

VILLAGE OF SUTTONS BAY  
LEELANAU COUNTY, MICHIGAN  
ORDINANCE NO. 22  
Amending  
Ordinance 4 of 2010  
PEDDLER'S ORDINANCE

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE PEDDLERS WITHIN THE VILLAGE OF SUTTONS BAY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF SUTTONS BAY ORDAINS:

**Section 1. Title.**

This Ordinance shall be known as the Village of Suttons Bay Peddlers Ordinance.

**Section 2. Definitions.** As used in this Ordinance,

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.

"Wagon" means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

"Vessel" means a craft designed to navigate on water

"Veteran Peddler" means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, *et seq.*

**Section 3. Regulations.**

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.

- (b). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the streets, alleys, parks, and other public places for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell or rent.
- (c). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

**Section 4. Nuisance**

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

**Section 5. Violations and Penalties.**

- (a). Any person who violates any provision of this Ordinance, except Section 4(c), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
  - (1). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
  - (2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
  - (3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b). Any person who knowingly violates Section 4(c) of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c). Each day this Ordinance is violated shall be considered a separate violation.

**Section 6. Enforcement Officials.**

The village manager and police officers of the Village of Suttons Bay and the Leelanau County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

**Section 7. Civil Action**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se

or any other violation of this Ordinance.

**Section 8. Validity.**

If any section, provision or clause of this ordinance or the application thereof to any person or circumstance is held valid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 9. Repeal.**

Village of Suttons Bay Ordinance No XXXIII (33) enacted on July 26, 1946 and entitled "transient Traders" is hereby repealed in its entirety.

**Section 10. Effective Date.**

This Ordinance shall be effective 20 days after publication.

The Vote regarding the adoption of this Ordinance was as follows:

YEAS: Bahle, Case, Christensen, Long, Lutke, Smith and Suppes

NAYS: None

Date of Council approval: May 17, 2021

Date of Publication: May 27, 2021

Effective Date: June 17, 2021

Dated:

VILLAGE OF SUTTONS BAY

By:   
Steve Lutke, President

By:   
Shar Fay, Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Village Council for the Village of Suttons Bay at the time, date and place specified above pursuant to the procedures required by law.

  
Shar Fay, Village Clerk

# Affidavit of Publication

VILLAGE OF SUTTONS BAY


Description: Peddler's Ordinance

John T. Elchert being first duly sworn, says that he is the publisher of The Leelanau Enterprise, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published:

Leelanau Enterprise: 5/27/2021

Signed:   
John T. Elchert, Publisher

Subscribed and sworn to before this date 5/27/2021

  
Patrice Korson  
Notary Public, Leelanau County, Michigan  
Acting in Leelanau County

*My Commission Expires April 1, 2028*

a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, et seq.

Section 3. Regulations.

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

(a). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.

(b). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the streets, alleys, parks, and other public places for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell or rent.

(c). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

Section 2. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days after publication in the manner and as provided by law. A copy of the Ordinance is available at the Village Hall or on the Village website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org).

The vote regarding the adoption of this Ordinance was as follows:

YEAS: Bahle, Case, Christensen, Long, Lutke, Smith, & Suppes  
NAYS: 0

ABSENT/ABSTAIN:

Ordinance No. 22 declared adopted.

Suttons Bay  
Village Notice  
Village Of Suttons Bay  
Peddlers Ordinance

Ordinance No. 22

Amending Ordinance No. 4 of 2010  
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ACT 246 OF THE PUBLIC ACTS OF  
1945, AS AMENDED, TO REGULATE  
PEDDLERS WITHIN THE VILLAGE  
OF SUTTONS BAY AND TO  
PROVIDE PENALTIES FOR  
VIOLATIONS THEREOF.

NOTICE OF ADOPTION

At a regular meeting of the Village Council for the Village of Suttons Bay, Leelanau County, Michigan, held VIA Remote Access, May 17, 2021, beginning at 5:30 p.m., the following Ordinance was offered for adoption by Council Member Suppers and was seconded by Council Member Christensen:

THE VILLAGE OF SUTTONS BAY  
ORDAINS:

Section 1. To amend the Peddler Ordinance as follows:

Section 2. Definitions. As used in this Ordinance,

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

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