

CITY OF SAUGATUCK
P.O. BOX 86 102 BUTLER STREET SAUGATUCK, MI 49453
PHONE (269) 857-2603 FAX (269) 857-4406
APPLICATION FOR HAWKER/PEDDLER LICENSE
_____, 200_____, 200_____, LICENSE # _____

Application Date	Approval Date	Fee _____	Date Pd. _____
		(\$100 + \$25 each additional day)	

ALL APPLICANTS WILL BE PROVIDED A COPY OF CITYOF SAUGATUCK CODE OF ORDINANCES, CHAPTER 113: HAWKERS AND PEDDLERS WITH THIS APPLICATION. *

Name of Manager, Owner, Supervisor _____

Home Address _____

Local Business Address _____

If the applicant is not the owner, give relationship to the owner _____

If the applicant is an employee, list home address _____

Description of Vehicle/License # _____

(Note: Proof of insurance and registration is required.)

Length of time license is requested and hours of operation _____

Describe the nature of the business _____

Describe all items/merchandise to be sold (include price range) _____

Items/merchandise to be sold is from (check one): ___ stock, ___ sample, ___ direct sale,

___ taking orders.

If items/merchandise are farm or orchard products, were they produced or grown by the applicant? Yes No If no, then provide name of farm or orchard obtained from.

Location of items/merchandise at time of application _____

Federal Identification # _____

Michigan Employer ID # _____

Michigan Sales Tax License # _____

Food Vendors:

Allegan County Health Department Certificate # _____
(A copy must be provided to the City Clerk)

Performance Bond (Copy provided to the City Clerk) Yes No

Certificate of Liability Insurance (Copy provided to the City Clerk) Yes No

Have you or a member of the business management ever been convicted of a crime, and if so,
state the offense, location, and date of said conviction. Yes No

I hereby certify that the foregoing information is true and complete. Knowingly falsifying this
information shall be basis for denial of license.

Signature of Applicant Date

Signature of Applicant Date

*** ALL REQUIREMENTS OF CHAPTER 113: HAWKERS AND PEDDLERS MUST BE MET
PRIOR TO ISSUANCE OF LICENSE.**

CHAPTER 113: HAWKERS AND PEDDLERS

Section

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§ 113.01 PURPOSE.

(A) The purpose of this chapter is to establish standards of operation for peddlers and hawkers in the city which promotes the public health, safety, and welfare. The city is a tourist-based economy and, as such, experiences tremendous increases in population throughout the year. Congestion of streets, sidewalks, parks, and other public areas presents risks to safe traffic flow, delivery of emergency services, and pedestrian movement. Therefore public streets, sidewalks, parks, and other public areas shall be maintained and operated in a manner that promotes and encourages safe, efficient utilization for vehicular, pedestrian and emergency vehicle traffic at all times of the year.

(B) Peddlers which operate on public rights-of-way inhibit the public safety aspects desired to be promoted and encouraged for use of all public rights-of-way and places in the city. The city has determined that it is in the best interest of the public to keep all public property free from usage by any and all peddlers and hawkers. The city will however allow this activity on private property under provisions outlined in this chapter.

('87 Code, § 7.24) (Ord. passed 5-9-94)

§ 113.02 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. Any natural person, whether a resident of the city or not, or any firm, partnership, corporation or other business entity, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street carrying, conveying or transporting goods, wares, merchandise, magazines, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or rent or making sales or rentals and delivering articles to purchasers or renters, or who without traveling from place to place shall sell or rent or offer the same for sale or rent or offer the same for sale or rent from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders as a separate transaction, makes deliveries to purchasers or renters as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The term shall include the words "hawker" and "huckster."
(‘87 Code, § 7.25) (Ord. passed 5-9-94)

§ 113.03 LICENSE REQUIRED; APPLICATION; FEES.

(A) *License required.* Every person who shall engage in the business of hawking or peddling in the city shall, before engaging in such business, procure from the City Clerk a license to do so.
(‘87 Code, § 7.26)

(B) *Application.* Applicants for a license under this chapter must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which form shall contain the following information. In addition to the form, the applicant shall provide additional information as required by the City Clerk.

- (1) The name and description of the applicant.
- (2) The applicants local address and legal or home address.
- (3) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
- (4) If the applicant is an employee, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired, including specific hours of operation;

(6) If a vehicle is to be used, a description of the same, together with the license number, current registration and proof of insurance.

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguished manner.

(8) The fingerprints of the applicant and the names of at least two reliable property owners of the county who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(9) A statement as to whether or not the applicant has been convicted of any crime and, if so, the nature of the offense, date of conviction and punishment or penalty assessed therefor.

(10) The applicant shall at the time of application submit a bond to the City Clerk in an amount set forth in the city's schedule of fees. The bond shall be held by the City Clerk for the applicant's faithful performance of all contracts and fulfillment of all warranties made by him or her in connection with the business or acts for which the license is sought. The bond shall be drawn on a company licensed to do business in this state and shall be approved by the City Attorney prior to the issuance of a license.

(11) The applicant at the time of application shall submit to the City Clerk a certificate of insurance with coverages as specified in the city's schedule of fees. The insurance policy shall be written in a manner which clearly names the city as an additional insured. The policy shall be in force for the entire time the applicant intends to conduct business in the city. The policy shall contain a provision for notification of the city prior to cancellation. Such notice shall be a minimum of 15 working days prior to the date of cancellation.

