

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 20
PEDDLER'S**

An ordinance to regulate hawking, peddling, street vending and soliciting; to prohibit the sale of and the taking of orders for goods, wares, merchandise, meats, fish, fruits, vegetables and food stuffs without a license; to provide for a penalty for the violation thereof.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN ORDAINS:

SECTION I: SHORT TITLE

This ordinance shall be known and may be designated as "The Township of St. Ignace Peddler's Ordinance."

SECTION II: DEFINITIONS

- (a) The word "PERSON" as herein means every natural person, firm, co-partnership, association or corporation and their legal successors, and shall include the plural as well as the singular.
- (b) The word "PEDDLER" as herein shall mean any person who travels by foot, wagon, vehicle, or any other type of conveyance, from place to place, from street to street, or from person to person, carrying, conveying or transporting goods, wares, merchandise, meats, fish, fruits, vegetables or foodstuffs, offering and exposing the same for sale, or making sales or delivering articles to customers; or who without going from place to place, sells or offers the same for sale from a wagon, vehicle, railroad car or other conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers, or causes such deliveries to be made at a future time. The word "peddler" shall include the words "hawker," "street vendor," "solicitor," and "canvasser."
- (c) The word "HELPER" as used herein shall mean any person who engages in the business of peddler by accompanying another peddler as a helper or assistant, if two or more persons are associated in the business of peddler but go about their business separately from place to place within the Township, they shall each be deemed an independent peddler for the purpose of this ordinance.

SECTION III: LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of peddler, as an independent peddler or helper as defined in Section 2 of this ordinance, without first obtaining a license as provided therein for the period during which he plans to conduct his business. "No such license shall be issued or become effective until seventy-two (72) hours excluding Sundays and holidays have elapsed from time of application therefore."

SECTION IV: INTERSTATE COMMERCE.

Any person engaged in the business of peddler in interstate commerce may be exempted from the payment of fees for licenses issued hereunder after establishing the character of his business to the satisfaction of the Township Clerk. Any such person shall submit a completed application and pay the application processing fee as required in Section 8 of this ordinance. The applicant upon approval will pay applicable fees as required in Section 9 of this ordinance. And shall be subject to all other provisions of this ordinance.

SECTION V: BOND REQUIRED

Any person engaged in the business of peddler, as an independent peddler or helper as defined in Section 2 of ordinance, shall post a Surety Bond or Cash Bond with the Township Clerk at the time of making application for a license. Such a bond shall be in the amount of not less than One Thousand Dollars (\$1,000.00), and conditioned upon the faithful observance by the licensee of all provisions of this ordinance. Any person aggrieved by the action of said licensee shall have a right of action on said bond for the recovery of money or damages, or both. Said bond shall be retained by the Township of St. Ignace for a period of ninety days after the expiration of said license, or until after the settlement of any claim on said bond submitted in writing to the Township Clerk before the end of said ninety-day period. Bond requirement may be waived contingent upon applicant producing three letters of recommendations from reliable property owners in the Township of St. Ignace, plus a letter from a designated Township Attorney, certifying as to the applicant's good character and business responsibility.

SECTION VI: EXEMPTIONS

It is the intent of this ordinance that the following persons shall not be deemed peddlers for purposes of this ordinance, and shall not be subject to regulations hereunder:

- (a) Any person working as a route salesman, on a fixed route with regular periodic deliveries or visits, and who does not call on persons or places not already established as customers.
- (b) Any person engaged exclusively in wholesale sales to retail merchants.
- (c) Any person engaged in peddling on behalf of a school or recognized charitable or religious organization; said organization to produce evidence of non-profit status through a Federal Non-Profit Internal Revenue Service identification number or other verifiable proof of non-compensation for such work.

However, the Township Clerk shall, with the cooperation of the exempted person, issue a license and badge to such person without charge for a period not to exceed beyond December 31st of the year in which they are issued.

SECTION VII: APPLICATION

Before any person shall be issued a license for peddling as required herein, he shall first file with the Township Clerk a sworn application in writing, on a form provided by the Township Clerk, which shall include at least the following information:

- (a) Name and date of birth of applicant;
- (b) Applicant's legal or local address;
- (c) A description of the nature of the applicant's business and goods to be sold, the origin of the goods, and the method of making sales;
- (d) Name and address of the applicant's employer; and if a corporation, whether it is registered to do business in Michigan;
- (e) The applicant's driver's license number;
- (f) The license number and description of the applicant's vehicle;
- (g) The length of time for which the right to do business is desired;
- (h) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be 2" by 2" (approx.) showing the head and shoulders of the applicant in a clear and distinguishing manner.

- (i) The fingerprints of the applicant and names of at least two reliable property owners of the County of Mackinac, Michigan, who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references any other available 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;
- (j) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore;
- (k) A statement by a reputable physician of Mackinac County dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free from infectious, contagious or communicable disease. The physician's statement is required from only those vendors and peddlers who will be peddling food, beverages, meats, fruits, vegetables or foodstuff;
- (l) A statement from the property owner of record indicating that permission has been given the peddler to do business upon said property owner's property and the dates and length of time permission has been granted.

SECTION VIII: FEES

At the time of filing the application, a processing fee of Five Dollars (\$5.00) shall be paid by the applicant to the Township Clerk to cover the cost of administration and investigation. The fees for the licenses are required herein shall be based on the length of time for which the right to do business is granted, as follows:

	PEDDLER
PER DAY	\$ 50.00
PER WEEK	100.00
PER MONTH	250.00
PER YEAR	500.00

SECTION IX: INVESTIGATION AND ISSUANCE.

