DELTA
TOWNSHIP

TO: Vendor License Applicant

FROM: Delta Charter Township, Clerk's Office

RE: Vendor License Application Procedure

Dear Applicant:

Delta Township would like to thank you for considering Delta as the community in which to conduct your business. We wish you success in the application process. Attached are a vendor application form and a copy of the Delta Township's current Vending Ordinance, which includes the vendor license application requirements and the regulations, associated with all vending activity. The application and Ordinance applies to all "vendors" and "vending activity" as those terms are defined within the Ordinance. **A valid vendor license, issued by the Township Clerk, is required for all vending activity intended to take place within Delta Township.**

VENDOR LICENSE APPLICATION REQUIEMENTS AS FOLLOWS:

1. Application must be filled out and submitted with the application and fee. All other information pertaining to applying for vending license i.e. MI Sales Tax License, Property Owners approval, Passport photograph (2 X 2 inch photo with white background) available at the Clerk's Office, Legible copy of photo identification for applicant and employees etc. must be filed with the vending license application and fee. If all applicable materials are not submitted the application will not be accepted.

2. Application processing will be completed within 10 business days (Monday – Friday), from the day the application is submitted. Notice of vendor license approval or denial will be provided to the applicant.

3. The applicant should carefully review the attached Vending Ordinance. All persons operating, as vendors and all vending activity must comply with the Delta Township Vending Ordinance, failure to do so may result in denial of the vendor application request, or revocation of a vendor license once issued.

4. The applicant, in good faith, must complete the attached vendor license application form and return the form to the Township Clerks Office. Applicants should note that no vending license issued can be used by any person other than the person to whom it was issued. If the applicant intends to have persons other than they participate in the proposed vending activity, the applicant should refer to Chapter 42 Section 35 of the attached Vending Ordinance.

5. The applicant must submit a nonrefundable application fee, payable in cash or check, to the Township Clerks Office. The application fee is due at the time the application is submitted. Vendor license application fees as of May 2003 are as follows:

    - **$350.00 – Vending from commercial site – 15 Day Permit (The $350.00 fee provides the vendor with up to 5 background investigations as required by Section 42-36. A fee of $10.00 is required for the background investigations for each employee exceeding 5.)**

- **$125.00 – Door-to-door vending – 15 Day Permit**
  (The $125.00 fee provides the vendor with up to 5 background investigations as required by Section 42-36. A fee of $10.00 is required for the background investigations for each employee exceeding 5.)

- **$75.00 – All license renewals**
  (Within 6 months of original permit and within calendar year. Maximum length vending license is issued in calendar year is 30 days.)

6. The applicant must submit a copy of their current Michigan Sales Tax License or, if exempt, a copy of a current exemption certificate, at the time the application is submitted.

7. The applicant is required to obtain the permission of the property owner of the property upon which the vending activity is intended to take place. The property owner must also acknowledge their understanding of the property owner's responsibilities as established in Chapter 42 Section 2 of the Vending Ordinance. Applicants should note any vending activity intended to be conducted from a fixed site within Delta Township is only permissible on commercially zoned property.

8. If the applicant intends the use of any sign, banner, flag or similar device it shall comply with the Delta Township Sign Ordinance.

9. If the applicant intends the use of any tent, canopy, or similar structure it shall comply with the Delta Township Fire Code and Delta Township Tent Ordinance.

10. Fireworks vendors shall submit the following documents: all documents submitted to Lara (Department of Licensing and Regulatory Affairs) application, site plan to confirm 20 foot setback from road right-of-way, floor plan of sales area with emergency exits

11. Each applicant will be investigated (criminal background history), the Delta Township Community Development Building Division (structural compliance, sign ordinance), the Delta Township Fire Department (fire safety compliance), and the Delta Township Community Development Planning Division (zoning, traffic, parking and tent compliance).

12. If the applicant intends to sell prepared food for human consumption, a copy of a current certificate of approval from the Barry-Eaton District Health Department must be submitted at the time the application is submitted.

13. The applicant is required to acknowledge their understanding of the regulations contained within the Vending Ordinance.

14. The applicant is required to acknowledge their intended compliance with the regulations of the Vending Ordinance.

Carefully review the attached Vending Ordinance. Questions may be directed to the Delta Township Clerks Office at (517) 323-8500, the Delta Township Community Development Building Division at (517) 323-8530, the Delta Township Community Development Planning Division at (517) 323-8560, and the Delta Township Fire Department at (517) 321-6622.

