

Credentials establishing the nature of the employment relationship shall be provided by the applicant, and shall be attached to this application.

- 4) **Has the applicant ever been convicted of a crime?** _____
- 5) **Does the applicant owe any personal property taxes or other indebtedness to the City of Walker?**
-
- 6) **Are any personal property taxes owed to the City by applicant (or by any other person) on any personal property that will be used in the operation of the business?** _____

A copy of the applicant's Michigan sales tax license shall be provided by the applicant and shall be attached to this application along with a copy of everyone's drivers license who will be going door to door.

Michigan sales tax license attached. **Employment credentials attached.**

- 7) **All licenses shall be issued subject to the conditions set forth below. By signing this application, the applicant agrees to accept these conditions if the license is issued.**
- a. The applicant shall permit all reasonable inspection of the licensed activities by any properly identified public authority.
 - b. The applicant accepts that the license may be suspended or revoked without prior notice or hearing as provided by Ordinance 910391.
 - c. The applicant shall ascertain and at all times comply with all laws, ordinances, rules and regulations applicable to the licensed activities during the term of the license.
 - d. The applicant shall not engage in the business of being a transient merchant at any time after the license has expired without having been renewed or reissued, at any time when the license is suspended or revoked or during any pending legal action to appeal the denial, suspension or revocation of the license.
 - e. The applicant shall avoid all unfair trade practices as prohibited under the Michigan Consumer Protection Act (PA 1976, No. 331).
 - f. The applicant shall comply with any other condition determined by the chief of police to be reasonably necessary to ensure that the applicant will serve the public in a fair, honest, safe and lawful manner.

I swear or affirm that to the best of my knowledge and ability, all the information provided on or in connection with this application is true and complete and that all information requested in connection with this application has been provided. I have read, understand, and

agree with the provisions of the license and agree to be bound by all of its terms and conditions.

I authorize the City to perform a complete reference and background check as the Police Department deems necessary. I authorize my previous supervisors and employers, to release information regarding me. I have shown proper identification and release from all liability and responsibility the Walker Police Department, the City of Walker, and any persons or employers thereof, in supplying such information.

Date

Signature of applicant

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Notary Public, Kent County, Michigan.
My Commission Expires: _____

FOR OFFICE USE ONLY

This License is approved for issuance to _____
(Name of individual)

For a period of _____ Indicate number of days, weeks, months, or year, (Maximum one year). Except as otherwise provided by Ordinance 91-391, the license shall be effective for a term beginning on the date of issuance and ending on _____ (Date Ending)

Date Approved

Chief of Police

Zoning authorization _____ Date _____
(Signature of official)

Application fee of \$25.00 paid. (Non-refundable) Receipt # _____

Date

City Clerk Signature

License fee of \$ _____ paid. (Non-refundable) Receipt # _____

Date

City Clerk Signature

ORDINANCE NO. 91-391

AN ORDINANCE TO AMEND ARTICLE III, CHAPTER 10
OF THE CODE OF ORDINANCES, CITY OF WALKER.

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Article III, Chapter 10.

Article III, Chapter 10 of the Code of Ordinances, City of Walker, is hereby amended to read in its entirety as follows:

ARTICLE III. TRANSIENT MERCHANTS

Sec. 10-70. Definitions.

As used in this article, the term "transient merchant" shall mean any "peddler," "solicitor," or "transient vendor" which terms are in turn defined as follows:

(a) Peddler shall mean any person who travels from door to door, street to street, or place to place within the city for the purpose of displaying, selling, or leasing with the option to buy, any goods, personal property or services for immediate delivery.

(b) Solicitor shall mean any person who travels from door to door, street to street, or place to place within the city for the purpose of displaying, offering for sale, offering for lease with the option to buy, or taking orders for sale or lease with the option to buy, any goods, personal property or services for future delivery.

(c) Transient vendor shall include any person who leases, uses or occupies any structure, building, vehicle or other place (whether or not within a structure, building or vehicle) within the city for not more than six (6) months for the purpose of displaying, selling or offering for sale, leasing or offering for lease with the option to buy, or taking orders for sale or lease with the option to buy, any goods, personal property or services for immediate or future delivery.

Sec. 10-71. License required.

No person shall engage in the business of being a transient merchant within the city without first obtaining a license issued by the city clerk as provided by this article.

Sec. 10-72. License application.

(a) Any person required to obtain a license under the provisions of this article shall file an application on the forms

provided by or prescribed by the city clerk and shall pay an application fee as provided by this section.

