sold? _____

- 20. Where is the local point of distribution & proposed method of delivery? _____

Section 3: Application Information

- 21. Dates of selling or soliciting _____ Hours of selling or soliciting _____
- 22. **Have you or the firm or business employing you been the subject of an investigation by a consumer protection agency, state attorney general office or other state regulatory office or department?** Yes No
If yes, give dates, locations, and agency details. Attach additional sheet if necessary.

- 23. **Have you had a registration, license and/or identification card for peddler or solicitor denied or revoked by the City or any other government body within five years before the application date?** Yes No
If yes, provide the details & locations

- 24. **Have you ever been arrested, charged, cited, convicted or adjudicated of any felony, crime or violation of any ordinance, other than a minor traffic or parking offense?** Yes No
If yes, give date, place and nature of conviction. Attach additional sheet if necessary.

- 25. **List the last five cities or other localities where applicant conducted peddling or soliciting immediately preceding the date of application.**

- 26. **Description of vehicle to be used in business**
Year _____ Make _____ Model _____ Color _____ State of Registration _____
License Plate Number _____ Registered Owner Name(s) _____
Driver of vehicle (if other than self) _____

Documentation Needed

Attach:

- 1. Color photocopy of Government Issued Driver's License or State ID (copy will be taken at the Police Department at time of application).
2. Credentials establishing relationship to employer/supplier (company issued ID card, paystub, etc).
3. A copy of all literature about products and/or services that will be shown or distributed to residents (brochures, pricing sheets, receipt etc).
4. Application/Investigation fee of \$50.00. Make check payable to the City of Eden Prairie

Note: When you pay by check, the City of Eden Prairie will present the check for payment to your bank electronically. Your original check will be destroyed once processed and you will not receive your cancelled check back.

Notice

Note: A photo ID card will be issued to each peddler/solicitor/transient merchant. All applicants must apply in person at the Police Department with a Government Issued ID so a Peddler/Solicitor/Transient Merchant ID photo can be taken.

City issued permit cards must be worn while engaged in permit activities, and must be displayed between the waist and the neck on the front of the outermost garments.

All permits will expire on December 31st, and permit cards are to be returned to the City within 7 days of expiration. Should a card be lost prior to expiration, you must report it to the Eden Prairie Police Department. Replacement Card fee is \$10.

I have received from the City of Eden Prairie a copy of the Peddlers Ordinance, Section 5.37 of the City Code and will familiarize myself with the provisions. I understand that a criminal conviction will not bar me from obtaining a permit unless the conviction is directly related to the occupation for which the permit is sought and there is no showing of sufficient rehabilitation and present fitness to perform the duties of the occupation (Minnesota Statute 364.03). I understand that falsification of the application, including failure to reveal a criminal conviction, constitutes grounds for denial of the permit.

The information I have provided on this application is truthful. I authorize the City of Eden Prairie to investigate the information and contact persons/organizations named on this application.

Signature of Applicant _____ Date _____

State of _____

County of _____

This instrument was acknowledged before me on _____ by _____
Date Name of Applicant

Signature of Notarial Officer

Title or Rank _____

My Commission Expires: _____

(Stamp)



Criminal History Authorization and Release Pursuant to Minnesota State Statute 13.05, Subd. 4, Minnesota Data Practices Act

TO:

Eden Prairie Police Department
8080 Mitchell Road
Eden Prairie, MN 55344

And

Bureau of Criminal Apprehension
1430 Maryland Ave. East
St. Paul, MN 55106

FROM:

Full Name: _____

Date of Birth: _____

Sex: _____

I hereby authorize and grant my informed consent to permit you to perform a criminal history background check on me. I further authorize and grant my informed consent to permit you to release and to make available to the City of Eden Prairie a summary of the criminal history record information from the check, whether that data is public or private. I understand that the purpose of permitting the City of Eden Prairie and/or the Bureau of Criminal Apprehension to have access to this information is to determine my suitability for licensure/permit with the City of Eden Prairie. I further understand that this information may subsequently be utilized for other purposes relating to my possible licensure/permit with the City of Eden Prairie including verification of my records and analysis by the City of Eden Prairie who may review my suitability for licensure/permit.

I hereby release you, your organization, or others from any liability for any damage which may result from furnishing the information requested above.

This authorization shall be valid for a period of one year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City or to you of that fact.

