

TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 2025-03
PEDDLERS AND SOLICITORS

AN ORDINANCE TO AMEND THE ARTICLE 12-II. OF CHAPTER 12, PEDDLERS AND
SOLICITORS, OF THE SCIO TOWNSHIP CODE

NOTE: Unchanged Code text is in plain Times New Roman font. Additions to Codes are in <u>single underline Times New Roman font</u> . Deletions to Codes are in strikethrough Times New Roman font.
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THE TOWNSHIP OF SCIO, WASHTENAW COUNTY, HEREBY ORDAINS:

Section 1:

That Article 12-II, Scio Township Code of Ordinances, of Chapter 12, is amended as follows:

Chapter 12 - BUSINESSES

ARTICLE II. - ⁽¹⁾ TRANSIENT MERCHANTS ~~PEDDLERS, and SOLICITORS~~

Footnotes:

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State Law reference— Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.

Sec. 12-19. - Definitions.

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

~~*Established merchant*~~ means a person or business (including employees) whose principal place of business, ~~excluding his residence, is within the boundaries of the township and who has been in continuing operation in such location for a minimum of one year.~~

~~*Peddler* means any person who travels by foot, motor vehicle or any other type of conveyance, from place to place, selling or offering for sale goods or services. The term "peddler" includes the terms hawker, huckster, and includes any driver of a vehicle used for peddling.~~

~~*Solicitor* means any person traveling either by foot, motor vehicle or any other type of conveyance, from place to place, seeking to obtain orders for the purchase of goods or services for future delivery or performance, or seeking donations of money or goods. The term "solicitor" includes any driver of a vehicle used for soliciting.~~

~~*Transient merchant* means any person engaging temporarily in the sale of goods, wares, or merchandise, or the carrying on of any business and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind.~~

Transient merchant

Transient merchant means any "peddler," "solicitor," or "transient vendor" as herein defined. These terms are defined as follows:

(a). *Peddler*

Peddler means any person who travels from place to place, for the purpose of displaying, offering for sale, taking orders for sale, selling, or leasing with the option to buy, any goods, property or services. "Peddler" also means any person who is on the streets or alleys or open places, or in public grounds or places, sells or offers for sale, any goods, property or services.

The term shall not include:

- (1) Any person selling or offering for sale goods, wares or merchandise that he has grown, raised or manufactured, except when other goods not of his own raising, growing or manufacturing are also offered for sale by him; or
- (2) Any salesperson, delivery person, independent contractor operating an established route or who has an established business relationship with the customer.

(b). *Solicitor*

Solicitor means any person who travels from place to place and offers for sale, takes orders for, or attempts to take orders for the retail sale of any goods, personal property or service for future delivery. "Solicitor" also means any person who, while on a public street or while in a public place, offers for sale, takes orders for or attempts to take orders for the retail sale of any goods, personal property or service whatsoever for future delivery.

(c). *Transient vendor*

Transient vendor person who sells, offers for sale, exhibits, displays, demonstrates or takes orders for the retail sale of any personal property or service whatsoever from any vehicle, conveyance, stand or temporary structure, including Mobile Food Service Units, commonly

known as Food Trucks. "Transient vendor" also means any person who for a period of 30 days or less per year hires, leases, rents, occupies or uses any place or places within the Township, whether in a building or not, for the purpose of exhibiting samples or for the purpose of taking orders for future delivery or both.

Person

Person means an individual person, corporation, partnership, limited liability company, or two or more persons having a joint or common interest.

Sec. 12-20. - License or permit required.

It shall be unlawful for any solicitor, peddler, or transient merchant to engage in such business within the corporate limits of the Township without first obtaining a license or permit in compliance with the provisions of this article.

Sec. 12-21. - Exemptions from license.

