

Purpose statement:

The St. Ignace Peddlers and Solicitors Ordinance is intended to protect the health, safety, and welfare of St. Ignace residents and businesses by licensing transient vendors, controlling the location of operation of such vendors, and by limiting the number allowed to operate within the city. Special Events Organizers are allowed to contract with and invite transient vendors as part of an approved Special Event, providing that Special Event Vendors comply with all applicable local, state, and federal rules and regulations. It is the City of St. Ignace’s intent to allow events and vending such that the vitality of downtown St. Ignace improves, remains healthy, and serves to benefit the community.

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions

Add:

Special Event means any activity conducted upon or involving the use of City-owned streets, alleys, parking lots, parks, facilities, sidewalks, sports fields, and non-motorized trails, which are different from or greater than the usual routine use by the general public. These activities include but are not limited to parades, musical performance entertainment, public shows, exhibitions, arts and craft shows, festivals, walk and run events, sporting events and events where alcoholic beverages are being sold or host served.

Temporary Sales Structure means anything, for the use of vending, constructed or erected requiring location on the ground which is not permanently affixed or attached to a foundation or not designed to be permanently located in the place where it is located (e.g., temporary sheds, containers, semi-trailers, tents, trucks or other enclosures for persons or goods which are movable).

Sec. 22-4. Use of Streets

- (a) ~~No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.~~ Special events organizations may obtain use of public property by approval of the city council and other authorizing agencies during the term of the event.

Sec. 22-6. ~~Daylight hours only.~~ Hours of Operation

Peddlers in the city shall limit their business operations to ~~daylight hours~~ the hours of 6:00 a.m. to 2:00 a.m. ~~No person shall engage himself in the business of peddling from one hour before sunset until one hour after sunrise.~~ All peddlers must adhere to the city’s noise ordinance, Chapter 12 Article 2, limiting noise emissions to 72 decibels between the hours of 11:00 p.m. and 7:00 a.m. ~~No generators may be run past 11:00 p.m.~~

ARTICLE II. LICENSE

Sec. 22-31. License required.

(a) Generally. It shall be the unlawful for any person to engage in the business of peddler (vendor), as an independent peddler or helper as defined in section 22-1, without first obtaining a license/permit as provided herein for the period during which the vendor plans to conduct business. No such license shall be issued or become effective until seven business days (excluding Sundays and holidays) have elapsed from time of application therefor.

(b) Areas and Events allowed:

1. Mobile Food Vending:

(i) **Public property.** Mobile food vending shall only be allowed on public property when part of an approved public or private **Special Event**. All mobile food vendors must submit a site plan for review and approval. Mobile Food Trucks and Vendors must not block public or private driveways, must not block public street or sidewalks, must not block access to public drains and/or utilities. Any vehicle/vendor found blocking such structures or facilities will be ordered to move or leave.

Mobile food vending in the CBD and GBD Districts shall be limited to the time between May 1 and October 31. **Delete? What about Pond Hockey? Could change to "Outside of Special Events", but not necessary because it's limited to Special Events already.**

(ii) **Private property.** Mobile food vending on private property shall be allowed in ~~business (CBD & GBD) or Light Industrial~~ **all non-residential** districts and must include a parking plan review. **Outside of Special Events**, the number of Mobile Food and/or Temporary Food vendors on a parcel of private property in the Central Business District or the General Business District is limited to no more than one unit on any single day, **unless a food court is permitted pursuant to Sec. 22-31 (b)(3) of this ordinance.**

Outside of Special Events, Mobile Food Vending on private property within the CBD and GBD is limited to the time between May 1 and October 31.

(iii) **Special Events.**

Special Event organizers may submit an event site plan that shows the location of mobile food vendors, and Special Event Organizers may apply for vendor permits on behalf of mobile vendors contracted for or invited to an event by the Special Event Organizer. An application submitted by a Special Event Organizer for a blanket permit must contain assurances from the Event Organizer that all vendors can and will comply with all applicable local, state, and federal rules and regulations. A blanket permit is only good for the duration of the Special Event. Special Event Organizers must agree to advise the City of St. Ignace of any vendors that would not be covered by the Organizers blanket permit request.

(iii) In a residential district, mobile food vending and catering on private property shall only be allowed as part of a private event and shall only serve food to event attendees and not the general public.

Mobile food vending on private residential property shall not be allowed to utilize public property including, but not limited to, sidewalks, streets, and rights-of-way. The outdoor preparation and service of food by a mobile food vendor or caterer in residential areas shall be limited to the hours between 10 A.M. to 10 P.M., standard or daylight savings time. Mobile food vendors and caterers attending to a private party in a residential area are not required to obtain operating permits from the City of St. Ignace.

2. Mobile non-food vending:

(i) **Public Property.** Non-food mobile vending shall only be allowed on public property when part of an approved public **Special** Event. All mobile vendors must submit a site plan for review and approval. ~~Special Event organizers may submit an event site plan that shows the location of mobile vendors.~~ Mobile non-food Vendors must not block public or private driveways, must not block public street or sidewalks, must not block access to public drains and/or utilities. Any vehicle/vendor found blocking such structures or facilities will be ordered to move or leave.

