

20.1200

**PEDDLER LICENSING AND CONTROL ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 461 eff. Dec. 22, 2008**

An Ordinance to require the licensing of Peddlers, to provide penalties for violation of the provisions of this Ordinance, and to set the effective date of this Ordinance.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN
ORDAINS:

20.1210

ARTICLE I: IN GENERAL

20.1211

**Sec. 1 OPERATION OR USE OF VEHICLES AND EQUIPMENT
ON STREETS AND OTHER PUBLIC PLACES; HOURS OF
OPERATION**

No vehicle or other equipment shall be operated or otherwise used on the public streets, sidewalks, parks or other public ways or places in Grand Haven Charter Township (the "Township") between the hours 7:00 p.m. and 9:00 a.m., or on Sundays, by any Person licensed under this Ordinance, for the purpose of carrying on the licensed activity under Article II of this Ordinance. In this way, this Ordinance shall protect the ability of Township residents to be free from sales calls at their dwellings and elsewhere during certain portions of each day.

20.1212

Sec. 2 GENERAL EXCEPTIONS

Any Person associated with any public or private school, or any youth activities such as but not limited to Girl Scouts, Boy Scouts, church youth groups, or youth athletic leagues, shall be exempt from the provisions of this Ordinance. Decisions on whether a Person should be provided an exception shall reside with the Township Superintendent. Any decision by the Township Superintendent may be appealed to the Township Board. This exception shall not apply to any person or organization that is selling subscriptions for magazines or books.

20.1213

Sec. 3 TOWNSHIP SUPERINTENDENT

Whenever the term "Township Superintendent" is used in this Ordinance, the term includes any designee of the Township Superintendent.

20.1214

Sec. 4 PERSON

Whenever the word "Person" is used in this Ordinance, the word means any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization

or league, and includes any trustee, receiver, assignee, agent, or other similar representative.

20.1220 ARTICLE II: PEDDLERS

20.1221 Sec. 1 DEFINITION

The term "Peddler" as used in this Ordinance shall be construed to mean any Person who travels from door-to-door, and who uses public streets, sidewalks, parks or other public ways or places, to: (1) sell or offer for sale or display for sale any goods, wares or merchandise to any Person not a dealer therein; or (2) take orders for the purchase of goods, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any Person not a dealer therein; or (3) sell or offer for sale or take orders for the sale of services (*e.g., landscaping, painting, snow removal, or any other services to be performed for those who wish to purchase them*).

The term "Peddler" as used in this Ordinance shall not apply to any Person selling the products of the Person's own farm, orchard or garden.

20.1222 Sec. 2 LICENSE REQUIRED

No Person shall operate as a Peddler within the limits of the Township, unless the Person has obtained a license in accord with this Ordinance. No Person shall act as a helper or assistant to a Peddler without a helper's license obtained in accordance with this Ordinance.

20.1223 Sec. 3 APPLICATION

Any Person seeking a license as a Peddler shall apply to the Township Superintendent upon proper forms furnished by the Township, signed and completed by the applicant. The applicant shall specify in writing:

1. How the applicant intends to travel, trade, or conduct business;
2. The applicant's name and permanent home address;
3. If employed, the name and address of the applicant's employer;
4. The address(es) of the applicant's place(s) of residence for the past three years; and
5. Two true photographs of the applicant (or the Township will take photographs of the applicant).

The application for a license must be filed with the Township Superintendent at least seven days prior to the start of any sale activity.

20.1224 Sec. 4 FEES

A Person seeking a Peddler's license issued under this Ordinance shall pay, at the time the application is filed, a fee of fifty dollars (\$50.00). However, a Person seeking a helper's license shall pay, at the time the application is filed, a fee of ten dollars (\$10.00).

20.1225 Sec. 5 ISSUANCE

The Township Superintendent is authorized to issue licenses to those who have complied with the provisions of this Ordinance, unless otherwise directed by the Township Board.

20.1226 Sec. 6 CONTENTS; TO BE CARRIED BY LICENSEE

Each license granted under this Ordinance to a Peddler or helper shall contain a true photograph of the licensee and the licensee's current address. All licensees shall carry their licenses with them at all times while working in a manner subject to this Ordinance.

20.1227 Sec. 7 ALTERATION PROHIBITED

No licensee under this Ordinance may alter, remove or obliterate any entry made on the Person's license to work as a Peddler or as a helper.

20.1228 Sec. 8 LICENSE EXPIRATION

All licenses issued under this Ordinance for Peddlers or helpers shall expire on the 31st day after the license was issued, unless another (i.e., earlier or later) date is indicated. The Township Superintendent may in his/her discretion allow an automatic renewal for certain licenses which are perpetually maintained, such as licenses for businesses which are designed to engage in peddling on a perpetual basis (e.g., meat sales, general food sales, etc.). However, no such automatic renewal shall exceed twelve (12) months. There would be no fee for such renewal unless the applicant changed.

20.1229 Sec. 9 SUSPENSION OR REVOCATION

The Township Superintendent shall have the power to suspend any license issued under this Ordinance to a Peddler or a helper for violation of any Township ordinance, any condition or regulation under which the license was granted, any federal or state or county law or ordinance, or an inappropriate business practice.

The Township Superintendent shall report all suspensions to the Township Board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard.

No Person whose license has been revoked shall receive another license under this Ordinance to be a Peddler or a helper for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

20.1230 Sec. 10 RECORDS TO BE KEPT

A complete record of each license issued under this Ordinance to a Peddler or a helper, including renewals, suspensions, or revocations, and complaints and charges against the licensee, together with the licensee's photograph, shall be kept on file by the Township Clerk.

20.1235 ARTICLE III: PENALTY SECTION

In addition to any other penalties provided, any Person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Each Person shall be deemed guilty of a separate offense for each occurrence, and each day a violation continues shall be deemed a separate offense. Upon conviction of a violation a Person shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment, in the discretion of the court of law with jurisdiction.

20.1240 ARTICLE IV: REPEAL, SEVERABILITY AND PERSONAL LIABILITY

20.1241 Sec. 1 REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of any conflict.

20.1242 Sec. 2 SEVERABILITY

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause be declared by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the validity of this Ordinance in whole or in part, other than that part declared to be unconstitutional or invalid.

20.1243 Sec. 3 PERSONAL LIABILITY

No Township Board member, officer, employee or contractor shall be personally liable for any damages that may accrue to any Person as a result of any act

required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

20.1250 ARTICLE V: EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board of the Charter Township of Grand Haven, Ottawa County, Michigan, on November 10, 2008, after introduction and a first reading on October 27, 2008, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on December 22, 2008, which date is at least 30 days after publication of the Ordinance following its adoption.