DELTA
TOWNSHIP

DELTA CHARTER TOWNSHIP
VENDING REGULATIONS

For your information and convenience, you have been provided with this list of vending regulations. All persons operating as "vendors" within the Charter Township of Delta, as defined by Chapter 42, Vendors of the Charter Township of Delta Code of Ordinances, are required to comply with these regulations, as mandated. Please be advised that this is not a comprehensive list of every regulation; which may apply to every vending activity, but is intended to be general information regarding the regulation of vendors within Delta Township. Other regulations inherent to the Ordinance may apply to special or unique circumstances, which are not identified below.

1. Any person conducting a vending activity upon request of any citizen, law enforcement officer, representative of Delta Township or Eaton County shall present identification.

2. The vendor's Delta Township Vending License and Michigan Sales Tax License shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.

3. Vending, soliciting or peddling, as defined herein, is prohibited at a private residence, as well as a commercially zoned property, prior to 9:00 a.m. and after 9:00 p.m.

4. Vending is not permitted on property where the owner or occupant thereof has displayed a "no soliciting" or similar sign on such premises.

5. The proposed vending activity shall not create a fire hazard; and may be subject to approval by the Township Fire Chief.

6. The proposed vending activity shall not create a structural safety hazard; and may be subject to approval by the Township Building Official.

7. The proposed vending activity shall not create traffic circulation and parking problems and vending activity will comply with tent ordinance and may be subject to approval by the Township Zoning Administrator.

8. Upon termination of the vending activity, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, structures, temporary buildings, display tables, etc., which were related to the vending activity on the site.

9. The vendor shall comply with any special conditions, which may be imposed upon the license by the Township Board pursuant to Chapter 42, Article II of the Code of Ordinances.

10. The display of goods, merchandise, vehicles, services or other items permitted by this ordinance are **PROHIBITED WITHIN THE PUBLIC ROAD RIGHT-OF-WAY**. Tents, canopies, trailers, sales stands and other similar structures relating to the vending activity are also prohibited within the public road right-of-way.

11. The use of any sign, banner, flag, or similar device intended to attract attention to the vending activity shall be in compliance with the Delta Township Sign Ordinance. (*A temporary sign permit* ***(Maximum 5 times per year for 9 days) is required for any sign used.)*** Questions regarding application process and compliance can be addressed to: Code Enforcement Officer, Building Division at 517-323-8530.

12. The use of a tent, canopy etc. may require a permit and must be in compliance with the Delta Township Fire Code and Tent Ordinance **(Maximum 5 permits authorizing a tent display for nine (9) consecutive days shall be issued in any calendar year for any property. Permits may be issued back to back**) . Questions regarding application process and compliance can be addressed to: Community Development (Planning Division) 517-323-8570.

13. Upon notice of license and/or revocation by the Township Clerk or Sheriff's Department, all vending activity on the site must cease immediately. Any person notified by the Clerk's Office to cease a vending activity should contact the Clerk's Office as soon as possible.

DELTA TOWNSHIP

DELTA TOWNSHIP
VENDING LICENSE APPLICATION

APPLICANT INFORMATION:

NAME: _____
(Last) (First) (Middle)

DATE OF BIRTH: _____

DRIVER'S LICENSE NO.: _____

ADDRESS: _____
(Street) (City) (Zip)

VEHICLE DESCRIPTION: _____
(Make) (Model) (Year)

LICENSE PLATE NO.: _____ HOME PHONE: _____

WORK PHONE: _____ CELL PHONE: _____

E-MAIL: _____

- **APPLICANT MUST SUBMIT A LEGIBLE PHOTOCOPY OF THEIR DRIVERS LICENSE OR STATE IDENTIFICATION CARD.**

- **APPLICANT MUST SUBMIT A 2 X 2 PASSPORT PHOTO OF THEMSELVES.**

APPLICANT'S BACKGROUND INFORMATION:

Have you ever had any occupational license revoked, suspended, or denied by any other municipal authority: If Yes, what is the name of the municipality and what were the circumstances of this action: _____

_____

Have you ever operated as a vendor within Delta Township before: _____ If yes, were you issued a license or permit; where was your business located; and what did you sell?

_____

_____

APPLICANT CERTIFICATION:

I certify as applicant for the Vending License that all statements and information provided in this application are true, complete and correct, to the best of my knowledge and belief, and are made in good faith. I further acknowledge that the vendor, proprietor, agents and employees will be held responsible for any violations of the Delta Township Vending Ordinance which may result in the issuance of a ticket violation to the vendor.

