

CHARTER TOWNSHIP OF JAMESTOWN
COUNTY OF OTTAWA, MICHIGAN
[Peddler Licensing and Control Ordinance]

At a regular meeting of the Township Board of Jamestown Charter Township, held at the Township Hall, 2380 Riley Street, Jamestown, Michigan, on the ____ day of _____, 2022, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following Ordinance was offered by Member _____ and supported by Member _____.

ORDINANCE NUMBER 22-006

AN ORDINANCE TO REQUIRE THE LICENSING OF PEDDLERS, TO PROVIDE PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AND RELATED MATTERS

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1. Title: Purpose and Intent:

(a) This Ordinance shall be known and cited as the “Jamestown Charter Township Peddler Licensing and Control Ordinance” or the “Peddler’s Ordinance.”

(b) The purpose of this Ordinance is to protect the public health and safety by requiring that persons doing business by using the public streets or other places within the Township to solicit commercial sales are identified, present proper credentials, obtain a license from the Township, and are subject to certain restrictions on conduct.

Section 2. Definitions

(a) “Not for profit Organization” as used in this Ordinance shall mean churches or other organizations involving religious worship or observance, public or private schools, youth organizations, veterans’ groups, scouting organizations, or other similar noncommercial entities; provided such church, school, youth organization, or noncommercial entity shall (i) be recognized as a tax-exempt charitable, educational, or religious organization under the United States Internal Revenue Code or as defined under Michigan General Property Tax Act, being Public Act 206 of 1893, as amended, and (ii) have a bona fide church, post, troop, chapter, lodge, or similar physical location within the Township, or adjoining township or the cities of Hudsonville or Zeeland.

(b) “Peddler” as used in this Ordinance shall mean any Person who travels from door-to-door, place-to-place, or property-to-property, or who uses public streets, sidewalks, parks or other public ways or places, to sell or offer for sale or display for sale any goods, products, wares or merchandise to any Person except on a wholesale basis to a dealer therein; or take orders for the purchase of goods, products, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines, periodicals or books from any Person except on a wholesale basis to a dealer therein; or sell or offer for sale or take orders for the sale of services (e.g., landscaping, painting, snow removal, or any other services to be performed for those who wish to purchase them). A Peddler’s assistant shall also be considered a “Peddler” for purposes of this Ordinance.

(c) “Person” means any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization, or league, and includes any trustee, receiver, assignee, agent, or other similar representative.

(d) “Township” shall mean the Charter Township of Jamestown, Ottawa County, Michigan.

(e) “Township Supervisor” means the Township Supervisor as well as his/her designee.

Section 3. License Required, Exemptions

(a) It shall be unlawful to operate as a Peddler within the Township unless a Person has first obtained a license from the Township in compliance with this Ordinance. No Person shall act as a helper or assistant to a Peddler without also having obtained a Peddler’s license in accordance with this Ordinance.

(b) The following Persons shall be exempt from the licensing requirements of this Ordinance, but shall be subject to the Section 10:

- (1) Any Person offering to sell goods or products on behalf of a Not for profit Organization.
- (2) Any Person selling farm crops or products produced in the Township or an adjoining township.
- (3) Any sales or delivery Person that distributes goods or services and solicits orders to regular customers on an established route, which customers are obtained by means other than the activities of a peddler or for which the initial sale was made by a properly licensed peddler.
- (4) Any Person under the age of 22 offering their own labor for hire for services to be performed on a property owner’s property including, but not limited to, snow removal, lawn mowing, leaf removal and similar types of services.
- (5) Any veteran possessing a license from the Ottawa County Clerk pursuant to Act 359 of 1951.

- (6) Any Person otherwise exempt from the licensing under this Ordinance by virtue of State or Federal law.

(c) Decisions regarding whether a Person falls within such exemptions shall reside with the Township Supervisor. Any decision by the Township Supervisor may be appealed in writing within 10 days to the Township Board.

Section 4. Application for License

(a) Any Person seeking a license as a Peddler shall apply to the Township Supervisor upon proper forms furnished by the Township, signed and completed by the applicant. The applicant for the Peddler's license shall specify in writing:

- (1) How the applicant intends to travel, trade, or conduct business;
- (2) A description of the goods or services sold;
- (3) The applicant's name, permanent home address, date of birth and phone number;
- (4) The name, address and phone number of the applicant's employer or the organization that the applicant represents;
- (5) The address(es) of the applicant's place(es) of residence for the past three years;
- (6) Description, color and plate number of any vehicle to be used; and
- (7) Two recent photographs of the applicant or copy of the applicant's driver's license; and
- (8) Such other information as reasonably requested by the Township Supervisor.

(b) The Township Supervisor shall review and approve or deny the application for a Peddler's license within seven days of receipt of a complete application. A licensee must obtain the license prior to the start of any peddling activity within the Township.

(c) As permitted by law, all applicants will be subject to a background check, including without limitation a review of Ottawa County Sheriff's Department, State Police and sex offender records. As part of the application process, the applicant may be required to give authorization for release of such information. If the applicant has any civil or criminal warrants or cases outstanding or the background check shows any conviction in the last five years of a felony involving fraud, theft, violence or sexual misconduct, the application will be denied in writing, stating the reasons therefor.