(b) The completed application shall contain the following information, as applicable to the application under consideration:

- (1) The applicant's name, age, description, permanent home address, place of business, and full local address.
- (2) A description of the nature of the business, the goods or property to be sold, any services to be offered, and the length of time for which the right to do business is desired.
- (3) If the applicant is employed by another person, the name and address of the employer, together with credentials establishing the nature of the employment relationship.
- (4) The place where the goods or property involved are manufactured or produced; where the goods or property are located at the time the application is filed; and the proposed method and timing of delivery.
- (5) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance or state statute, the nature of the offense, and the punishment or penalty assessed, if any.
- (6) The applicant's federal taxpayer identification number.
- (7) The applicant's state employer identification number.
- (8) Any additional information required by the chief of police to determine whether the applicant, if licensed, will serve the public in a fair, honest, safe, and competent manner and in compliance with the requirements of this article, other provisions of the City Code and all other applicable laws, statutes, ordinances, rules and regulations.

(c) The application shall be accompanied by a copy of the applicant's Michigan sales tax license.

(d) All licenses shall be issued subject to the following conditions which shall be set forth on the license application form:

- (1) The applicant shall agree to permit all reasonable inspection of the licensed activities by any properly identified public authority.

- (2) The applicant shall agree to the suspension or revocation of the license without prior notice or hearing as provided by this article.
- (3) The applicant shall agree to ascertain and at all times comply with all laws, ordinances, rules and regulations applicable to the licensed activities during the term of the license.
- (4) The applicant shall agree not to engage in the business of being a transient merchant at any time after the license has expired without having been renewed or reissued, at any time when the license is suspended or revoked, or during any pending legal action to appeal the denial, suspension or revocation of a license.
- (5) The applicant shall agree to avoid all unfair trade practices as prohibited under the Michigan Consumer Protection Act (PA 1976, No. 331).
- (6) Any other condition determined by the chief of police to be reasonably necessary to ensure that the licensee will serve the public in a fair, honest, safe and lawful manner.

(e) The application form shall include a sworn, notarized affidavit to be signed by the applicant that, to the best of the applicant's knowledge and ability, all information provided on or in connection with the application is true and complete and all information requested in connection with the application has been provided. The affidavit shall also state that the applicant has read, understands, and agrees with the provisions of the license, and agrees to be bound by all of its terms.

(f) The application shall be accompanied by a non-refundable application fee in an amount established by resolution of the city commission.

Sec. 10-73. License fees.

Prior to the issuance of a license under this article, a non-refundable license fee in an amount established by resolution of the city commission shall be paid to the City Treasurer. The license fee required by this section shall be in addition to the application fee as required by Section 10-72(f).

Sec. 10-74. Effective term of license.

Except as otherwise provided by this article, a license shall be valid and effective for the term for which the applicable license fee has been paid. The effective term of a license may be extended for an additional term or portion thereof by further

payment of the applicable license fee, provided that there has been full compliance with all applicable provisions of this article, and provided that no license shall be valid for a period of more than one (1) year. The effective term of a license, including any extensions granted, shall be expressly stated on the license.

Sec. 10-75. License approval or denial; issuance.

(a) Licenses shall be approved or denied by the chief of police and issued by the city clerk. If the chief of police approves a license, the city clerk shall issue the license upon payment of the applicable license fee as provided by section 10-73. If a license is denied by the chief of police, the city clerk may not issue the license. For purposes of this section, denial of a license shall include refusal to issue an original license or refusal to renew or reissue an existing license.

(b) Upon receipt of an application for a license and application fee as required by Section 10-72, the city clerk shall forward the application to the chief of police. The chief of police shall then review the application and complete any investigation of the applicant's penal history, license history, and general personal history as deemed necessary by the chief of police to determine whether the applicant, if licensed, will serve the public in a fair, honest, safe, and lawful manner and in compliance with the requirements of this article, other provisions of the City Code and all other applicable laws, statutes, ordinances, rules and regulations.

(c) The chief of police may deny a license for any of the following reasons:

- (1) The applicant has engaged in, aided, abetted, counseled, procured, commanded, permitted or assisted in the commission of a violation of this article.
- (2) There is reasonable evidence that the applicant has engaged in, aided, abetted, counseled, procured, commanded, permitted or assisted in the commission of a violation of any other law, ordinance, rule or regulation, or has otherwise engaged in undesirable or unlawful business practices likely to cheat, mislead or defraud the public, which violations or practices bear on the applicant's honesty, trustworthiness, business reputation, or moral character, or on the applicant's ability or propensity to engage in the business of being a transient merchant in a fair, honest, safe and lawful manner.
- (3) The applicant has a prior criminal conviction or prior license revocation, and the prior conviction or revocation bears on the applicant's honesty,

trustworthiness, business reputation, or moral character, or otherwise on the applicant's ability or propensity to engage in the business of being a transient merchant in a fair, honest, safe and lawful manner.

