CHAPTER 17

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS ORDINANCE

AN ORDINANCE to require the licensing of peddlers, solicitors and transient merchants within the Township; to establish procedures for granting licenses; and to provide penalties for violation of the licensing requirements.

17.1 Purpose. The purposes of this Ordinance are to protect the interests of the public health, safety and welfare of the citizens of the Township by the regulation, licensing and control of peddlers, hawkers, solicitors and similar salespersons conducting business within the Township.

17.2 License Required. It shall be unlawful for any peddler, solicitor or transient merchant, whether a person, firm or corporation, to peddle, solicit or engage in business as a transient merchant within the Township as to any merchandise, article or thing without having first secured a license from the Township therefor.

17.3 Definitions.

(1) The term "solicitor," as used in this Ordinance, shall mean any person traveling either by foot or vehicle from place to place, who takes or attempts to take orders for the sale of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future. Such definition shall include any person who uses or occupies any building, structure or other place in the Township for such purposes.

(2) The term "peddler," as used in this Ordinance, shall mean any person traveling either by foot or vehicle from place to place, carrying goods, wares or merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services, either immediately or in the future.

(3) The term "transient merchant," as used in this Ordinance, shall mean any person who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the Township, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure; provided, however, that such definition shall not include merchants having regularly established places of business within the Township, and shall not apply to persons making sales at any annual fair, street fair, festival, annual celebration or observance.

17.4 License, Application and Fee.

(1) Application for a license for a peddler, solicitor or transient merchant shall be made to the Township clerk. The application shall be in the form prescribed by the Township and shall include the following:

(a) The name, address and telephone number of the applicant, including both local information and permanent information, if different.

(b) The name, address and telephone number of each employee or independent contractor who shall be operating as a peddler, solicitor or transient merchant, if any.

(c) A description of the nature of the business and the goods or services to be offered.

(d) The place where the goods, if any, are manufacturer or produced, where they are located at the time the application is filed and the proposed method of delivery.

(e) Such other information as the Clerk may reasonably determine is necessary to determine the nature and character of the proposed operations.

(f) The address of the place at which the business is to be conducted, if any.

(g) The description and number of vehicles to be used in such operations, if any.

(2) Any applicant for such a license shall pay the fee prescribed therefor by resolution of the Township board.

(3) A license under this Ordinance shall be for a duration not to exceed 30 days; provided, however, the license may be renewed without payment of a further fee if the information contained in the renewal application remains unchanged from the original application. The Township Clerk shall review applications and issue licenses.

17.5 Exempt Persons. The licensing requirements of this Ordinance shall not apply to any person who is exempt from such licensing requirements under the terms of state or federal law, but any such persons shall remain subject to the other provisions hereof.

17.6 Hours and Days of Business. No peddler, solicitor or transient merchant shall call at any dwelling or residence except between the hours of 9:00 a.m. and 5:00 p.m. on Monday through Saturday without an appointment.

17.7 Obedience to Signs. No peddler, solicitor or transient merchant shall call without an appointment at any dwelling or residence where a sign is displayed stating "no peddlers," "no solicitors," "no salesman," "no trespassing," or words of similar meaning or import.

17.8 Exhibition of License. If requested by any person, a peddler, solicitor or transient merchant shall exhibit the Township license issued to him or her.

17.9 Fraud. Any licensed peddler, solicitor or transient merchant who shall be guilty of any fraud, cheating or misrepresentation, whether directly or through any other person, while acting as a peddler, solicitor or transient merchant within the Township, shall be in violation of this Ordinance.

17.10 Penalty.

(1) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than $100 nor more than $500 for the first offense and not less than $250 nor more than $1,000 for a subsequent offense, in the discretion of the court, in addition to all other costs, damages, attorneys fees and expenses. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

(2) The Township Supervisor, the Kent County sheriff or deputy sheriff and such other officer or other official designated by the Township Supervisor are hereby authorized to issue citations for violation of the provisions of this Ordinance if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction. If a citation is based solely on the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Township Supervisor.

(3) Citations shall be numbered consecutively and shall be in a form approved by the state court administrator's offices.

(4) Citations shall be served upon the alleged violator as provided by law.

(5) Citations shall require the appearance at the district court within a reasonable time after the citation has been issued. The procedures for admission or denial of responsibility, request for informal or formal hearings, and all matters related to the processing of citations for civil infractions shall be as provided by law.