_____ _____

SIGNATURE OF APPLICANT DATE

- **APPLICANT MUST ALLOW SUFFICIENT TIME FOR BACKGROUND CHECK OF APPLICANT AND ALL EMPLOYEES. ALLOW UP TO 10 BUSINESS DAYS FOR BACKGROUND CHECK TO BE COMPLETED.**

****

BUSINESS REPRESENTED:

NAME OF BUSINESS:_____

ADDRESS:_____

(Street) (City) (Zip)

OWNER/REPRESENTATIVE NAME: _____

PHONE NO.: _____

E-MAIL ADDRESS: _____

DESCRIPTION OF BUSINESS:

GOODS/SERVICES TO BE SOLD:_____

METHOD OF DELIVERY: _____

STRUCTURE TO BE USED: _____

PARKING AVAILABLE: _____

Yes or No

PROPOSED DATES & HOURS OF OPERATION:_____

LOCATION OF PROPOSED ACTIVITY: *(Please circle: Door to Door or fixed site).*

_____

(Street) (City) (Zip)

****

EMPLOYEE INFORMATION:

I authorize Delta Township to complete a background check.

_____

SIGNATURE DATE

- **EMPLOYEE MUST ALLOW SUFFICIENT TIME FOR BACKGROUND CHECK. ALLOW UP TO 10 BUSINESS DAYS FOR BACKGROUND CHECK TO BE COMPLETED.**

EMPLOYEE NAME :_____

(Last) (First) (Middle)

DATE OF BIRTH: _____

DRIVER'S LICENSE NO.: _____

ADDRESS:_____

(Street) (City) (Zip)

VEHICLE DESCRIPTION: _____

(Make) (Model) (Year)

LICENSE PLATE NO.: _____ HOME PHONE: _____

WORK PHONE: _____ CELL PHONE: _____

- **EMPLOYEE MUST SUBMIT A LEGIBLE PHOTOCOPY OF THEIR DRIVERS LICENSE OR STATE IDENTIFICATION CARD.**
- **EMPLOYEE MUST SUBMIT A 2 X 2 PASSPORT PHOTO OF THEMSELVES.**
- **EACH EMPLOYEE MUST SUBMIT "EMPLOYEE INFORMATION" FROM VENDING APPLICATION FOR VENDING LICENSE.**

EMPLOYEE REFERENCES:

1. NAME: _____
   PHONE NO.: _____
   ADDRESS:_____
   (Street) (City) (Zip)
2. NAME: _____
   PHONE NO.: _____
   ADDRESS:_____
   (Street) (City) (Zip)
3. NAME: _____
   PHONE NO.: _____
   ADDRESS:_____
   (Street) (City) (Zip)

****

PROPERTY OWNER INFORMATION AND PERMISSION:

PROPERTY OWNER NAME: _____
WORK PHONE: _____ CELL NO.: _____
E-MAIL: _____
I _____
(Print Name)

Hereby grant permission for the above described vending activity on property that I own at:

_____
(Street) (City) (Zip)
For the following dates: _____

_____
(Signature of Property Owner)
Furthermore, property owner must understand and agree to his/her responsibilities as established in Chapter 42, Vendors, of the Charter Township of Delta Code of Ordinances.

****

OFFICIAL USE ONLY

License No. _____ MI. Sales Tax License No.: _____
Filing Date: _____ Health Dept. Approval: _____
Received By: _____ Sheriff Approval:_____
Fee Paid: _____ Fire Marshal Approval: _____
Received copy of Driver's License or State Identification Card (for applicant and each employee): _____
Received a passport quality photograph of applicant and each employee: _____
Building Official Approval: _____
Zoning Administrator Approval: _____ RECEIPT NO.: _____
Final Approval: _____

DELTA CHARTER TOWNSHIP
MARY R. CLARK, TOWNSHIP CLERK
7710 W. SAGINAW HIGHWY, LANSING, MI 48917-9712
www.deltami.gov – Fax: 517-323-8599

DELTA TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

◆ 7710 West Saginaw Highway ◆ Lansing, Michigan 48917 ◆ (517) 323-8560 ◆
Township Website: www.deltami.gov Email: planning@deltami.gov

TENT PERMIT APPLICATION

ALL ITEMS SHALL BE FILLED OUT

Tent Permit Number (completed by Township)

_____

Tent Event of the year (completed by Township)

_____

I. TENT INFORMATION

Date_____

Name of Business/School/Church	Street Address
Tent Purpose (eg. fireworks display)	
Dimensions of Tent	Dates of Display
Phone number	Email address

II. TENT INSTALLER (if not done by owner)

Tent Installer's Name		
Address		
City	State	Zip Code
Phone Number		
E-mail Address		

Site plan and sketch of tent (with dimensions) is required with the application

FEES:
$30 – events with tents under 200 square feet
$50 – events with tents 200 square feet and over