Signature of Applicant _____ Date _____

State of _____

County of _____

This instrument was acknowledged before me on _____ by _____
Date *Full Name of Applicant*

Signature of Notarial Officer

Title or Rank _____

My Commission Expires: _____

(Stamp)

**Authorization and Release Pursuant to
Minnesota State Statute 13.05, Subd. 4,
Minnesota Data Practices Act**



TO:

FROM:

Full Name: _____

Date of Birth: _____

Sex: _____

I hereby authorize and grant my informed consent to permit you to release and to make available to the City of Eden Prairie and/or its agents and/or representatives all data which concerns me and which may be in your possession, whether the data is public or private. I understand that the purpose of permitting the City of Eden Prairie to have access to this information is to determine my suitability for licensure/permit with the City of Eden Prairie. I further understand that this information may subsequently be utilized for other purposes relating to my possible licensure/permit with the City of Eden Prairie including verification of my records and analysis by the City of Eden Prairie who may review my suitability for licensure/permit.

I hereby release you, your organization, or others from any liability for any damage which may result from furnishing the information requested above.

This authorization shall be valid for a period of one year, but I reserve the right to, at any time prior to that expiration, cancel the written authorization by providing written notice to the City or to you of that fact.

Signature of Applicant _____ Date _____

State of _____

County of _____

This instrument was acknowledged before me on _____ by _____
Date *Full Name of Applicant*

Signature of Notarial Officer

Title or Rank _____

My Commission Expires: _____

(Stamp)

Eden Prairie City Code: Peddlers - Section: 5.37

Subd. 1. Purpose. This Section is not intended to interfere with the legitimate business activities of peddlers, solicitors, and transient merchants as the same are defined herein, whether same be local or interstate. These provisions are intended only to, as nearly as possible, ferret out all illegitimate or confidence operators and to regulate and control all those who, in person, would use their unique presence on property within the City of Eden Prairie, or their unique proximity to its residents, for purposes of harassment, nuisance, theft, or other unlawful activities.

Subd. 2. Definitions. When used in this Section, the following terms have the following meanings:

- A. “Non-Commercial Door-to-Door Advocate” means any person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs. For purposes of this Section, the term non-commercial door-to-door advocate shall include door-to-door canvassing, pamphleteering intended for non-commercial purposes, and seeking donations for which no product or service is given in return.
- B. “Peddler” means any person, whether a resident of the City of Eden Prairie or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales where payment is received immediately for future delivery to purchasers.
- C. “Permit Activities” means all activities requiring a permit pursuant to this Section.
- D. “Solicitor” means any person, whether a resident of the City of Eden Prairie or not, who goes from house to house, from place to place, or from street to street with the intention of taking orders or scheduling future visits for taking orders for services or goods for future delivery and payment.
- E. “Transient merchant” includes any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City of Eden Prairie or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided however that such definition does not include any person, firm or corporation who sells such goods, wares, or merchandise from within the confines of a lawfully established and operating permanent retail sales operation.

Subd. 3. Permit Required. It is unlawful for any peddler, solicitor, or transient merchant to engage in permit activities within the City of Eden Prairie without first obtaining a permit therefor in compliance with the provisions of this Section. Each peddler, solicitor, or transient merchant engaged in permit activities, whether independently or on behalf of another, must have a separate permit.

Subd. 4. Exceptions.

- A. The permit requirement in Subdivision 3 and the conditions, restrictions, and regulations in Subdivision 7.A of this Section do not apply to the following: (i) the acts of persons selling personal property at wholesale to dealers in such articles, nor the delivery of newspapers, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor to the sale of farm or garden products by the person producing the same at the location where such products are produced, which production shall be proven by the vendor, nor; (ii) persons employed at a bakery, dairy or grocery making an uninvited initiatory visit in an effort to establish regular route service for future delivery of perishables.
- B. The permit requirement in Subdivision 3 and the conditions, restrictions, and regulations in Subdivision 7.A of this Section do not apply to non-commercial door-to-door advocates. This exemption will not apply if the person’s exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

Eden Prairie City Code: Peddlers - Section: 5.37

- C. The permit requirement in Subdivision 3 and the conditions, restrictions, and regulations in Subdivision 7.A of this Section do not apply to peddlers or solicitors who are 17 years of age or younger, who are engaged in permit activities on behalf of a public school or private school, philanthropic organization, or community organization, which private school, philanthropic organization or community organization or its parent organization is on file with the Minnesota Secretary of State as a Minnesota domestic or a foreign business organization or has filed an assumed name, where the proceeds of the sales are mainly devoted to the benefit of the children engaged in the permit activities.
- D. Nothing contained in this Section prohibits any sale required by statute or by order of any court, or prevents any person conducting a bona fide auction sale pursuant to law.

