

City of Marshall

PEDDLER'S and SOLICITOR'S PERMIT APPLICATION

§112.02 Definitions.

Peddler and Solicitor. Any person who by profession, trade, or occupation sells or offers for sale any goods, wares, merchandise or services by traveling about the city and, in the course of his or her business, may enter upon residentially-owned property and is not subject to Marshall City taxes on the subject business' real or personal property.

Fees:	1-10 consecutive days	\$25.00
	Less than 30 consecutive days	\$60.00
	Less than 60 consecutive days	\$75.00
	Up to 90 consecutive days	\$100.00

Exempt from fees, **not registration**, are: Duly authorized solicitors on behalf of any religious organizations and entities which qualify or could qualify as tax—exempt organizations by the United States Internal Revenue Service.

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Height: _____ Weight: _____ Eye color: _____ Hair color: _____

Birth date: _____ Sex: _____ Driver's license or State ID: _____

Telephone: _____ Social Security Number: _____

Signature verifying receipt of ordinance regulations: _____

Name of Business: _____

Business Address: _____

Business City: _____ State: _____ Zip: _____

Business Telephone: _____

Describe Activity: _____

Office use only

Date Permit issued: _____ Date Permit Expires: _____

Amount Paid: _____ Check Number: _____ Exempt Status : _____

Police Department Signature _____ Date: _____

CHAPTER 112: PEDDLERS AND SOLICITORS

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§ 112.01 PURPOSE.

The purpose of this chapter shall be to protect the health, safety and welfare of the citizens of the city by regulating peddlers and solicitors.

§ 112.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER AND SOLICITOR. Any person who by profession, trade, or occupation sells or offers for sale any goods, wares, merchandise or services by traveling about the city and, in the course of his or her business, may enter upon residentially-owned property

and is not subject to Marshall City taxes on the subject business' real or personal property.

§ 112.03 LICENSE REQUIRED.

Peddlers and solicitors shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter.

§ 112.04 APPLICATION FOR LICENSE.

Persons required to obtain a license shall apply for it at the office of the City Clerk. Each individual peddler or solicitor will apply for a license and provide a valid driver's license or State ID. The content of the application form shall be prescribed by the City Clerk.

Statutory reference:

Home solicitation sales, see M.C.L.A. §§ 445.111 et seq.; M.S.A. §§ 19.416(201) et seq.

§ 112.05 FEES REQUIRED.

A license fee, set by resolution of the City Council, shall be paid in full prior to issuance of the license.

§ 112.06 EXEMPTIONS.

(A) The following persons and entities shall not be required to obtain licenses as specified herein and shall not be required to pay the fees prescribed herein: Duly authorized solicitors on behalf of any religious organization and entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service. The City Clerk shall make the final determination regarding exemptions. Exempt persons or organizations shall be required to register with the City Clerk for identification purposes when engaging in any activity regulated by this chapter.

(B) Persons selling newspapers, commercial travelers or selling agents calling upon commercial establishments in the usual course of business shall not be required to obtain a license.

§ 112.07 INVESTIGATION AND ISSUANCE; NOTICE OF DENIAL.

(A) Upon receipt of an application for a peddler's or solicitor's business license, the City Clerk and the Chief of Police may cause the investigation of the person's or persons' business responsibility or moral character to be made as they deem necessary for the protection of the public good. If, as a result of the investigation, the applicant's

character and business reputation appear to be satisfactory, the City Clerk shall proceed to issue a license.

(B) The City Clerk shall keep a full record in his or her office of all licenses issued and shall submit a copy of the record to the Chief of Police. Within three working days of receipt of an application, the City Clerk shall either issue to the applicant the requested license or issue a written notice of denial and the reason therefor. The person whose license has been denied shall have the right to file an appeal to the City Council within seven days of the denial.

§ 112.08 EXPIRATION OF LICENSE.

All licenses issued under the provisions of this chapter shall expire within ten, thirty, sixty or ninety days of issuance. No peddler or solicitor may be issued a license for more than ninety days in a twelve month period.

§ 112.09 REVOCATION OF LICENSE; APPEAL.

(A) The licenses issued pursuant to this chapter may be revoked at any time by the City Clerk or the Chief of Police, or their duly authorized representatives, for any of the following reasons:

(1) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement contained in connection with the selling of goods, wares, merchandise or services;

(3) Any violation of a city ordinance, including the city zoning code and the city sign code;

(4) Conviction of the applicant or other persons acting under the authority of the applicant's license for any felony or of a misdemeanor conviction involving moral turpitude within five years; and/or

(5) Conducting the business permitted under this chapter in an unlawful manner or in such a manner as, to constitute a breach of the peace, nuisance or a menace to the health, safety or general welfare of the public.

(B) Within three working days of the revocation of a license, the City Clerk shall send to the person whose license has been revoked, notice setting forth specifically the grounds of the revocation. The notice shall be mailed to the person to whom the license was issued at the address shown on the license application.

(C) The person whose license has been revoked shall have the right to file an appeal to the City Council within seven days of the revocation.

§ 112.10 DISPLAY OF LICENSE.

Any peddler or solicitor licensed under the provisions of this chapter shall have the license issued to him or her in his or her immediate possession and shall display the same upon demand of any duly authorized representative of the city. Peddlers and solicitors shall produce their license upon demand by any person.

§ 112.11 HOURS OF BUSINESS.

No person shall engage in any peddler or soliciting activity at any residence within the city during the period from dusk until 9:00 a.m.

§ 112.12 SALES FROM A VEHICLE.

It shall be unlawful for any person traveling about the city doing business from any vehicle which is self-propelled, propelled by human power or propelled by any other means to:

- (A) Operate a vehicle when under the age of 18 years;
- (B) Double park in any manner;
- (C) Operate the vehicle backwards in making or attempting to make a sale;
- (D) Permit any person to hang on the vehicle;

(E) Refuse to remove the vehicle from any street, sidewalk or public place in the city upon the request of a police officer when, in the opinion of the police officer, the vehicle is causing traffic congestion;

(F) Cry his wares in a loud voice or use any noise-making device other than a soft chime and the limit of audibility of his or her voice or chime shall not be more than 200 feet from the source of the sound; or

(G) Make or attempt to make a sale from a side of a vehicle not closest to the curb.

§ 112.13 RESTRICTIONS ON OPERATIONS OF PEDDLERS AND SOLICITORS.

(A) The City Manager, City Clerk or Chief of Police may place such reasonable restrictions upon the location, hours, provisions for parking, or methods of operation of any peddler or solicitor licensed under this chapter, as deemed necessary to protect the general public health, safety or welfare. The restrictions may be imposed, modified or withdrawn at the time of licensure or any point thereafter.

(B) The City Council may, by resolution, establish general policies and guidelines, in addition to the provisions of this chapter, governing the location, hours or methods of operation of peddlers or solicitors. Any such resolution shall not have the effect of invalidating any license already issued.

§ 112.14 ENFORCEMENT.

The Chief of Police and the City Clerk and their duly authorized representatives shall have the authority to examine all places of business and persons within the city, subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating same.

§ 112.15 RELATIONSHIP TO OTHER ORDINANCES.

The terms of this chapter shall in no manner alter the interpretation or requirements of any other chapter of the City Code, whether the person is licensed or exempt under this ordinance shall comply with all applicable provisions of the city's Zoning, Sign and Building Codes. The City Clerk may require evidence of compliance with the codes prior to issuing a license.