Fees changed 5-5-14 Form Rev. 6-26-14

III. TENT DISPLAY REGULATIONS

1. A maximum of five (5) permits authorizing a tent display for nine (9) consecutive days shall be issued in any calendar year for any property. Permits may be issued back to back.
2. Tents 200 square feet and over require review & approval by the Fire Department
3. Tent displays shall not be erected in a road right of way, over a sidewalk, or obstruct a barrier-free parking space.
4. Tent displays shall be maintained in a clean and sanitary condition and all litter & debris removed at the cessation of the tent display.
5. The tent display permit shall be attached to the tent and in public view at all times.
6. The Zoning Administrator or his/her designee may impound any tent display which has been erected in violation of this chapter.
7. Tent permits only required for church and school properties and parcels zoned office (O), business (B1, B2) and industrial (I1, I2).
8. Tents over 200 square feet must be set back 20 feet from any property line.

IV. APPLICANT SIGNATURE

I do hereby agree to comply with the terms and requirements of Chapter 43 of the Delta Township Code of Ordinances, Tent Displays

Applicant (print)	Applicant (signature)	Date
Property Owner (print)	Property Owner (signature)	Date
Zoning Administrator Approval (Competed by Township)		Date

DELTA CHARTER TOWNSHIP BUILDING DEPARTMENT

◆ 7710 West Saginaw Highway ◆ Lansing, Michigan 48917 ◆ (517) 323-8530 ◆
Township Website: www.deltami.gov Email: Signs@deltami.gov

SIGN PERMIT APPLICATION

ALL ITEMS SHALL BE FILLED OUT

SIGN PERMIT NUMBER _____

I. JOB LOCATION

Date_____

Name of Owner/Agent		Phone Number
Street Address of Job Site		
Email		Zoning
Lot/Section Number	Mall/Plaza	

II. SIGN INSTALLER INFORMATION

Sign Installer's Name		
Address		
City	State	Zip Code
Phone Number	Cell Number	
E-mail Address		Fax Number

Verification of Landscaping Compliance is Required

Site plan and sketch of sign (with dimensions) is required with the application

An Electrical Sign requires an Electrical Permit in order to install the sign.

III. TYPE OF SIGN

☐ Wall	☐ Ground	☐ Pole	
☐ Temporary	☐ Banner	☐ Trailer	☐ Other
☐ Illuminated * Elect. Permit Req.	☐ Non-Illuminated		

Electrical Installer.	Separate Electrical Permit Required
Business Name of Sign:	
The Sign Reads:	
Total Sign Display Area: Height Width	Sign Distance from Right of Way (R.O.W.)

Be advised that placing signs in the R.O.W. is prohibited.
Pole signs may not encroach on or over the R.O.W.
Ten foot setback for any sign over 3 ft. in height.
Property owner is responsible for final verification of the property line.

Height and Width of Wall Served Height Width	Elevation (Direction)
Temporary Sign Start Date	Temp. Sign Removal Date

	FEE	NO.	TOTAL
Wall Signs (Each Sign Max. 2 Walls)	$30.00		
Ground, Pole, Expressway Sign	$65.00		
Temporary Sign (Only 1 at a time) (Maximum 5 times per year for 9 days)	$50.00		
** Refundable Bond ** Temporary Trailer/Mobile Signs	$150.00		

TOTAL PERMIT FEE $

Fees changed 6/1/2006 Form Rev. 7/28/2015

IV. APPLICANT SIGNATURE

Note: Signs and sign structures shall be designed and constructed to resist wind forces to comply with the Michigan Building Code. Footing inspections and sealed engineered drawings are required to be submitted to the Building Inspector for pole & expressway signs

I do hereby agree to comply with the terms and requirements of all existing ordinances of Delta Charter Township and the State of Michigan sign ordinance known as Act No. 106 Public Act of 1972.

Signature of Applicant	Date
Building Inspector Approval (Pole/Expressway Signs)	Date
Application Approved By:	Date

Chapter 42

VENDORS*

Article I. In General

Sec. 42-1. Definitions.
Sec. 42-2. Violations and penalties.
Sec. 42-3. Purpose.
Sec. 42-4. Rules of conduct.
Sec. 42-5. Administration.
Sec. 42-6. Enforcement.
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Article II. License

Sec. 42-33. Required.
Sec. 42-34. Exceptions from license requirement.
Sec. 42-35. Application.
Sec. 42-36. Investigation of applicant.
Sec. 42-37. Nonrefundable application fee; renewal fee.
Sec. 42-38. Exemptions from license fee requirements.
Sec. 42-39. Issuance; display; denial; appeal process.
Sec. 42-40. Transferability.
Sec. 42-41. General conditions.
Sec. 42-42. Suspension and revocation.

