

Peddlers and Auctioneers

CHAPTER 113: PEDDLERS AND AUCTIONEERS

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§ 113.01 PERMIT REQUIRED

It shall be unlawful for a peddler, solicitor, canvasser or auctioneer, as defined in § 113.02 of this chapter, to engage in such business within the corporate limits of the village without first obtaining a permit therefor in compliance with the provisions of this chapter.
(1989 Code, § 20.000) Penalty, see § 10.99

§ 113.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUCTIONEER. A person who sells land or goods of another at a sale where any and all persons who choose to are permitted to attend and offer bids.

BLACK OUT DATES. Refer to specific days and/or periods where the vendors will not be invited to provide their goods and/or services at Village events. (amended 6/4/2024)

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CANVASSER or **SOLICITOR**. Any individual, whether resident of the village or not, 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 and merchandise, 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 sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not.

FOOD TRUCK. A self-contained motorized vehicle, identified generically as a “mobile food vending unit,” which is used for the preparation and distribution or sale of food. (amended 6-4-2024)

PEDDLER. Any person, whether a resident of the village 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 the same for sale from a wagon, automotive vehicle, boat or other vehicle or conveyance. A person 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 chapter shall be deemed a **PEDDLER** subject to the provisions of this chapter. The word **PEDDLER** shall include the words **HAWKER** and **HUCKSTER**. (amended 6-4-2024)

PEDDLING. The going from one place, in the township carrying or conveying or transporting by person, wagon, motor vehicles or other type of conveyance for the purpose of offering for immediate sale, food products, candy, goods, wares, or merchandise of any nature and landscaping materials of all types. It shall also include the assisting of others in “peddling”. (amended 6-4-2024)

PERSON. The word “person” as used herein shall include the singular and the plural and shall also mean and include a person, firm, or corporation association, club co-partnership or society, or any other organization; serviced clubs and nonprofit organizations shall not be included, anything herein to the contrary notwithstanding. (1989 Code, § 20.010) (Ord. amended 6-4-2024)

§ 113.03 APPLICATION

(A) One business day prior to the conducting of any business controlled by this chapter, applicants for permit under this chapter must file online or with the Village Clerk a sworn application in writing on a form to be furnished by the Village Clerk, which shall give the following information: (amended 9-3-2024)

- (1) Name of the applicant; (amended 9-3-2024)
- (2) Address (permanent residence, business and local);
- (3) A brief description of the nature of the business and the goods to be sold by the applicant;

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(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(5) The length of time for which the right to do business is desired;

(6) If a vehicle is to be used, a description of the same, together with VIN, license number or other means of identification;

(7) Copy of a valid Michigan Driver's License; (amended 9-3-2024)

(8) Proof of the State of Michigan certified County Health Department food license.

(9) Proof of business liability insurance naming the Village of Port Sanilac as additionally insured.

(B) An annually established fee shall be paid to the Village Clerk to cover the cost of permitting. (1989 Code, §20.020) (Ord. amended 6-4-2024) (Ord. amended 9-3-2024)

§ 113.04 INVESTIGATION AND ISSUANCE

(A) The Village Clerk shall have the authority to issue a permit subject to the terms and conditions detailed in this ordinance.

(B) Each permit shall contain:

(1) The name, address and copy of valid State of Michigan identification of said permittee (amended 9-3-2024)

(2) The kind of goods to be sold thereunder (amended 9-3-2024)

(3) The amount of fee to be paid (amended 9-3-2024)

(4) The date of issuance and the length of time the same shall be operative

(5) The license number and other identifying description of any vehicle used in such peddling

(6) Location restrictions, at a minimum shall be consistent with the Village of Port Sanilac Zoning Ordinance and a four-day maximum stay on public property

(7) Blackout dates, if any

(C) The Clerk shall keep a permanent record of all permits issued.

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(D) Peddlers, auctioneers, solicitors, and canvassers are required to exhibit their permits. (amended 9-3-2024)

(E) All annual permits issued under the provisions of this chapter shall expire on December 31 in the year when issued. Other than annual permits shall expire on the date specified in the license. (1989e, §20.030) (Ord. amended 6-4-2024)

(F) Permit conditions:

(1) No operator of a mobile food vehicle shall park, stand, or move a vehicle and conduct business within the areas of the Village where the permit holder has not been authorized to operate.