Subd. 5. Ineligibility. No permit may be issued to a person who:

- A. Has (i) a criminal charge, citation, or complaint that is pending or (ii) a conviction or adjudication of guilt within five years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought in a legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- B. Has had revoked, within the past five (5) years, any license or permit issued to the person for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- C. Has been denied, within the past year, any license or permit application for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- D. Has a bad business reputation, evidence of which shall include the existence of an enforcement action against the person by the Office of the Minnesota Attorney General or another state's regulatory office or department (such as another state's attorney general's office), or other business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed with the city or another city, town, or other political subdivision against the person that resulted in a written reprimand or warning to the person within the preceding five (5) years.
- E. Has failed to follow all federal, state, and local regulations, including failure to be registered, licensed, or permitted if such registration, license, or permit is required by any federal, state, or local regulation.

Subd. 6. Permit Applications

- A. Application. All applications for permits issued under this Section shall be made on forms supplied by the City. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.
- B. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application. Any false statement in such application or any willful omission to state any information called for on such application will, upon discovery of such falsehood, be grounds for denial or, if already issued, for revocation of the permit.
- C. Permit, Application, and Investigation Fees. Upon submission of the application, applicants for a permit under this Section shall pay a fee to the City which shall be considered an application, investigation, and permit fee, not refundable to applicant, to cover the costs of the City in processing the application and the investigation thereof. All permit application and investigation fees provided for in this Section shall be fixed and determined by the Council. Such fees, may, from time to time, be amended by the Council.
- D. Investigation. The City is empowered to conduct any and all investigations to verify the information on applications and renewal applications submitted under this Section, including but not limited to ordering a criminal history check pursuant to City Code Section 2.33.
- E. Consideration and Issuance. After the information on the application has been verified as correct by the City pursuant to subsection D above, an initial application for a permit under this Section shall be endorsed by the Chief of Police for issuance or denial within ten (10) business days after the application is deemed to be complete.
 - 1. Issuance. Upon the Chief of Police's endorsement of his/her approval of an application, the licensing clerk shall issue and mail a permit to the applicant at the address noted in the application.

Eden Prairie City Code: Peddlers - Section: 5.37

2. Denial. The Chief of Police may deny a permit on the grounds set forth in Subdivision 5 of this Section and/or on the same grounds for which a license may be suspended or revoked as set forth in Subdivision 8 of this Section. A denial of an application shall be communicated to the applicant in writing. The notice of denial shall be mailed by regular mail to the applicant at address listed on the application. An applicant may appeal a denial by submitting a hearing request to the Chief of Police within ten (10) days of the date of the notice of denial. If a hearing request is not received by the Chief of Police within ten (10) days of the date contained in the notice, the applicant's right to a hearing shall be deemed waived. If timely requested, the hearing shall be held in accordance with the procedures set forth in Subdivision 8.B.2 and 8.B.3 of this Section.

F. Term of Permit. Permits issued under this Section will expire on December 31 of each year. A permit holder wishing to obtain a new permit following expiration of a permit must make a new application to the City in accordance with the requirements of this Subdivision 6.

G. Change of Information. A permit holder must promptly notify the City of a change in the information or facts required to be furnished on the application for a permit, even after the permit has been issued. Failure to comply with this subsection is cause for suspension or revocation of the license.

Subd. 7. Conditions, Restrictions, and Regulations.

A. General Permit Provisions.

1. Each person engaged in permit activities must be permitted as provided herein and may not be accompanied by a person who is not permitted while engaging in such activities. No permit may be transferred between persons or businesses.
2. Each person engaged in permit activities must carry the City issued permit on his or her person and must display the permit between the waist and the neck on the front of his or her outer garment while engaged in permit activities.
3. The permit issued by the City is the property of the City and must be returned to the City within seven (7) days of its expiration.
4. Each person engaged in permit activities must provide a sales slip, receipt, or other documentation to any person to whom they make a sale, or from whom they take an order or receive funds. The sales slip, receipt, or documentation must include the name of the person engaged in permit activities, his or her affiliated organization, the organization's address and phone number, and a description of the transaction.
5. No person engaged in permit activities shall state or imply that the City, by issuance of a permit, has endorsed his/her activities or products.
6. No person shall conduct permit activities in any city park without prior written authorization from the City Manager or his/her designee.