The licensing provisions of this article shall not apply to:

- ~~a. Farmers or others selling their own home-grown produce (except when other goods not of his own raising or growing are also offered for sale), nonprofit civic and religious associations, clubs or corporations and established merchants. Such individuals and organizations shall apply for and thereafter be furnished with a permit or badge which must be displayed during hours of operation as evidence to law enforcement officials and citizens that they have been granted permission to so operate.~~
- ~~b. Persons soliciting at private residences for the purpose of obtaining orders for the sale of goods who are at such residences by prior invitation.~~
- ~~c. Persons who are selling goods for the purpose of resale (i.e., wholesalers).~~
- (a) Persons selling goods, produce, wares, or merchandise of any description raised, produced, or manufactured by the individual offering the same for sale. Farmers or others selling their own home-grown produce (except when other goods not of his or her own raising or growing are also offered for sale), nonprofit civic and religious associations, clubs or corporations and established merchants. Such persons and organizations shall apply for and thereafter be furnished with a permit or badge which must be displayed during hours of operation as evidence to law enforcement officials and residents that they have been granted.
- (b) A person soliciting orders by sample, brochure, or sales catalog for future delivery or making sales at residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

- (c) Persons soliciting at private residences for the purpose of obtaining orders for the sale of goods who are at such residences by prior invitation.
- (d) A person handling vegetables, fruits, or perishable farm products at any established city or village market.
- (e) A person operating a store or refreshment stand at a resort or having a booth on or adjacent to the property owned or occupied by him or her.
- (f) A person operating a stand on any fairgrounds.
- (g) A person selling at an art fair or festival or similar event at the invitation of the event's sponsor if all of the following conditions are met:
 - (i) The sponsor is a governmental entity or nonprofit organization.
 - (ii) The person provides the sponsor with the person's sales tax license number.
 - (iii) The sponsor provides a list of the event's vendors and their sales tax license numbers to the county treasurer and the state treasurer.
- (h) Persons who are selling goods for the purpose of resale (i.e., wholesalers).
- (i) A person under 19 years of age, when engaged in the business of being a transient merchant in the neighborhood of his or her residence or school district, while under the direction of any school or recognized charitable organization or religious organization.

Sec. 12-22. - License application.

An applicant for a license under this article must file a sworn application with the Township clerk, on a form to be furnished by the Township clerk, providing the following information:

For Peddlers and Solicitors:

- (a) Applicant's name, date of birth, weight, height, color of eyes, and color of hair.
- (b) Residence address and business address.
- (c) Description of the nature of the business and the goods to be sold.
- (d) If employed in the capacity of a transient merchant, the name, address and phone number of the employer and a letter from the employer stating the applicant's relationship with the employer.
- (e) The length of time for which the right to do business is desired (may not to exceed one year).

- (f) If a vehicle is to be used, a description of the same, together with license number or other means of identification and proof of insurance.
- (g) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) If the applicant intends to handle or sell anything for human consumption, he shall furnish with his application proof of an appropriate permit issued by the county health department.
- (i) At the time of filing the application, a fee as currently established or as hereafter adopted by resolution of the township board from time to time shall be paid to the township clerk to cover the cost of investigation.
- (j) Evidence of insurance. Each applicant hereunder shall give evidence of the fact that such ~~solicitor, peddler,~~ transient merchant, or sales unit is adequately insured for public liability protection. The applicant shall agree to hold the Township harmless for any loss or damages sustained by a third person through the conduct, activity and negligence of the applicant and shall agree to indemnify the township for any damages which it sustains due to the acts of the applicant, or such applicant's agents or employees. An applicant for a license under this chapter shall provide evidence of proper public liability and personal injury insurance in the amount of not less than the following:

Injury to, or death of, any person in any 1 accident: \$500,000.00

Damage to property in any 1 accident: \$50,000.00

The insurance shall name the Township of Scio as an insured party and evidence of the insurance shall consist of certification executed by an authorized agent of the insurance company indicating the amount and type of insurance, the location of coverage and it shall certify that the insurance shall not be cancelled unless notice of intent to cancel shall be filed with the Township clerk at least 10 days prior to said cancelation.

- (k) A comprehensive criminal history issued by relevant law enforcement agenc(ies) within 30 days preceding the filing of each application. Or, the applicant may consent to and pay the Township for the cost of completing a commercial national criminal history check and review of the Internet Criminal History Access Tool (ICHAT).

For Transient Vendors:

- (a) Description and evidence of registration of the vehicle used for vending.
- (b) If vending food for consumption to customers, a valid health certificate.

(c) If vending food that requires heating (or if the vehicle has any form of cooking facilities) a valid certificate of inspection from Scio Township Fire Department, or from another Fire Department approved by Scio Township Fire Department.

