

VILLAGE OF MATTAWAN
HAWKERS, PEDDLERS, AND SOLICITORS ORDINANCE
ORDINANCE NO. 65

An Ordinance to regulate the business of the sale or solicitation of goods, merchandise, service or donations within the Village of Mattawan, Van Buren county, Michigan, upon or from the public streets, parks and places and upon or from private property or premises not owned, rented, leased, managed or occupied under a valid claim of right or title by hawkers, vendors, peddlers, door-to-door salesmen or solicitors; to provide penalties for the violation of such regulations; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF MATTAWAN, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE

This ordinance shall hereafter be known and cited as the Village of Mattawan Hawkers, Peddlers and Solicitors Ordinance.

SECTION 2. DEFINITIONS

- A. The terms "hawking," "peddling," "vending," "door-to-door selling" or "soliciting" or any variation of the same shall be defined for the purpose of this Ordinance as any activity involving selling or soliciting. The sale of any goods, merchandise, services, or donations upon or from the public streets, parks and places or upon or from private property or premises not owned, rented, leased, managed or occupied under valid claim of right or title by the person, firm or corporation engaged in such selling or soliciting activity.
- B. "Charitable/Religious Organization" shall be defined for the purposes of this Ordinance as a benevolent, educational, philanthropic, humane, patriotic or eleemosynary nonprofit organization of persons which solicit or obtain donations solicited from persons for benevolent, educational, philanthropic, humane, patriotic or eleemosynary purposes. This term shall also include any duly constituted religious organization no part of the income of which inures to the direct benefit of any individual if said organization has received a declaration of current tax exempt status from the United States.

SECTION 3. LICENSE

- A. Licensing required. No person, firm or corporation shall hereafter operate or engage in, either directly or indirectly, any business of hawking, peddling, vending, door-to-door selling or soliciting within the Village of Mattawan without first obtaining a license therefor from the Village Clerk, which shall only be issued where the applicant qualifies therefor under the terms of this Ordinance. This requirement shall not apply to Charitable/Religious Organizations or appointed representatives soliciting donations on behalf of same.
- B. Issuance of License. No such license shall be issued unless and until (a) the required license fee has been paid to the Village of Mattawan, (b) a written application therefor has been filed with said Clerk accurately disclosing the following information:
 - 1. Name and address of applicant.
 - 2. Name and address of all individuals who will be hawking, peddling, vending, door-to-door selling or soliciting within the Village of Mattawan on behalf of the applicant.
 - 3. A list of products or services to be sold or solicited.
 - 4. The area or place of solicitation.
 - 5. A general description of the method of solicitation.
 - 6. The name of the last five municipalities in which such business was previously conducted and the dates of the same.
 - 7. The particular hours each day and the dates when the business is proposed to be conducted within the Village of Mattawan.
 - 8. A copy of the order form or contract to be used in the solicitation and any other written or printed material to be employed for the information of customers.

9. A copy of any identification card to be carried by each solicitor.
 10. If a vehicle is to be used, a description of the same, and the license plate number.
- C. Investigation. The Village Clerk shall forward such application to the Chief of Police, who shall cause an investigation to be made of the applicants character and business responsibility as he or she deems necessary for the protection of the public good. After such investigation, the Chief of Police shall endorse upon such application his or her approval or disapproval and forward the application to the Village Clerk. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall, in writing, state the reasons therefor and attach the same to the application.
 - D. Bond Requirement. A surety bond in the amount of \$1,000.00 or cash bond or bank letter of credit in the amount of \$500.00 shall be filed with the Village Clerk before the issuance of any such license to an applicant therefor who is not a citizen of the County of Van Buren or does not have a previously established place of business within the County of Van Buren for a period of not less than six months previous to the license application, conditioned upon the applicant and all employees and representatives of the applicant conducting business within the Village in accordance with the within Ordinance and without any undue influence, misrepresentation or failure of disclosure of material information concerning the subject of solicitation.
 - E. Duration of License, Renewal. No license shall be issued for a longer period than three months. Successive licenses may be obtained upon the payment of the required license fee and the filing of any changes in the information shown on the original application, provided all the regulations herein contained have previously been fully complied with.
 - F. License Fee. The three-month license fee for a corporation, firm, partnership, association, organization, or individual shall be \$150.00 which shall cover all solicitors whose names are on file with the Village Clerk; and a similar thirty-day license therefor shall be \$100.00.
 - G. Prior Criminal Conviction. No license shall be issued to any applicant who either (a) has been convicted of any criminal offense involving undue influence in solicitation, misrepresentation, or failure of disclosure of material information concerning the subject of solicitation or (b) whose employees or agents have been convicted of same.
 - H. Revocation of License. Any license may be revoked at any time by the Village Clerk or by the Village Board for any failure to comply with the terms of this Ordinance or for any conduct on the part of the applicant or his or its agents or employees involving misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

SECTION 4. REGISTRATION OF CHARITABLE/RELIGIOUS ORGANIZATIONS

- A. Registration of Charitable/Religious Organizations Required. No Charitable/Religious Organization may engage in any hawking, peddling, vending, door-to-door selling or solicitation unless the organization has first registered with the Village Clerk by filling out and filing with said Clerk a registration form disclosing the following information:
 1. Name and address of applicant.
 2. The area of place of solicitation.
 3. A general description of the method of solicitation.
 4. The particular hours each day and the dates when the business is supposed to be conducted within the Village of Mattawan.
- B. Duration of Registration. No such registration shall be effective for a longer period than two months. Successive registrations may be obtained by applying therefor in writing to the Village Clerk and by the filing of any changes in the information shown on the original registration form.

SECTION 4A. PUBLIC SAFETY

In no case shall a hawker, peddler or solicitor conduct their business from a public street or thoroughfare. Any vendor selling food or drink items shall submit an updated Department of Public Health certificate when applying for a license in the Village of Mattawan. Trash containment and removal procedures shall be submitted to the Village Clerk and approved by the Department of Public Works supervisor before a license is granted. All hawkers, peddlers and solicitors shall conduct their business from private property. Written permission from the property owner shall be submitted to the Village Clerk when applying for a license. All setback and sign ordinance requirements shall be met before a license is granted.

SECTION 5. HOURS OF OPERATION

No hawking, peddling, vending, door-to-door selling or soliciting, including any such activity performed on behalf of a Charitable/Religious Organization shall take place from the hours of 9 o'clock p.m. to 8 o'clock a.m.

SECTION 6. IDENTIFICATION CARDS

All persons hawking, peddling, vending, door-to-door selling or soliciting, including persons doing so on behalf of Charitable/Religious Organizations, must carry on their person at all times while they are engaged in such activity, identifications cards issued to them by the Village of Mattawan.

SECTION 7. SAVING CLAUSE

Should any section, clause, paragraph or provision of this Ordinance be declared by any Court to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

SECTION 8. PENALTY

Any person convicted of violating or assisting in the violation of any provision of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment in the County Jail for not more than ninety (90) days, or both at the discretion of the Court. Each violation and every day upon which such violation shall occur shall be a separate offense. The fine and penalties herein provided for shall be in addition to any injunctive or other relief, which might be available or appropriate under the circumstances. (Ord No. 65, eff. 3-26-1984, amended by Ord. No. 114, eff. 1-3-1992; amended by Ord. No. 156, effective 05/28/96)

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective upon publication.

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.