***State law references**—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.

ARTICLE I. IN GENERAL

Sec. 42-1. 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:

Sales activity means the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going door to door, house to house, person to person, or car to car, or the exchange of goods or services in any other manner related to the vending activity.

Vending means the act of offering merchandise for sale from a fixed place not within a building, from a vehicle or from a fixed place in a tent, canopy or similar shelter, not including merchants offering merchandise for sale upon commercial premises permanently occupied by them; and the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going from door to door, house to house, person to person, or car to car; not including the act of offering merchandise for wholesale to retailers or for resale to manufacturers for use in their processes; also not including regular route delivery persons delivering products.

Vending license or *license* means a license which allows a person to conduct an approved vending activity within the township, as permitted under this article.

Vendor means any person, including, but not limited to, the vending proprietor, agent, and employee, engaged in the act of vending as defined herein. For the purposes of this article, the terms "canvasser", "drummer", "hawker", "huckster", "itinerant merchant", "itinerant vendor", "peddler", "solicitor" and "transient merchant" shall be included as persons herein defined as vendors.
(Code 1992, § 8-118; Ord. No. 303, § 3, 10-7-1991; Ord. No. 03-01, § 1, 2-3-2003; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-2. Violations and penalties.

(a) Violation of the provisions of this article shall be punishable as a municipal civil infraction as prescribed within this Code of Ordinances.

(b) The township shall hold the legal property owner responsible for the cleanup and/or repair of any property within the township due to debris or damage caused by the vending activity. The property owner shall be notified by certified mail of the township's concerns regarding the cleanup and/or repair of any property due to a vending activity, and shall be given seven days to clean up and/or repair the property to its original condition. If the code enforcement officer or his/her designee determines that sufficient cleanup and/or repair has not commenced within the allotted time, the code enforcement officer or his/her designee shall cause the cleanup and/or repair of the property to commence. The property owner shall reimburse the township for the cost of the cleanup and/or repair and any other out of pocket costs incurred by the township, including any attorney fees and/or court costs incurred to

enforce this article. The township may use any lawful means available to recover from the property owner the costs of the cleanup and/or repair of the property, including without limitation, any court costs and attorney fees to enforce this article.

(c) The property owner and vendor shall be responsible for violations of the provisions of this article.
(Code 1992, § 8-123; Ord. No. 303, § 18, 10-7-1991; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-3. Purpose.

It is the purpose of this article to regulate vendors, peddlers, solicitors, etc., as defined herein; to require and provide licensing for same; and to provide a penalty for violations in order to protect the public health, safety and welfare.
(Code 1992, § 8-117; Ord. No. 303, § 2, 10-7-1991; Ord. No. 07-39, 11-5-2007)

Sec. 42-4. Rules of conduct.

(a) Identification shall be presented by the vendor upon request of any citizen, law enforcement officer, representative of the township or the county.

(b) The vendor's township vending license and state sales tax license shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.

(c) Vending, soliciting or peddling, as defined herein, is prohibited at a private residence prior to 9:00 a.m. and after 9:00 p.m., and shall not be conducted on property zoned commercial, office or industrial under township ordinance after 9:00 p.m. and prior to 9:00 a.m.

(d) Vending is not permitted on property where the owner or occupant thereof has displayed a "no soliciting" or similar sign on such premises.

(e) The proposed vending activity shall not create a fire hazard and may be subject to approval by the township fire marshal.

(f) The proposed vending activity shall not create a structural safety hazard and may be subject to approval by the township building official.

(g) The proposed vending activity shall not create traffic circulation and/or parking problems, and may be subject to approval by the township zoning administrator.

(h) Upon termination of the vending activity, which shall mean the cessation of sales activity or expiration of vendor permit, whichever shall come first, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, display tables, etc., which were related to the vending activity on the site.

(i) The vendor shall comply with any special conditions which may be imposed upon the license by the township board pursuant to section 42-39(d).

(j) The use of any sign, banner, flag, or similar device intended to attract attention to the vending activity shall be prohibited within the road right-of-way, and shall be in compliance with the township sign ordinance.

(k) The display of goods, merchandise, vehicles, services or any other items permitted by this article shall be conducted at a minimum of 20 feet set back from the edge of any road right-of-way or from the edge of the property line if said property does not border a roadway. This section shall also apply to tents, canopies or similar shelters, or any manner whatsoever of display relating to vending activity.