- (4) The applicant has made a false statement or has misrepresented a material fact in the license application.

(d) If a license is denied, the chief of police shall make written findings of fact in support of the denial based on the standards in Section 10-75(c). The applicant may appeal a denial to the city commission by filing a written request for an appeal with the city clerk within five (5) business days following receipt of notice of denial. If appealed as provided by this section, the city commission shall hold a public hearing on the denial and may reverse, affirm or modify the decision of the chief of police. The city commission shall, in its determination, make written findings of fact supporting its decision based on the standards in Section 10-75(c). The determination of the city commission shall be final.

Sec. 10-76. License suspension or revocation.

(a) A license granted under this article may be suspended or revoked by the chief of police for any of the reasons for denial of a license as provided by Section 10-75(c). The chief of police shall make written findings of fact in support of the suspension or revocation of a license.

(b) If a license is suspended or revoked, the licensee may appeal the suspension or revocation to the city commission by filing a written request for an appeal with the city clerk within five (5) business days following receipt of notice of the suspension or revocation. If appealed as provided by this section, the city commission shall hold a public hearing on the suspension or revocation and may reverse, affirm or modify the decision of the chief of police. The city commission shall, in its determination, make written findings of fact supporting its decision based on the standards in Section 10-75(c). The determination of the city commission shall be final.

Sec. 10-77. General regulations and prohibitions.

Unless otherwise expressly permitted by another provision of the City Code:

(a) No person shall stop or park a vehicle at the curb for the purpose of conducting business as a transient merchant from the vehicle, nor shall any person establish a stand, booth or other place of business on any street, curb, sidewalk, public right-of-way or other public place. This section shall not be interpreted to prohibit parking for the purpose of making deliveries or for the

purpose of consummating a business transaction with persons waiting at the curb, provided that the transient merchant leaves the curb immediately after the deliveries or transactions are completed.

(b) No person shall operate or maintain any stand, structure, building or vehicle on or near to any public right-of-way for the service of customers or for the transaction of business in such a manner that requires customers to stand, occupy or congregate within the limits of the public right-of-way.

(c) No person shall, in conducting the business of being a transient merchant, obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a permitted transaction, or at any time after having been requested to desist by any police officer of the City because of congested or dangerous traffic conditions or for the public health, safety or welfare.

(d) No person shall engage in the business of being a transient merchant within five hundred (500) feet of the entrance to any school building between the hours of 8 A.M. and 5 P.M. on the days when school is in session; or on portions of streets on which a public park abuts.

(e) No person shall engage in the business of being a transient merchant on any property against the wish or desire of the property owner or the tenant or occupant of the property.

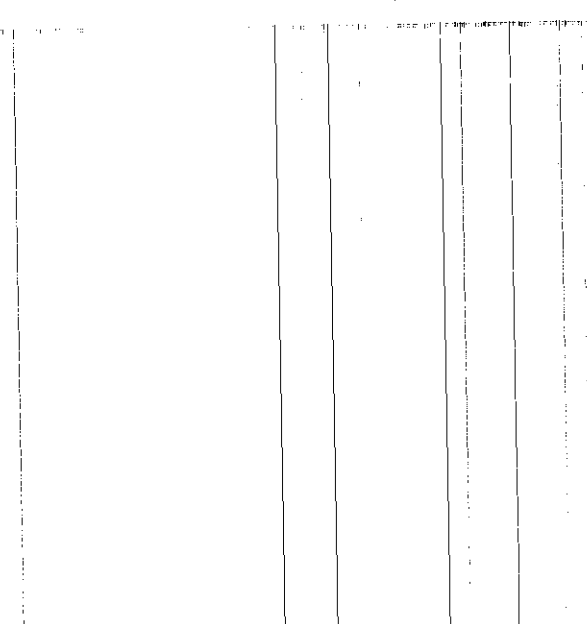
(f) No person engaged in the business of being a transient merchant shall visit any dwelling or residence without an appointment where a sign is displayed stating "no peddlers," "no solicitors," "no salesman," "no trespassing" or words of similar meaning.

(g) No person engaged in the business of being a transient merchant shall, while in any public place, shout or cry out his or her goods or merchandise, nor blow any horns, ring any bell, broadcast or play any sound, or use any other similar device to attract the attention of the public.

(h) No person shall travel from door to door, street to street, or place to place within the city while engaged in the business of being a transient merchant, except between the hours set forth below:

May 1 to October 31. 9 a.m. to 8 p.m.
November 1 to April 30 9 a.m. to 6 p.m.

