

## OUTDOOR VENDORS LICENSE ORDINANCE

### Ordinance No. 2013-13

AN ORDINANCE to regulate the operation of outdoor vendors within the Charter Township of Allendale, Ottawa County, Michigan; to provide penalties for the violation of this ordinance; and to repeal all ordinances and parts of ordinances in conflict with this ordinance

#### THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN

#### ORDAINS:

**Section 1. Title.** This Ordinance shall be known and may be cited as the Allendale Charter Township Outdoor Vendor Ordinance.

**Section 2. Definitions.** The following words and terms are defined for the purposes of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common and standard definition.

A. **"Outdoor Vendor"** shall mean a person, firm, corporation, or organization offering merchandise for sale outside of a building, from a vehicle or from a fixed place in a temporary structure or shelter, including merchants offering merchandise outdoors for sale upon premises permanently occupied by them. Persons selling merchandise door to door are not Outdoor Vendors and are regulated under the Township's Solicitation Ordinance.

B. **"Merchandise"** may include items such as Christmas trees, pictures and paintings, lawn ornaments, toys, flowers, food items, legal fireworks, sporting goods, as well as merchandise offered during sidewalk sales, tent sales, or other special event sales, but not including the sale of vehicles or motorized equipment.

C. **"Farm Products"** the sale of farm products as defined and regulated by the Allendale Charter Township Zoning Ordinance shall not be considered an Outdoor Vendor operation. See section 5.07.H Farm Markets.

#### **Section 3. Permitted Areas Of Operation.**

A. An Outdoor Vendor operation within Allendale Charter Township shall be permitted in all zoning districts except the R2, R3 and R5 districts of the Township with the approval of the Township Supervisor or his or her designated agents in accordance with the provisions of this Ordinance.

B. An Outdoor Vendor shall not operate within any public right-of-way.

**Section 4. License Required Limitation Of License.**

A. A person, firm, corporation, or organization shall not engage in an Outdoor Vendor operation within the Charter Township of Allendale without first obtaining a license.

B. No more than six 30 day licenses for a total of 180 days shall be issued to the same applicant in the same calendar year. The license may be issued for consecutive periods or for separate periods. A fee shall be required for each separate license issued although a license issued for consecutive periods shall only be charged for one license fee. The fee shall be established by resolution of the Township Board from time to time.

C. No more than one license shall be issued for the same lot for the same time period, although the same applicant may be issued separate licenses for different locations for the same period of time. Each location shall require a separate license and fee.

**Section 5. Exemptions.**

A. The owner or operator of a lawful principal use or business which is located in a commercial or industrial zone shall not be required to obtain a Vendors License in order to sell their own merchandise outdoors on the same parcel as the principal use or business. However, the owner or operator shall comply with the safety requirements of Section 9A.

B. A license shall not be required for any outdoor vendor operation conducted under the direct supervision of any school or recognized charitable or religious organization, upon premises owned by the school or charitable or religious organization, or when waived by the Township Board.

C. A license shall not be required for those persons operating temporary yard sales or garage sales on their own property.

D. A license shall not be required to sell farm products as defined and regulated in the Allendale Charter Township Zoning Ordinance.

E. The outdoor sale of products such as "Girl Scout Cookies," "Kool-Aid" stands or similar items typically sold by minors' are exempt from this Ordinance.

F. Veterans who have been issued a Peddler's license under State of Michigan Act 359 of 1921 shall not be required to obtain an Outdoor Vendors License under this Ordinance, but shall comply with other regulations of this Ordinance.

**Section 6. Procedure For License Application.**

A. A person seeking an Outdoor Vendor License shall file an application with the Township Clerk. Such application shall contain at a minimum the following information:



- 1). Name of the applicant as well as names of such person(s) to be employed by such applicant in the operation;
- 2). Permanent home address, phone number, e-mail address (optional) and full local address of the applicant and such person or persons employed by such applicant;
- 3). A brief description of the nature of the business, the goods to be sold and the origin of the goods;
- 4). Location of the proposed activity, with the property owner's name, address, and phone number, along with written permission from the owner of the lot, parcel, or tract intended for the site of operation;
- 5). Dates and hours of operation of the proposed activity;
- 6). When necessary, written proof of compliance with the requirements of the Ottawa County Health Department;
- 7). An accurate site plan sketch with dimensions shall be provided by the applicant which illustrates the lot lines, layout of the site, including access, parking, and location of tables, tents, merchandise, electrical apparatus, signs and other items necessary to conduct the business. The sketch shall also illustrate any existing buildings or uses on the lot and how the vendor operation will function in conjunction with the existing use.

B. A fee as established by resolution of the Township Board for each 30 day license requested shall be provided with the application. Cleanup is required immediately at the end of the event. Lack of cleanup is a violation of this Ordinance.

C. The Supervisor or their designated agent shall review the application material and may request or seek any additional information as may be necessary to determine that the proposed business or operation of the business will not be a threat to the health, safety and general welfare of Township residents or the general public.

D. The Supervisor or their designated agent shall review the sketch plan and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site, and those entering and leaving the site. If electrical apparatus are proposed to be used in the operation of the business, or an enclosure such as a tent is to be used, the Supervisor may request a review by the Township Building Official who shall ensure that proper safety measures are followed by the applicant.

