

Chapter 18 PEDDLERS

Sec. 18-1. 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:

Peddler means any person who goes from house to house, from store to store, or from place to place, selling or offering for sale goods, wares, merchandise, refreshments or other kinds of property, or subscription to periodicals or other literary works, or who on the streets or alleys or open places, or in public grounds or places, sells or offers for sale, any such goods, wares, merchandise, refreshments, or other kinds of property or subscription to periodicals or other literary works. It includes any person who sells by taking orders for goods from samples, lists or catalogues. The term shall include the terms "hawker," "huckster" and "solicitor" and shall include the driver of any vehicle used for peddling. The term shall not include any person selling or offering for sale goods, wares or merchandise that he has grown, raised or manufactured, excepting when other goods not of his own raising, growing or manufacturing are also offered for sale by him.

(Ord. No. 16, § 1, eff. 9-18-1964; Ord. No. 62, § 1, eff. 7-3-1973)

Sec. 18-2. License.

- (a) *Required.* No person shall peddle within the township without first obtaining a license as provided in this section.
- (b) *Application.* Application for a license to peddle within the township shall be filed in duplicate with the township clerk upon forms to be furnished by the clerk, setting forth upon oath of the applicant the following:
 - (1) The applicant's name, date of birth, weight, height, color of eyes, color of hair.
 - (2) Residence address and business address.
 - (3) Description of the things or commodities to be peddled.
 - (4) If employed or acting as agent or representative of another in the course of peddling, the name and business address of such employer or principal.
 - (5) The length of time for which the right to do business is desired.
 - (6) If a vehicle is to be used, a description of the vehicle, together with license number or other means of identification.
 - (7) 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.

- (8) The names of at least two reliable property owners of the township who will certify as to the applicant's good character and business responsibility or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed for the offense.
- (10) A statement by a reputable physician of the county, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease.
- (11) At the time of filing the application, a fee of \$5.00, paid to the township clerk.

(c) *Issuance or denial.*

- (1) Upon filing of such application, the township clerk shall determine whether such application conforms to the requirements of this chapter. If the township clerk denies issuance of such license, the clerk shall give written notice of denial to the applicant that includes a statement of reasons for such denial.
- (2) If the township clerk determines that such application conforms to the requirements of this chapter, he shall endorse on the application his approval, and upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and show the name, address and photograph of the licensee, and the kind of goods to be sold under the license, the amount of fee paid, the date of issuance and the length of time the license shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The township clerk shall keep a permanent record of all licenses issued.

- (d) *Fees.* In addition to the application fee, persons licensed under this section shall pay to the township clerk a license fee of \$5.00 per day for the first six consecutive days of the term of such license and \$1.00 per day for each day thereafter during such term, \$25.00 per month during such term, or \$50.00 per year during such term.
- (e) *Period of 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.
- (f) *Transfer.* No license issued under the provisions of this section shall be used at any time by any person other than the one to whom it was issued.
- (g) *Exhibition.* Peddlers licensed under this section shall exhibit such license upon request of any peace officer or person with whom such peddler is dealing in the course of such peddling operations.

- (h) *Appeal.* Any person aggrieved by the action of the township clerk in the denial of an application for license under this section shall have the right of appeal to the township board. Such appeal shall be taken by filing with the township 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 township board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant.
- (i) *Revocation.* Licenses issued under the provisions of this section may be revoked by the township board after notice and hearing, 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 a 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.

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

- (j) *Expiration.* All annual licenses issued under the provisions of this section shall expire on December 31 in the year when issued. Licenses other than annual licenses shall expire on the date specified in the license.

(Ord. No. 16, § 2, eff. 9-18-1964)

Sec. 18-3. Unlawful practices.

- (a) *Unlawful entry.* Entering a private residence in the township by a peddler, under false pretenses, for the purpose of peddling or soliciting; remaining in a private residence or on the premises after the owner or occupant shall request any such peddler to leave; or going in and upon private premises when the owner or occupant has displayed a "no soliciting" sign on such premises is an unlawful practice.
- (b) *Unwholesome food.* No peddler shall sell or offer for sale any unsound or unripe or unwholesome food or drink, or defective, faulty, incomplete or deteriorated article of merchandise.
- (c) *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 loudspeaking 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 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 the licensee proposes to sell.

- (d) *Use of streets.* No peddler 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 section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- (e) *Fixed stands.* No peddler shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle, when stopped, shall place his vehicle parallel to and near as possible to the curb, and shall depart from such place as soon as he has completed sales with customers actually present.

(Ord. No. 16, § 3, eff. 9-18-1964)

Sec. 18-4. Penalty.

Any person who shall peddle without a license, and any person who shall knowingly make a false statement in written application for such license, and any person committing any unlawful practice contrary to section 18-3, and any person violating any of the provisions of this chapter shall, upon conviction, be punished in accordance with section 1-13.

(Ord. No. 16, § 4, eff. 9-18-1964)

Sec. 18-5. Duty to enforce.

- (a) *Duty to produce license.* It shall be the duty of any officer of the county sheriff's department or township police officer 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 chapter.
- (b) *Records.* Any peace officer shall report to the township clerk all convictions for violation of this chapter, and the township clerk shall maintain a record for each license issued and record the reports of violation in such records.

(Ord. No. 16, § 5, eff. 9-18-1964)

Chapter 19 RESERVED