B. Restrictions. Whether or not a permit is required under this Section, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, any person acting on his or her behalf, or other person engaged in similar activities shall, while engaged in such activities:

1. Shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon private property where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places.
2. Enter in or upon the property of another or attempt to enter in or upon the property of another if a placard or sign has been posted excluding peddlers and solicitors. The printed placard or sign must bear the notice: "Peddlers and Solicitors Prohibited". Such placard shall be at least 3-3/4 inches long and 3-3/4 inches wide and the printing thereon shall not be smaller than 48-point type. No person other than the person occupying such property shall remove, injure or deface such placard or sign.
3. Enter in or upon the property of another or attempt to enter in or upon the property of another before 9:00 a.m. or after 9:00 p.m. local time year-round

Eden Prairie City Code: Peddlers - Section: 5.37

4. Obstruct the free flow of traffic, either vehicular or pedestrian in any public right of way.
5. Make false or misleading statements about the activities or the products or services being sold.
6. State or imply that the City has endorsed his/her activities or products.
7. Operate in a manner a reasonable person would find harassing, intimidating, abusive or threatening.
8. Operate in a manner a reasonable person would find offensive, obscene, or abusive, push open a door not opened by an occupant, place any portion of the person's body through an opened doorway without the invitation of an occupant, or physically attempt to stop an occupant from closing a door.
9. Enter onto the property of another through any side or rear yard or attempt to make contact with a person at any point other than the main point of entrance of the building or property being approached.
10. Remain on the property of another after instructed to leave.
11. Act in a manner that threatens the health, safety, or welfare of any person or the general public.

Subd. 8. Suspension or Revocation

- A. Grounds for Suspension or Revocation. The City may suspend or revoke a permit issued under this Section. The following are grounds for suspension or revocation of a permit:
 1. Fraud, misrepresentation, or false statement contained in a permit application or a renewal application;
 2. Fraud, misrepresentation, or false statement made in the course of carrying on permit activities;
 3. Failure to comply with City ordinances or state law;
 4. A pending criminal charge, citation, or complaint, or a conviction or other adjudication of guilt, for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought in a legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
 5. The existence of any grounds for denial of a permit identified in Subdivision 5 of this Section, which existed at the time the permit was issued or arose subsequent to the issuance of the permit.
- B. Procedure.
 1. Notice. A suspension or revocation shall be preceded by written notice from the Chief of Police or his or her designee to the permit holder and an opportunity for a hearing. The notice shall state the nature of the violation(s) or grounds for suspension or revocation and shall inform the permit holder of his or her right to request a hearing within ten (10) days of the date contained in the notice to dispute the suspension or revocation. The notice shall be mailed by regular mail to the permit holder at the most recent address listed on the permit application. If a hearing request is not received by the City within ten (10) days of the date contained in the notice, the permit holder's right to a hearing shall be deemed waived. No suspension or revocation of a permit under this Section shall take effect until (a) the permit holder's time to request a hearing expires; or (b) if a hearing is requested, after the permit holder is informed of the decision of the City Manager.
 2. Hearing. If a hearing is requested, the Chief of Police or his or her designee shall provide written notice to the permit holder of the date, time and place of the hearing. The notice shall be served in the same manner as the initial notice. The notice shall be served no less than fifteen (15) day and no more than thirty (30) days prior to the hearing. The hearing shall be held by an impartial hearing officer who shall be appointed by the Chief of Police or his or her designee. Upon conclusion of the hearing, the hearing officer shall, within ten (10) days, make his or her recommendation to the City Manager in writing. If the hearing officer's recommendation is denial, suspension or revocation, he or she shall include in the written recommendation his or her findings and conclusions supporting the decision.

Eden Prairie City Code: Peddlers - Section: 5.37

3. Decision. Within thirty (30) days of receipt of the hearing officer's written recommendation, the City Manager shall make a decision on whether the permit will be denied, suspended or revoked. The City Manager shall inform the permit holder in writing of the decision, including findings and conclusions supporting the decision, within ten (10) days.
 4. Appeal. No appeal is allowed to the City Council under Section 2.80 of the City Code from a decision of the City Manager under this Section. The City Council may, on its own motion, determine to review the decision of the City Manager.
- C. Emergency. If, in the discretion of the City Manager, imminent harm to the health or safety of the public may occur because of the actions of any person permitted under this Section, the City Manager may immediately suspend the person's permit and in such event shall provide notice to the person of the right to a post-suspension hearing pursuant to the procedures in subsection B of this Subdivision 8.

Subd. 9. Violation a Misdemeanor. A person who commits or attempts to commit, conspires to commit or aids or abets in the commission of an act constituting a violation of this Section, whether individually or in connection with one or more other persons or as principal, agent, or accessory is guilty of a misdemeanor. A person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate a provision of this Section is guilty of a misdemeanor.

Source: Ord. No. 26-2018
Effective Date: 12-13-2018

SECTION 5.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.