(l) If the proposed vending activity intends to use a tent, canopy or similar shelter, vendors shall be in compliance with all applicable laws, township ordinances and regulations, including but not limited to article II, chapter 16, pertaining to the township fire code. The vendor may be required to obtain a permit for said tent, canopy or similar shelter and allow for an inspection by the township fire department official. Any permit fee associated with this section shall be in addition to the vending permit fee of this article.

(m) The use of any temporary structure, building, stand, booth, trailer or similar structure shall be in compliance with the township zoning ordinance.

(n) A vendor while conducting vending activity shall remain a minimum distance of 1,320 feet measured in a straight line apart from any other vendor on the same side of any roadway.

(o) The use of any portable or vehicle mounted generator, or any similar portable energy producing device shall comply with all applicable township ordinances.

(p) Anyone participating in a licensed vending activity shall at all times wear the photo ID issued by the township clerk.
(Code 1992, § 8-119; Ord. No. 303, § 15, 10-7-1991; Ord. No. 03-01, §§ 2—4, 2-3-2003; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-5. Administration.

It shall be the responsibility of the township clerk to administer the terms of this article.
(Code 1992, § 8-121; Ord. No. 303, § 8, 10-7-1991; Ord. No. 07-39, 11-5-2007; Ord. No. 14-81, 5-5-2014)

Editor's note—Ord. No. 14-81, adopted May 5, 2014, repealed § 42-5 and renumbered §§ 42-6, 42-7 as §§ 42-5, 42-6. Former § 42-5 pertained to vending in township parks and was derived from Code 1992, § 8-120; Ord. No. 303, § 17, adopted October 7, 1991 and Ord. No. 07-39, adopted November 5, 2007.

Sec. 42-6. Enforcement.

It shall be the responsibility of the county sheriff's department, the township manager, or a township official appointed by the township manager, to enforce the terms of this article. The sheriff's department, township manager, or township official appointed by the township manager, shall have the authority to issue cease and desist orders immediately upon evidence that a vending activity is being conducted within the township prior to the issuance of a

vending license by the township clerk or that licensed vending activities are occurring in violation of any of the terms of this article. In all prosecutions for violation of this article, appearance tickets and the appropriate procedures set forth in Act No. 147, Michigan Public Acts of 1968, may be used.
(Code 1992, § 8-122; Ord. No. 303, § 9, 10-7-1991; Ord. No. 03-01, § 5, 2-3-2003; Ord. No. 07-39, 11-5-2007; Ord. No. 14-81, 5-5-2014)

Editor's note—Ord. No. 14-81, adopted May 5, 2014, renumbered § 42-7 as § 42-6. See the editor's note at § 42-5 for more information.

Secs. 42-7—42-32. Reserved.

ARTICLE II. LICENSE

Sec. 42-33. Required.

No person, either as principal, agent or representative, shall engage in vending as defined in this article within the township without first having obtained a vending license in compliance with the provisions of this article, except those persons identified under section 42-34.
(Code 1992, § 8-131; Ord. No. 303, § 4, 10-7-1991; Ord. No. 07-39, 11-5-2007)

Sec. 42-34. Exceptions from license requirement.

Persons identified under this section shall not be required to obtain a vending license. Persons excepted below shall otherwise comply with the applicable regulations.

(1) Persons operating yard sales, garage sales, bake sales or other similar types of activities from their own residentially zoned property, or from property on which they currently legally reside. These activities are intended to be temporary in nature and must comply with all applicable township ordinances.

(2) Persons selling produce on the same property on which it was grown. An activity permitted by this subsection must comply with all other applicable township ordinances.

(3) Persons involved in a vending activity representing a school, religious organization or charitable organization which is so classified for federal internal revenue purposes.

(4) Persons operating a regular delivery route, not including ice cream peddlers and similar vendors.

(5) Persons operating a food catering truck(s) that serve(s) multiple commercial and/or industrial properties for no more than 30 minutes on any day.

(6) Persons under the age of 17.

(7) Persons involved in a vending activity on property leased or owned by the township are subject to the following:

a. Each person shall submit an application on a form provided by the township clerk.

b. Each person shall be responsible for the township's costs of verifying the person's identification, driving record and criminal history.

(Code 1992, § 8-132; Ord. No. 303, § 5, 10-7-1991; Ord. No. 03-19, 10-18-2004; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013; Ord. No. 14-81, 5-5-2014)

Sec. 42-35. Application.

Applicants for a license under this article shall submit a verified written application on a form to be provided by the township clerk containing the following information:

(1) The applicant's name, date of birth, driver's license number, address, a legible photocopy of their driver's license or a state ID card, vehicle description, license plate number, and phone numbers for home, work and cell phones.

