

AN ORDINANCE DEFINING, REGULATING AND LICENSING TRANSIENT MERCHANTS, ITINERANT MERCHANTS, AND ITINERANT VENDORS IN THE VILLAGE OF MARTIN, MICHIGAN, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF MARTIN ORDAINS:

SECTION 1. License Required:

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor, as defined in Section 2 of this ordinance to engage in such business within the Village of Martin without first obtaining a license therefor in compliance with the provisions of this ordinance.

SECTION 2. Definitions:

For the purpose of this ordinance a transient merchant, itinerant merchant, or itinerant vendor, is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the village or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within said village, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or other place within the village, for the exhibition and sale of such goods, wares and merchandise either privately or at public auction, or any person, firm or corporation who hires, leases, or uses any of the aforementioned places or structures for the purpose of display and sale of such goods, wares, or merchandise on a permanent basis and maintain an inventory there, but who remains open for business for display and sale of said goods, wares and merchandise to the public on less than one hundred eighty (180) day of the calendar year.

This definition shall not be construed to include any farmer selling in the usual manner the products of the farm, any salesman representing a firm selling at wholesale to a local tradesman, any church or nonprofit organization having a benefit sale, or any person selling baked goods or handicraft made in his own home.

SECTION 3. Application:

Applicants for license under this ordinance, whether a person, firm, or corporation shall file a written sworn application signed by the applicant, if an individual, by all the partners if a partnership, and by the president if a corporation, with the Village Clerk showing:

(a) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the Village of Martin; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, as proprietor, agent, or otherwise); the name and address of the person, firm, or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(b) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Allegan, Michigan, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the President of the Village Commission, the good character and responsibility of such person or persons;

(c) The place ~~of~~ places in the Village of Martin where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(d) The place or places, other than the permanent place of business of the applicant where applicant within the six months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

### SECTION 3. Application (Cont.)

(e) A statement of the nature, character and quality of the goods, wares, or merchandise to be sold or offered for sale by applicant in the Village of Martin, the invoice value and quality of such goods, wares and merchandise, whether the same are to be sold from stock in possession or by sample or by both; at auction, by direct sale or by taking orders for future delivery or by both; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed;

(f) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the Village Clerk, copies of all said advertising whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

(g) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(h) Credentials from the person, firm or corporation for which the applicant proposed to do business authorizing the applicant to act as such representative; and

(i) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Village Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

### SECTION 4. Investigation and Issuance:

Upon receipt of such application, the Village Clerk shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business responsibility appear to be satisfactory, the Village Clerk shall so certify in writing, and a license shall be issued by the Village Clerk. The Village Clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on same.

**Application Fee;** A fee of five dollars (\$5.00) shall be paid at the time of filing to the Village Clerk to defray the cost of making the investigation.

### SECTION 5. Bonds.

Before any license, as provided by this ordinance, shall be issued for engaging in a transient or itinerant business in the Village of Martin, such applicant shall file with the Village Clerk a bond running to the Village of Martin in the sum of \$1,000.00 executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Michigan; said bond to be approved by the Village Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the Village of Martin and the Statutes of the State of Michigan, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgements rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgements and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were practiced by the owners or their agents, servants, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought in the name of the village to the use of the aggrieved person. Such bond must be approved by the Village Attorney, both as to form and as to the responsibility of the sureties thereon.

**SECTION 6. Service of Process:**

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the Village of Martin, such applicant shall file with the Village Clerk as instrument nominating and appointing the Village Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by Section 5 of this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement of service or manner of service. Immediately upon service of process upon the Village Clerk, as herein provided, the Village Clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

**SECTION 7. Exhibition of License:**

The license issued under this ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place with the Village of Martin, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

**SECTION 8. Fees:**

For each such license issued under the provisions of this ordinance, the applicant shall pay to the Village Clerk the appropriate fee according to the following schedule:

For each day less than one week	-----	\$ 5.00
For each week less than one month	-----	\$10.00
For each month less than three months	-----	\$25.00
For three months	-----	\$50.00
For six months	-----	\$100.00
For one year	-----	\$200.00

Any such fee paid prior to the statutory "tax day" or in a year in which no assessment for personal taxes was made upon the goods, wares and merchandise of such business, shall become the property of the Village; any fee paid after such "tax day" and in a year for which an assessment for personal taxes has been or will be made upon such stock, shall constitute a credit upon the Village and County and School taxes payable, in said tax year.

**SECTION 9. Transfer:**

No license shall be transferred without written consent from the President of the Commission as evidenced by an endorsement on the face of the license by the Village Clerk showing to whom the license is transferred and the date of the transfer.

**SECTION 10. Duty of Police to Enforce:**

It shall be the duty of the police officers of the Village of Martin to examine the places of business and persons in their respective territories subject to the provisions of this ordinance, to determine if this ordinance has been complied with and to enforce the provisions of this ordinance against any person found to be violating the same.

**SECTION 11. Records:**

The Village Clerk shall deposit the record of fingerprints of licensee, together with the license number, with the Village Marshall; the Village Marshall shall report to the Village Clerk any complaints against any person licensed under the provisions of this ordinance and any conviction for violation of this ordinance; the Village Clerk shall keep a record of all such licenses and such complaints and violations.

**SECTION 12. Revocation of License:**

(a) The permits and licenses issued pursuant to this ordinance may be revoked by the President of the Village Commission, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, and merchandise;
- (3) Any violation of this ordinance;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this ordinance in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address at least five (5) days prior to the date set for the hearing.

**SECTION 13. Appeal:**

Any person aggrieved by the decision of the Village Clerk in regard to the denial of application for license as provided for in Section 4 of this ordinance or in connection with the revocation of a license as provided in Section 12 of this ordinance, shall have the right to appeal to the Village Commission of the Village of Martin. Such appeal shall be taken by filing with the Commission within fourteen (14) days after notice of the decision by the Village Clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Commission shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 12 of this ordinance for notice of hearing on revocation. The order of the Commission on such appeal shall be final.

**SECTION 14. Expiration of License:**

All annual licenses issued under the provisions of this ordinance shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

**SECTION 15. Penalty:**

Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed sixty (60) days or both such fine and imprisonment.

**SECTION 16. Repeal of Conflicting Ordinances:**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

**SECTION 17. Effective Date:**

This ordinance shall take effect and be in force twenty (20) days after its passage and approval.

Passed and approved this 22 day of January, 1963.

Signed Ethel Salisbury  
Village Clerk

Approved A. H. Self  
Village President

This is to certify that on the 26th day of January, 1963, a copy of this ordinance was posted at the Martin State Bank, the Martin Post Office, and Geib's Service Station.

Ethel Salisbury