

## **CHAPTER 113: PEDDLERS AND SOLICITORS**

Section

### ***General Provisions***

113.01 Solicitation for donations

### ***Peddlers***

113.10 Definitions

113.11 Permit and license required

113.12 Application; fee

113.13 Investigation of applicant; issuance of permit and license

113.14 Permit and license fees

113.15 Transfer; exhibition of license

113.16 Revocation of license and permit; hearing

113.17 Expiration of license

113.18 Loud noises and speaking devices

113.19 Peddling concessionary food products in parks

113.20 Duty of police to enforce

113.21 City Clerk to keep records and reports of violation

113.22 Appeal procedure

113.23 Use of streets

### ***GENERAL PROVISIONS***

#### **§ 113.01 SOLICITATION FOR DONATIONS.**

(A) It shall be unlawful for any person to engage in the solicitation for donations by placement of canisters within the city without first registering with the City Clerk and City Police Department.

(B) Applicants for permits to place donation canisters within the city must file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk, which shall give the following information:

(1) Name and description of the applicant;

- (2) Address (legal and local);
- (3) A brief description of the nature and purpose of the donations being solicited;
- (4) The length of time for which the right to place donation canisters is desired;
- (5) The location where each donation canister shall be placed;
- (6) The name and identity of the individual authorized to pick up the donation canisters when the solicitation period expires;
- (7) Total amounts collected when the period for the solicitation has expired.

(Ord. 38, passed 1-19-87)

***Cross-reference:***

*Solicitation of alms in parks, see § 93.19 White Cloud, MI Code of Ordinances*

Page 144

**PEDDLERS**

**§ 113.10 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PEDDLER.** This term shall include any person, whether a resident of the city 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, fruits, garden truck, farm products or provisions, offering and exposing the 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, auto-motive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this subchapter shall be deemed a peddler subject to the provisions of this subchapter. The word **PEDDLER** shall include the words "hawker" and "huckster." Provided however this shall not prohibit the soliciting of orders for magazines or periodicals, as well as subscriptions thereto by any school, church, lodge or any other organization located in the city.

**PERSON.** This term shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, copartnership or society, or any other organization.

(Ord. 19, passed 6-25-70)

**§ 113.11 PERMIT AND LICENSE REQUIRED.**

It shall be unlawful for any person to engage in the business of peddler as defined in § 113.10 within the corporate limits of the city without first obtaining a permit and license therefore as provided herein.

(Ord. 19, passed 6-25-70) Penalty, see § 10.99

**§ 113.12 APPLICATION; FEE.**

(A) Applicants for a permit and license under this subchapter must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Address (legal and local);
- (3) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) If a vehicle is to be used, a description of the same, together with license number, proof of insurance and proper registration;
- (7) The fingerprints of the applicant and the names of at least two reliable property owners of the county, 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; White Cloud, MI Code of Ordinances

Page 145

(8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;

(9) A statement by a reputable physician of the county, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.

(B) At the time of filing the application, a fee in an amount to be determined by Council resolution from time to time, shall be paid to the City Clerk to cover the cost of investigation.

(Ord. 19, passed 6-25-70)

### **§ 113.13 INVESTIGATION OF APPLICANT; ISSUANCE OF PERMIT AND LICENSE.**

(A) Upon receipt of such application, the original shall be referred to the Chief of Police, 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 Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued. The applicant may appeal the decision pursuant to § 113.22.

(C) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the City 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 of the issuing officer and shall show the name and address of said licensee, and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

(Ord. 19, passed 6-25-70)

### **§ 113.14 PERMIT AND LICENSE FEES.**

The fees charged an applicant for a permit and license under this subchapter shall be those fees adopted by the City Council from time to time by resolution. No application shall be accepted and no license shall be issued under this subchapter until all required fees have been paid in full.

(Ord. 19, passed 6-25-70; Am. Ord. passed 10-19-92)

### **§ 113.15 TRANSFER; EXHIBITION OF LICENSE.**

(A) *Transfer.* No license issued under the provisions of this subchapter shall be used or worn at any time by any person other than the one to whom it was issued.

(B) *Exhibition of license.* Peddlers are required to exhibit their licenses at the request of any citizen.

(Ord. 19, passed 6-25-70) Penalty, see § 10.99

### **§ 113.16 REVOCATION OF LICENSE AND PERMIT; HEARING.**

(A) Permits and licenses issued under the provisions of this subchapter may be revoked by the Clerk of the city after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for license; White Cloud, MI Code of Ordinances

Page 146

(2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;

(3) Any violation of this subchapter;

(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.

(B) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

(Ord. 19, passed 6-25-70)

#### **§ 113.17 EXPIRATION OF LICENSE.**

All annual licenses issued under the provisions of this subchapter shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license.

(Ord. 19, passed 6-25-70)

#### **§ 113.18 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 city or upon any private premises in the said city where sound of 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 the purpose of attracting attention to any goods or wares or merchandise which such licensee proposes to sell.

(Ord. 19, passed 6-25-70) Penalty, see § 10.99

#### **§ 113.19 PEDDLING CONCESSIONARY FOOD PRODUCTS IN PARKS.**

(A) The sale of concessionary food products at the city public parks and recreational areas shall be awarded by publicly-advertised bid. It shall be awarded according to the City Council's determination as to what is in the best interest of the city.

(B) The permit shall be an exclusive permit.

(C) The permit holder shall have the exclusive right to sell concessionary food products within a 1,000-foot radius of the park for which the permit is held.

(Ord. 19, passed 6-25-70; Am. Ord. passed 8-16-82)

***Cross-reference:***

*Merchandising, advertising and signs in parks, see § 93.20*

**§ 113.20 DUTY OF POLICE TO ENFORCE.**

It shall be the duty of any police officer of the city to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this subchapter against any person found to be violating the same.

(Ord. 19, passed 6-25-70)

**§ 113.21 CITY CLERK TO KEEP RECORDS AND REPORTS OF VIOLATION.** White Cloud, MI Code of Ordinances

Page 147

The Chief of Police shall report to the City Clerk all convictions for violation of this subchapter and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

(Ord. 19, passed 6-25-70)

**§ 113.22 APPEAL PROCEDURE.**

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of any application for permit or license as provided in § 113.13 of this subchapter, or in the decision with reference to the revocation of a license as provided in § 113.16 of this subchapter, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within 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 Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 113.16 of this subchapter for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

(Ord. 19, passed 6-25-70)

**§ 113.23 USE OF STREETS**

No peddler shall have any exclusive rights to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this subchapter, 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.

(Ord. 75, passed 3-4-02)