

TRANSIENT MERCHANT LICENSE APPLICATION
CITY OF TRENTON, MICHIGAN

Transient Merchant: Any person engaged temporarily in the retail sale of goods, sares of merchandise, in any place in this City and who, for the purpose of conducting such business, occupies or uses any lot, building, room or structure of any kind. Such term shall include "itinerant merchants," "itinerant vendors" and persons engaged in selling goods, wares or merchandising at retrail in the City who are not on the tax rolls of this City. Any person who commences the business of selling goods, wares and merchandise at retail within this City after the first day of January in any year who is not accessed on the tax roll for the year or who occupies or uses the licensed premises for a period of less than one hundred eighty (180) days without being on the tax rolls of the City, shall be deemed a transient merchant.

Person: As used in this Application, a person shall mean each and every individual, whether operating in an individual capacity or on behalf of an entity or organization, who engages in sales transactions with members of the public as a Peddler or Transient Merchant.

(TO BE FILLED OUT BY THE CLERK'S OFFICE)

FEE: Transient Merchant (Each Site): \$250.00 registration and first day, \$25.00 each additional day
LICENSES ARE NON-TRANSFERABLE

LICENSE NO. _____ EXPIRATION DATE: _____

NAME OF APPLICANT: _____

HOME ADDRESS: _____ CITY _____ TELEPHONE NO. () _____

SEX _____ AGE _____ HEIGHT _____ WEIGHT _____

SALES TAX LICENSE NO. _____ FEDERAL TAX ID NO. _____

IF EMPLOYED, NAME OF FIRM: _____

ADDRESS OF FIRM: _____ CITY _____ TELEPHONE NO. () _____

ADDRESS OF SALES SITE (Transient Merchant) _____

DESCRIPTION OF VEHICLE: _____

LICENSE NUMBER OF VEHICLE _____

DESCRIPTION OF THE NATURE OF THE BUSINESS AND GOODS TO BE SOLD: _____

I EXPECT TO DO BUSINESS IN THE CITY OF TRENTON FOR: _____ MONTHS

HAVER YOU EVER BEEN CONVICTED OF A FELONY, MISDEMEANOR, OR VIOLATED ANY CITY ORDINANCE?

YES _____ NO _____ IF YES, THE CHARGE: _____

COURT: _____ JUDGE: _____

STATE THE NAMES OF AT LEAST TWO (2) PROPERTY OWNERS IN WAYNE COUNTY WHO WILL CERTIFY TO YOUR GOOD CHARACTER AND BUSINESS RESPONSIBILITY:

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

CITY _____

CITY _____

PHONE NO. _____

PHONE NO. _____

PLEASE ATTACH TO APPLICATION: A PHOTOGRAPH TAKEN WITHIN 60 DAYS PRIOR TO THIS APPLICATION SHOWING HEAD AND SHOULDERS AND A LETTER OF APPROVAL FROM PROPERTY OWNER WHERE BUSINESS WILL BE LOCATED.

ATTESTATION OF APPLICANT

By submission of this Application, I do hereby warrant, represent and certify that the information contained herein is true and accurate to the best of my information and belief and that should any material contained herein become outdated or superseded, I will immediately notify the City Clerk of such changes.

Date: _____

Applicant: _____
(Signature)

(Print Name)

Address: _____

Subscribed and sworn to before me

this _____ day of _____, 19__

Notary Public

ATTESTATION OF PROPERTY OWNER

I, do hereby warrant, represent and certify that I am the lawful owner or tenant of the premises identified in this Application and that I have given the applicant permission to utilize the premises for the purposes of selling merchandise and further, that as the lawful occupant, I assume responsibility for the conduct of the applicant while utilizing the premises.

DATE: _____

OWNER: _____
(Signature)

(Print Name)

Subscribed and sworn to before me this
_____ day of _____, 19__.

Address

Notary Public

Phone

FOR POLICE DEPARTMENT USE ONLY

LICENSE APPLICATION INVESTIGATION APPROVED _____ DISAPPROVED _____

FINGERPRINTED BY: _____

REVIEWED BY: _____ POLICE CHIEF DATE: _____

YOU NEED TWO (2) PHOTOGRAPHS TAKEN WITHIN THE LAST 60 DAYS PRIOR TO THIS APPLICATION SHOWING HEAD AND SHOULDERS.