- (a) Upon receipt of such application, it shall be referred to the Township Supervisor, who shall cause such investigation of the applicant's business and 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 to be unsatisfactory, the Supervisor shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Township 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's character and business responsibility is found to be satisfactory, the Supervisor shall endorse on the application his approval, and return said application to the Township Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the Township Clerk, the name, address, and photograph of the licensee, the kind of goods to be sold and the method of making sales thereunder, the date of expiration and the license number. The Township Clerk shall keep a permanent record of all licenses issued.

SECTION X: BADGES

The Township Clerk shall issue to each licensee, at the time of delivery of his license, a badge. Such badge shall bear the words "LICENSED PEDDLER NO.____," the period for which the license is issued, the number of the license and a statement to the effect that the license must be presented upon a citizen's request. Such badge shall be worn by the licensee at all times on the front of his hat or on the chest of his outer garment in such a way as to be conspicuous during such time as said licensee is engaged in peddling.

SECTION XI: EXHIBITION OF LICENSE

It shall be the duty of every person actively engaged in the business of peddler to carry his license on his person at all times and to exhibit his license at the request of any citizen, and to allow such citizen a reasonable period of time in which to inspect such license.

SECTION XII: NON-TRANSFERABILITY

No license or badge issued under the provisions of this ordinance shall be used or worn at any time by any person other than the one to whom it was issued.

SECTION XIII: LOUD NOISES AND SPEAKING DEVICES

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of said Township or upon any private premises in the said Township where sound sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

SECTION XIV: USE OF STREETS

No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. "Special Events Organizations may obtain use of public property by approval of the Township Board and other authorizing agencies during the term of the event.

SECTION XV: CONDUCT

No person engaged in the business of peddling shall conduct himself toward the public or any individual person in such a manner as to be offensive, disorderly or rude. No person engaged in the business of peddling shall enter or remain on any property or premises, contrary to the request of the owner or occupant thereof.

SECTION XVI: DAYLIGHT HOURS ONLY

Peddlers in the Township of St. Ignace shall limit their business operations to daylight hours. No person shall engage himself in the business of peddling from one hour before sunset until one hour after sunrise.

SECTION XVII: DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the Township of St. Ignace, Mackinac County Sheriff Department and Michigan State Police to require any person seen peddling and who is known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this ordinance against any person found to be violating the same.

SECTION XVIII: RECORDS

All convictions for violation of this ordinance shall be reported to the Township Clerk and the Township Clerk shall maintain a record for each license issued and record the reports of violation therein.

SECTION XIX: SUSPENSION AND REVOCATION OF LICENSES

Any license granted under the terms of this ordinance may be suspended by the Supervisor, or revoked by the Township Board for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;
- (3) Any violation of this ordinance;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the Public.

SECTION XX: APPEAL

Any person aggrieved by the action of the Supervisor or the Township Clerk in the denial of an application for license as provided in Section 8 of this ordinance, or in the decision with reference to the suspension or revocation of a license as provided in Section 19 of this ordinance, shall have the right to appeal to the St. Ignace Township Board. Such appeal shall be taken by filing with the Township Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal and 10 days notice of such hearing shall be given to the appellant. The decision and order of the Township Board on such appeal shall be final and conclusive.

SECTION XXI: EXPIRATION OF LICENSE.

All licenses issued under the provisions of this ordinance shall expire in the specified time of the date issued. All annual licenses issued under the provisions of this ordinance shall expire on the date specified in the license.

SECTION XXII: VIOLATION AND PENALTY

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction therefore shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment not to exceed 90 days, or by both such fine and imprisonment at the discretion of the Court. Each day that a violation occurs shall constitute a separate offense.

SECTION XXIII: SEVERABILITY

The sections of this ordinance are hereby declared to be severable and if any portion or application shall be found to be invalid by a court of competent jurisdiction such invalidity shall not affect the remaining portions or applications of this ordinance.

SECTION XXIV: SPECIAL VENTS AND SPECIAL EVENTS ORGANIZATIONS

Special Events Organizations are those groups or organizations that are determined by resolution of the Township Board to be organized as such. The minimum criteria that the "Special Events Organization" shall meet prior to the approving resolution of the Township Board are:

- (1) The Township Board shall determine that the "Special Event" is in the public interest.
 - (2) The Township Board shall determine that allowing of peddling and vending during the "Special Event" is in the public interest.
 - (3) The "Special Event Organization" must be a non-profit organization.
 - (4) The Township Board shall determine that the "Special Event" shall be organized as such for convenience and be necessary for the betterment of the general public.
 - (5) Any other criteria that the Township Board may wish to establish.
- The "Special Event" sponsoring organization shall be allowed to determine the vendors participating in the event and shall regulate license for same. All fees as established in Section 7 may be waived by approval of the Township Board for "Special Events" vending sponsored by "Special Events Organization" as organized according to this section.

SECTION XXV: EFFECTIVE DATE

This ordinance shall become effective ten (10) days after enactment thereof and after publication thereof.

SECTION XXVI: ADOPTION

The named ordinance is hereby declared to have been passed and approved by the St. Ignace Township Board at the regular meeting Wednesday, May 10, 1990, and ordered to be published in The St. Ignace News, published in St. Ignace, Michigan, and circulated in St. Ignace Township, Mackinac County, Michigan.