

Hartford Township, Van Buren County, Michigan
Ordinance Number 35
Peddlers and Miscellaneous Occupations Ordinance

An ordinance to license and regulate hawkers, vendors, peddlers, and solicitors in Hartford Township, Van Buren County, Michigan; to prescribe penalties for violations hereof, to provide for the enforcement hereof, to provide for the repeal of all ordinances or parts of ordinances in conflict herewith; the same being enacted in accordance with the provisions of Act 246 of the Public Acts of 1975, as amended (MCL 41.181); and to regulate the public health, safety and general welfare of persons and property in Hartford Township, Michigan.

THE TOWNSHIP OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title. This ordinance shall be known and may be cited as the “Peddlers and Miscellaneous Occupations Ordinance.”

Section 2. Definitions. *Person* means an individual, partnership, firm, corporation, company or association.

Temporary Structure means anything constructed or erected requiring location on the ground which is not permanently affixed or attached to a foundation or not designed to be permanently located in the place where it is located (e.g. temporary sheds, containers, semi-trailers, tents or other enclosures for persons or goods which are movable).

Section 3. Necessity for license to hawk, vend, peddle or solicit. No person shall peddle or hawk any goods, wares, merchandise, services or other articles of things of value within the Township of Hartford, or sell or offer to sell the same on any public street, sidewalk, alley or other public place, or from house to house, or place to place, without first obtaining license from the Township, nor shall any person go from House to house soliciting or taking orders for goods, wares, merchandise, services or other articles or things of value to be delivered at some subsequent date or dates, without first obtaining a license from the Township.

Section 4. Necessity for license to sell from temporary structures. (a) No person shall peddle or hawk or sell any goods, wares, merchandise, services or other articles or things of value within the Township of Hartford, or sell or offer to sell the same from any temporary structure or other public place, without first obtaining a license from the Township, nor shall any person solicit or take orders for goods, wares, merchandise, services or other articles or things of value from a temporary structure to be delivered at some subsequent date or dates, without first obtaining a license from the Township.

(b) A license shall only be granted for a commercial district.

5. Applications for license; expiration of license; revocation of suspension of license; appeal. Each application for a license shall be made to the Township Clerk at least 24 hours in advance of the time for which the applicant seeks it issuance, and shall contain such information as shall be necessary to fully inform the Clerk with respect thereto.

No license shall be issued for more than one year or less than one day. All licenses shall expire on September 15th of each year. The Township Clerk shall have authority to revoke or suspend any license issued as a result of any misrepresentation or false statement made by the applicant in order to obtain such license, or for the licensee’s violation of or failure to comply with any Township ordinance or state law.

Any person aggrieved by a denial, suspension or revocation of a license required hereunder may appeal to the Township Board within three days thereafter, and the Township Board shall have final authority to issue, suspend or revoke or waive any license, license requirements or fees required hereunder. Appeals shall not stay the action of the Clerk in suspending or revoking any license and the same shall remain suspended or revoked during the appeal period.

Section 6. Display of license. The holder of any license issued hereunder shall carry the same with him/her at all times and shall exhibit it to any citizen upon demand.

Section 7. Health certificate required. No license shall be granted to any person for the peddling or hawking of food, food products or edibles of any character unless the applicant shall first secure a certificate from the Van Buren County Health Department setting forth that he/she is not suffering from any contagious or infectious disease. A person selling his own homegrown agricultural products at his place of residence shall be exempt from the licensing provisions of this

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ordinance, provided that no person shall sell his products from a motor vehicle parked on or along a public highway without first obtaining a license.

Section 8. Exemption. No religious, charitable fraternal, school or other organization of a charitable nature or its agents, representative or employees, shall be required to obtain a license and are exempt from the licensing provision of this Ordinance.

Section 9. Orders for future deliver; necessity for bond. No person soliciting or taking orders for goods, wares, merchandise, services or other articles or things of value to be delivered at some future date or dates shall ask or receive any deposit or any payment or part payment of money or other valuable thing in advance of such delivery unless such person shall have first deposited with the Township Clerk a cash bond in the amount of \$1,000.00, or a surety bond in like amount with good and sufficient sureties to be approved by the Clerk, conditioned to indemnity and save harmless any person dealing with any such solicitor against any damage or loss which he/she may suffer by reason of the failure of any such goods, wares, merchandise or services to be delivered, or by reason of any false or fraudulent representation which such solicitor may have made with respect to the same. No license shall be issued to any such solicitor until the bond required hereby shall have been deposited with and approved by the Township Clerk.

Section 10. Effect of license from state. The fact that any person has been granted a license by the State of Michigan or other public authority shall not exempt such person from securing a license from the Township of Hartford if such license is required by the terms of this Ordinance.

Section 11. Transferability of license. Licenses issued hereunder shall be nontransferable.

Section 12. Necessity of invitation; termination of permission. No peddler, hawker or solicitor shall enter any private home or place unless invited to do so by the owner or occupant thereof, nor shall any peddler, hawker or solicitor remain upon any private premises after being ordered or requested to leave by the owner or occupant thereof.

Section 13. Application. The fees to be paid for a license under this Ordinance shall be \$50.00 or as determined by resolution of the Township Board from time to time.

Section 14. Issuance. Upon receiving a written application for a license under this Ordinance and payment of the proper fee, the Township Clerk shall cause a review to be made by the Township Board. Upon satisfactory approval, the Clerk may issue the applicant the license subject to the following conditions:

- Hours of Operation - 9:00 a.m. to 7:00 p.m.
- Days of Operation - Saturdays, Sundays and holidays only
- Dates of Operation - May 1 through September 15

Section 15. Violations and penalties. Any person who shall violate any provisions of this Ordinance shall be responsible for a civil infraction, punishable by fine of not more than \$100.00, plus costs and any other sanction permitted by law, for each infraction.

Section 16. Construction; severability. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be constitutional or invalid.

Section 17. Repeal. All ordinances or parts of ordinances in conflict herewith or inconsistent with any provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 18. Effective date. This Ordinance shall take effect 30 days after the first publication of the Ordinance.

*Adopted by the Township of Hartford, Van Buren County, Michigan on March 11, 2010
Effective May 1, 2010*