

CITY OF FERNDALE

300 E. Nine Mile Road

Ferndale, MI 48220

248-546-2384

APPLICATION FOR LICENSE FOR
CONCESSIONAIRES, PEDDLERS, HAWKERS OR TRANSIENT MERCHANTS

Pursuant to Chap. 7, Art. IV of the City of Ferndale Code of Ordinances

I, or we, the undersigned do hereby make application for () Concessionaires
() Peddlers
() Hawkers
() Transient Merchants

License in accordance with Chap. 7, Art. IV of the City of Ferndale Code of Ordinances, and agree to comply with all requirements of such ordinance.

Name _____

Birthdate _____ SS No. _____

Permanent Address _____ Phone _____

Business Address _____ Phone _____

Prior Business Address (previous three years) _____

Corporation/Business (If different than applicant) _____

Address _____

Registered State Agent _____

Local or District Office Address _____

Nature of business and article(s) to be sold _____

Licensee will operate from a () fixed () mobile location

Proposed method of peddling () by foot () motor vehicle () other conveyance _____

Length of time license is desired _____

Days and hours of operation _____

(Peddling permitted between the hours of 8:00 a.m. to 6:00 p.m.)

Description of vehicle/conveyance _____

License No. _____ VIN _____ Driver's License No. _____

Has driver's license been revoked, suspended or restricted within the past 3 years? _____

If so, nature of revocation, suspension or restriction _____

Address, area or location where articles will be sold_____

Has any municipal or state license (beside drivers license) been revoked, suspended or denied within the past 3 years?_____

If so, nature of revocation, suspension or denial_____

I hereby grant authorization for the City, its Agents and Employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

I hereby swear that all the above statements are true, and if the license is granted, I agree to conform to the provisions contained in said ordinance and to conduct said business in the manner required therein, and I hereby acknowledge receipt of a copy of said ordinance and hereby represent that I have knowledge of the contents in relation to the conduct of said business.

Date_____ Applicant Signature_____



Date () Approved () Disapproved by Police Department_____

By_____

Concessionaire License

Date () Approved () Disapproved by City Council_____

Location in Central Business District_____



License Number_____ Date Issued_____ Expiration Date_____

Issued by_____

Received \$_____ License Fee (Non-refundable)

Received \$_____ Surety Bond

City Attorney Approval of Bond_____

Date_____ By_____

City Clerk

ATTACHMENTS:

- Evidence of consent of the legal owner of the property to utilize said property
- 2" X 2" photograph of the applicant
- Copy of valid current Michigan Sales Tax License, or, if exempt, a copy of a current exemption certificate, if required for the goods, wares or merchandise sold
- Health card, or its equivalent, issued by the State of Michigan Regulatory Agency, if food is to be sold
- Peddlers, transient merchants and concessionaires must provide a listing of all agents or employees who will be operating under the permit

NOTE: All persons licensed and all of their agents or employees shall forthwith produce a copy of a City license for inspection by any police officer.

FEES:

- \$50 Non-refundable application fee
- \$50 License fee
- \$1,000 Surety bond

CITY OF FERNDALE
PEDDLERS/TRANSIENT MERCHANTS/CONCESSIONAIRE

Additional Registrants for Permit No. _____

Organization _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

Social Security No. _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

Social Security No. _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

Social Security No. _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

Social Security No. _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

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Name _____

Address _____

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Phone No. _____

Date of Birth _____

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Social Security No. _____

Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

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Name _____

Address _____

City/State/Zip _____

Phone No. _____

Date of Birth _____

Driver License No. _____

Social Security No. _____

ARTICLE IV. HAWKERS, PEDDLERS, TRANSIENT MERCHANTS AND CONCESSIONAIRES*

***Editor's note:** Ord. No. 853, adopted July 13, 1992, repealed former Ch. 7, Art. IV, §§ 7-68--7-73, which pertained to transient merchants and derived from Ord. No. 476, §§ 1--4, adopted Oct. 29, 1962, and enacted new provisions in lieu thereof, included herein as a new Ch. 7, Art. IV at the discretion of the editor.

Charter references: Specific authority to regulate and license transient merchants, Ch. II, § 2(33).

Cross references: Sidewalk cafes, §§ 7-370--7-378.

State law references: Licensing of transient merchants by the county, MSA § 19.711 et seq.

Sec. 7-68. 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:

Central commercial district is as designated by the city's zoning map maintained on file in the department of community development, inspection division.

Concessionaire means any person, firm, partnership, or other business entity, whether resident of the city or not who sells, or offers for sale edible items, goods, wares or merchandise from a temporary or portable structure or fixture at a specific location within the central commercial district.

