

CHAPTER 856
Peddlers and Solicitors

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CROSS REFERENCES

Transient merchants - see M.C.L.A. Secs. 445.371 et seq.

Sales of alcoholic beverages to minors - see GEN. OFF. 604.01, 604.02

Garage sales - see B.R. & T. Ch. 820

856.01 UNINVITED PEDDLING AND SOLICITING PROHIBITED.

The practice of going in and upon private or public property in the City by canvassers, solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise and/or services, not having been requested or invited to do so by the owners or occupants of such private or public property, for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and is prohibited.

(Ord. 2012-01. Passed 4-9-12.)

856.02 ENFORCEMENT.

(a) The Chief of Police and the Police Department are hereby required and directed to suppress and abate any such nuisance as is described in Section 856.01.

(b) Any police officer may require any person seen peddling, soliciting or canvassing and who is not known by the officer to be duly licensed, to produce his or

her peddlers, canvassers, or solicitors license and to enforce the ordinances, against any person found violating the same.

(Ord. 2003-06. Passed 3-10-03; Ord. 2005-03. Passed 4-11-05; Ord. 2006-02. Passed 5-8-06; Ord. 2007-03. Passed 6-11-07; Ord. 2009-07. Passed 5-11-09; Ord. 2012-01. Passed 4-9-12.)

856.03 INVITED PEDDLING AND SOLICITING; REGISTRATION REQUIRED.

(a) No canvasser, solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise or services who is invited or requested to go in or upon private or public property in the City for the purpose of soliciting orders for the sale of goods, wares, merchandise or services or for the purpose of disposing of or peddling the same, shall go in or upon such private or public property without first registering in the office of the Chief of Police and obtaining a permit to do so from him or her.

(b) At least thirty (30) days prior to the date of commencement of sales, for which the permit is intended to be used, an application for the permit must be filed with the Chief of Police.

- (1) The application shall be provided by the Chief of Police. No license shall be issued to any applicant unless all fees are paid and the applicant complies with M.C.L.A. 445.371 et seq.
- (2) If the applicant intends to handle or sell anything edible by human beings for immediate consumption, he or she shall also contact the Huron County Health Department at least ten days prior to the submission of the application.
- (3) At the time of filing, a permit fee as set by the City Council shall be paid to the Chief of Police as outlined as follows: (ref: City Fee Schedule)
 - A. Transient vendor fee.
 - B. City business fee. For businesses that are required to get temporary food permit(s) from the Huron County Health Department or are moving their business to another location that is not on their main business property.
- (4) At the time of filing, the applicant must supply the following:
 - A. A proof of a general liability insurance policy with a minimum limit of one million dollars (\$1,000,000).
 - B. A certificate of insurance naming the City as additional insured, with a thirty-day written notification of cancellation.
- (5) Applicant must provide proof of garbage and/or refuse means and methods of disposal.

- (6) The following rules shall apply to all food vendors who have been granted a food service vendor permit:
 - A. At least one temporary porta-potty shall be required for each food serving vendor permit;
 - B. Required portable bathroom facilities must be both visible and accessible to the public.
- (7) Non-food service vending permittees must have written permission from the property owner if inside bathrooms are available or provide a minimum of one porta-potty.
- (8) Any application submitted after the 30 days prior to the event shall carry a permit fee that is double the ordinary fee. No application will be accepted by the Chief of Police if the application is received within seven days of the desired sale date.
- (9) The Police Chief may set additional permit application requirements, at his or her discretion, other than what is listed.
(Ord. 90-3. Passed 9-10-90; Ord. 856-A. Passed 8-10-92; Ord. 2003-06. Passed 3-10-03; Ord. 2012-01. Passed 4-9-12; Ord. 2013-02. Passed 5-13-13.)

856.04 PREMISES AND DISPLAY OF PERMIT.

No permittee shall go in or upon any premises not indicated on his or her permit. Each permittee shall at all times while peddling, vending or hawking in the City, carry upon his or her person his or her permit and the same shall be exhibited by such permittee whenever he or she is requested to do so by any police officer or by any person solicited.

(Ord. 2003-06. Passed 3-10-03; Ord. 2012-01. Passed 4-9-12.)

856.05 EXEMPTIONS.

This chapter shall not be applicable to officers or employees of the City, County, State or Federal Government, or any subdivision thereof, when on official business; nor to farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated; nor to any person under the age of eighteen years when such person is engaged in peddling or soliciting in the neighborhood of his or her residence, on foot and under the direct supervision of any school or recognized charitable or religious organization.

Fees may be exempted or reduced for events approved by the City Council, which are held by nonprofit organizations, or sponsored by any organization requested by the City for the purpose of promoting the community. Requests for exemptions must be submitted for approval at the City Council meeting at least one month prior to the event.