(i) No person, whether principal or agent, shall by circular, handbill, newspaper, or in any other manner, advertise or offer any sale or business transaction requiring a license under this article before a license has been issued as provided by this article.



Sec. 10-78. Display and use of licenses.

(a) A licensee shall carry any license issued under this article upon his or her person at all times when engaged in the activity for which the license was granted. If the activity for which the license was issued occurs within a structure, building or other place, the license shall be exhibited at all times in some conspicuous place at the structure, building or place. A licensee shall immediately produce his or her license for examination when requested to do so by any properly identified public authority or by any person with whom the licensee is dealing in connection with licensed activities.

(b) A licensee shall not allow any license to remain posted, displayed, or used after the license term has expired, if a duplicate license has been issued, if the license has been suspended or revoked, or if the license for any other reason has become ineffective. It shall be the obligation of the licensee to immediately return to the city clerk any license which becomes invalid or ineffective.

(c) A licensee shall not loan, sell, give, or assign, to any other person, or allow any other person to use or display, or to destroy, damage, or remove, or to have in his or her possession any license which has been issued to the licensee.

(d) No person shall display an expired license, a license for which a duplicate has been issued, a license which has been suspended or revoked, or a license which was approved and issued for another person.

(e) No person shall write upon, alter, amend, modify, change or damage a license, except as required by this article or as authorized by the city clerk.

Sec. 10-79. Indebtedness to the city.

A license shall not be granted to any person owing any personal property taxes or other indebtedness to the city, or who contemplates using any personal property on which personal property taxes are owing, in the operation of the business.

Sec. 10-80. Exempt persons.

Persons engaged in the activities specified by this section shall be wholly or partially exempt from the requirements of this article, as follows:

(a) Any person under eighteen (18) years of age, when engaged in soliciting or selling on foot in the neighborhood of their residence under the direct supervision of a school or a recognized

charitable or religious organization, shall be wholly exempt from the requirements of this article.

(b) Any person (other than a person qualifying for exemption under section 10-81(a)) selling or offering for sale any goods, wares, merchandise, or personal property on behalf of and solely for the benefit of any recognized charitable or religious purpose shall be exempt from the application fee requirements of Section 10-72 and the license fee requirements provided by Section 10-73, but shall comply with all other requirements of this article.

(c) Farmers or truck gardeners selling or offering for sale at a roadside stand any products grown or raised on the premises shall be wholly exempt from the requirements of this article.

Sec. 10-81. Violation.

Any person who fails to comply with the provisions of this article shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 2. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Effective Date.

This Ordinance shall become effective immediately upon publication in a newspaper in general circulation within the City of Walker.

First Reading: January 22, 1991

Second Reading: February 12, 1991

Effective Date: February 25, 1991


Adrian J. Stehouwer, Mayor


Linda Wiser, City Clerk

RESOLUTION

At a regular meeting of the Walker City Commission in the City of Walker Michigan, duly called and held in the Walker City Hall in said City, 4243 Remembrance Road, N.W., on Tuesday, the 12th day of February, 1991, at 8:00 p.m. there were:

PRESENT: Mayor A. Stehouwer; Comm: J. VanSoestberg, D. Knottnerus,
G. Hilton, R. Marz, and Steve Versluis.

ABSENT: _____

The following resolution was offered by Commissioner _____
VanSoestberg and supported by Commissioner Knottnerus.

WHEREAS, Article III, Chapter 10 of the City Code, as amended by Ordinance No. 90-391, requires a license to engage in the business of a transient merchant, and

WHEREAS, Article III, Chapter 10 of the City Code, as amended to Ordinance No. 90-391, requires the City Commission to establish non-refundable application fees for transient merchant licenses and to establish non-refundable license fees for transient merchant licenses.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby establishes the non-refundable application fees for transient merchant licenses as follows:

\$25.00 per application

BE IT FURTHER RESOLVED that the City Commission hereby establishes the non-refundable license fees for a transient merchant license as follows:

\$25.00 per day
\$200.00 per month
\$400.00 per six (6) months
\$600.00 per year*

* one year license available only to peddlers and solicitors under Article III, Chapter 10.

BE IT FURTHER RESOLVED that these fees shall remain in effect unless and until modified by resolution of the City Commission.


Upon vote for the adoption of said Resolution, the vote was:

AYES: 6
NAYS: 0
ABSENT: 0

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Walker City Commission of the City of Walker, Kent County, Michigan at a regular meeting held on February 12, 1991, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Dated: February 12, 1991



Linda Wisner, City Clerk