



Village of Breedsville

82 E Main St. PO Box 152

Breedsville, MI 49027

(269) 427-9029

ORDINANCE 2021-13

VENDORS, PEDDLERS, AND SOLICITORS' ORDINANCE

An Ordinance to regulate the business or activity consisting of the sale or solicitation of goods, merchandise, service, or donations within the Village of Breedsville, Van Buren County, Michigan, upon or from the public streets, parks, and places and upon or from private property or premises not owned, rented, leased, managed or occupied under a valid claim of right or title by vendors, peddlers, door-to-door salesmen or solicitors; to provide penalties for the violation of such regulations; and to repeal all conflicting ordinances.

THE VILLAGE OF BREEDSVILLE, VAN BUREN COUNTY, MICHIGAN ORDAINS

SECTION 1: TITLE

This ordinance shall hereafter be known and cited as the Village of Breedsville Vendors, Peddlers, and Solicitors Ordinance.

SECTION 2: DEFINITIONS

- A. The terms "vending," "peddling," "hawking," "door-to-door selling" or "soliciting" or any variation of the same shall be defined for the purpose of this Ordinance as any activity involving selling or soliciting. The sale of any goods, merchandise, services, or the solicitation of contributions or donations upon or from the public streets, parks, and places or upon or from private property or premises not owned, rented, leased, managed, or occupied under a valid claim of right or title by the person, firm, or corporation engaged in such selling or soliciting activity.
- B. "Charitable/Religious Organization" shall be defined for the purposes of this Ordinance as a benevolent, educational, philanthropic, humane, patriotic, or eleemosynary nonprofit organization of persons which solicit or obtain donations solicited from persons for benevolent, educational, philanthropic, humane, patriotic, or eleemosynary purposes. This term shall also include any duly constituted religious organization no part of the income of which insures to the direct benefit of any individual if the said organization has received a declaration of current tax-exempt status from the United States.

SECTION 3: LICENSE

- A. Licensing required. No person, firm, or corporation shall hereafter operate or engage in, either directly or indirectly, any business of vending, peddling, hawking, door-to-door selling or soliciting within the Village of Breedsville without first obtaining a license therefor from the Village Clerk, which shall only be issued where the applicant qualifies therefor under the terms of this Ordinance. This requirement shall not apply to Charitable/Religious Organizations or appointed representatives soliciting donations on behalf of the same.
- B. No license shall issue when an applicant or a related person is acting in violation of any other Federal, State, or Local law.
- C. Issuance of License. No such license shall be issued unless and until (a) the required license fee has been paid to the Village of Breedsville, (b) a written application, therefore, has been filed with said Clerk accurately disclosing the following information, as applicable:
 - 1. Name and address of the applicant.
 - 2. Name and address of all individuals who will be hawking, peddling, vending, door-to-door selling, or soliciting within the Village of Breedsville on behalf of the applicant.
 - 3. A list of products or services to be sold or solicited.
 - 4. The area or place of solicitation.
 - 5. A general description of the method of solicitation.
 - 6. The name of the last five municipalities in which such business was previously conducted and the dates of the same.
 - 7. The particular hours each day and the dates when the business is proposed to be conducted within the Village of Breedsville.
 - 8. A copy of the order form or contract to be used in the solicitation and any other written or printed material to be employed for the information of customers.
 - 9. A copy of any identification card to be carried by each solicitor.
 - 10. If a vehicle is to be used, a description of the same, and the license plate number.
- D. Bond Requirement. A surety or cash bond in the amount of \$2,500 shall be filed with the Village Clerk before the issuance of any such license to an applicant therefore who is not a citizen of the County of Van Buren or does not have a previously established place of business within the County of Van Buren for a period of not less than six months previous to the license application, conditioned upon the applicant and all employees and representatives of the applicant conducting business within the Village in accordance with this Ordinance.

