

CHAPTER 117: PEDDLERS

Section

- 117.01 Definitions
- 117.02 License required
- 117.03 Exempt conduct
- 117.04 License
- 117.05 Investigation; issuance or denial
- 117.06 Term of license; non-transferable
- 117.07 Rules of conduct
- 117.08 Revocation of license
- 117.09 Appeal of denial or revocation

- 117.99 Violations; penalty

§ 117.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. Any person who goes about from place to place in the city, traveling by foot, motor vehicle, or other means of conveyance, selling or offering for sale any goods, wares, or merchandise, whether in a public place or upon private property.

(Ord. 271, passed 9-19-11)

§ 117.02 LICENSE REQUIRED.

No person may engage in business as a peddler in the city without a license issued by the city pursuant to the terms of this chapter.

(Ord. 271, passed 9-19-11) Penalty, see § 117.99

§ 117.03 EXEMPT CONDUCT.

The following conduct is exempt from the requirements of this chapter:

- (A) Persons selling or offering for sale goods on behalf of a school system.

(B) Persons selling or offering goods for sale on behalf of a charitable organization qualified as a charitable organization pursuant to section 501(c)(3) of the Internal Revenue Code.

(C) Persons selling or offering goods for sale on behalf of a religious organization.

(D) A veteran holding and acting in compliance with a veteran's peddlers and hawkers license issued by the state pursuant to M.C.L.A. §§ 35.441 - 35.443.

(Ord. 271, passed 9-19-11)

§ 117.04 LICENSE.

(A) Application. A person or organization seeking a license shall file with the City Clerk an application for a peddler's license. The application shall be submitted on a form supplied by the City Clerk.

(B) Contents. The application shall include, at a minimum, the following information:

(1) The name and a physical description of the applicant;

(2) The address (permanent and/or temporary) of the applicant;

(3) A brief description of the nature of the business and the goods or other items to be sold;

(4) If the applicant is employed as a peddler, the name and address of the applicant's employer together with credentials establishing such relationship;

(5) The length of time for which a license is desired;

(6) If a vehicle, vehicle trailer, temporary shelter, or temporary location is to be used, a description, together with the license number and other information that may be required;

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of filing such application, which photograph shall be two inches by two inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner;

(8) The social security number of the applicant;

(9) A statement as to whether the applicant has ever been convicted of any crime, misdemeanor, or violation of any ordinance, and, if so, full particulars as to the nature of the offense, the court before whom conviction was had or a plea of guilty entered, and the punishment or penalty assessed; and

(10) A waiver signed by the applicant granting officials of the city authority to verify the information provided by the applicant regarding the applicants criminal history.

(Ord. 271, passed 9-19-11)

§ 117.05 INVESTIGATION; ISSUANCE OR DENIAL.

(A) The City Clerk shall forward the application to the Chief of Police, who shall cause an investigation to be made of the applicant's criminal history and, to the extent available, the business and personal history of the applicant. After such investigation is completed, the Chief of Police shall endorse upon such application a recommendation for approval or disapproval and shall forward the application to the City Manager. If the Chief of Police recommends disapproval of such application, the Chief of Police shall provide the City Manager with a statement of reasons for such recommendation of disapproval.

(B) If the City Manager is satisfied that the applicant complies with the provisions of this chapter and other pertinent ordinances of the city and the results of the investigation by the Chief of Police indicate that the character of the applicant justifies the granting of such license, then the City Manager shall return the application for license to the City Clerk with instructions that a license be issued. On receipt of such instructions, the City Clerk shall issue the applicant a peddler's license.

(C) If the City Manager is not satisfied that the applicant complies with the provisions of this chapter and other pertinent ordinances of the city or if the results of the investigation by the Chief of Police do not indicate moral character or business responsibility which justifies the granting of such license, then the City Manager shall deny the license and give notice of such denial to the applicant with a copy to the Chief of Police specifying the cause of such denial.

(Ord. 271, passed 9-19-11)

§ 117.06 TERM OF LICENSE; NON-TRANSFERABLE.

Licenses may be issued under this chapter for a specified term not to exceed one year. No license may be assigned or transferred.

(Ord. 271, passed 9-19-11)

§ 117.07 RULES OF CONDUCT.

(A) Hours of operation. No peddler may operate before 9:00 a.m. or after 9:00 p.m.

(B) Display. Each peddler licensed pursuant to this chapter shall conspicuously and prominently display the license granted to the peddler when the peddler is engaged in the business of peddling.

(C) Street operations. No peddler shall have any exclusive right to any location in the public streets or other public areas. It shall be unlawful for any peddler to operate in a congested area where the peddler's operations might impede pedestrian or vehicle traffic or inconvenience the public.

(D) Congestion. No peddler shall conduct business in a congested area. No peddler shall occupy a station or a location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is used by pedestrians or persons operating motor vehicles. A peddler shall be

presumed to have occupied a stationary location if the individual has conducted business in any such public place for a period in excess of ten minutes.

(E) Loud noises; speaking devices. It shall be unlawful for any licensee or any person on the licensee's behalf to shout, cry, blow a horn, ring a bell, or use any sound device, including loud speakers or sound amplifiers, on any of the streets, alleys, parks, or other public places of the city, or upon any private premises, for the purposes of attracting attention to any goods, wares, or merchandise which the licensee proposes to sell.

(F) Flashing lights. It shall be unlawful for any licensee or any person on the licensee's behalf to use or employ any flashing lights on any vehicle or any other device for the purpose of attracting attention to any goods, wares, or merchandise which the licensee proposes to sell.

(G) Duty to depart. A peddler shall immediately depart private property when requested to do so by the owner, occupant, or person with apparent occupancy or control.

(H) Entry barred by posting. A peddler shall not enter into private property on which signage is placed barring peddling.

(Ord. 271, passed 9-19-11)

§ 117.08 REVOCATION OF LICENSE.

(A) A license may be revoked by the City Manager for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application;
- (2) Fraud, misrepresentation, or false statement made when engaging in business as a peddler;
- (3) Any violation of this chapter or of any other ordinance of the city;
- (4) Conviction of any felony or a misdemeanor involving moral turpitude; or
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(B) Whenever the City Manager shall revoke a license, a notice specifying the cause of such revocation shall be given to the peddler.

(Ord. 271, passed 9-19-11)

§ 117.09 APPEAL OF DENIAL OR REVOCATION.

Any person believing they have been aggrieved by an action of the City Manager in the denial or revocation of a license may, within ten days after receipt of notice of denial or revocation, file a written request for a hearing with the City Clerk. The City Council shall then set a time and place for a hearing,

and notice shall be given to the appellant. Upon such hearing, the City Council shall determine whether the license should be denied or revoked; and such determination shall be final and conclusive.

(Ord. 271, passed 9-19-11)

§ 117.99 VIOLATIONS; PENALTY.

(A) Civil infraction. A violation of Chapter 117 shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six-month period. The civil fine for a first offense is \$50. The civil fine for the first repeat offense is \$250. The civil fine for the second repeat offense is \$500. The City shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the city pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended, being M.C.L.A. §§ 600.8301 et seq. and 600.8701 et seq. Each day on which any violation of those sections occurs shall constitute a separate offense. Nothing in this section shall restrict other remedies available to the city.

(B) Nuisance. A violation of Chapter 117 is declared to be a nuisance per se.

(C) Enforcement. The City Manager and all police officers of the City are authorized to issue civil infractions citations pursuant to this chapter.

(Ord. 271, passed 9-19-11)