

23.000 - PEDDLERS AND SOLICITORS Ord. No. 11-03 Adopted: Aug. 15, 2011

AN ORDINANCE DEFINING, REGULATING AND LICENSING PEDDLERS, SOLICITORS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ATLAS ORDAINS:

23.001 - License required.

Sec. 1. It shall be unlawful for any solicitor or peddler, as defined in this Ordinance, to engage in such business within the township limits of Township of Atlas without first having obtained a license therefore in compliance with the provisions of this Ordinance.

23.002 - Definitions.

Sec. 2.

Solicitor. A solicitor is any person traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, seeking to obtain orders for the purchase of goods, or services for future delivery or performance.

Peddler. A peddler is any person, traveling by foot, motor vehicle or any other type of conveyance, from place to place, selling or offering for sale goods or services.

23.003 - Application.

Sec. 3. Before a license can be issued, an application for a license under this Ordinance must be filed with the Township Clerk's office.

23.004 - Issuance of license.

Sec. 4. The Clerk or designee, upon timely receipt of a completed application form, evidence of required insurance, and payment of the prescribed license fee, shall issue to the applicant the appropriate license. The license shall contain the signature of the issuing officer and shall show the name, the type of license issued and the date of issuance and expiration. Before any license is issued to an applicant proposing to sell or solicit for sale any food or product for human consumption, certification must be received from the County Health Officer.

23.005 - Display and use of license.

Sec. 5.

1. A licensee shall carry upon his/her person at all times when engaged in the activity for which the license is granted.
2. A licensee shall exhibit their license at the request of any properly identified public authority or by any person with whom the licensee is dealing in connection with the licensed activities.
3. A licensee shall not loan, sell, give, or assign to any other person, or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, any license which has been issued to the licensee.
4. No person shall display an expired license, a license for which a duplicate has been issued, a license which has been suspended or revoked, or a license which was approved and issued for another person.
5. No person shall write upon, alter, amend, modify, change or damage a license, except as required by this article or as authorized by the Township Clerk.

23.006 - Prohibited conduct.

Sec. 6. In addition to other provisions of this Ordinance, no person shall:

1. Enter a private residence under pretenses other than for soliciting or peddling.
2. Remain in a private residence or on the premises thereof after the owner or occupant thereof has requested any such person to leave.
3. Conduct business or any activities permitted by this Ordinance in such a manner as to obstruct the free and uninterrupted passage of the public way. A violation of this subsection shall be a misdemeanor punishable by up to 90 days in jail and/or a fine not to exceed \$500.00.
4. Solicit or peddle at a private residence prior to 10:00 a.m. and after 6:00 p.m., or at any time on a Sunday or on a state or national holiday.
5. Visiting any dwelling or residence without an appointment where a sign is displayed stating "no peddlers", "no solicitors", "no salespersons", "no trespassing" or words of similar meaning.

23.007 - Fee schedule.

Sec. 7. The license fees shall be set from time to time by resolution of the Township Board.

23.008 - Exemptions.

Sec. 8.

1. Any person under the direct supervision of a school or a recognized charitable or religious organization shall be wholly exempt from the requirements of this ordinance.

2. Any person, other than the person qualifying for exemption under subsection (1) above, soliciting or peddling on behalf of and solely for the benefit of a nonprofit corporation, ecclesiastical corporation, fraternal association or other entity which is recognized by the United States Internal Revenue Service and the state of Michigan as a nonprofit entity and whose earnings are exempt from federal and state income tax shall be exempt from the license fee requirement of section 7 [23.007], but shall comply with all other requirements of this Ordinance.

23.009 - Indemnification.

Sec. 9. Application for a license shall be deemed as agreement by the applicant to observe all pertinent laws and regulations of the township and defend, indemnify, and save harmless the township from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the licensee's activities.

23.010 - Refusal, suspension or revocation.

Sec. 10. License requested under this Ordinance may be refused and licenses issued may be suspended or revoked by the Township Clerk for cause, such as:

1. Fraud, misrepresentation or false statement contained in the applications for license.
2. Fraud, misrepresentation or false statement made in the operation of a business.
3. Any violation of this Ordinance or any other provision of township ordinances.
4. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or welfare of the public.
5. The failure or inability to meet and satisfy the requirements and provisions of this Ordinance and any other provision of this Ordinance.

The applicant or licensee shall have the right to a hearing before the township board on any such action of the township clerk, provided a written request therefore is filed with the township clerk within five (5) days after receipt of said notice of such suspension. The board may confirm such suspension or revoke or reinstate any such license. The action taken by the board shall be final. Upon suspension or revocation of any license or permit, the fee therefore shall not be refunded. Except as otherwise specifically provided in this Ordinance, any licensee whose license has been revoked shall not be eligible to apply for a new license for the trade, profession, business or privilege for a period of one (1) year after such revocation.

23.011 - Repeal.

Sec. 11. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

23.012 - Severability.

Sec. 12. Should any provision or section of this Ordinance be declared by the Courts to be unconstitutional, or in conflict with any other section or provision of this Ordinance, such decision shall affect only the section or provision of this Ordinance declared to be unconstitutional or unauthorized and shall not affect any other section or sections, provision or provisions of this Ordinance.

23.013 - Penalties.

Sec. 13. Violation of this ordinance is a municipal civil infractions. In addition to pursuing a municipal civil infraction proceeding, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive. Each day a violation of this ordinance shall exist shall be deemed a separate offense. In addition to a fine to be determined by the township board, the court, at its discretion, may award other costs, attorney's fees, damages, expenses and other remedies as provided by law.

(Amended: Ord. No. 16-02, §§ 1, 2, 6-20-16)

23.014 - Effective date.

Sec. 14. This Ordinance shall become effective thirty (30) days after publication.