(d) Evidence of insurance. Each applicant hereunder shall give evidence of the fact that such transient vendor, or sales unit is adequately insured for public liability protection. The applicant shall agree to hold the Township harmless for any loss or damages sustained by a third person through the conduct, activity and negligence of the applicant and shall agree to indemnify the township for any damages which it sustains due to the acts of the applicant, or such applicant's agents or employees. An applicant for a license under this chapter shall provide evidence of proper public liability and personal injury insurance in the amount of not less than the following:

Injury to, or death of, any person in any 1 accident: \$500,000.00

Damage to property in any 1 accident: \$50,000.00

The insurance shall name the Township of Scio as an insured party and evidence of the insurance shall consist of certification executed by an authorized agent of the insurance company indicating the amount and type of insurance, the location of coverage and it shall certify that the insurance shall not be cancelled unless notice of intent to cancel shall be filed with the Township clerk at least 10 days prior to said cancelation.

Sec. 12-23. - Permit exemption application; fee.

(a) For those persons or groups exempt by section 12-21(1), such applicant must file with the township clerk a sworn application for a permit on a form to be furnished by the township clerk, providing the following information:

- (1) The name, address, date of birth and phone number of the individual responsible.
- (2) The name, address and phone number of the affiliate.
- (3) The basis for exemption.
- (4) The length of time for which the right to do business is desired (must not exceed one year).
- (5) A brief description of the nature of the activity and the goods to be sold or distributed.
- (6) The number of persons involved in the activity.

(b) At the time of filing the application, an application fee, as currently established or as hereafter adopted by resolution of the township board from time to time, shall be paid to the township clerk to cover the cost of processing the application.

Sec. 12-24. - Investigation and issuance.

- ~~a. Upon receipt of an application for a license, the original shall be referred to the designee of the township clerk who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.~~
- ~~b. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the person conducting the investigation shall endorse on such application his disapproval and reasons for the same, and return said application to the township clerk, who shall notify the applicant that the application has been disapproved and that no license shall be issued.~~
- ~~c. If, as a result of such investigation, the character and business responsibility to the applicant are found to be satisfactory, the person conducting the investigation shall endorse on the application his approval, execute a license addressed to the applicant for the carrying on of the business applied for and return said license, along with the application, to the township clerk, who shall, upon payment of a prescribed license fee, in an amount to be determined from time to time by the township board, deliver to the applicant his own license.~~

(a) Upon receipt of an application for a license, the original shall be referred to the designee of the Township clerk who shall review and investigate the application, including evidence of required insurance.

(b) If the application is found to be unsatisfactory, the person conducting the investigation shall state on the application the denial and reasons for the same and return the application to the Township clerk. The clerk shall notify the applicant that the application has been denied and that no license shall be issued.

(c) If the application is satisfactory, the person conducting the investigation shall state on the application the approval, and execute a license addressed to the applicant for the carrying on of the business applied for. The license and the application shall be submitted to the Township clerk, who shall deliver the license to the applicant, after applicant has paid the prescribed license fee.

Sec. 12-25. - Appeal from denial or revocation.

Any person aggrieved by the action of the Township clerk in the denial of an application for a license as provided in section 12-24 or by the decision with reference to the revocation of a license, as provided in section 12-30, shall have the right of appeal to the Township board. ~~Such appeal shall be taken by filing with the board, 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 board shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in writing, and such notice shall be mailed, postage prepaid, to the appellant at his last known address, at least five days prior to the date set for the hearing. Such appeal shall be taken by filing a written statement setting forth fully the grounds for the appeal with the board. Appeals must be filed within 14 days after notice of the action complained of has been both mailed to such person's last known address and~~ emailed to any e-mail address provided by applicant. Upon receiving an appeal, the Township board shall set a time and place for a hearing on the appeal. Notice of the hearing shall be given to the appellant in writing, by mail, postage prepaid, to the appellant at his/her last known address, at least seven days prior to the date set for the hearing. The decision and order of the board on such appeal shall be final and conclusive.

Sec. 12-26. - Fees.

In addition to the aforementioned application fee, persons licensed hereunder shall pay to the clerk the license fees as currently established or as hereafter adopted by resolution of the Township board from time to time.

Sec. 12-27. - Period of license.

- a. Licenses shall expire on the date specified in the license. Licenses may be issued for a term of a specified number of days, weeks, months, or one year, but in no event shall a license be issued for a period exceeding one year.
- b. All annual licenses issued under the provisions of this article shall expire on December 31 in the year when issued. Other than annual licenses shall expire on the date specified in the license.