A COPY OF AN INTERNET CRIMINAL HISTORY ACCESS REPORT (ICHAT) WILL NEED TO BE ALSO ATTACHED TO THE APPLICATION. AN ICHAT REPORT CAN BE OBTAINED BY THE INTERNET AT www.michigan.gov/ICHAT. A \$10.00 fee will be charged through this website.

THE APPLICATION NEEDS TO BE COMPLETELY FILLED OUT AND SIGNED IN FRONT OF A NOTARY BEFORE YOU TAKE THIS APPLICATION TO THE POLICE DEPARTMENT.

YOU HAVE TO MAKE AN APPOINTMENT WITH THE POLICE DEPARTMENT FOR FINGERPRINTING AND TO HAVE THE VEHICLE INSPECTED. THE POLICE DEPARTMENT IS LOCATED AT 2872 WEST JEFFERSON. THE CHARGE FOR FINGERPRINTING IS \$25.00 AND \$10.00 FOR A BACKGROUND CHECK. THE PHONE NUMBER FOR THE POLICE DEPARTMENT IS 676-3737.

PEDDLER'S PERMITS ARE NON-TRANSFERABLE.

d. ~~Other such organizations with equivalent professional membership standards.~~

(2) ~~Parlors operating under the direction and supervision of and employing only persons who meet the requirements set forth in subsection (b)(1) of this section.~~

(Code 1974, § 18-176)

Sec. 22-274. Display; denial or revocation.

(a) ~~All license certificates issued under this division shall be displayed by the licensee at or near the place where such licensee is engaging in the practice or occupation for which he has obtained a license.~~

(b) ~~The city clerk is hereby authorized to refuse to issue a license under this division, or to revoke the license, upon satisfactory proof that the applicant or licensee is not qualified as provided by the terms of this article or is not a proper or suitable person to conduct or engage in the practices defined in this article, or if he has violated any of the rules of the health officer or has been convicted of a felony or of a violation of any of the laws of the state or city with reference to alcoholic beverages, drugs, sanitation or prostitution.~~

(c) ~~Failure to conform with the rules and regulations and with the provisions of this article shall be considered sufficient cause for a request to the city clerk by the health officer for the revocation of the license.~~

(Code 1974, § 18-177)

Secs. 22-275—22-300. Reserved.

ARTICLE VII. PEDDLERS AND TRANSIENT MERCHANTS*

DIVISION 1. GENERALLY

Sec. 22-301. 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:

Peddler means any person who goes about from place to place, selling or offering for sale goods, wares, merchandise and all kinds of property, traveling on foot or in vehicles, and selling from house to house or by crying his wares from the street. Such term shall include the terms "hawkers" and "hucksters."

Person means each and every individual, whether operating in an individual capacity or on behalf of an entity or organization, who engages in sales transactions with members of the public as a peddler or transient merchant.

***Cross references**—Offering articles for sale; peddling and soliciting, § 70-108; streets, sidewalks and other public places, ch. 82.

State law reference—Transient merchants, MCL 445.371 et seq.

Transient merchant means any person engaged temporarily in the retail sale of goods, wares or merchandise, in any place in the city, and who, for the purpose of conducting such business, occupies or uses any lot, building, room or structure of any kind. Such term shall include itinerant merchants, itinerant vendors and persons engaged in selling goods, wares and merchandise at retail in the city who are not on the tax rolls of the city. Any person who commences a business of selling goods, wares and merchandise at retail within the city after January 1 in any year who is not assessed on the tax roll for the year, or who occupies or uses the licensed premises for a period of less than 180 days without being on the tax rolls of the city, shall be deemed a transient merchant.

(Code 1974, § 18-64)

Cross reference—Definitions generally, § 1-2.

Sec. 22-302. Vehicles.

(a) Peddlers' movements shall be timed and executed so as to cause a minimum of interference with vehicular and pedestrian traffic. It shall be unlawful for any peddler to park, stand or stop a vehicle for the purpose of making any sale within 200 feet of any school property during school hours.

(b) A peddler's vehicle shall be equipped with a receptacle for disposing of wrappers, papers and envelopes, or other containers.

(Code 1974, § 18-65)

Sec. 22-303. Cleanup of litter.

A peddler shall pick up any wrappers, papers or envelopes which remain after any sale or delivery of his products.

