

ORDINANCE NO: 8-31-67

**HAWKERS; VENDORS; PEDDLERS
CHARTER TOWNSHIP OF GRAND BLANC, GENESEE COUNTY**

An Ordinance defining, regulating and licensing hawkers, vendors, peddlers, solicitors and transient merchants, and providing penalties for violation thereof.

The Township Board of the Charter Township of Grand Blanc Ordains:

**SECTION 1 -- LICENSE REQUIRED; EXEMPTIONS FROM PAYMENT OF FEES;
DEFINITIONS**

It shall be unlawful for any solicitor, canvasser or peddler, as defined in this Ordinance, to engage in such business in the Township of Grand Blanc without first having obtained a license therefore in the manner hereinafter set forth. Such business shall be carried on only during the daylight hours.

The term "solicitor" is defined as any individual traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for such sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. The term "solicitor" shall also include members of service clubs, religious sects and political parties.

The words "peddler, hawker and vendor" as herein used shall include any person, whether a resident of the Township of Grand Blanc, Michigan or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, from street to street, carrying, conveying or transporting goods, wares, merchandise, baked goods, fruits or vegetables, offering and exposing the same for sale or making and delivering articles to purchasers.

The term "transient merchant" as used in this Ordinance shall mean any person, firm or corporation engaging temporarily in a retail sale of goods, wares or merchandise and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind including railroad cars. Provided that this Ordinance shall not be applied so as to require merchants having regularly established places of business within the Township to obtain licenses for incidental or temporary sales or deliveries direct from railroad cars, nor to any sales of goods, wares or merchandise during the continuance for any annual fair nor to any sales by societies acting for charity or religious purposes.

The term "daylight hours" shall mean from one hour after sunrise until one hour before sunset.

The term "public good" is defined as the protection of the health, safety and welfare of the residents of the township. (Amended September 1, 1998)

Each person, firm or corporation shall be considered as engaging temporarily in a retail sale of goods, wares or merchandise and be classed as a "transient merchant" until his stock of goods, wares or merchandise has been assessed for taxation in the Township of Grand Blanc.

The following classes of solicitors, hawkers, vendors, transient merchants and peddlers shall be exempt from the payment of fees:

- (a) Each person, firm or corporation operating in interstate commerce shall be exempted from the payment of fees for license issued under this Ordinance after establishing the character of its business to the satisfaction of the Township Clerk. All such persons shall submit applications and supporting documents as required by this ordinance, shall obtain licenses before engaging in business, and shall be subject to all other regulations.
- (b) Those selling only products produced, grown, or manufactured by their own labor. This exemption does not apply to the makers of baked goods.
- (c) Those representing retail or wholesale establishments which have engaged in business in the Township of Grand Blanc three months or longer.
- (d) Those selling newspapers.
- (e) Those selling on a veteran's license.
- (f) Those selling food or other perishable products.

The Township Clerk shall issue to all persons making application under this section and obtaining a license thereunder and who sell their goods from a vehicle, without cost, a tag to be attached to their vehicle which shall be marked "Producer's License" and shall bear the same number as the license issued to the owner, except veterans who shall be issued a tag marked "Veteran's License".

SECTION 2 -- LICENSE APPLICATION

Each person, firm or corporation desiring to obtain a license to engage in business as a solicitor, hawker, vendor, peddler or transient merchant shall make written application therefore to the Township Clerk on a form furnished by said Clerk, at least seven (7) days before such license may be issued.

The application for license required herein shall contain the following items together with such additional information as the Township Clerk may require.

- (a) The full name, age, permanent residence, and local address, if other than the foregoing, of the applicant.
- (b) The name of the firm or corporation represented, if any, together with the address of the central district office of such firm or corporation.