Sec. 12-28. - Transfer.

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

Sec. 12-29. - Showing of license or permit.

~~License and permits issued pursuant to this article shall be carried on the person to whom it was issued while he is engaging in such business and shall be required to produce such license or permit at the request of any law enforcement official or citizen of the municipality.~~

License and permits issued pursuant to this article shall be carried on the person to whom it was issued and displayed in a prominent manner, so the license is visible to the public while the licensee is engaging in such business. A licensee under this article shall be required to produce such license or permit at the request of any law enforcement official or resident of the Township.

Sec. 12-30. - Revocation of license or permit.

Permits and licenses issued under the provisions of this article may be revoked by the Township Board after notice to the licensee and a hearing before the Board, for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for license;
- (b) Fraud, misrepresentation, or false statement made in the course of carrying on his other licensee's business as a ~~peddler, solicitor or~~ transient merchant;
- (c) Any violation of this article;
- (d) Conviction of any crime or misdemeanor involving dishonesty, theft, or moral turpitude;
- (e) Conducting the business of a ~~peddler, solicitor or~~ transient merchant 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;
- (f) Entering a private residence under pretense other than for ~~soliciting or peddling~~ conducting business as a transient merchant;
- (g) Remaining in a private residence or on the premises thereof after the owner or occupant has requested any such person to leave;
- (h) Going in and upon the premises of a private residence by such person to ~~solicit or peddle~~ conduct business as a transient merchant when the owner or occupant thereof has displayed a "no trespassing," "no soliciting" or "no peddling" sign on such premises;
- (i) ~~Soliciting or peddling at a private residence~~ No transient merchant shall call or contact any resident prior to 10:00 a.m. and after official sunset time on any day of the week, or at any time on a Saturday or Sunday or on a state or national holiday.

Sec. 12-31. - Unlawful practices.

- (a) *Unlawful entry.* No ~~peddler~~ transient merchant shall enter a private residence in the township, under false pretenses, for the purpose of ~~peddling or soliciting~~ conducting business as a transient merchant; or remain in a private

residence or on the premises thereof after the owner or occupant thereof has requested any such peddler transient merchant to leave; or go in and upon private premises when the owner or occupant thereof has displayed a "no soliciting" sign on such premises.

(b) *Unwholesome food.* No peddler transient merchant shall sell or offer for sale any unsound, unripe or unwholesome food or drink, or defective, faulty, incomplete, or deteriorated article of merchandise.

(c) *Loud noises and speaking devices.* No peddler transient merchant, nor any person on his behalf, shall shout, make any cry out, 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, alleys, parks or other public places of the township or upon any private premises in the Township where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(d) *Use of streets.* No peddler transient merchant shall have any exclusive right to any location in the public streets, nor shall any 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 purpose of this article, the judgment of a law enforcement or peace officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Sec. 12-32. - Duty to enforce

(a) It shall be the duty of any peace officer of the county law enforcement department to require any person observed peddling-conducting business as a transient merchant, 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 article against any person found to be violating the same.

(b) *Records.* Any peace officer shall report to the Township clerk all convictions for violation of this article and the Township clerk shall maintain a record for each license issued and record the reports of violation therein.

Sec. 12-33 - Violations and penalties.

(a) Any person who disobeys neglects or refuses to comply with any provision of this article or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this article. A violation of this article is a nuisance per se.

(b) A violation of this article is a misdemeanor, punishable by 90 days or a fine up to \$500.00, or both. The foregoing sanctions shall be in addition to the rights of the Township to proceed at

law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

(c) Each location where a transient merchant violates this article shall be deemed a separate offense and/or each person engaged by transient merchant where a transient merchant violates this article shall be deemed a separate offense.

(d) In addition, the Township may seek injunctive relief against persons alleged to be in violation of this article, and such other relief as may be provided by law.

(e) This article shall be administered and enforced by a peace officer, the ordinance enforcement officer of the Township or by such other person(s) as designated by the Township board from time to time.

Section 2. Repealer

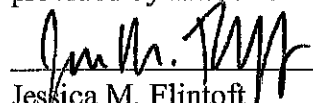
All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Section 3. Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Section 4. Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective 30 days after publication.



Jessica M. Flintoft
Township of Scio Clerk

Adoption: May 27, 2025

Ordinance Publication: June 4, 2025

Effective Date: July 4, 2025