(12) At the time of application, the applicant shall submit as part of the application package a valid Michigan Sales Tax License to the City Clerk.
('87 Code, § 7.27)

(C) *Fees.* The license fee which shall be charged by the City Clerk for the license shall be as prescribed in the city's schedule of fees.
('87 Code, § 7.29) (Ord. passed 5-9-94) Penalty, see § 113.99

§ 113.04 INVESTIGATION OF APPLICANTS; DENIAL OR ISSUANCE OF LICENSE.

(A) Upon receipt of the application, the original shall be referred to the Chief of Police, or his or her designee, who shall cause such investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.

(B) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his or her disapproval and his or her reasons for the same and return the application to the City Clerk, who shall notify the applicant that his or her application is disapproved and that no license will be issued.

(C) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police or his or her designee shall endorse on the application his or her approval and return such application to the City Clerk, who shall, upon payment of the prescribed license fee, issue a license. Such license shall contain the seal of the city and signature of the issuing officer and shall show the name, address and photograph of the licensee, the term of the license, and the kind of goods to be sold thereunder, the amount of fee paid, date of issuance, and identification of vehicle to be used, if applicable. The City Clerk shall keep a permanent record of all licenses issued.

('87 Code, § 7.27) (Ord. passed 5-9-94)

§ 113.05 USE OF PUBLIC AREAS.

(A) *Streets, sidewalks, parks, and rights-of-way.* No person licensed under this chapter, nor any person on his or her behalf, shall have any exclusive right to any location in the public streets, rights-of-way, sidewalks or parks. No license shall be permitted to a stationary location within a congested area if such location operates to impede or inconvenience the public use and enjoyment of city streets, sidewalks, rights-of-way or parks. In furtherance therefor, the City Council shall prescribe, as a condition of the license granted, specific setback areas from the city sidewalk, street, right-of-way or park to assure the unimpeded flow of pedestrian movement in the vicinity of the applicant's sales exhibit.

(B) *Parking lots and driveways.* No sales activity or exhibit, whether mobile or stationary, shall be conducted upon or so near the entrance to public parking lots or driveways as to obstruct or impede the free ingress and egress of vehicular traffic herewith. Partial use of space within parking lots which may face public streets or sidewalks may be granted with prior permission of the Police Department and Public Works Department.

(C) *Exercise of police powers.* For the purpose of this chapter, the judgement of the Police Department, exercised in good faith, shall be deemed conclusive as to whether an area is congested or impeded or inconvenienced. In the processing of applications, the City Clerk shall have the power to withhold and refuse to grant further permits if, in his or her judgment, overcrowding of thoroughfares would result should additional licenses be granted.

('87 Code, § 7.28) (Ord. passed 5-9-94) Penalty, see § 113.99

§ 113.06 EXHIBITION OF LICENSE.

Peddlers are hereby required to prominently display their license at all times during which they are conducting business in the city. The license shall be displayed in such a manner that it is visible at all times during the course of the licensee operation. Failure to display the license shall constitute a violation of this chapter.

('87 Code, § 7.31) (Ord. passed 5-9-94) Penalty, see § 113.99

§ 113.07 LOUD NOISES AND SPEAKING DEVICES.

No peddler or other person in his or her behalf shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any of the streets, alleys, sidewalks, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, sidewalks, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell, without the express consent and permission of the City Council.

('87 Code, § 7.30) (Ord. passed 5-9-94) Penalty, see § 113.99

§ 113.08 DUTIES OF POLICE.

Police officers of the city shall require any person seen peddling and who is not known by such officer to be duly licensed to produce his or her peddler's license and shall enforce this chapter against any person found to be violating any of the provisions of this chapter.

('87 Code, § 7.32) (Ord. passed 5-9-94) Penalty, see § 113.99

§ 113.09 RECORDS.

The Chief of Police, or his or her designee, shall report to the City Clerk all convictions for violations of any of the provisions of this chapter and the City Clerk shall maintain a record for each license issued and record the reports of violations in such record.

('87 Code, § 7.33) (Ord. passed 5-9-94)

§ 113.10 EXEMPT ACTIVITIES.

The licensing provisions of this chapter shall not apply to sales of goods, wares and merchandise for religious or nonprofit charitable purposes; vendors approved by the City Council or operating with the consent of individuals or organizations sponsoring events approved by the City Council; commercial travelers employed by wholesale houses and selling staple articles of merchandise to city merchants to be retailed by such merchants; persons selling milk; delivery of goods sold by city businesses; or permanently employed and bonded route salespersons who solicit orders from, and distribute goods to, regular customers on established routes. Such vendors or sponsors of City Council approved events must provide general liability insurance with such limitations as the City Attorney approves. Proof of insurance showing that such insurance is in force shall be filed with the City Manager prior to the approved event. Termination or alteration of the insurance policy without approval of the City Attorney shall constitute grounds for cancellation of the event by the City Council. ('87 Code, § 7.34) (Ord. passed 5-9-94)

§ 113.99 PENALTY.

A person who violates this chapter is guilty of a misdemeanor, punishable as provided by § 10.99, forfeiture of the property impounded pursuant to this section up to a value of \$500, or both. ('87 Code, § 7.35) (Ord. passed 5-9-94)