- (c) The address or location of the place within the Township at which the applicant proposes to engage in business.
- (d) A list or general description of the goods, wares, or merchandise to be sold or offered for sale.
- (e) The length of time for which the license is desired.
- (f) Whether the applicant has held a solicitor's, canvasser's or peddler's license from the Township or has applied for said license previous to the present application, together with the years in which such previous licenses were held or applications were made.
- (g) The place or places, other than the permanent place of business of the applicant, where the applicant has conducted business during the previous six (6) months.
- (h) A photograph of the applicant taken within 60 days immediately prior to the date of filing the application, which picture shall be 2" x 2", showing the head and shoulders of the applicant in a clear and identifiable manner.
- (i) A statement of any convictions of the applicant of any crime or misdemeanor or violation of any ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- (j) The affidavit of the applicant to the truth of the statements contained in the application, signed by the applicant.

If the business of the applicant shall require the use of weighing or measuring devices, the application shall be accompanied by a certificate from the sealer of weights and measures stating the said devices have been examined and approved.

SECTION 3 -- FEE SCHEDULE

For each license issued under the provisions of this Ordinance, the applicant shall pay the appropriate fee according to the following schedule:

One Month	\$200.00
Daily	\$ 20.00

(Amended November 8, 2001)

SECTION 4 -- LICENSE; ISSUANCE; CONDITIONS

Upon receipt of such application, together with the appropriate fee, the Township Clerk shall make such investigation as he or she deems necessary for the protection of the public good. If, as a result of such investigation the clerk determines that the public good will not be served, the clerk shall disapprove the application giving a written explanation of the reason for the denial to the applicant. In all other cases the application shall be approved. (Amended September 1, 1998).

No license shall be issued to a person under eighteen years of age except that this limitation shall not apply to "STREET TRADES" as the term is defined in Act 157 of 1947 of the State of Michigan, as amended.

No applicant to whom a license has been refused or who has had a license revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show, to the satisfaction of the Township Clerk, that the reason for such rejection or revocation no longer exists.

No person shall travel from door to door, street to street or place to place within the Township while engaged in solicitation except between the following hours:

- (1) May 1 to September 30 10:00 a.m. to 6:00 p.m.
- (2) October 1 to April 30 10:00 a.m. to 5:00 p.m.
(Amended November 8, 2001)

SECTION 5 -- BOND REQUIRED

An application for a license by any "transient merchant" under the provisions of this Ordinance shall be accompanied by a bond to the Township of Grand Blanc, approved as to form and surety by the Township Clerk in the sum of Five Hundred (\$500.00) Dollars with sufficient surety or sureties, or sufficient collateral security, conditioned for the due observance during the time of the license of and all law or ordinances which are now in force or may be adopted hereafter by the State of Michigan or the Township of Grand Blanc. Any person aggrieved by the action of any licensed transient merchant shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in force and effect, and in the case of a cash deposit, such deposit shall be retained by the Township for a period of ninety days after the expiration of any such license, or after the termination of any action upon such bond or deposit, of which the Clerk shall have been notified, unless sooner released by the Township Clerk. (Amended November 8, 2001)

SECTION 6 -- LICENSE; ACCEPTANCE; REGULATIONS

Each licensee, upon receipt of said license, and in the presence of the Township Clerk, shall affix his signature thereon, accepting the license and all the conditions of its use as stated in this or other statutes or ordinances now in force or which may hereafter be enacted by the State of Michigan or the Township of Grand Blanc, respecting the use of said license, and agreeing to the suspension and revocation of said license should any of the conditions be violated.

The following conditions and regulations shall apply to the exercise of privileges granted by licenses issued under the provision of this Ordinance, in addition to those set forth in other parts of this Ordinance, or in the general statutes of the State of Michigan or ordinances of the Township of Grand Blanc.

- (a) No licensee shall use any weighing or measuring device in the conduct of his business, or have in his possession any weighing or measuring device, unless said device shall have been examined and approved by the sealer of weights and measures.