Peddler means any person, firm, partnership, corporation, or other business entity, whether a resident of the city or not, who travels by foot, wagon, cart, motor vehicle, or other conveyance, from place to place, carrying, selling or offering for sale edible items, goods, wares or merchandise, and who, without traveling from place to place, sells or offers the same for sale from a motor vehicle, wagon, trailer, railroad car, or other vehicle or conveyance, or from a cart, stand, booth, display case, or other temporary or portable structure or fixture. The word "peddler" shall include "vendor," "hawker," and "huckster" and shall include route salespersons selling randomly to customers along a fixed route, but not route salespersons supplying only prior customer orders.

Transient merchant shall mean any person, firm, partnership, or other business entity, whether a resident of the city or not, engaged in the retail sale or delivery of edible items, goods, wares or merchandise from any lot, premises, building, room, structure on a temporary basis where such person does not have a permanent business location within the city which is subject to the city's real or personal property taxes for the current year.

(Ord. No. 853, 7-13-92)

Sec. 7-69. License required.

It shall be unlawful for any person to engage in the business of a peddler, transient merchant or concessionaire within the limits of the city without first having obtained a license to do so issued by the city clerk.

(Ord. No. 853, 7-13-92; Ord. No. 897, Pt. I, 3-23-98; Ord. No. 970, Pt. I, 6-23-03)

Sec. 7-70. Exemptions.

The following persons are exempt from the licensing requirements of this article:

(1) Any person engaged in the retail sale of goods, wares, or merchandise at a permanent location in the city and subject to the city's ad valorem real or personal property taxes shall not be required to obtain a license to be a transient merchant at any other location within the city, but shall be required to comply with every other provision of this chapter regulating such activity.

Any person engaged as a peddler or concessionaire for a locally established business shall be required to obtain a license.

(2) Any person under the age of 16 years of age, except that persons under age 16 peddling or vending from a motor vehicle shall be required to obtain a license.

(3) Any person representing any established public or private school, provided that sales are under the sponsorship of the school.

(4) Any person selling vegetables, fruits or perishable farm products at any farmers' market approved by the city.

(5) Any person operating any booth or concession at any fairgrounds.

(6) Any person exempt from the licensing requirements of this chapter by virtue of state or federal law.

(7) 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:

- a. The sponsor is a government entity or nonprofit organization; and
- b. The sponsor providing a list of the event's vendors' business addresses and sales tax license numbers to the city clerk.

(Ord. No. 853, 7-13-92)

Sec. 7-71. Application.

Applicants for a license who engage in the business of a peddler, transient merchant or concessionaire shall pay a nonrefundable application fee, in the amount to be set by city council resolution, at the time of filing an application on a form approved by the city clerk, said application to contain the following:

- (1) The applicant's name, date of birth, social security number, permanent address, business address, and telephone number at the time of filing the application and any prior business address used for the previous three years.
- (2) The name of the person, firm, partnership, corporation or other business entity represented, if different than the applicant, together with the address of the registered office of the business and registered agent designated in Michigan for service of legal process, and the address of the nearest local or district office.
- (3) A brief description of the nature of the business represented and the goods, wares, or merchandise to be sold.
- (4) The length of time for which the license is required and the expected days and hours of operation.
- (5) Whether the licensee will operate from a fixed or mobile location and the proposed method of peddling or vending, whether on foot, by motor vehicle or other conveyance.
- (6) If a vehicle or other conveyance is to be used, a description of the same, together with license number, vehicle identification number or other adequate means of identification.
- (7) If a lot, room, building or structure is to be used, or if a cart, stand, booth or other structure or fixture is to be placed upon the property of another, evidence that the applicant has the consent of the legal owner of the property.
- (8) A photograph of the applicant, which shall be a two-inch by two-inch picture showing the face of the applicant in a form suitable for attachment to the license to be issued.
- (9) If a motor vehicle is to be used, a statement that the applicant has a current valid operator's license and whether the applicant has ever had his or her driving privileges revoked, suspended, or restricted within three years immediately prior to the date of application, and the nature of any such revocation, suspension or restriction.
- (10) A statement as to whether the applicant has ever had any licenses required by this city or any other state or municipal authority revoked, suspended, or denied within three years immediately prior to the date of application, and the circumstances of any such revocation, suspension or denial.
- (11) A copy of a valid current Michigan sales tax license, or, if exempt, a copy of a current exemption certificate, if required for the goods, wares or merchandise sold.
- (12) If food is to be sold, a health card or its equivalent issued by the State of Michigan regulatory agency.
- (13) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business as the city clerk may deem necessary to fulfill the purposes of this chapter.

(Ord. No. 853, 7-13-92; Ord. No. 897, Pt. I, 3-23-98)

Sec. 7-72. Investigation of applicant; issuance of license.

Upon receipt of the application, the city clerk shall cause an investigation of the applicant to be performed by the chief of police. If, as a result of such investigation, the applicant's character and business history is found to be unsatisfactory, the application shall be denied. If, as a result of such investigation, the applicant's character and business history is found to be satisfactory, the city clerk, upon payment of the fee as set forth in this article and satisfaction of all other requirements of this chapter, shall issue the applicant a license. The city clerk shall keep a full record in his/her office of all licenses issued. Such license shall contain the number of the license, the date of issuance, its expiration date, and the place or places where business may be carried on under such license.