(Code 1974, § 18-66)

Sec. 22-304. Business hours.

It shall be unlawful for any peddler or transient merchant to sell or offer for sale any merchandise between sunset and 9:00 a.m., except for persons participating in the Mid-Summer Festival and the Independence Day functions.

(Code 1974, § 18-67)

Sec. 22-305. Restrictions on areas of operation.

(a) It shall be unlawful for any peddler or transient merchant to operate in a congested area when his operations might impede traffic or inconvenience the public.

(b) No peddler or transient merchant may sell or offer for sale any merchandise within the areas designated by the city council during special events designated by the city council, including the Mid-Summer Festival, the Memorial Day Parade, the Independence Day Fireworks or the Christmas Parade, without the prior approval of the city council.

(Code 1974, § 18-68)

Sec. 22-306. Seizure and impoundment of goods.

(a) If a law enforcement officer has probable cause to believe that a person is engaging in business as a peddler or transient merchant in violation of this article, the officer may immediately take into custody and impound all goods offered for sale by the peddler or transient merchant until the matter has been adjudicated by a court of proper jurisdiction.

(b) The peddler or transient merchant whose goods have been impounded may obtain his goods prior to adjudication of the matter by paying, either in cash or by security bond, the sum of \$500.00 or an amount equal to the value of the impounded property, whichever is greater. (Code 1974, § 18-79)

Secs. 22-307—22-330. Reserved.

DIVISION 2. LICENSE*

Sec. 22-331. Required.

It shall be unlawful for any person to engage in business as a peddler or transient merchant in the city without first having obtained a license from the clerk. (Code 1974, § 18-69)

Sec. 22-332. Exemptions.

(a) Any person selling vegetables, eggs, fruits and farm products of any kind or description which have been raised or produced by him, or which are being sold from an area which has been specially designated by council resolution as a farm products sales area, and to which area such person has been granted access by the council after written request to the council for such access shall be exempt from the license requirements under this division. To be entitled to this exemption, a person must make an affidavit to such effect to the city clerk. Upon receipt of such an affidavit, the city clerk shall issue a certificate of exemption stating that its holder is exempt from the provisions of this division.

(b) Any person who is approved by the Mid-Summer Festival Committee and pays the required fee, for the duration of the Mid-Summer Festival only, and only within the Midsummer Festival area, shall be exempt from the provisions of this division. (Code 1974, § 18-74)

Sec. 22-333. Application.

A person desiring a license as a peddler or transient merchant required by the provisions of this division shall file a sworn application, in duplicate, with the city clerk giving the following information and submittals:

- (1) The applicant's name.

*State law reference—Veteran's license for peddler, MCL 4.1241 et seq.

- (2) The applicant's permanent home address.
- (3) The applicant's local address.
- (4) A general physical description of the applicant.
- (5) A brief description of the nature of the business and goods to be sold.
- (6) The name and address of the applicant's employer and credentials establishing the exact relationship to the employer.
- (7) The length of time the applicant expects to do business in the city.
- (8) The place where the goods or property are proposed to be sold, or orders taken for the sale thereof, the place where the goods or property are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
- (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 therefor.
- (10) A photograph of the applicant taken within 60 days prior to the filing of the application showing the applicant's head and shoulders in a clear and distinguishing manner.
- (11) The applicant's fingerprints.
- (12) The names of at least two property owners in the county who will certify to the applicant's good character and business responsibility or, in lieu of the names of references, such other available evidence of the good character and business responsibility of the applicant as will enable an investigator to properly evaluate character and business responsibility.
- (13) The applicant's federal tax identification number.
- (14) The applicant's state sales tax license number, when required by the state.
- (15) Authorization to use the premises by the property owner on whose premises the applicant will conduct business and written assumption of responsibility for the conduct of the applicant and his employees or agents while on the premises, which shall be signed and notarized by the owner.
- (16) A notarized affirmation by the applicant that the information contained in the application is true and accurate.
- (17) Such other information as may be required by the city clerk to effectively administer the program.

(Code 1974, § 18-70)

Sec. 22-334. Making false application.

It shall be unlawful for any person to make a false application or misrepresentation in an application prepared and submitted under this division.

(Code 1974, § 18-78)

Sec. 22-335. Investigation; issuance.

