

Chapter 22 PEDDLERS

22.01.00 Permit and License Required.

It shall be unlawful for a peddler, solicitor, or canvasser, as defined in Section 2 of this chapter, to engage in such business within the corporate limits of the City of Sandusky without obtaining first a permit and license therefore in compliance with the provisions of this chapter.

22.02.00 Definitions

22.02.01 The word “person” as used herein shall include the singular and the plural and shall also mean and include any person, firm, or corporation, or any other organization.

22.02.02 The word “peddler” as used herein shall include any person whether a resident of the City of Sandusky or not, 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, meats fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as 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 word “peddler shall include the words “hawker” and “huckster”.

22.02.03 A canvasser or solicitor is defined as any individual, whether resident of the City of Sandusky or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

22.03.00 Application

Thirty (30) days prior to the conducting of any business controlled by this Chapter,

Applicants for permit and 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 shall give the following information:

22.03.01 Name and description of the applicant;

22.03.02 Address (legal and local);

22.03.03 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;

22.03.04 If employed, the name and address of the employer, together with credentials establishing the exact relationship;

22.03.05 The length of time for which the right to do business is desired;

22.03.06 If the vehicle is to be used, a description of the same, together with license number or other means of identification;

22.03.07 A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and the shoulders of the applicant in a clear and distinguishing manner;

22.03.08 The fingerprints of the applicant and the names of at least two reliable property owners of the County of Sanilac, and State of Michigan, 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;

22.03.09 A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;

22.03.10 Applicant shall file with his application a statement by a reputable physician of the City of Sandusky, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease.

22.03.11 At the time of filing the application, a fee of \$10.00 shall be paid to the City Clerk to cover the cost of investigation.

22.04.00 Investigation and Issuance.

22.04.01 Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

22.04.02 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 disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

22.04.03 If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police

shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the City Clerk, who shall present the application and permit to the City Council for approval at its next regular meeting. Applicant shall appear before the Council at that time to respond to inquires. If Council chooses to disapprove of the permit, it shall state its reasonable basis in the rejection motion. If Council chooses to approve the application and permit, as submitted or modified, it shall direct the City Clerk to collect the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold there under, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

22.05.00 Fees.

22.05.01 The license fee which shall be charged by the City Clerk for such license shall be charged on a daily, weekly, monthly or yearly basis and set annually by the City Council.

22.05.02 None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit, and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Mayor shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair reasonable, and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 5 (a) of this chapter. Should the Mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City of Sandusky or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefore, provided that no additional

fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in Section 5 (a) of this chapter.

22.06.00 Bond.

Every applicant, not a resident of the City of Sandusky, or who being a resident of the City of Sandusky represents a firm whose principal place of business is located outside the State of Michigan, shall file with the City Clerk a surety bond, running to the City in the amount of \$1,000.00, with surety acceptable to and approved by the Mayor, conditioned that the said applicant shall comply fully with all the provisions of the ordinances of the City of Sandusky and the statutes of the State of Michigan regulating and concerning the business of solicitor and guaranteeing to any citizen of the City of Sandusky doing business with said solicitor. Action on such bond may be brought in the name of the City to the use or benefit of the aggrieved person.

22.07.00 Badges.

The City Clerk shall issue to each licensee at the time of delivery of his license a badge which shall contain the words “Licensed Peddler” or “Licensed Solicitor” as the case may be, the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of ten feet. Such badge shall, during the time such licensee is engaged in peddling or soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.

22.08.00 Exhibition of License.

Peddlers, solicitors, and canvassers are required to exhibit their licenses at the request of any citizen.

22.09.00 Duty of Police to Enforce

It shall be the duty of any police officer of the City of Sandusky to require any person seen peddling, soliciting, or canvassing, and who is not known by such officer to be duly licensed, to produce his peddler’s solicitor’s, or canvasser’s license and to enforce the provisions of this chapter against any person found to be violating the same.

22.10.00 Records.

The Chief of Police shall report to the City Clerk all convictions for violation of this chapter and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

22.11.00 Revocation of License.

22.11.01 Permits and licenses issued under the provisions of this chapter may be revoked by the Mayor of the City of Sandusky after notice and hearing, for any of the following causes:

- A) Fraud, misrepresentation, or false statement contained in the application for license.
- B) Fraud, misrepresentation or false statement in the course of carrying on his business as solicitor or as canvasser.

- C) Any violation of this chapter.
- D) Conviction of any crime or misdemeanor involving moral turpitude, or
- E) Conducting the business of soliciting, or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

22.11.02 Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or served personally upon him at least five (5) days prior to the date of hearing. Upon service of said notice the license of said licensee shall be temporarily suspended, pending such hearing.

22.12.00 Appeal.

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit or license as provided in Section 4 of this chapter, or the action of the Mayor in the assessing of the fee as provided in Section 5 (b) of this chapter shall have the right of appeal to the Council of the City of Sandusky. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in Section 11 of this chapter for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

22.13.00 Expiration of License.

All annual licenses issued under the provisions of this chapter shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

22.14.00 Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be responsible for a Grade C civil infraction.