

VILLAGE OF NASHIVLLE
BARRY, MICHIGAN
ORDINANCE NO. 11-9-2006-A

AN ORDINANCES TO REGULATE PEDDLERS AND CANVASSERS AND TO
PROVIDE PENALTIES FOR VIOLATIONS.

THE VILLAGE OF NASHVILLE ORDAINS:

Section 1. Definitions - When used in this section, the following definitions shall apply:

(1) "Peddler" means any person traveling by foot, wagon, motor vehicle or other conveyance, from place to place, house to house, business to business, or street to street, selling or offering for sale any goods or services, whether for current or future delivery.

(2) "Canvasser" means any person traveling by foot, wagon, motor vehicle or other conveyance, from place to place, house to house, business to business, or street to street, on behalf of a religious, political or non-profit charitable organization selling goods or services for that organization for its fund-raising, seeking donations, distributing information or seeking signatures on petitions.

Section 2. Peddler registration required.

All peddlers shall register with the Village Clerk prior to peddling in the village. Such registration shall require the name, address, telephone number, photo identification review, vehicle license number and date of birth of the peddler. The peddler shall describe the goods or services being sold and the general terms of the transactions. The peddler shall provide the name, address, telephone number, and information about the company or venture the peddler represents. The peddler shall further provide the name, address, telephone number, and business hours of a contact person at the company or venture the peddler represents. Copies of brochures or promotional materials shall be left with the Village Clerk. The Village Clerk may examine samples, catalogs or other materials. The Village Clerk or Police Chief may verify the peddler's employment or authority to represent the company or venture and may conduct a criminal background check of the peddler and/or the company or venture represented.

Section 3. Prohibited peddling and canvassing.

Peddling and canvassing is prohibited on any privately owned premises that is posted with a sign or other notice stating "no trespassing," "no visitors," "no soliciting," "no solicitors," "do not disturb," or similar notification making apparent

the desires of the owner or occupant of the premises. Peddling is prohibited on any privately owned premises that are posted with a sign or other notice stating “no peddling.”

Section 4. Remaining on premises.

No peddler or canvasser shall remain on any premises or return to any premises after being asked or directed to leave by the owner, occupant or person in charge of such premises.

Section 5. Violations/Civil Infractions.

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$100 for a second violation, and \$150 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500. Each sale, attempted sale, and each act of entering upon a premises or remaining on any premises in violation of this section shall be a separate offense.

Section 6. Defense.

Any person cited or apprehended for violating the provisions of this section applicable only to peddlers may raise as an affirmative defense the claim that he or she is a canvasser as defined in this section. Any person making that defense shall have the burden of proof.

Section 7. Severability.

If any part of this Ordinance is declared to be invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Ordinance, which shall remain in full force and effect.

Section 8. Effective Date.

This ordinance shall be published in the manner required by law and shall become effective twenty (20) days after the date of publication.

Moved by Council member Kenyon seconded by council member Bracy that the foregoing Ordinance No. 11-9-2006-A be adopted.

Ayes: Holden, Bracy, Kenyon, Coll, J Dunham, F Dunham

Nays: none

Absent: Shotts

Ordinance No. 11-9-2006-A declared adopted at a regular meeting of the Nashville Village Council held on November 9, 2006.

Frank Dunham, Village President

Cathy Lentz, Village Clerk

I hereby certify that the foregoing is a true and exact copy of the ordinance adopted by the Nashville Village Council at a regular meeting held on November 9, 2006 and was published in the Maple Valley News on November 14, 2006.

Cathy Lentz, Village Clerk

Adopted: 11-9-2006

Published: 11-14-2006

Effective: December 4, 2006