

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

ORDINANCE NO.101 - 04

**AN ORDINANCE TO AMEND THE VILLAGE OF PORT AUSTIN ORDINANCE
NO. 69-00 PERTAINING TO THE REGULATION AND LICENSING OF
PEDDLERS, SOLICITERS, AND CANVASSERS.**

THE VILLAGE OF PORT AUSTIN ORDAINS:

AMENDMENT TO ORDINANCE NO. 69-00:

Section 3, Application is amended to provide as follows:

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. The sworn application must be filed with the Chief of Police not less than 14 days before the event, and 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, to be determined by the Village Council from time to time, 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 is amended to provide as follows:

- 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.
- d.) Permits and licenses for satisfactory business shall be issued for a period of not more than a total of 96 hours per year.

Savings Clause. If any subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

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 All ordinances and or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Motion by: Hogan

Seconded by: Ruth

Yeas: Hogan, Loewe, Preston, Kasper, Radlinski, Ruth
Nays: None

Absent: Bruce

Abstain: None

Ordinance Adopted on the 11th day of October, 2004.

Clerk's Certification

Judy Binkley, Clerk of the Village of Port Austin, certifies that:

- 1.) A regular meeting on the ordinance was conducted in the Village Hall on the 11th day of October, 2004 at 7:30 p.m.
- 2.) The ordinance was adopted on the 11th day of October, 2004.
- 3.) The ordinance or a synopsis thereof was published on the 26th day of October, 2004.
- 4.) The ordinance is effective 20 days thereafter, on the 15th day of November, 2004.