

PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS*

Art. I. In General, §§ 17-1-17-25

Art. II. Licenses, §§ 17-26-17-38

ARTICLE I. IN GENERAL

Sec. 17-1. 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:

Canvasser or *solicitor* means any individual, whether or not a resident of the township traveling, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person, who for himself, or for another person hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, or hotel room, lodging house, apartment, shop, or any place within the township for sole purpose of exhibiting samples and taking orders for future delivery.

Peddler means and includes any person, whether a resident of the township or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruit, garden or farm products or provisions, offering and exposing same for sale or making sales and delivering articles to purchasers, or who without traveling from place to place shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. The word "peddler" shall include the words "hawker" and "huckster."

Transient merchant, itinerant merchant or *itinerant vendor* means any person, whether as owner, agent, consignee or employee, whether a resident of the township or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the township, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or other place within the township, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person who while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Ord. No. 53, § 2, 2-2-72; Ord. No. 361,8-25-93)

Secs. 17.2-17.25. Reserved.

**State law references-Transient merchants, MCL 445.371 et seq., MSA 19.691 et seq.; home solicitations sales, MCL 445.111 et seq., MSA 19.416(201) et seq.; exemptions for a veteran's license, MCL 35.441, MSA 4.1241.*

ARTICLE II. LICENSES*

Sec. 17.26. Required.

It shall be unlawful for a peddler, transient merchant, itinerant merchant, itinerant vendor, solicitor or canvasser to engage in such business within the limits of the township without first obtaining a license therefor in compliance with the provisions of this chapter.

(Ord. No. 53, § 1, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17.27. Application.

Applicants for licenses under this chapter must file with the township clerk a sworn application in duplicate, on forms furnished by the township clerk, signed by the applicant if an individual, by all partners if a partnership, or by the president if a corporation, giving the following information:

- (1) The name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and where such goods or products to be sold are located at the time the application is filed;
- (4) The length of time for which the right to do business is desired and for which a license is sought;
- (5) The vehicle to be used, with a description of same, and, if a motor vehicle, the license number of same;
- (6) A photograph of the individual applicant or, if a copartnership or corporation, a photograph of the individual who will have local supervision or management. This photograph must be taken not more than sixty (60) days prior to the date of filing the application, and shall be two (2) inches by two (2) inches, showing head and shoulders only of the applicant in a clear and distinguishable manner;
- (7) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any local ordinance, the nature of the offense and punishment or penalty assessed therefor;
- (8) The place in the township where it is proposed to carry on applicant's business, taking into account that no vehicle can obstruct traffic, and attaching a letter of permission from the business owner;
- (9) The place, other than the permanent place of business of the applicant, where applicant, within the six (6) months next preceding the date of the application, conducted business as a transient merchant, itinerant vendor, peddler, solicitor or canvasser;
- (10) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and
- (11) Such other reasonable information as to the identity of character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the township clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

A separate application shall be required for each individual intended to be licensed as a transient merchant, itinerant merchant, itinerant vendor, peddler, solicitor or canvasser.

(Ord. No. 53, § 3, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17.28. Investigation; issuance of license.

(a) Upon receipt of such application, the original 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 and business responsibility is found to be unsatisfactory, the township supervisor shall endorse on such application his disapproval and his reasons for same, and return the application to the township clerk, who shall notify the applicant that his application has been disapproved and that no license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the township supervisor shall endorse on the application his approval, and return the application to the township clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit, and issue a license. Such license shall contain the signature and seal of the issuing officer, and shall show the name, address of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee to be paid, the date of issuance, and the length of time the same shall be operative, as well as the business to be transacted. The township clerk shall keep a permanent record of all licenses issued.

(Ord. No. 53, § 4, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17-29. Fees.

(a) No fee shall be required for selling products of the farm or orchard actually produced by the seller.

(b) No fee shall be required of a nonprofit organization.

(c) The license fee which shall be charged by the township clerk for a license for soliciting and canvassing shall be as prescribed by resolution of the township board from time to time.

(d) For each license issued [to] a transient merchant, an itinerant merchant or an itinerant vendor, the applicant shall pay to the township clerk the fee prescribed by resolution of the township board from time to time and this license shall not be transferred by any licensed transient merchant, itinerant merchant or itinerant vendor without the written consent of the township supervisor.

(e) All licenses issued pursuant to this chapter shall have a term of ninety (90) days.