(d) Unless the applicant is charged with any violation of local, state or federal law subsequent to filing the application, all background checks shall be valid for a period of one year following the approval of the application.

(e) During any period in which a Person is licensed under this Ordinance, that Person must inform the Township of any and all changes to the information on their application and any event that would result in a change to the information produced in their background check.

Section 5. Fees

Except as otherwise provided herein, a Person seeking a Peddler's license issued under this Ordinance shall pay to the Township, at the time when the application is filed, a fee as established by resolution of the Township Board from time to time. A Person representing or working for a Not for profit Organization shall not be required to pay a license fee.

Section 6. Issuance

(a) The Township Supervisor shall issue licenses to those who have complied with the provisions of this Ordinance.

(b) A complete record of each license issued under this Ordinance, including renewals, suspensions or revocations, and complaints and charges against the licensee, together with the licensee's photograph, shall be kept on file by the Township Clerk.

Section 7. Contents of License

(a) Each license granted under this Ordinance to a Peddler or Peddler's helper shall contain a recent true photograph of the licensee and the licensee's current address. All licensees shall carry their licenses with them at all times while working in a manner subject to this Ordinance.

(b) The Township shall issue a badge (with or without a photograph of the individual) to a Peddler or Peddler's helper and such Person shall wear or affix such badge on the outside of their clothing while working within the Township so that the badge will be readily visible to any Person encountering the Peddler or Peddler's assistant. No such badge shall be altered, except by a Township official pursuant to this Ordinance.

(c) No licensee under this Ordinance shall alter, remove, or obliterate any entry made on the Person's license to work as a Peddler or as a Peddler's helper or alter any badge issued by the Township pursuant to this Ordinance.

Section 8. Expiration

(a) All licenses issued under this Ordinance shall expire on the 90th day after the license was issued, unless another (i.e., earlier or later) date is established by the Township. The Township Supervisor may allow an automatic renewal for licenses which are perpetually maintained, such as licenses for businesses which are designed to engage in peddling on a perpetual basis (e.g., meat sales, general food sales, etc.). However, no license (including automatic renewals) shall be valid for longer than 12 months from the original date of issuance. There is no fee for any renewal unless the applicant has changed.

(b) Any permit, license or badge issued under this Ordinance shall be nontransferable and shall be returned to the Township Clerk after its expiration, together with all facsimile copies thereof.

Section 9. Suspension or Revocation

(a) The Township Supervisor shall have the power to suspend or revoke any license issued under this Ordinance to a Peddler or a Peddler's helper for a violation of this Ordinance, any other Township ordinance, any condition, or regulation under which the license was granted, or any federal or state or county law or regulation. The Township Board, upon written appeal and may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard.

(b) No Person whose license has been revoked or suspended shall receive another license under this Ordinance for a period of one year thereafter. In the event of revocation or suspension, the license fee shall not be refunded.

Section 10. Prohibited Acts

(a) No vehicle or other equipment shall be operated or otherwise used on the public streets, sidewalks, parks or other public ways or places in the Township between the hours of 7:00 p.m. and 11:00 a.m., or on Sundays, by any Person engaged in the activities of a peddler whether or not exempt from licensing; provided, however, that such restriction shall not apply to a Person described in Section 3(b)(4) of this Ordinance.

(b) No Person shall, directly or indirectly, solicit sales or contributions for any purpose by misrepresentation of his/her name, occupation, financial condition, social condition, residence or any other matter, and no Persons shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution or sale for any purpose in the Township.

(c) No Person engaged in the activities of a peddler whether or not exempt from licensing shall go on any property or approach any dwelling, building or other structure where a sign has been posted (which is clearly visible) which states "No Trespassing," "No Solicitation," or contains a similar message.

Section 11. Penalties: Enforcement

(a) A violation of this Ordinance constitutes a municipal civil infraction. Any Person who violates this Ordinance, or any license issued thereunder or any Person who knowingly or intentionally aids or abets another Person in violation of this Ordinance shall be responsible for civil infraction. The civil fine for violation of this Ordinance shall be not less than \$100.00 for the first offense, and not less than \$250.00 for subsequent offenses, in the discretion of the court, in addition to all expenses including attorney fees, to which the Township has been put in connection with the infraction, up to the entry of judgement. For purposes of this subsection, "subsequent offense" means a violation of this Ordinance committed by the same Person with 12 months of a previous violation of this Ordinance for which said Person admitted responsibility or was adjudged to be responsible.

(b) Each day for which any violation continues, shall be deemed a separate offense

(c) The following officials or officers shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations or tickets pursuant to this Ordinance:

- (1) Township Supervisor
- (2) Township Deputy Supervisor
- (3) Township Ordinance Enforcement Officer
- (4) Any Deputy of the Ottawa County Sherriff Department
- (5) Any Michigan State Police Officer

Section 12. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Section 13. Repeal. All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of that conflict.

Section 14. Publication/Effective Date. This Ordinance shall become effective upon the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2022.

Laurie VanHaitsma, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

Ordinance # 22-006

First Reading: December 19, 2022

Second Reading: _____

Ordinance becomes effective: _____

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at the meeting held on _____, 2022, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. _____, or a summary thereof, was published in the _____ on _____, 2022.

Candy DeHaan
Township Clerk