VILLAGE OF SUTTONS BAY
PEDLERS ORDINANCE
Ordinance No. 4 of 2010

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, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares 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.

"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, wares or merchandise from a public street, alley, park 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 cryout, 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 Suttsonts 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 become effective twenty (20) days after a synopsis is published in a newspaper of general circulation in the Village.

VILLAGE OF SUTTONS BAY

By: [Signature]
Larry Mawby, Village President

By: [Signature]
Dorothy Petroskey, Village Clerk

Date of Council Approval: 9-26-10
Date of Publication: 9-30-10
Effective Date: 10-20-10