- E. Duration of License, Renewal. No license shall be issued for a longer period than thirty (30) days. Successive licenses may be obtained upon the payment of the required license fee and the filing of any changes in the information shown on the original application, provided all the regulations herein contained have previously been fully complied with.
- E. License Fee. The thirty (30) day license fee for a corporation, firm, partnership, association, organization, or individual shall be \$150.00 which shall cover all solicitors whose names are on file with the Village Clerk; and the fee for a license of shorter duration shall be \$100.00.
- F. Prior Criminal Conviction. No license shall be issued to any applicant who either (a) has been convicted of any criminal offense involving undue influence in the solicitation, misrepresentation, or failure of disclosure of material information concerning the subject of solicitation or (b) whose employees or agents have been convicted of same.
- G. Revocation of License. Any license may be revoked at any time by the Village Clerk or by the Village Board for any failure to comply with the terms of this Ordinance or for any conduct on the part of the applicant or his or its agents or employees involving misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

SECTION 4: REGISTRATION OF CHARITABLE/RELIGIOUS ORGANIZATIONS

- A. Registration of Charitable/Religious Organizations Required. No Charitable/Religious Organization may engage in any hawking, peddling, vending, door-to-door selling, or solicitation, unless the organization has first registered with the Village Clerk by filling out and filing with, said Clerk a registration form disclosing the following information:
 - 1. Name and address of the applicant.
 - 2. The area of place of solicitation.
 - 3. A general description of the method of solicitation.
 - 4. The particular hours each day and the dates when the business is supposed to be conducted within the Village of Breedsville.
- B. Duration of Registration. No such registration shall be effective for a longer period than two months. Successive registrations may be obtained by applying therefore in writing to the Village Clerk and by the filing of any changes in the information shown on the original registration form.

SECTION 5: PUBLIC SAFETY

In no case shall a hawker, peddler, or solicitor conduct their business from a public street or thoroughfare. Any vendor selling food or drink items shall submit an updated Department of Public Health certificate when applying for a license in the Village of Breedsville. Trash containment and removal procedures shall be submitted to the Village Clerk and approved by the Department of Public Works supervisor before a license is granted. All hawkers, peddlers, and solicitors shall conduct their business from private property. Written permission from the property owner shall be submitted to the Village Clerk when applying for a license. All setback and sign ordinance requirements shall be met before a license is granted.

SECTION 6: HOURS OF OPERATION

No hawking, peddling, vending, door-to-door selling, or soliciting, including any such activity performed on behalf of a Charitable/Religious Organization shall take place from the hours of 8:00 p.m. to 9:00 a.m. No activity for other persons acting under this Ordinance shall occur from 10:00 p.m. to 9:00 a.m.

SECTION 7: SAVING CLAUSE

Should any section, clause, paragraph, or provision of this Ordinance be declared by any court to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

SECTION 8: PENALTY

Any person convicted of violating or assisting in the violation of any provision of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment in the County Jail for not more than ninety (90) days, or both at the discretion of the Court. Each violation and every day upon which such violation shall occur shall be a separate offense. The fine and penalties herein provided for shall be in addition to any injunctive or other relief, which might be available or appropriate under the circumstances.

SECTION 9: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.
All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

CERTIFICATION

I further certify that trustee **B. Hibma** moved for adoption of said Ordinance **No 2021-13**, and that trustee **L. Weniger**, seconded said motion.

I further certify that the following members voted for the adoption of said Ordinance:

Hibma, L. Weniger, W. Yeager, T. Weniger, S. Rogusta voted **for**, and that the following members voted **against** such Ordinance: **None**, Absent: None

I further certify that said Ordinance No 2021-13 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President and Village Clerk.

Steven Rogusta

Steven Rogusta, Village President

Linda Norton

Village of Breedsville, Clerk

I do hereby certify that synopsis of this Ordinance **No 2021-13**, in accordance with statutory requirements was published on **July 18, 2021**, in the South Haven Tribune, a copy of which is attached hereto.

Linda Norton

Village of Breedsville, Clerk

