

**WRIGHT TOWNSHIP
OTTAWA COUNTY, MICHIGAN**

**The Wright Township Peddler License and Control Ordinance
(Ordinance No. 117)**

At a regular meeting of the Township Board for Wright Township held at the Township offices on June 13, 2012, Township Board Member Schoenborn moved to adopt this Ordinance, which motion was seconded by Township Board Member Worrell:

**AN ORDINANCE TO REQUIRE THE LICENSING OF
PEDDLERS, TO PROVIDE PENALTIES FOR VIOLATION
OF THE PROVISIONS OF THIS ORDINANCE, AND TO
SET THE EFFECTIVE DATE OF THIS ORDINANCE**

THE TOWNSHIP OF WRIGHT (the "Township") ORDAINS:

ARTICLE 1. IN GENERAL

A. Operation or Use of Vehicles and Equipment on Streets and Other Public Places; Hours of Operation. No vehicle or other equipment shall be operated or otherwise used on the public streets, sidewalks, parks or other public ways or places in Wright Township (the "Township") between the hours of 7:00 p.m. and 11:00 a.m., or on Sundays, by any Person licensed (or required to be licensed) under this Ordinance, for the purpose of carrying on the licensed activity under this Ordinance. These regulations shall help protect the ability of Township residents to be free from sales calls at their dwellings and elsewhere during certain portions of each day.

B. General Exceptions. The following Persons shall be exempt from the licensing requirements of this Ordinance, but shall be subject to the other provisions hereof:

1. Any Person offering to sell goods or products on behalf of, churches or other organizations involving religious worship or observance, public or private schools, youth organizations, or other noncommercial entities; provided, however, that any such church, school,

youth organization, or noncommercial entity shall 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.

2. Any permanently employed and bonded route salespersons that solicit orders from and distribute goods to regular customers on established routes.

3. Any farmer selling farm crops or products produced in Wright Township or an adjoining township.

4. Any Person exempt from the licensing requirements of this Ordinance by virtue of state or federal law.

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.

C. Township Supervisor. Whenever the term “Township Supervisor” is used in this Ordinance, the term includes the Township Supervisor as well as his/her designee.

D. Person. Whenever the word “Person” is used in this Ordinance, the word 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.

ARTICLE 2. PEDDLERS

A. Definition. The word “Peddler” as used in this Ordinance shall mean any Person who travels from door-to-door, place-to-place, or property-to-property, and 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 not 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 not 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.

The term "Peddler" as used in this Ordinance shall not apply to any Person selling the products of the Person's own farm, orchard or garden.

B. License Required. 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.

C. Application. 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 shall specify in writing:

1. How the applicant intends to travel, trade, or conduct business;
2. The applicant's name, permanent home address, date of birth and phone number;
3. If employed, the name, address and phone number of the applicant's employer;
4. The address(es) of the applicant's place(es) of residence for the past three years;
5. Description, color and plate number of any vehicle to be used.; and

6. Such other information as reasonably requested by the Township Supervisor.

The application must also contain two recent true passport photographs of the applicant along with a copy of the applicant's driver's license if applicable.

The application for a license must be filed with the Township Supervisor at least 14 days prior to the start of any peddling activity within the Township.

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. If the applicant has any civil or criminal warrants outstanding or the application is otherwise deficient, the application will be denied in writing, stating the reasons therefor. After any such denial, the applicant may reapply only after the expiration of 60 days.

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.

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.

D. Fees. 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.

E. Issuance. The Township Supervisor shall issue licenses to those who have complied with the provisions of this Ordinance.

F. Contents; to be Carried by Licensee; Badge. 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.

If the Township issues a badge (with or without a photograph of the individual) to a Peddler or Peddler's helper, 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.

G. Alteration Prohibited. 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.

H. License Expiration. All licenses issued under this Ordinance shall expire on the 31st 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.

I. Suspension or Revocation. 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 Supervisor shall report all suspensions and revocations to the Township Board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard.

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.

J. Nontransferable; Return upon Expiration. Any permit, license or badge issued under this Ordinance shall be nontransferable and shall be returned to the Township Clerk within two days after its expiration, together with all facsimile copies thereof.

K. Records to be Kept. 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.

L. Misrepresentations by Peddlers or Peddler's Helpers. 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.

M. Unlawful Trespass or Solicitation. No Peddler or Peddler's assistant 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.

ARTICLE 3. PENALTY SECTION

A violation of this Ordinance or a license issued hereunder shall be punishable as a misdemeanor and subject to a fine of \$500.00, imprisonment for 90 days, or both, at the discretion of the court.

ARTICLE 4. REPEAL, SEVERABILITY AND PERSONAL LIABILITY

A. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of any such conflict.

B. Severability. Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not effect the validity of this Ordinance in whole or in part, other than that part declared to be unconstitutional or invalid.

C. Personal Liability. No Township official, officer, employee or contractor shall be personally liable for any damages that may accrue to any Person as a result of any act required or permitted in the discharge of Township duties under and in the enforcement of this Ordinance.

ARTICLE 5. EFFECTIVE DATE

This Ordinance shall be effective 30 days after this Ordinance or a summary thereof is published in the newspaper.

AYES: Members: Westgate, Schoenborn, Karr, Worrell

NAYS: Members: None

ABSENT: Members: Way

ORDINANCE DECLARED ADOPTED.

Theresa Frank, Deputy Township Clerk

Ordinance becomes effective: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OTTAWA)

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Wright at a regular meeting held on the 13th of June, 2012 and I further certify that public notice of such meeting was given as provided by law.

Theresa Frank, Deputy Township Clerk