

**STATE OF MICHIGAN  
COUNTY OF HURON  
VILLAGE OF PORT AUSTIN**

**ORDINANCE NO. 69  
LICENSING OF PEDDLERS, SOLICITORS, AND CANVASSERS**

**AN ORDINANCE DEFINING, REGULATING, AND LICENSING  
PEDDLERS, SOLICITORS, AND CANVASSERS.**

**THE VILLAGE OF PORT AUSTIN ORDAINS:**

**Section 1. Permit and License Required.**

It shall be unlawful for any person to engage in the business of peddler as defined in Section 2 of this ordinance within the corporate limits of the Village of Port Austin without first obtaining a permit and license therefore as provided herein.

**Section 2. Definitions.**

- a.) The word “person” as used herein shall include the singular and the plural and shall also mean and include an person, firm, or corporation, association, club, co-partnership or society, or any other organization; service clubs and nonprofit organizations shall not be included, anything herein to the contrary notwithstanding.
  
- b.) The word “peddler” as used herein shall include any person, whether a resident of the Village of Port Austin 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 for the same for sale from a wagon, automotive 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 ordinance shall be deemed a peddler subject to the provisions of this ordinance. The word “peddler” shall include the words “solicitor” and “canvasser”.

**Section 3. Application.**

Applicants for permit and license under this ordinance must file with the Chief of Police during regular business hours a sworn application in writing on a form to be furnished by the Chief of Police, which shall give the following information:

- a.) Name of the applicant;
  
- b.) Address (legal and local);

- c.) A brief description of the nature of business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by applicant;
- d.) If employed, the name and address of employer, together with the credentials establishing the exact relationship;
- e.) If business is to be conducted on private property, the written permission of the owner of the property;
- f.) The length of time for which the right to do business is desired, not to exceed one year;
- g.) If a vehicle is to be used, a description of the same, together with license number or other means of identification;
- h.) 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;
- i.) At the time of the filing of the application, a fee of \$25.00 shall be paid to the Chief of Police to cover the cost of investigation;
- j.) At the time of filing the application, the applicant shall provide proof of the following:
  - a.) Comprehensive General Liability: \$300,000 / each person; \$300,000 / aggregate including products and completed operations.
  - b.) If the vending apparatus is mobile: Automobile Liability - \$300,000 / bodily injury; \$300,000 property damage (in addition to Comprehensive General Liability).
  - c.) Certificate of insurance furnished to the Village of Port Austin, naming the Village of Port Austin as "additional insured". 30 day written notification of cancellation.

**Section 4. Investigation and Issuance.**

- a.) Upon receipt of such application, the Chief of Police shall cause such investigation of the applicant's business and moral character to be made as the Chief of Police deems necessary for the protection of 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 notify the applicant that his application is disapproved and that no permit 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 Chief of Police shall upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license.

**Section 5. Transfer.**

No license issued under the provisions of this ordinance shall be used at any time by any person other than the one to whom it was issued.

**Section 6. Loud Noises and Speaking Devices.**

No peddler, nor any person in his behalf, shall shout, make any outcry, 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 village or upon any private premises in the said village 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, wares, or merchandise which such licensee proposes to sell.

**Section 7. Use of Streets.**

No peddler shall have any exclusive right to any location in the public streets or village property, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a public safety officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

**Section 8. Exhibition of License.**

Peddlers are required to exhibit their licenses at the request of any citizen.

**Section 9. Duty of Public Safety Department of Enforce.**

It shall be the duty of any public safety officer of the Village of Port Austin 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 ordinance against any person found to be violating the same.

**Section 10. Penalty Clause.**

Any person found guilty of violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$100.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

**Section 11. Savings Clause.**

If any subsection, sentence clause, or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council hereby declares that it would have passed this ordinance, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional.

**Section 12. Repealing Chapter.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 13. Adoption.**

The Ordinance shall be in full force and effect ten (10) days after its passage and publication.

This Ordinance is hereby declared to have been adopted by the Village of Port Austin Council at a meeting thereof duly called and held on the 24<sup>th</sup> day of January, 2000.

Notice of adoption published on \_\_\_\_\_, 2000.

Dated: January 24, 2000

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JUDY BINKLEY  
Port Austin Village Clerk

Dated: January 24, 2000

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WILLIAM HOGAN  
Port Austin Village President