

Chapter 27

PEDDLERS*

* **State Law References:** Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.

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ARTICLE I.

IN GENERAL

Sec. 27-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any current and operating business located within the City which is retail, service or wholesale orientated.

Peddler means any person, whether a resident of the city or not, who travels by foot, wagon, motor vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting retail goods, merchandise, meats, fish, vegetables, fruits, garden truck or farm products or provisions, offering and exposing them for sale, or making sales or delivering articles to purchasers, or who, without traveling from place to place, sells or offers such items for sale from a wagon, motor vehicle, railroad car or other vehicle or conveyance. In addition, one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall also be deemed a peddler. The term "peddler" shall include the words "hawker," "solicitor," and "huckster."

(Ord. No. 2008-06, art. I, § 1, 5-12-2008)

Sec. 27-2. Duties of police.

Police officers of the city shall require any person seen peddling, and who is not known by such officers to be duly licensed, to produce his peddler's license and shall enforce this chapter against any person found to be violating any of the provisions of this chapter.
(Ord. No. 2008-06, art. I, § 2, 5-12-2008)

Sec. 27-3. Use of streets.

No peddler shall have any exclusive right to any location in the public streets or be permitted a stationary location or be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public is impeded or inconvenienced.
(Ord. No. 2008-06, art. I, § 3, 5-12-2008)

Sec. 27-4. Restrictions on sale of food.

(a) No licensee shall sell or offer for sale any unsound, unripe or unwholesome food or drink or defective, faulty or deteriorated article of food.

(b) No licensee shall make a sale of food or drink to any person under the age of 12 years on any property nearer the traveled portion of any street than the side of the public sidewalk nearest to the pavement, or, where no public sidewalk exists, nearer than ten feet from the outer edge of such pavement. Where streets are unpaved, this restriction shall be deemed to apply to that portion of the street set aside for or used by vehicular traffic.
(Ord. No. 2008-06, art. I, § 4, 5-12-2008)

Sec. 27-5. Business Sponsored Peddler/Vendor

(A) Any business may apply for a Business Sponsored Peddler Permit and be subject to the applicable fees as set by the City Council. The business must be the applicant for the permit. The business assumes all liabilities of the peddler. The peddler operation must be located on the sponsoring business' property as noted on the application.

(B) Businesses may only obtain two (2) Business Sponsored Peddler Permits per month. Each permit shall not exceed three (3) consecutive days.

(C) All other applicable rules described within this ordinance regarding the peddler shall apply.

Secs. 27-6--27-19. Reserved.

ARTICLE II.

LICENSE

Sec. 27-20. Required.

(a) No person shall engage in the business of peddler within the city without first obtaining a license therefor. Military veterans with valid permits issued by the county clerk who become licensed by the city prior to soliciting shall be exempt from paying required fees. The veteran must be the actual person selling the goods or wares.

(b) Any person who engages in the business of hawking, peddling or vending according to the provisions of this chapter, without a license, or who shall violate any of the provisions of this chapter, shall be subject to the penalties for a Grade C civil infraction. Each day or part of a day that a person shall hawk, peddle or vend without a valid license shall be considered a separate violation of this article.

(Ord. No. 2008-06, art. II, § 1, 5-12-2008)

Sec. 27-21. Exempt activities.

The licensing provisions of this chapter shall not apply to:

- (1) Sales of goods, wares and merchandise for religious or local charitable purposes; provided that the duration of their event is less than seven days.
- (2) Vendors approved by the city or operating with the consent of individuals or organizations sponsoring events approved by the city; such vendors or sponsors of city-approved events must provide general liability insurance with such limitations as required by the city council. Proof of insurance, showing that such insurance is in force, shall be filed with the city manager prior to the approved event. Termination or alteration of the policy without approval of the city manager shall constitute grounds for the cancellation of the event by the city manager.
- (3) Commercial travelers employed by wholesale houses and selling staple articles of merchandise to city merchants to be retailed by such merchants.
- (4) Persons under the age of 19 years that engage in the sale of produce, vegetables, or fruit actually grown on or from their own land.
- (5) Delivery of goods sold by city businesses; or the sale of goods or wares that is normally sold by a city business that desires to sell said goods and wares in alternative locations other than their own place of business.
- (6) Permanently employed and bonded route salespersons that solicit orders from and distribute goods to regular customers on established routes.
- (7) Vendors participating in the City approved Farmers Market.