(Ord. No. 853, 7-13-92)

Sec. 7-73. License fees.

All peddlers, transient merchants, concessionaires, or sidewalk cafes shall, at the time of issuance of a license, pay to the city clerk a license fee as prescribed in this article, the amount to be set by city council resolution.

(Ord. No. 853, 7-13-92)

Cross references: Sidewalk cafe license fees; display, § 7-374

Sec. 7-74. Bond required; conditions.

Before any license is issued for a peddler, transient merchant, or concessionaire, the applicant shall file with the city clerk a bond running to the city in the sum of \$1,000.00 executed by the applicant, as principal, together with surety. The form of such bond shall be approved by the city attorney and shall be conditioned upon the applicant's full compliance with the provisions of this chapter and the laws and statutes of the state regulating and concerning the sale of food, goods, wares, or merchandise.

(Ord. No. 853, 7-13-92)

Sec. 7-75. Miscellaneous requirements.

- (a) All persons licensed under this chapter and each and every one of their agents or employees shall forthwith produce a copy of a city license for inspection by any police officer.
- (b) All persons, whether or not licensed under this chapter, using any cart, wagon, motor vehicle or other conveyance, when stopping upon the streets or public rights-of-way of the city for the purpose of conducting business, shall draw up to and parallel with the curb line and in such a manner so as not to obstruct vehicle or pedestrian travel.
- (c) No person shall engage in selling in a fixed location on a street corner or public right-of-way for longer than two continuous hours.

(Ord. No. 853, 7-13-92)

Sec. 7-76. Prohibited practices.

The following conduct by any person, licensee, agent or employee thereof shall be considered in violation of this Code, and, in addition to prosecution, may result in the suspension or revocation of any license granted under this chapter:

- (1) Entering a private residence under pretense other than for peddling.
- (2) Remaining in a private residence or on the premises thereon after the owner or occupant has requested the licensee to leave.
- (3) Going in and upon the premises of a private residence to peddle when the owner or occupant thereof has displayed a "no peddling" sign on such premises.
- (4) Peddling at a private residence prior to 8:00 a.m. and after 6:00 p.m., unless by prior invitation of the occupant.
- (5) Peddling or operating a concession on a street or within an area which has been closed by city council resolution for an art fair, street fair or other special event, except where special permits are issued in accordance with standards established by the city council, or the peddler, transient merchant or concessionaire is exempted pursuant to this section.
- (6) Shouting or calling wares or using a public address system, horn, bell, or other noise making device to call attention to the licensee's business in such a way as to disturb residents or adjacent businesses.
- (7) Occupying any space for the purpose of peddling or as a transient merchant on any public place, street or adjacent right-of-way within the central commercial district, except as provided for below:

A concessionaire license may be granted by resolution of the city council within appropriate areas of the public right-of-way or other city owned property of the central business district. Concessionaires shall be limited to locations and times within the central business district, as determined by the city council, and a concessionaire license fee as required by this article shall be paid by each concessionaire in advance of any activities on the approved site by the concessionaire.

- (8) Sell or offer for sale any edible items, goods, wares or merchandise in any city park.

(Ord. No. 853, 7-13-92)

Sec. 7-77. Reserved.

Editor's note: Ord. No. 970, Pt. I, adopted June 23, 2003, repealed the former § 7-77. The former § 7-77 pertained to sidewalk cafes and derived from Ord. No. 853, adopted July 13, 1992; and Ord. No. 897, Pt. I, adopted Mar. 23, 1998.

Sec. 7-78. Suspension or revocation.

Upon receipt of a complaint alleging a violation of this chapter, the city clerk shall conduct an investigation to determine whether the complaint is valid as to any peddler, transient merchant or concessionaire; and, the director of community development services shall conduct an investigation to determine whether any complaint is valid as to a sidewalk cafe license and may be suspended by the city clerk or the director of the community development services department, or the directors designee, as applicable, if it is determined that the nature of the violation warrants such action.

(1) Any person aggrieved by such action shall have the right to a hearing. Such hearing shall be held in compliance with the administrative hearings section of this Code.

(2) Upon suspension or revocation of any license, the fee therefor shall not be refunded.

(3) Any licensee whose license has been revoked shall not be eligible to apply for a new license for a period of one year after such revocation.

(Ord. No. 853, 7-13-92; Ord. No. 897, Pt. I, 3-23-98)

Cross references: Sidewalk cafes, suspension or revocation of a license, §§ 7-367, 7-378.

Sec. 7-79. License expiration.

All peddler, transient merchant, concessionaire, and sidewalk cafe licenses shall expire upon the date specified therein.

(Ord. No. 853, 7-13-92)

Cross references: Sidewalk cafe license renewals, § 7-378.

Secs. 7-80--7-84. Reserved.