(a) Upon receipt of an application for a license under this division, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as the chief deems necessary for the protection of the public welfare.

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application the chief's disapproval and reasons for the disapproval and return the application to the city clerk, who shall notify the applicant that the application is disapproved and that no license will be issued.

(c) If, as a result of such investigation, the character and the business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application the chief's approval and return the application to the city clerk, who shall, upon payment of the prescribed fee, issue the license. A minimum of three business days shall be allowed for the processing of any application.

(Code 1974, § 18-71)

Sec. 22-336. Fee.

The annual fee for a license required by this division shall be as established by the city council.

(Code 1974, § 18-72)

Sec. 22-337. Tag or license plate.

(a) The city clerk shall issue to a person licensed pursuant to this division a tag or license plate which shall bear the license number and the words "Licensed Peddler, City of Trenton." The licensee shall display such a tag on any vehicle used in the conduct of his business.

(b) It shall be unlawful for any person licensed under this division, in the case of a transient merchant, to fail to at all times display his license while conducting business or, in the case of a peddler, to refuse to exhibit his license, upon request, to any private citizen or police officer.

(Code 1974, § 18-73)

Sec. 22-338. Special permit for nonprofit enterprises.

(a) The city clerk shall issue special permits after city council approval, without the payment of any licensee fees or other charges therefor, to any person or organization for the conducting or operation of a nonprofit enterprise, either regularly or temporarily, when he finds that the applicant operates without private profit, for a public, charitable, educational, literary, fraternal or religious purpose.

(b) The city council may set such restrictions on applicants as it may find necessary.

(c) An applicant for a special permit shall submit an application therefor to the city clerk, upon forms prescribed by the city clerk, and shall furnish such additional information as shall be required by the city clerk for a determination that the applicant comes within the provisions of this section.

(d) A person granted a special permit under the provisions of this section shall be exempt from the requirements of this article relative to application for a license but shall conform to all other applicable rules, regulations and provisions of this Code.

(e) Persons under 18 years of age shall not be eligible to solicit for any school or recognized charitable or religious benefit unless an adult is in charge and is responsible to supervise such persons in following the guidelines of the city council for such sales.

(Code 1974, § 18-75)

Sec. 22-339. Denial or revocation.

(a) A license required by this division may be denied any applicant or revoked by the city clerk for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application.
- (2) Fraud, misrepresentation or false statement made when engaging in business as a peddler or transient merchant.
- (3) Fraud, misrepresentation or false statement as to any product or service offered for sale by merchant.
- (4) Any violation of this article or any other ordinance of the city.
- (5) Conviction of any crime or misdemeanor involving moral turpitude.
- (6) Conducting the business of peddling or commercial solicitation 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.

(b) Whenever the city clerk shall deny or revoke any license, a notice specifying the cause of such denial or revocation shall be provided to the applicant or licensee at the address provided.

(Code 1974, § 18-76)

Sec. 22-340. Appeals.

Any person aggrieved by the city clerk in the imposition, denial, or revocation of a license under this division may, within ten days, file a written request with the city clerk for a hearing before the city council. The city council shall set a time and place for a hearing, and notice

thereof shall be given to the appellant. Upon such hearing, the council shall review the clerk's action and determine whether the licensure action should be affirmed or reversed, and such determination shall be final and conclusive.

(Code 1974, § 18-77)

Secs. 22-341—22-360. Reserved.

ARTICLE VIII. TAXICABS*

DIVISION 1. GENERALLY

Sec. 22-361. 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:

License means the license issued by the city authorizing the holder thereof to conduct a taxicab business in the city.

Meter means any instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Permit means the driver's permit granted by the city to a person to drive a taxicab on the streets of the city.

Rate card means a card displayed by the holder of a license in each taxicab which contains the rates of fare then in force under the provisions of this article.

Street means any street, avenue, lane, court, public parking lot or public place in the city.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire and not operated on a fixed route.

Waiting time means the time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, not including any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

(Code 1974, § 32-10)

Cross reference—Definitions generally, § 1-2.

Sec. 22-362. Designation of vehicle as taxicab; insignia; color scheme.

Every taxicab operated under the provisions of this article shall prominently display the word "taxi" or "taxicab" on the outside of the vehicle and shall prominently display the insignia

***Cross reference**—Traffic and vehicles, ch. 94.