(Ord. No. 2008-06, art. II, § 2, 5-12-2008)

Sec. 27-22. Application.

Applicants for a license under this chapter must file with the city clerk a sworn application in writing, on a form to be furnished by the city clerk, which form shall contain the following information:

- (1) The name of the applicant, the business, and other identifying information;
- (2) The applicant's address, legal and local;
- (3) A brief description of the nature of the business and the goods or wares to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) If a vehicle is to be used, a description of the vehicle, together with the license number or other means of identification;
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguished manner;
- (8) The fingerprints of the applicant and evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (9) A statement as to whether or not the applicant has been convicted of any crime and, if so, the nature of the offense and the punishment or penalty assessed; and
- (10) The number of the applicant's sales or use tax license.

(Ord. No. 2008-06, art. II, § 3, 5-12-2008)

Sec. 27-23. Fee.

At the time of filing the application for a license required by this chapter, a fee, which shall be from time to time set by the city council and a schedule of which shall be available at the city clerk's office for examination, shall be paid to the city clerk to cover the cost of processing, investigation, and supervision. For the purpose of this chapter, any period of one or more than one calendar day and not more than 30 calendar days shall be considered one month.

(Ord. No. 2008-06, art. II, § 4, 5-12-2008)

Sec. 27-24. Investigation of applicant; issuance.

- (a) Upon receipt of the application for a license required by this chapter, the original shall be

referred to the police department, who shall cause such investigation of the applicant's moral character to be made, as he deems necessary for the protection of the public good.

(b) If as a result of such investigation the applicant's character or business responsibility is found not to have good moral character, the officer shall endorse on such application his disapproval and his reasons for disapproval and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If as a result of such investigation the applicant is found to be of good moral character, the officer shall endorse on the application his approval and return such application to the city clerk, who shall, upon payment of the prescribed license fee, issue a license.

(d) No license to peddle prepared food in the city shall be issued under this chapter except to a person holding a current food handler's certificate issued by the county. Every applicant shall be 18 years of age or over unless parental consent is given to those 16 years or older.

(e) Such license shall contain the signature of the issuing officer and shall show the:

(1) Name and address of the licensee;

(2) Class of license issued and the kind of goods or wares to be sold under the license;

(3) Amount of fee paid, the date of issuance and the length of time the license shall be operative; and

(4) License number and other identifying description of any vehicle used in such peddling.

(f) The city clerk shall keep a permanent record of all licenses issued for three years.

(g) All applicants must provide proof of insurance in an amount as determined by the city council before a license is issued.

(h) No licensee shall sell their goods or wares in the city cemetery or within 200 feet of a permanent city business that sells the same goods or wares, except business sponsored vendors.

(i) No licensee shall sell their goods or wares in the area or adjoining area of a city-sponsored event without written permission of the organization conducting the event.

(j) No truckload-style events shall be conducted on public property. Truckload-style events held on private property must have the written permission of the property owner and not exceed nine days more than twice a year.

(k) Written authorization must be granted by the city or designated organization to sell goods or wares on city property.

(Ord. No. 2008-06, art. II, § 5, 5-12-2008)

Sec. 27-25. Exhibition.

Peddlers are required to exhibit their licenses at the request of any resident of the city.
(Ord. No. 2008-06, art. II, § 6, 5-12-2008)

Sec. 27-26. Recordkeeping; reports of violations.

The police department shall report to the city clerk all convictions for violations of any of the provisions of this chapter, and the city clerk shall maintain a record for each license issued and record the reports of violations in such record.
(Ord. No. 2008-06, art. II, § 7, 5-12-2008)