(Ord. 2003-06. Passed 3-10-03; Ord. 2004-02. Passed 1-12-04; Ord. 2004-03. Passed 7-12-04; Ord. 2006-02. Passed 5-8-06; Ord. 2012-01. Passed 4-9-12.)

856.06 TIME LIMITATIONS.

(a) No activity permitted under authority of this chapter shall commence prior to 7:00 a.m. or continue after 12:00 midnight. This time limitation shall be stated on the permit.

(b) Permits shall not be issued for more than five consecutive days.

(c) Vendors shall have one day prior to the sale for set up and the day after the sale for removal.

(d) There shall be no more than two permits issued to any individual, company or business in any calendar year.

(Ord. 856-A. Passed 8-10-92; Ord. 2003-06. Passed 3-10-03; Ord. 2005-03. Passed 4-11-05; Ord. 2008-04. Passed 7-14-08; Ord. 2012-01. Passed 4-9-12.)

856.07 REVOCATION OF PERMIT.

Permits issued under this chapter may be revoked by the Chief of Police, or his or her designee, for the following reasons:

- (a) Fraud or misrepresentation contained in the registration;
- (b) Fraud, misrepresentation or false statements made in the course of conducting the activity;
- (c) Violation of any of the provisions of this chapter or of these Codified Ordinances or of any State or Federal law;
- (d) Conducting the business in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public;
- (e) The permittee ceases to possess the qualifications and character required in this chapter for the original registration.

The revocation of a permit shall be in addition to any penalty provided in Section 856.99 or any other penalty that may be imposed upon the permittee.

(Ord. 2012-01. Passed 4-9-12.)

856.08 PEDDLING FROM VEHICLES ON STREETS, ALLEYS AND SIDEWALKS PROHIBITED.

Unless authorized by the City Council, no person shall park a vehicle of any kind, including trailers, commercial vehicles, house trailers or boats, on any public street, for the purpose of peddling or selling merchandise from such vehicle, nor shall any person sell from a push- or peddle-driven cart or wagon on any street, alley or sidewalk within the City. This section does not pertain to newspaper delivery persons utilizing bicycles, wagons, sleds, etc.

(Ord. 856-A. Passed 8-10-92; Ord. 2003-06. Passed 3-10-03; Ord. 2012-01. Passed 4-9-12.)

856.09 SIDEWALK SALES.

The display of small merchandise for sidewalk sales by established businesses is permitted where such display does not interfere with pedestrian traffic or with the display of others, and where such display does not constitute a fire hazard or a hazard to the health and welfare of the public.

(Ord. 2012-01. Passed 4-9-12.)

856.10 OBSTRUCTION OF SIDEWALKS.

All vendors permitted under this chapter shall maintain a minimum five-foot distance off the sidewalk when placing tables, tents, equipment or any other object

used in their transactions with the public so as to not interfere with the safe traversing of pedestrians on the sidewalk in front of their stand. If no sidewalk exists at the point of sale, a minimum five-foot distance from the roadway or right-of-way is required. (Ord. 2012-01. Passed 4-9-12.)

856.11 CRYING ONE'S WARES AND OTHER MEANS OF ATTRACTING ATTENTION PROHIBITED.

No person shall shout or cry out his or her goods or merchandise, or blow any horn, ring any bell or use any other similar device to attract the attention of the public. (Ord. 2012-01. Passed 4-9-12.)

856.12 SAFETY REQUIREMENTS.

All of the following are requirements for those that are preparing food under this chapter (or other outside food preparation) using propane, natural gas or other type of cooking fuel:

- (a) On file with the application shall be two emergency contact numbers for use during emergencies.
- (b) A minimum of a ten-pound fire extinguisher, ABC type, shall be on location placed away from the fire source available for immediate use.
- (c) All cooking fuel tanks shall be equipped with protection collars around the valves.
- (d) Tanks shall be staked or otherwise secured so they will not tip over, fall or be subject to being struck by anything.
- (e) Tank hoses must have protective covering that will ensure hoses will not be broken, cut or damaged in any way.
- (f) Inspections will be performed to ensure these and all safety measures will be followed.
- (g) Distance from open flame. Cooking fuel or any other flammable liquid should be kept a safe distance away from any source of flame as determined by the Fire Chief or the Chief's designee.

(Ord. 2007-07. Passed 6-11-07; Ord. 2012-01. Passed 4-9-12.)

856.99 PENALTY.

Any person, firm or corporation convicted of violating any provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$500.00 or by imprisonment in the county jail for a period of not to exceed ninety days or both, such fine and imprisonment in the discretion of the Court.

(Res. 96-117. Passed 12-9-96; Ord. 2003-06. Passed 3-10-03.)