(2) If the applicant intends to have persons other than himself/herself participate in the proposed vending activity, a list of such persons, including the information listed in subsection (1), shall also be submitted to the township clerk prior to the approval of the vending license.

(3) The name of the business represented, if different than the applicant, together with the address of the business, phone number and name of the owner or representative for the service of legal process.

(4) A description of the nature of the business represented, indicating the goods to be sold, method of delivery, date the permit is desired, hours of operation, location and the name and phone number of the property owner.

(5) If a lot, tent, canopy or similar shelter is to be used, or if a vehicle is to be placed upon property that is not owned by the applicant, the name, phone number and signature of the legal owner of the property shall be provided on the application.

(6) The names, addresses and phone numbers of three local references. If the applicant has never lived or done business within the township, then references from where the applicant lives or has done business may be used.

(7) A statement as to whether or not the applicant has ever had any occupational license revoked by any other municipal authority. If so, the name of the municipality and the circumstances of the revocation shall be submitted.

(8) The signature of the applicant acknowledging his understanding of the regulations contained within this article, and acknowledging that failure by the applicant to comply with any of these regulations may result in revocation of the vending license.

(9) The signature of the property owner granting permission for the proposed vending activity and acknowledging his understanding that the township shall hold the property owner responsible for the clean up and/or repair of the site to its original condition prior to commencement of the vending activity, as established in section 42-2(b).

(10) The applicant shall also submit a copy of his valid current state sales tax license or, if exempt, a copy of a current exemption certificate, for all goods or services sold other than nonprepared food for human consumption.

(11) If prepared food for human consumption is to be sold, the applicant shall submit a copy of the certificate of approval issued by the Barry-Eaton District Health Department.

(12) A passport quality photograph shall be provided for each person participating in the vending activity.

(Code 1992, § 8-133; Ord. No. 303, § 10, 10-7-1991; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-36. Investigation of applicant.

(a) Upon receipt of an application, the township clerk shall cause an investigation of the applicant to be made, which is intended to ensure the protection of the public health, safety and welfare.

(b) The investigation of the applicant may include the following:

(1) Verification of the applicant's identification, driving record and criminal history by the sheriff's department.

(2) Contact with the references listed on the application for background information regarding the applicant.

(3) Review of the proposed vending activity by the township fire marshal, building official and zoning administrator.

(4) Verification of the property owner's consent for the applicant to operate the proposed vending activity.

(c) The township clerk may contact any other source deemed necessary by the clerk to help determine the applicant's business responsibility and/or criminal history.

(Code 1992, § 8-134; Ord. No. 303, § 11, 10-7-1991; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-37. Nonrefundable application fee; renewal fee.

Before considering any application submitted in accordance with the requirements of this article, a nonrefundable fee shall be collected by the township clerk, except from those persons exempt from the license fee as identified by sections 42-34 and 42-38, in order to defray the cost of the investigation of the applicant as mandated by section 42-36. The application fee shall be set from time to time by the township board by resolution. There shall be two fees established, one being an application fee and the other being a renewal fee. The renewal fee shall be charged to renew any vending license for the same applicant to conduct the same activity at the same site within six months of the issuance of the original license. In all other instances, the full application fee shall be charged for the investigation of the applicant as mandated by section 42-36.

(Code 1992, § 8-135; Ord. No. 303, § 6, 10-7-1991; Ord. No. 07-39, 11-5-2007)

Sec. 42-38. Exemptions from license fee requirements.

Persons identified under this section shall be required to obtain a vending license under the terms of this article. However, all fees associated with the granting of such license shall be waived.

(1) Any persons operating a vending activity, as defined herein, by attempting to solicit sales of goods, wares or merchandise thereafter to be transported to the customer in interstate commerce.

(2) Veterans who have been issued a vending license under Public Act No. 359 of 1921 (MCL 35.441 et seq.).

(Code 1992, § 8-136; Ord. No. 303, § 7.0, 10-7-1991; Ord. No. 07-39, 11-5-2007; Ord. No. 13-75, 5-6-2013)

Sec. 42-39. Issuance; display; denial; appeal process.

(a) If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are satisfactory, the clerk shall approve the license and issue a certificate bearing the words "licensed vendor" having the signature of the township clerk or deputy township clerk. The license and certificate shall be issued within ten business days from the day the application was originally filed. The certificate shall also stipulate the period for which the license is valid and the license number. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

(b) If, as a result of the clerk's investigation, the business responsibility and/or criminal history of the applicant are unsatisfactory, the clerk shall deny the application within ten business days from the day the application was originally filed. The clerk shall notify the applicant in writing of the specific reasons why the application was denied. The notice shall be sent by certified mail, return receipt requested, postage prepaid, to the address as stated on the application.