(2) The customer service area for mobile food vehicles shall be on the side of the truck that faces a lawn, sidewalk, or private property.

(3) All mobile food vehicle vendors shall provide a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the preparation of mobile food vehicles shall be collected and disposed of offsite by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the street is allowed.

(4) Mobile Food Vendors shall comply with the Village's Noise Ordinance, Sign Ordinance, and all other Village Ordinances.

(5) Mobile food vehicles shall operate on privately held property within the Commercial and Central Business Districts and not on any public property or street or alley right of way. Only one mobile food vending unit per parcel.

(6) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a permit has been obtained to allow for such use.

(7) Any power for the mobile food vehicle shall be self-contained and all utilities that are necessary shall be located on the private parcel upon which the permittee is operating. No power or cable equipment shall be extended at or across any Village Street, alley, or sidewalk.

(8) Prices must be clear and posted on Vendor's location. Vendors shall not use any flashing, blinking, or strobe lights or similar effects to draw attention to the food truck. Vendors shall not use loud music, amplification devices, or crying out, or other methods, to gain attention which causes a disruption or safety hazard.

(9) Mobile Vending Units operated under the auspices of a community or charitable organization or in connection with a community or charitable event or activity shall operate for a maximum of three (3) consecutive days. (1989 Code, §20.030) (Ord. amended 6-4-2024)

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§ 113.05 FEES

(A) The application permit fee shall be set annually by the Village Council. (See the annual fee resolution.). (1989 Code, §20.040) (Ord. amended 6-4-2024)

(B) None of the permit fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce.

(1) In any case where a permit fee is believed by a permittee or applicant for permit to place an undue burden upon such commerce, he or she may apply to the Village President for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce.

(2) Such application may be made before, at or within six months after payment of the prescribed permit fee.

(3) The applicant shall, by affidavit, and supporting testimony, show his or her method of business and the gross volume or estimated gross volume of business and such other information as the President may deem necessary in order to determine the extent, if any, of such undue burden on such commerce.

(4) The President shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he or she shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the permit fee for the applicant, an amount that is non-discriminatory, reasonable and fair. If the fee has already been paid, the President shall order a refund of the amount over and above the fee so fixed.

(5) In fixing the fee to be charged, the President shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by division (A) above.

(6) Should the President determine the gross sales measure of the fee to be the fair basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the village or, at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided that, no additional fee during any one calendar year shall be required after the permittee shall have paid an amount equal to the annual permit as prescribed in division (A) above. (1989 Code, § 20.040)

§ 113.06 BOND-REPEALED 06/04/2024

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§ 113.07 BADGES, TAGS OR PERMITS (amended 9-3-2024)

(A) A provisional permit may be issued through online application or in person at the Village Office at the time of delivery of all required permit documentation; A license which shall contain:
(amended 9-3-2024)

(1) The words Village of Port Sanilac Licensed Peddler/Auctioneer Permit; (amended 9-3-2024)

(2) The period for which the permit is issued; (1989 Code, § 20.060) (Ord. amended 6-4-2024)
Penalty, see § 10.99 (Ord. amended 9-3-2024)

§ 113.08 REVOCATION OF PERMIT

(A) Permits issued under the provisions of this chapter may be revoked by the Village Clerk after notice served by the designated Village Official. Revocation shall be based on any of the following:

a. Unpaid fees from online application;

b. False or incomplete application document (1989 Code, § 20.070) (Ord. amended 6-4-2024)
(Ord. amended 9-3-2024)

§ 113.09 APPEAL

Any person aggrieved by the action of the Village Clerk in the denial of a permit as provided in § 113.04 of this chapter or the action of the President in the assessing of the fee as provided in § 113.05 of this chapter shall have the right of appeal to the Council of the village. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in § 113.08(B) of this chapter for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive. (1989 Code, § 20.080) (Ord. amended 9-3-2024)

§ 113.10 EXCEPTIONS

Any resident of the village or honorably discharged veteran of a United States military unit may apply directly to the Village President for a permit as peddler, auctioneer or solicitor. The President, on his or her own initiative or with the advice and consent of the Council, may direct the Village Clerk to issue such permit without delay, investigation, charge or fee.
(1989 Code, § 20.090)

(AMENDED 6-4-2024) (AMENDED 9-3-2024)

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