

**CHAPTER 804**  
**VENDOR'S REGULATION**

- 804.01 Definitions
- 804.02 License Necessity.
- 804.03 License
- 804.04 Deposits Subject to Claims.
- 804.05 Prohibited Conduct.
- 804.06 Invalidation or Revocation of License.
- 804.07 Display of License.
- 804.08 Enforcement.
- 804.09 Penalty.
- 804.10 Severability.

**CROSS REFERENCES**

---

**804.01 Definitions**

(a.) Hawker -Any person offering merchandise or services for sale from a fixed place not within a building.

(b.) Hawking -The act of offering merchandise or services for sale from a fixed place not within a building.

(c.) Peddler -Any person offering merchandise or services by going from door to door or by passing from house to house, not including regular route delivery person delivering products on a continuous order basis.

(d.) Peddling -The act of offering merchandise or services for sale by going from door to door or by passing from house to house, not including regular route delivery person delivering products on a continuous order basis.

(e.) Person -Shall mean any person acting independently or as agent or representative of any corporation or partnership.

(f.) Soliciting -The act of offering merchandise or services for sale by sample or description for delivery at a future time, going door to door or passing from house to house, not including representatives of non-profit or charitable corporations organized under the laws of the State of Michigan.

(g.) Solicitor -Any person offering merchandise or services for sale by sample or description for delivery at a future time, going from door to door or passing from house to house, not including representatives of non-profit or charitable corporations organized under the laws of the State of Michigan.

(h.) Vending -The act of offering merchandise or services from a fixed place in a temporary structure or shelter.

(i.) Vendor -Any person offering merchandise or services from a fixed place in a temporary structure or shelter.

#### **804.02 License Necessity.**

It shall be unlawful for any person either as principal agent or representative to engage in the business of hawking, vending, peddling or soliciting as herein defined, within the City of Ewart, without having first obtained a license therefore in the manner as herein provided.

#### **804.03 License**

(a.) A person desiring to engage in the business of hawking, vending, peddling or soliciting shall file an application therefore with, and on a form provided by, the City Clerk.

(b.) The applicant shall pay a license fee in the amount of \$50.00, per person, per year, whereupon the City Clerk shall issue a license to the applicant as herein provided.

(c.) The license shall be valid for one (1) year from its date of issuance.

(d.) If the clerk shall refuse to issue a license as herein provided, the applicant may appeal to the City Council at its next regular meeting upon giving notice thereof in writing to the City Clerk.

(e.) No license shall be required of any person engaging in the retail sale of farm produce or timber providing that the produce or timber to be sold is sold at retail on the lands on which the produce or timber was grown and harvested.

**804.04 Deposits Subject to Claims.**

Deposits made with the City Treasurer as required by the preceding Section shall be subject to claims in all cases where a suit has been brought against the applicant and garnishment proceedings brought against the City. Any deposits remaining with the City shall be returned to the applicant no sooner than six (6) months after the expiration of the license.

**804.05 Prohibited Conduct.**

The following conduct by a hawker, peddler, solicitor or vendor is prohibited:

- (a.) Entering a private residence under pretenses other than for peddling.
- (b.) Remaining in a private residence or on the premises thereof after the owner or occupant thereof has requested any such person to leave.
- (c.) Going in and upon the premise of a private residence by such person to peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises.
- (d.) Peddling or soliciting at a private residence prior to 10:00 a.m. and after official sunset time, or at anytime on a Sunday or on a state or national holiday.
- (e.) Any hawking, peddling or soliciting, in violation of the Evert Zoning Ordinance.

**804.06 Invalidation or Revocation of License.**

(a.) A license shall become immediately void at the time a deposit required of the licensee by Section 3 shall be reduced to less than the amount required unless the applicant shall deliver to the City additional deposits to fund the deposit to the required amount.

(b.) Any such license may be revoked by the City Council for engaging in conduct prohibited under this Ordinance after giving the applicant a hearing before the

City Council after reasonable notice of the time, date and place of hearing has been given to the licensee.

**804.07 Display of License.**

It shall be the duty of every person securing a license under the terms of this Chapter to display said license to any enforcement officer or any person when required to do so.

**804.08 Enforcement.**

It shall be the duty of the City Manager and the Chief of Police of the City to require any person seen selling or offering the sale goods, wares, and merchandise while traveling from place to place in the City and who is not known by the City Manager or Chief of Police to be duly licensed to produce his license and to enforce the provisions of this Ordinance against any person found violating the same.

**804.09 Penalty.**

Any person, corporation, partnership or any other legal entity who shall violate or fail to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, shall be fined as follows:

- (a.) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$50.00 plus costs.
- (b.) **Second Offense** – The second violation of the above rules, within a 3-year period, shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.
- (c.) **Third Offense** – The third or more violation of the above rules, within a 3-year period, shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

**804.10 Severability.**

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.