

ORDINANCE # 2013-01

**AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATION OF
PEDDLERS, SOLICITORS AND OCCASIONAL VENDORS**

THE VILLAGE OF ASHLEY ORDAINS

1. Definition.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler or *solicitor* means any person, whether a resident of the village or not, who travels by foot or vehicle of any kind or other conveyance from place to place, carrying, selling, or offering for sale items, goods, wares, services (including utility services), merchandise, food or produce, or who, without traveling from place to place, sells or offers the same for sale from a vehicle of any kind, whether motorized or otherwise, or from a stand, booth, display case, or other temporary or portable structure or fixture. The word "peddler" shall include "vendor," "hawker," "huckster," "concessionaire," or "solicitor," and shall include route salespersons selling randomly to customers, but not route salespersons supplying only prior customer orders. The terms "peddler" and "vendor" also include the sale of goods, including food, from temporary structures or from motor vehicles, including concession trailers.

2. License Required.

No person shall engage in the business of a peddler, vendor or solicitor within the village without first having obtained a license to do so issued by the village clerk, except as otherwise set forth herein.

3. Fees.

The village council shall, by resolution from time to time, adopt and establish fees to be charged by the village clerk for the issuance of licenses called for herein.

4. Application.

Applicants for license under this article shall file with the village clerk a sworn application containing the following information:

- (1) The name or names of the person or persons having the management or supervision of business during the time it is proposed to be carried on in the village, the local address or addresses of the person or persons while engaged in the business, and the permanent address or addresses of the person or persons conducting the business within the Village;

- (2) A driver's license and social security number for the person conducting the applicant's business and federal employer identification number for the applicant;
- (3) The place or places in the village wherein it is proposed to carry on the business, and the length of time during which it will be conducted;
- (4) A statement of the nature, character, and quality of the goods, wares or merchandise to be sold or offered for sale, the invoice value of the goods, wares and merchandise, whether the same are to be sold from stock in possession, by sample, by direct sale or by taking orders for future delivery, where the goods or products proposed to be sold are manufactured or produced and where the goods or products are located at the time the application is filed;
- (5) Whether or not the person or persons having the management of the applicant's business has been convicted of any crime, other than traffic offenses, including the nature of the offense and the sentence imposed;
- (6) Such other reasonable information as to the identity of the person having the management or supervision of the business or the method or plan of doing the business, as the village clerk may deem proper for the protection of the public welfare.

5. Exemptions from compliance with article provisions.

The following persons are exempt from compliance with the provisions of this article:

- (1) Any person representing any recognized religious or charitable organization which has a valid license pursuant to provisions of Public Act No. 169 of 1975 (MCL 400.271 et seq.), as amended.
- (2) Any person representing any public or private school legally established in the village, provided that sales are sponsored by such school and for the sole benefit of such school.
- (3) Any person selling goods or produce at any farmers' market sanctioned and approved by the village.
- (4) Any person selling items, goods, wares, services (including utility services), merchandise, food or produce from a stand, booth, display case or other temporary or portable structure or fixture, which is at all times located upon private property with the express approval of the owner of such property.

6. Exemption from filing application and paying fees.

Provided that they advise the Village clerk in advance of their activities, the following persons and/or entities shall be exempt from the requirement to file an application and pay a license fee; however, they shall not be exempt from complying with the provisions of Section 7:

- (1) Any veteran in possession of a current valid license issued pursuant to the Peddler's License Act, MCL 35.441 et seq., is exempt from filing an application for a license and from paying a fee, but is nevertheless required to comply with the regulatory provisions of this article.
- (2) Any recognized service club.
- (3) The Girls Scouts of America and/or the Boy Scouts of America.
- (4) Any person or entity exempt from such license fee pursuant to any provision of state or federal law.

7. Prohibitions.

The person licensed under this article shall not:

- (1) Remain upon private property after having been asked to leave by the owner or occupant thereof.
- (2) Engage in any conduct in violation of any law of the state or any ordinance of the village.
- (3) Sell or offer for sale any goods, wares, merchandise, food, produce or other items upon any public street, sidewalk, alley or other public right-of-way, unless permitted to do so pursuant to this ordinance.
- (4) Call on prospective customers between the hours of 8:00 p.m. and 8:00 a.m., unless by previous arrangement with such customer.

8. Legal compliance.

Any person licensed hereunder shall comply in every other respect with the ordinances of the village and the statutes of the state with respect to the conduct of their business and the use, operation, parking and standing of their vehicles, if any.

9. Violation.

Any violation of the provisions of this article shall constitute a municipal civil infraction punishable by immediate suspension or revocation of the license issued pursuant to this article and punishable by civil fine pursuant to Ordinance #2012-01.

10. Separability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

14. Ordinances Repealed.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

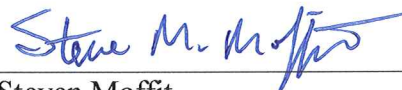
15. Effective Date.

This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

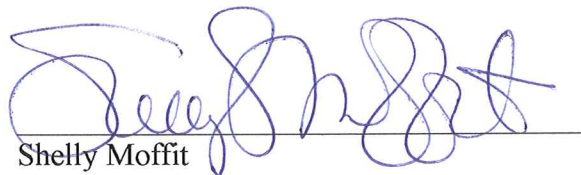
Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held September 10, 2013.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2013-01 of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on September 10, 2013 and published in a newspaper circulated within the Village on September 15, 2013, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 10th day of September, 2013.



Steven Moffit
Its President



Shelly Moffit
Its Clerk