

CHAPTER 4 – BUSINESS AND LICENSING

TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS

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Sec. 4-1. Definitions.

- a. Words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
 - Peddler/Transient Merchant: One who sells, or offers to sell, goods, wares, merchandise, food items, or other items from place to place within the village's owned property, roads, alleys and sidewalks.
 - Person: Any individual, partnership, limited liability company, or corporation.
 - Solicitor: One who directly or indirectly solicits for profit, money or other financial assistance, or sells or offers to sell any goods, merchandise, wares, tickets or other things of value by going door to door within the village.

(Ord. #474, passed 02-21-17)

Sec. 4-2. Exceptions.

- a. This Article shall not apply to:
 - Non-profit organizations recognized as such by the Internal Revenue Service;
 - Organizations affiliated with village government (e.g. Beautification Commission, Parks and Recreation Commission, Green E.R. etc.);
 - Organizations to which the Village Council may expressly delegate authority under this Article, to regulate peddlers, solicitors and transient merchants during specific functions.

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- Entities or activities such as lemonade stands, lawn care or other similar activities conducted solely by children under the age of 16.
- Garage sales; social gatherings, such as family reunions, receptions, picnics or related family events that are not open to the public.

(Ord. #474, passed 02-21-17)

Sec. 4-3. License Required.

- a. Except as noted in Sec. 4-2., above, it shall be unlawful for any person, corporation, partnership or representative or agent thereof to act as a peddler, transient merchant, or solicitor, within the village's owned property, roads, alleys and sidewalks, without having obtained a license for that purpose from the Village Clerk.

(Ord. #474, passed 02-21-17)

Sec. 4-4. License Application.

- a. Any person desiring to operate as a peddler, transient merchant, or solicitor, shall make written application for such license to the Village Clerk not less than 14 days prior to the time when a license is desired. Such application shall be on a form provided by the Village Clerk.

(Ord. #474, passed 02-21-17)

Sec. 4-5. Fees; Expiration; Non-Transferability

- a. All vendors receiving a license under this Article shall pay the annual application fee and the daily or monthly use fee as may be set from time to time by the Village Council.

Any honorably discharged veteran of the United States Military, who is a resident of the State of Michigan and submits official documentation evidencing such to the Village Clerk, or an organization selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized public, charitable, or religious purpose, shall, after meeting all other requirements, be granted a license without payment of the fee.

- b. Any license issued under this Article shall expire on December 31 of each year.

- c. Any license issued under this Article is Non-Transferable.

(Ord. #474, passed 02-21-17)

Sec. 4-6. Enforcement, Suspension or Revocation.

- a. Any person, corporation, partnership, representative or agent thereof misrepresenting or making false statements with regard to the licensing application, or who is found to be in violation of any of the provisions of this Article, of any statute of the state, or any rules and regulations promulgated by the Village, shall be subject to a civil infraction and penalties as set forth in Chapter 46 of this Code of Ordinances.
- b. A license may be revoked, suspended or not renewed, with associated licensing fees forfeited, for failure to comply with the provisions of this Article or any rules or regulations promulgated by the Village.

(Ord. #474, passed 02-21-17)

Sec. 4-7. Severability.

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

(Ord. #474, passed 02-21-17)

Sec. 4-8. Conflicting Ordinances.

- a. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

(Ord. #474, passed 02-21-17)

Sec. 4-9_4-20. Reserved.

(Ord. #474, passed 02-21-17)

ARTICLE II – LICENSING REQUIREMENTS

Sec. 4-21. Licensing Requirements

- a. Activities conducted under either a peddler, transient merchant, or solicitor license shall meet the following requirements:
1. Activity authorized under this Section shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. unless otherwise authorized by the Village Council.
 2. A peddler, or transient merchant license shall be valid for no more than three consecutive days, and no applicant shall receive more than two such licenses in any calendar year, being January 1 to December 31.
 3. A solicitor license shall be valid for no more than 15 consecutive days, and no applicant shall receive more than two permits in any calendar year, being January 1 to December 31.
 4. No licensee shall peddle or solicit within the village parks, beaches or recreational areas unless otherwise authorized by the Village Council.
 5. No licensee may use loud, excessive noise generating equipment or amplified announcements to attract attention to their goods, wares or items for sale.
 6. No licensee shall approach drivers of automobiles or in any way interfere with vehicular traffic.
 7. Licensee shall provide copy of the following Insurance coverage:
 - Proof of Commercial General Liability Insurance with limits of no less than \$1 million dollars Combined Single Limit coverage issued by an insurer licensed to do business in this state and provide a copy of the additional insured endorsement which names the Village of Elk Rapids as an additional insured.
 - Proof of Automobile Liability Insurance with limits of no less than \$1 million dollars issued by an insurer licensed to do business in this state.
 8. No licensee shall have a fixed stand or location and shall not stop in any one place upon any street, alley or sidewalk any longer than necessary to make a sale to a customer willing to buy. Any licensee using a motor vehicle, when stopped, shall place the vehicle parallel to and within 12 inches of the curb, and shall depart from such place as soon as he has completed sales with customers actually present.
(Ord. #474, passed 02-21-17)

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Sec. 4-22_4-30. Reserved.

(Ord. #474, passed 02-21-17)