(c) The denial of the license by the clerk may be appealed to the township board if so desired by the applicant provided that a written request to appeal is filed with the clerk within 20 days of the receipt of license denial. A failure to file a request for appeal within 20 days shall be deemed to constitute a waiver of appeal. Upon proper filing of a timely request for appeal by the applicant, the clerk shall take the appropriate steps necessary to place the applicant's appeal on the next township board agenda. The township board shall deny, approve, or approve with conditions the application as determined by the board to be in the best interests of the public health, safety and welfare.

(d) If after an appeal to the township board the application is approved, the clerk shall issue a certificate bearing the words "licensed vendor" and the signature of the township clerk or deputy township clerk. The license and certificate shall be issued on the next business day following the township board meeting. The certificate shall stipulate the period for which the license is valid and the license number, and shall note any special conditions the board may have attached to the issuance of the license. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

(e) If the township board denies the application, the township clerk shall notify the applicant thereof in writing by certified mail, return receipt requested, postage prepaid, sent to the address as stated on the application with a statement of the specific reasons for denial. Any decision made by the township board shall be final.

(Code 1992, § 8-137; Ord. No. 303, § 12, 10-7-1991; Ord. No. 03-01, § 6, 2-3-2003; Ord. No. 07-39, 11-5-2007)

Sec. 42-40. Transferability.

No vending license issued to any person under the provisions of this article shall be used by any person other than the person to whom it was issued.
(Code 1992, § 8-138; Ord. No. 303, § 13, 10-7-1991; Ord. No. 07-39, 11-5-2007)

Sec. 42-41. General conditions.

(a) *Term.* Vending licenses shall be valid for a maximum of 15 consecutive days from the day the license was originally issued, except as provided by section 42-42(g).

(b) *Number per person and property.* No more than two 15-day vending licenses shall be issued to the same person, firm, corporation or other entity including any agent or representative thereof, and vending shall not be allowed to be conducted upon property zoned commercial, office, or industrial under township ordinance for longer than the terms of two 15-day vending licenses, within a one-year time period. The prescribed fee shall be required to be paid for each license, as determined by section 42-37.

(c) *Number per site.* No more than one license may be issued for the same site for the same time period by the township clerk. The issuance of more than one license for a site shall be as determined by the township board. The following criteria shall be used by the township board to reach its decision:

(1) Size and location of site.

(2) Availability of parking.

(3) Type of vending activity.

(4) Hours of operation of the vending activity.

(d) *Copies to be filed.* A copy of the vending license application and a copy of the state sales tax license issued by the county treasurer shall be mailed to the registration section of the state department of treasury by the township clerk within ten days of the issuance of the vending license.
(Code 1992, § 8-139; Ord. No. 303, § 14, 10-7-1991; Ord. No. 07-39, 11-5-2007)

Sec. 42-42. Suspension and revocation.

(a) The township clerk may suspend any license issued under the provisions of this article upon evidence being presented to the clerk alleging any of the following:

(1) A violation of any of the regulations or provisions outlined within this article.

(2) Fraud, misrepresentation or false statement contained in the application for the license.

(3) Fraud, misrepresentation or false statement made in the course of carrying on the vending activity.

(4) Conviction of a felony.

(5) Operation of the vending activity in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the public health, safety and welfare.

(b) The township clerk shall notify the sheriff's department of the suspension and request that a certified letter drafted by the clerk notifying the licensee of his license suspension with a statement of the specific reasons for same are immediately hand delivered to the licensee by the sheriff's department.

(c) Upon notice of license suspension by the township clerk, all vending activity on the site must cease immediately. If the person aggrieved by such action fails to contact the township clerk within five days from the day of the license suspension, the vending license shall be revoked.

(d) The person aggrieved by the suspension of the license shall have the right to a hearing before the township board, provided that a written request thereof is filed with the township clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted at the next township board meeting.

(e) The township board shall, after the holding of a hearing, reinstate, reinstate with conditions or revoke the vending license. Any decision made by the township board shall be final.

(f) Upon revocation of the license, the fee therefor shall not be refunded.

(g) If the license is reinstated by the township board, the aggrieved licensee shall be credited with the number of days during which the license was suspended, such that the licensee will not lose any business days permitted by the issuance of the original license.

(h) No person whose vending license has been revoked shall be eligible to receive another vending license to do business within the township for two years from the date of license revocation.

(Code 1992, § 8-140; Ord. No. 303, § 16, 10-7-1991; Ord. No. 07-39, 11-5-2007)