

## Chapter 23 Peddlers

### AN ORDINANCE TO AMEND CHAPTER 23 OF THE VILLAGE OF CENTRAL LAKE CODE CONCERNING PEDDLERS, SOLICITORS AND MERCHANTS

#### THE VILLAGE OF CENTRAL LAKE ORDAINS

##### Section 1. Amendment of Chapter 23

Chapter 23 of the Village of Central Lake Code is hereby amended to read in its entirety as follows:

##### 23.1 Title:

This Chapter shall be known as the Village of Central Lake Peddlers Licensing Ordinance

##### 23.2 Definitions: As used in this Chapter

- (a) **Motor vehicle:** means any wheeled vehicle which is self-propelled or intended to be self-propelled.
- (b) **Municipality:** means any city, township, or village.
- (c) **Peddler:** means a person licensed under this Chapter who goes about from place to place, traveling by foot, wagon, motor vehicle, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares or merchandise.
- (d) **Person:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (e) **Trailer:** means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.
- (f) **Veteran Peddler:** means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, et seq.
- (g) **Wagon:** means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

##### 23.3 License Required

Except as provided in section 20.9 below, no person shall be a peddler within the Village of Central Lake without first obtaining a license from the Village pursuant to the requirements of this Chapter.

#### **23.4 Application and Fee Requirements**

A person seeking a license under this Chapter shall submit a complete application to the village clerk and pay the required fee, which shall be determined from time to time by resolution of the village council. The application shall include all of the following information:

- (a) Name and address (legal and local, if applicable) of the applicant.
- (b) A brief description of the nature of the business and the goods, wares or merchandise to be sold.
- (c) A description of the method to be used in the sale of the goods, wares or merchandise (i.e., in a transient manner or from a fixed, specified location).
- (d) If employed by another person, the name and address of the employer.
- (e) The length of time for which the right to do business is desired.
- (f) If a motor vehicle, trailer or wagon is to be used, a description of that motor vehicle, trailer or wagon and the state issues license plate number or the motor vehicle or trailer, and other means of identifying the motor vehicle, trailer or wagon.
- (g) A photograph of the applicant taken within 60 days immediately prior to the date the application is filed, which pictures shall be no less than two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) A complete set of fingerprints taken from the applicant by or under the direction of the Village of Central Lake Police Chief.
- (i) The names and addresses of no less than two (2) reliable residents of the Village of Central Lake or the Central Lake Township who will vouch for the applicant's good character and business responsibility, or in lieu of the names of such references, any other available evidence reflecting the good character and business responsibility of the applicant which will enable a proper evaluation of such character and business responsibility.
- (j) A statement whether the applicant has made an application for a similar peddlers license in the Village of Central Lake or in any other municipality within the state and a deposition of those other license applications.

- (k) A written statement signed by the applicant concerning whether he or she has ever been convicted of any crimes or found in violation of an ordinance of any municipality.

### **23.5 Investigation**

Upon receipt of an administratively complete application, the village clerk shall refer the application to the Village of Central Lake Police Chief for investigation. If the applicant fails to provide all the information required by this Chapter, then the application shall be deemed incomplete and may be denied by the village clerk on that basis. The police chief shall conduct such investigation of the applicant's business and moral character as he or she deems necessary to protect the health, safety, and general welfare of the public. The police chief shall submit a written report of the investigation findings to the village clerk.

### **23.6 Standards for Approval**

The village clerk shall approve, or approve with conditions, an application for a peddlers license only upon a finding that the applicant complies with all of the following standards:

- (a) The applicant's business and moral character will not be detrimental to the health, safety, and general welfare of the public.
- (b) The applicant has not been convicted of a felony in the State of Michigan or any other state within the past five (5) years, or if the felony involves an element of dishonesty, false statement, or theft, the applicant has not been convicted of that felony within the past ten (10) years. For purposes of calculating the time under this standard, the times begin from the date of the conviction or from the applicant's release from confinement for that conviction, whichever is the later date.
- (c) The applicant is willing and able to post a bond in the amount of \$10,000 with the village clerk that is conditioned upon the applicant's faithful performance of all contracts and fulfillment of all warranties made by him or her in connection with the peddling business licensed under this Chapter.

### **23.7 Duration of License; Re-application**

A license issued under this Chapter shall remain in effect for a period of one (1) year from the date of issuance. A person who desires to renew a peddlers license shall apply for such renewal following the same procedures required for an initial license. Provided,

however, the village council may from time to time by resolution establish a renewal fee that is less than the fee for the initial application.

### **23.8 Regulations**

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a) A peddler shall display the peddlers license issued under this Chapter or the license received for the county clerk at the request of any citizen and at the request of any police officer.
- (b) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities which the peddler or veteran peddler proposes to sell or rent.
- (c) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods, wares or merchandise from a public street, alley, park or other public place, unless such activity is in conjunction with a community function designated by the village council.
- (d) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

### **23.9 Persons Exempt from License Requirement**

Section 23.3 of this Chapter shall not be applicable to any of the following:

- (a) To farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated
- (b) To any person when in peddling on foot and under the direct supervision of any school or recognized charitable or religious organization.
- (c) To any person selling, renting or offering for sale or rent goods, wares or merchandise on behalf of and solely for the benefit of any school or recognized charitable or religious organization

- (d) To a veteran who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL35.441, et seq.

### **23.10 Conditions**

The village clerk may impose reasonable conditions on a license issued under this Chapter which are reasonably necessary to ensure compliance with the standards for approval provided in Section 23.6 of the regulations provided in Section 23.8.

### **23.11 Nuisance**

A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se and is hereby declared to be offensive to the public health, safety and welfare.

### **23.12 Violations & Penalties**

- (a) Any person who violates any provision of this Chapter, except Section 23.8(d), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Law, and shall be subject to the following fines:
  - 1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
  - 2) For the second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred and 00/100 (\$200.00) Dollars
  - 3) For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b) Any person who knowingly violates Section 23.8(d) of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c) Each day this Chapter is violated shall be considered a separate violation.

### **23.13 Enforcement Officials**

The village president and police officers of the Village of Central Lake are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Chapter to appear in court.

**Section 2. Severability**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portion or application of this Ordinance, which can be given effect without the invalid portion or application.

**Section 3. Effective Date**

This Ordinance shall become affective twenty (20) days after being published in a newspaper of general circulation within the Village.