- (b) No licensee shall sell or offer for sale any article, or commodity purporting to be in quantities of standard weight or measure, whether in original or other packages or not, unless the same shall be actually of the weight or measure purported.
- (c) No licensee shall sell or offer for sale any unsound or unripe or unwholesome food, or defective, faulty, incomplete or deteriorated article of merchandise, unless the goods are so represented to prospective customers.
- (d) Every vehicle used for peddling or vending shall have a tag attached to each side thereof, bearing the same number as the license issued to the owner, said tag to be furnished by the Township Clerk and to be marked "Peddler's License". Every owner licensed to sell or vend from a vehicle or vehicles shall be entitled to one helper to each vehicle. Every other licensee shall post his license issued hereunder in a conspicuous location in the place where his business is being carried on and if he is moving from place to place, he shall carry with him such license and exhibit the same to any person upon request.
- (e) The Township Clerk may require that the goods, wares and merchandise of an applicant for a license hereunder be inspected by the Chief of the Fire Department to act for him before issuing a license under the terms of this Ordinance. The Township Clerk shall refuse a license to any applicant, and may revoke any license issued hereunder, where the goods, wares, or merchandise are found to be a fire hazard by the inspecting official.
- (f) Persons peddling or vending goods under this Ordinance from a vehicle shall comply with the provisions of the traffic and parking ordinances of the State and the Township relative to vehicles and shall not be allowed to remain standing at one place on any of the streets, alleys, or public places for a longer period than 10 minutes in any one block while being used for peddling or vending purposes.

SECTION 7 -- EXPIRATION OF LICENSE

All licenses issued hereunder shall expire at midnight on the 30th day of April of each year, unless granted for a shorter period ending before that date or sooner revoked by the manager under the provisions of this Ordinance.

SECTION 8 -- SUSPENSION AND REVOCATION OF LICENSES

The Clerk or Township Supervisor shall have the power to suspend any license issued under the provisions of this Ordinance whenever, in his judgment, it is for the best interest of the community to do so, having in mind the welfare, safety, and health of the Township.

The Township Clerk or Supervisor may revoke any license for the same causes as above specified, after giving the licensee reasonable notice and an opportunity to be heard.

Violation of the express conditions and regulations under which said license was granted shall be sufficient cause for the suspension and revocation of said license.

In case the license is revoked for violation of the express conditions and regulations under which it was granted, the amount of the fee paid therefore shall be forfeited to the Township and no licensee shall have the right to a refund of any part of said fee.

SECTION 9 -- PENALTY

Any person, persons, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment for not more than ninety (90) days in the County Jail, or by both such fine and imprisonment, in the discretion of the Court. Each sale without valid license shall constitute a separate violation of this Ordinance.

SECTION 10 -- REPEAL

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11 -- SEVERABILITY

Should any provision or section of this Ordinance be declared by the Courts to be unconstitutional, or in conflict with any other section or provision of this Ordinance, such decision shall affect only the section or provision of this Ordinance declared to be unconstitutional or unauthorized and shall not affect any other section or sections, provision or provisions of this Ordinance.



APPLICATION FOR LICENSE AS A: SOLICITOR, HAWKER, VENDOR, PEDDLER

Desired Time Period For The License: _____

Have You Applied For A License In The Charter Township Of Grand Blanc Before? Yes No

If Yes, Please Provide Date(s) And Description Of The License That Was Approved:

Have You or Your Company Ever Been Convicted Of A Crime, Misdemeanor Or Ordinance Violation?

Yes No

If You Answered Yes To The Previous Question, Please State The Nature Of The Offense:

Ordinance No 8-31-67(B)

Section 2

"No persons shall travel door to door, street or place to place with the Township while engaged in solicitation except between the following hours":

- | | |
|-----------------------------------|---------------------|
| 1. May 1 thru September 30 | 10 am – 6 pm |
| 2. October 1 thru April 30 | 10 am – 5 pm |

Signature Of Applicant

Date