(f) No fee for a license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the township supervisor for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within ninety (90) days after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the township supervisor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The township supervisor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the license is unfair, unreasonable, or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable, and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. The fee may be fixed upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed herein. Should the township supervisor determine the gross sales measure of the fee to be the fair basis, the township supervisor may require the applicant to submit, either at the time of termination of the applicant's business in the township or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during anyone license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed herein.

(Ord. No. 53, § 5, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17.30. Fixed standing prohibited.

No person shall stop or remain in anyone place upon any street, alley or public place longer than necessary to make a sale to a customer. Any person using a vehicle, when stopped, shall place his vehicle parallel to and within twelve (12) inches of the curb, and shall depart from such place as soon as he has completed sales with customers actually present.

(Ord. No. 361, 8-25-93)

Sec. 17.31. Prohibited areas.

In connection with the sale of goods, wares and merchandise, no person shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale, nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No person shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the township because of congested or dangerous traffic conditions. No person shall engage in business on any state trunkline or highway or county road within the township. No person shall engage in business in a commercially zoned district outside of any building.

(Ord. No. 361, 8.25.93)

Sec. 17.32. Practices prohibited.

No person shall shout or cry out his goods or merchandise, nor blow any horns, ring any bell, flash any light, or use any other similar device to attract the attention of the public. The practice of going in and upon private residences in the township by a person who has not been requested or invited to do so by the owner or owners, occupant or occupants of such private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise

and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared / to be a nuisance and punishable as a misdemeanor.

(Ord. No. 361, 8.25.93)

Sec. 17.33. Curb service prohibited.

No person shall operate or maintain any stand, vehicle, store, or place of business on or near to any highway in such a manner that the customers or traders with such person occupy or congregate within the limits of any street, lane, highway, or public place within the township. No person shall be permitted to use the streets, alleys, lanes, or public places of the township for the service of customers or for the transaction of business, or to locate any stand, store, or other place of business in any manner that requires the customer, when transacting such business, to stand within the limits of the streets, highways, alleys, or public places of the township.

(Ord. No. 361, 8.25.93)

Sec. 17-34. Hours of operation.

(a) It is hereby declared to be the public policy of the township that any license granted herein shall conform to the following hours of effectiveness and no person granted a license hereunder shall transact business at any times other than stated: From 9:00 a.m. to dusk.

(b) To violate the time period established by this paragraph will be to commit a public nuisance within the township and render the violator thereof liable to penalties.

(Ord. No. 53, § 6, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17.35. Revocation.

All licenses and permits issued hereunder may be revoked by the township supervisor, after notice and hearingj for

any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise, or false statement made in the carrying on of the business for which the license was issued;
- (3) Any violation of this chapter;
- (4) Conviction of the licensee of any felony or misdemeanor involving moral turpitude; ---
- (5) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety or general welfare to the public. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address at least five (5) days prior to the date set for the hearing. Hearings shall follow the procedure established by section 17-33.

(Ord. No. 53, § 8, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17-36. Emergency revocation.

If the township supervisor deems it to be in the best interests of the health, safety and general welfare of the people of the township, he may, forthwith, revoke any license granted hereunder by serving or causing to have served upon the licensee notice of revocation and notice to immediately cease and desist with further conduct of business under the license and issued, together with a notice of hearing.

(Ord. No. 53, § 9, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17-37. Appeal.

Any person feeling himself aggrieved by revocation under the terms of section 17-35, or by the action of the township supervisor in an emergency revocation of the license as provided for in section 17-36, shall have the right of appeal to the township board. Such appeal shall be filed in writing with the township board within fourteen (14) days after notice of the action complained of, and shall contain a written statement setting forth fully the grounds for the appeal. The township board shall set a time and place for hearing on such appeal and give notice of such hearing to the appellant in a reasonable manner so as to provide him ample opportunity to be present at the hearing. If the revocation or denial come about through action of the township supervisor, he shall disqualify himself as a voting member of the township board during any hearing under this chapter. The decision of the township board on such appeal shall be final and conclusive.

(Ord. No. 53, § 10, 2-2-72; Ord. No. 361, 8-25-93)

Sec. 17-38. Exempt persons.

Farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them on the same parcel of land, the sale of which is not otherwise prohibited or regulated, shall be exempt from the licensing requirements of this chapter, but shall be subject to the other provisions hereof.

(Ord. No. 361, 8-25-93)

**Charter reference-Licenses, terms and conditions, § 42.15.*