## **Section 7. Issuance Of License.**

A. The Township Supervisor or his or her designated agent is authorized to issue an Outdoor Vendor License after a determination that:

1). The applicant has provided the information required by this Ordinance;

2). The proposed operation will be conducted in a manner which:

- will be compatible with any use on the site or with adjacent uses;
- will not result in any traffic or pedestrian safety hazards;
- will not significantly detract from the parking needed by an existing use on the site; and
- will not compromise the safety and wellbeing of persons on or off the site.

B. Upon approval of the application and payment of the required fee, the Township Supervisor or their designated agent shall furnish to the applicant a copy of the application and a license which shall bear the words "Outdoor Vendor License" and the signature of the Township Supervisor or their designee. The license shall also stipulate the period for which the license is issued and the number of the license. The license shall be carried by the applicant and shall be readily accessible during the time of the business operation.

C. If the Township Supervisor or designated agent denies an application, the Supervisor 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 reason(s) for denial.

D. A new license may be issued at the discretion of the Township Supervisor or their designated agent upon re-submittal of the application and payment of the required fee. Preference shall be given to there-issuance of a license over another applicant seeking to operate on the same lot for the same time period.

#### **Section 8. Signs.**

A. An Outdoor Vendor operation will follow Section 22.16 Portable Sign Regulations as adopted by the Township Board.

#### **Section 9. COMPLIANCE AND ENFORCEMENT.**

Any person issued a license under this ordinance shall comply with the following minimum regulations:

A. The Outdoor Vendor operation shall be designed and operated to avoid hazards or unsafe conditions caused by fire, electrical apparatus, tents, seating, on or off site vehicle movement, or other operational characteristics of the business.

B. The license shall be presented upon request to law enforcement officers or representatives of Allendale Charter Township or Ottawa County.



C. The applicant shall comply with all regulations imposed upon the license by the Township Supervisor.

D. Upon termination of the activity, all signs, litter, debris, refuse or other material or items relating to the operation shall be removed from the site within three days.

E. A license issued under the provisions of this Ordinance shall not be used by any person other than the persons listed on the approved license.

F. The Township Supervisor may revoke any license issued under the provisions of this Ordinance due to fraud, misrepresentation, making a false statement contained in the application for the license, a violation of the conditions of approval, or for any violation of this Ordinance.

G. It shall be the responsibility of the Ottawa County Sheriff's Department and Allendale Charter Township to enforce the terms of this Ordinance.

**Section 10. PENALTIES.** In addition to any other charges, fines or penalties for which a person may be liable under other applicable laws or local Ordinances, any person who shall violate a provision of this Ordinance, or who shall fail to comply with any of the requirements hereof, shall be responsible for a municipal civil infraction and be subject to the enforcement procedures set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and a fine of fifty dollars (\$50.00) plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeated violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period for which a person admits responsibility or is determined to be responsible. The increased civil fine for a repeat violation shall be as follows:

A. The fine for any offense which is a repeat offense shall be two hundred and fifty dollars (\$250.00), plus costs and other sanctions; and

B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be five hundred dollars (\$500.00), plus costs and other sanctions.

The Township Supervisor, Township Zoning Ad, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted by the Township and other individuals who may from time to time be appointed by resolution of the Township Board, are hereby designated as the authorized Township officials to issue Municipal Civil Infraction citations (directing alleged violators to appear in Court) or Municipal Civil Infraction notices (directing alleged violators to appear at the Allendale Charter Township Municipal Ordinance Violations Bureau; as provided in the Municipal Civil Infractions Ordinance adopted by the Township.

**Section 11. Validity.**

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than that part declared to be invalid.

**Section 12. Severability And Captions.**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered as a part of this Ordinance.

**Section 13. Administrative Liability.**

No officer, agent, or employee of the Township shall render himself or herself personally liable for any damage, consequence, or occurrence that may occur to any person as a result of any act performed in the discharge of his or her duties pursuant to this Ordinance.

**Section 14. Repeal.**

This Ordinance shall be deemed to repeal all other Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance.

**Section 12. Effective Date.**

This Ordinance shall become effective seven days after publication thereof and shall be published in a newspaper of general circulation within the Township of Allendale. The forgoing Ordinance was adopted at a regular meeting of the Allendale Charter Township Board held on July 8, 2013

INTRODUCTION:

June 10, 2013

ADOPTION:

Aug. 12, 2013

PUBLICATION:

Aug. 17, 2013

EFFECTIVE DATE:

Aug. 17, 2013

Candy Kraker  
Candy Kraker

Allendale Charter Township



## CERTIFICATE

We, Jerry Alkema and Candy Kraker, the Supervisor and Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township Ordinance was adopted at a regular meeting of the Allendale Charter Township Board held on August 12, 2013. The following members of the Township Board were present at the meeting: Alkema, Kraker, Modderman, Door, Murphy, Zeinstra. The following members of the Township Board were absent: Hoekstra. The Ordinance was adopted by the Township Board with members of the Board, Alkema, Kraker, Door, Murphy, Zeinstra, voting in favor, and members of the Board, Modderman, voting in opposition. This ordinance summary was published in the Advance Newspapers, the Ottawa Edition, on August 17, 2013.

  
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Township Supervisor  
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Township Clerk