

## VILLAGE OF AUGUSTA

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 162

## HAWKERS, PEDDLERS AND SOLICITORS ORDINANCE

ADOPTED: Jan 27, 1986

EFFECTIVE: Mar. 20, 1986

An ordinance to regulate the business of the sale or solicitation of goods, merchandise, services or donations with the Village of Augusta, Kalamazoo County, Michigan, upon or from the public streets, parks and places and upon or from private property or premises; to provide penalties for the violations of such regulations; and to repeal all ordinances or parts of ordinances in conflict therewith.

## THE VILLAGE OF AUGUSTA

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I

## TITLE

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

SECTION II

## DEFINITIONS

A. The terms "hawking", "peddling", "vending", "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, 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 purpose 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 net income of which inures to the direct benefit of any individual if said organization has received a declaration of current tax exempt status from the United States.

SECTION III

## LICENSE

A. Licensing required. No person, firm or corporation shall hereafter operate or engage in, either directly or indirectly, any business of hawking, peddling, vending, door-to-door selling or soliciting within the Village of Augusta without first obtaining a license therefore from the Village Clerk of said Village, which shall only be issued where the applicant qualifies therefore under the terms of this ordinance. This requirement shall not apply to charitable/religious organizations or duly appointed representatives soliciting donations on behalf of same.

B. Issuance of license. No such license shall be issued unless and until (1) the required license fee has been paid to the Village of Augusta, (2) the Village Clerk is satisfied that the business will be conducted without any undue influence, misrepresentation or lack of proper disclosure of material information concerning the subject of the solicitation, and (3) a written application therefore has been filed with said clerk accurately disclosing the following information:

1. Name and address of applicant
2. Name and address of all individuals who will be hawking, peddling, vending, door-to-door selling or soliciting within the Village of Augusta on behalf of the applicant.
3. A list of the 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 names 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 Augusta.
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.

C. Bond requirement. A surety bond in the amount of \$1,000.00 or cash bond or bank letter of credit in the amount of \$500.00, shall be filed with the Village Clerk before the issuance of any such license to an applicant except as provided hereafter. However, such bond or letter of credit shall not be required of a citizen of the County of Kalamazoo or an applicant with an established place of business within the County of Kalamazoo for a period of not less than six months previous to the license application. The applicant and all employees and representatives of the applicant shall conduct business within the Village in accordance with this ordinance and without any undue influence, misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

D. Duration of license, renewal. No license shall be issued for a longer period than three months. 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 met.

E. License fee. The three month license fee for a corporation, firm, partnership, association or organization with multiple solicitors shall be \$ 300.00 which shall cover all individual solicitors whose names are filed with the Village Clerk; and a similar 30 day license therefore shall be \$150.00. The three month license fee for an individual person not covered by the foregoing shall be \$300.00 and the 30 day license fee for such individual shall be \$ 100.00.

F. Exempt persons. This ordinance shall not apply to persons soliciting for charitable/religious organizations, farmers selling or offering for sale any products grown, raised or produced by them, or to any person under 18 years of age when engaging in peddling, selling, or soliciting in the neighborhood of his residence on foot under direct supervision of any school.

G. Prior criminal conviction. No license shall be issued to any applicant who either (1) has been convicted of any criminal offense involving undue influence in solicitation, misrepresentation or failure of disclosure of material information concerning the subject of solicitation or (2) whose employees or agents have been convicted of same.

H. 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 undue influence, misrepresentation or failure of disclosure of material information concerning the subject of solicitation within the Village.

#### SECTION IV

##### REGISTRATION OF CHARITABLE/RELIGIOUS ORGANIZATIONS

A. Registration of charitable/religious organizations is required. No charitable/religious organization may engage in any hawking, peddling, vending, door-to-door selling or soliciting 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 applicant.
2. The area or 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 with the Village of Augusta.

B. Duration of registration. No such registration shall be effective for a longer period than three 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 V

##### Hour 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 9:00 pm to 8:00 am.

#### Section VI

##### Identification cards

All persons hawking, peddling, vending, door-to-door selling or soliciting, including persons doing so on behalf of charitable/religious organizations, must carry on their person at all times while they are engaged in such activity an identification card issued to them by the Village of Augusta.

#### Section VII

##### 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 VIII

## Penalty

Any person, firm or corporation, including the firm or corporation which retains a solicitor, who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of up to \$500.00 or imprisonment. Each day that a violation exists shall constitute a separate offense. The fines 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 IX

## Effective date

This ordinance shall take effect on the 20 th day of March, 1986.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

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Eleanor Baxter, Clerk  
Village of Augusta