

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

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Helper means any person who engages in the business of peddler by accompanying another peddler as a helper or assistant. If two or more persons are associated in the business of peddler but go about their business separately from place to place within the city, they shall each be deemed an independent peddler for purposes of this chapter.

Peddler, also known as a “transient trader”, means any person who solicits, sells, or peddles from a temporary sales structure, or who travels by foot, wagon, vehicle, or any other type of conveyance, from place to place, from street to street, or from person to person, carrying, conveying, or transporting goods or services, wares, merchandise, meats, fish, fruits, vegetables or foodstuff, offering and exposing the same for sale, or making sales or delivering articles to customers; or who, without going from place to place, sells or offers the same for sale from a wagon, vehicle, railroad car, or other conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers, or causes such deliveries to be made at a future time.

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).

Vendor, any person who sells from a temporary sales structure during a special event.

Sec. 22-2. Exemptions.

- a. It is the intent of this chapter that the following persons shall not be deemed peddlers for purposes of this chapter, and shall not be subject to regulations hereunder:

1. Any person working as a route salesman, on a fixed route with regular periodic deliveries or visits, and who does not call on persons or places not already established as customers.
 2. Any person engaged exclusively in wholesale sales to retail merchants.
 3. Any person engaged in peddling on behalf of a school or recognized charitable or religious organization; said organization to produce evidence of nonprofit status through a federal nonprofit Internal Revenue Service identification number or any other verifiable proof of nonprofit status, and who is receiving no financial or material compensation for such work.
- b. However, the city clerk shall, with the cooperation of the exempted person, issue a license and badge to such person without charge for a period not to extend beyond December 31 of the year in which they are issued.

Sec. 22-3. Loud noises and speaking devices.

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, alley, parks or other public places of said city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenue, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

Sec. 22-4. Use of Streets

- (a) 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. 22-5. Conduct.

No person engaged in the business of peddling shall conduct himself toward the public or any individual person in such a manner as to be offensive, disorderly or rude. No person engaged in the business of peddling shall enter or remain on any private premises, contrary to the request of the owner or occupant thereof.

Sec. 22-6. Hours of Operation

Peddlers in the city shall limit their business operations to the hours of 6:00 a.m. to 2:00 a.m. 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., including noise from generators.

Sec. 22-7. Duty of police to enforce.

It shall be the duty of any police officer of the city to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license, and to enforce the provisions of this chapter against any person found to be violating the same.

Sec. 22-8. 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 violations therein.

Sec. 22-9. Violation and penalty.

Any person violating any of the provisions of this chapter shall be guilty of a municipal civil infraction.

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 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.

Outside of Special Events, Mobile food vending in the CBD and GBD Districts shall be limited to the time between May 1 and October 31.

(ii) ***Private property.*** Mobile food vending on private property shall be allowed in 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.

Mobile food vending as part of a Special Event is allowed year-round.

(iv) 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 Special Event. All mobile vendors must submit a site plan for review and approval. 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 all non-residential districts 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 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 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 be 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 four (4) sale events per calendar year.

Sec. 22-32. Special events and special events organization.

- a) Special events organizations are those groups or organizations that are determined by resolution of the city council to be organized as such. The minimum criteria that the

special events organization shall meet prior to the approving resolution of the city council are:

- (1) The city council shall determine that the special event is in the public interest;
 - (2) The city council shall determine that the proposed vending during the special event is in the public interest;
 - (3) The special event organization may be a profit or nonprofit organization which the city council recognizes as a legal entity;
 - (4) The city council shall determine that the special event shall be organized as such for convenience and be necessary for the betterment of the general public;
 - (5) Any other criteria that the city council may wish to establish.
- b) Special event organizations are required to complete and submit an application to the city at least 30 days before the start of the special event.
 - c) The special event organization must provide proof of general liability insurance (amount to be determined by city's insurance agent) naming City of St. Ignace as additional insured.
 - d) The special event organization is required to reimburse all city expenses incurred as a result of the event. Reimbursements collected by the city shall be used to defray the cost of the special event.
 - e) Vendors who will be selling food, beverages, meats, fruits, vegetables and foodstuff are required to meet all local health department regulations.

Sec. 22-35. Application.

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

Sec. 22-37. Fees.

The fees for peddler's licenses as required herein shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

Sec. 22-39. Exhibition of license.

It shall be the duty of every person actively engaged in the business of peddler to carry his license on his person at all times, and to exhibit his license at the request of any citizen, and to allow such citizen a reasonable period of time in which to inspect such license.

Sec. 22-40. Nontransferability.

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

Sec. 22-41. Suspension and revocation of licenses.

Any license granted under the terms of this chapter may be suspended by the chief of police, or revoked by the city council, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;

- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddling 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.

Sec. 22-42. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in the denial of an application for license as provided in section 22-36, or in the decision with reference to the suspension or revocation of a license as provided in section 22-41, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within 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 ten days' notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.

Sec. 22-43. Expiration of license.

All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year in which issued. Licenses other than annual licenses shall expire on the date specified in the license.

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.