(ii) **Private Property.** Non-food mobile vending is allowed on private property in the CBD and GBD **all non-residential districts** when ~~part of a City Council approved Special Event, and apart from Special Events when~~ allowed by the property owner and permitted by City of St. Ignace. Outside of Special Events, Non-food mobile vending in the CBD and GBD is limited to one unit per property description.

(iii) Special Events

Special Event organizers may submit an event site plan that shows the location of mobile vendors, and Special Event Organizers may apply for vendor permits on behalf of mobile vendors contracted for or invited to an event by the Special Event Organizer. An application submitted by a Special Event Organizer for a blanket permit must contain assurances from the Event Organizer that all vendors can and will comply with all applicable local, state, and federal rules and regulations. A blanket permit is only good for the duration of the Special Event. Special Event Organizers must agree to advise the City of St. Ignace of any vendors that would not be covered by the Organizers blanket permit request.

3. Food Courts

An owner of private property in the CBD or the GBD may apply for permission to create a Food Court on the owner's premises. Such Food Courts, if permitted can consist of no more than six (6) individual mobile food vending units based within the owner's property. Applications for a Food Court must be reviewed by the St. Ignace Downtown Development Authority (D.D.A.) and must be approved by the St. Ignace City Council. A proposed Food Court must be found, by the St. Ignace D.D.A., to be in the best interests of businesses and activities in the CBD and GBD. The City Council of St. Ignace may only act on a Food Court application recommended for approval by the St. Ignace D.D.A. An application for a Food Court must include a site plan and description of days and times of operation of the Food Court.

4. Farmer's Markets:

Farmer's Markets on Public or Private Property are allowed in the CBD and/or GBD when sponsored and conducted by a Special Event Organizer approved by the City of St. Ignace City Council. **Farmer's Markets on Private Property are allowed in the CBD and/or GBD when approved by City Administration.** The Event Organizer must annually request approval for the Farmer's Market. The Farmer's Market Event Organizer must submit a site plan to the City of St. Ignace describing the area proposed for the Market along with an estimate of the approximate number of vendors to be located within the Market. Vendors in an approved Farmer's Market are not required to obtain City of St. Ignace permits under the Peddler's Ordinance when the merchandise being sold is limited to farm-produced products and/or merchandise such as handicraft and artwork created by the vendor. The Market Event Organizer is responsible for assuring that vendors only market farm produced products, and handicraft and artwork produced by the individual vendors. The Event Organizer is responsible for annually notifying the Michigan Department of Agriculture and Rural Development of the dates for operation of the Market.

5. Flea Markets:

Flea Markets (vendors selling used merchandise, collectible items, antiques, and vendor produced crafts) on Private **Public** Property are allowed in the CBD and/or GBD when sponsored and conducted by a Special Event Organizer approved by the City of St. Ignace City Council. **Flea Markets on Private Property are allowed in the CBD and/or GBD when approved by City Administration.** The Event Organizer must annually request approval for the Flea Market. The Flea Market Event Organizer must submit a site plan to the City of St. Ignace describing the area proposed for the Market along with an estimate of the approximate number of vendors to be located within the Market. Vendors in an approved Flea Market are not required to obtain City of St. Ignace permits under the Peddler's Ordinance when the merchandise being sold is limited to farm-produced products, baked goods, and/or merchandise such as handicraft and artwork created by the vendor, the sale of used items, collectible items, and antiques.

The Market Event Organizer is responsible for assuring that vendors only market approved products. The Event Organizer is responsible for annually notifying the Michigan Department of Agriculture and Rural Development of the dates for operation of the Market, if the Market will contain vendors selling farm-produced products and/or baked goods.

6. Garage and Estate Sales on Private Residential Property:

Garage and Estate Sales on private property in residential areas do not require operating permits. The display and sale of merchandise from a garage or estate sale must limited to private property, may not occupy public sidewalks or rights-of-way. Garage and Estate Sales are limited to a three (3) day duration. Any residential property is limited to no more than three (3) sale events per calendar year.

Sec. 22-32. Special events and special events organization. (much of this is covered in previous sections and/or will be covered in the application process, so is not needed here)

(2) The city council shall determine that allowing of vending **the proposed vending** during the special event is in the public interest;

~~(e) The special event organization shall provide a list of the event's vendors and no later than five working days prior to the event~~

~~(f) The special event organization must provide a letter from property owners permitting vendors the use of property not owned by city~~

~~(g) The special event organization must provide a site plan for all public and private properties used by each vendor during the special event, including vendor's name and goods to be sold. Said site plan shall be provided to the city clerk office no later than 72 hours prior to the vent.~~

~~(i) The city shall be allowed to determine which vendors may participate in the event and shall regulate same, subject to the conditions specified in chapter 22 of the Code.~~

Sec. 22-33. Interstate commerce. **Delete.**

Sec. 22-34. Bond requirement. **Delete. Can be an application requirement per policy.**

Sec. 22-35. Application.

No permit will be issued unless through application on a form provided by the city.

Sec. 22-36. Investigation.

DELETE.

Sec. 22-38. Badges.

DELETE.

Sec. 22-40. Nontransferability.

No license or badge issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued.

Sec. 22-43. Expiration of license.

Dependent on fee structure.

Add:

Sec. 22-44. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.