



**CITY OF KENTWOOD
TRANSIENT MERCHANT
BUSINESS LICENSE APPLICATION**

Business Name: _____

Business Location: _____
(Street Number and Name, City, State, Zip Code)

Mailing Address (if different) _____

Business Phone: _____ Business email: _____

Owner's name(s): _____

Address (if different) _____

Contact Name: _____ Phone Number: _____

Proposed Start Date: _____ End date: _____

Sales Tax License No: _____ Pre-packaged or prepared on site? _____

Address or area proposed to sell: _____

Item(s) to sell: _____

I hereby affirm that I have truthfully completed this application and all additional information and attachments hereto to the best of my knowledge; that I have read Chapter 26 of the Code of Ordinances and all applicable City of Kentwood Licensing ordinances; and that I agree to operate this business in accordance with all Federal, State and local laws, ordinances, rules and regulations.

_____ Applicant's Printed Name	_____ Applicant's Title	
_____ Applicant's Signature	_____ Date of Birth	_____ Date

License application fee: \$100 payable to City of Kentwood; renewed annually on July 1

Approvals:

Fire Dept _____ Planning Dept _____

City Clerk Dept _____

City decals issued: _____ **Business license #** _____

Chapter 26 – Licenses, Permits & Misc. Business Regulations; Article 2 – Business Licenses

Sec. 26-31. - Purpose.

The City finds that in order to protect the public's health, safety and welfare, and in order to enhance the provision of City services, it is necessary to license businesses, solicitors, and transient merchants operating in the City. Among other matters, the City finds that identifying and registering the nature and scope of businesses, solicitors, and transient merchants assists in the provision of City emergency services and public safety.
(Ord. No. 6-08, § 1, 3-28-2008)

Sec. 26-32. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any trade, occupation, profession, work, commerce, enterprise, establishment or activity, together with all devices, machines, vehicles, and appurtenances used therein, which is conducted, owned, or operated within the City for private profit or benefit, and any noncommercial organization engaged in actively soliciting funds or donations. The term "business" shall not mean a "home occupation," as that use is defined and regulated pursuant to appendix A, zoning, to this Code.

City license officer and license officer mean the City Clerk or his designee.

Insignia means any tag, plate, badge, emblem, sticker, or any other kind of device which may be required for any use in connection with any license.

License and licensee shall include, respectively, the terms "permit" and "permittee" or the holder for any use or period of time of a similar privilege, wherever relevant to any provision of this article or other law or ordinance.

Person means individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations and any kind of personal representative in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law. For purposes of this article, the term "person" does not include an individual under the age of 18 years.

Premises means all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

Solicitor or canvasser means any person who travels from place to place, house to house, or street to street by foot or other means of conveyance, and offers for sale, takes orders or attempts to take orders for the commercial sale of any goods, property or service whatsoever for future delivery. "Solicitor" and "canvasser" does not include a person canvassing solely for the limited purpose of distributing religious, political, or other noncommercial information.

Transient merchant means any hawker, peddler, or transient vendor as herein defined:

- (a) Hawker means any person who offers goods, property or services for sale in the streets, highways, thoroughfares or public rights-of-way of the City by crying out, or by signals, music or other noise.**
- (b) Peddler means any person who travels from place to place by foot or any other means of conveyance, for the purpose of displaying, selling, making sales, offering for sale or leasing with the option to buy, at retail, any goods, property or services. "Peddler" also means any person who, while on a public street or while in a public place, offers for sale, takes orders for or attempts to take orders for the retail sale of any goods, personal property or service whatsoever for future delivery.**
- (c) Transient vendor means any person who sells, offers for sale, exhibits, displays, demonstrates or takes orders for the sale of any property or services from any stand, vending cart, or temporary structure.**

(Ord. No. 6-08, § 1, 3-28-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 26-33. - License required; solicitors and canvassers; transient merchants.

- (a) Generally. Except as otherwise provided by law, no person shall commence or engage in a business within the City without first obtaining a license pursuant to this article and without keeping such license current during any business operation or activity.
- (b) Solicitors and canvassers. Except as otherwise provided by law, no person shall engage in business as a solicitor or canvasser within the City, or actively solicit funds or donations of any kind, by any means, without first obtaining a

license or permit pursuant to this article and without keeping such license or permit current during any business operation or activity.

- (1) No solicitor or canvasser, whether licensed pursuant to this article or not, shall barter, sell, or offer for sale any goods, wares, or merchandise, or actively solicit funds on property against the wish or desire of the property owner, tenant, or occupant of such property, as expressed through a "no solicitation" or "no trespassing" sign, a sign displaying words of similar import, or any other means. This section applies to all solicitors, no matter what their purpose, including persons canvassing solely for the limited purpose of distributing religious, political, or other noncommercial information.
 - (2) Any solicitor who engages in business by traveling door to door or house to house may only so operate between the hours of 9:00 a.m. and 7:00 p.m.
- (c) **Transient merchants. Except as otherwise provided by law, no person shall engage in business as a transient merchant within the City without first obtaining a license pursuant to this article and without keeping such license current during any business operation or activity.**
- (1) **No transient merchant, whether licensed pursuant to this article or not, shall use the streets, alleys, lanes or public places of the City for the transaction of business or service of customers or operate or maintain any stand, vehicle, store, or place of business on or near to any street, highway or public place in such a manner that the person's customers occupy or congregate within the limits of the street, lane, highway or public place.**
 - (2) **No transient merchant, whether licensed pursuant to this article or not, shall barter, sell, or offer for sale any goods, wares, or merchandise, or actively solicit funds on property against the wish or desire of the property owner, tenant, or occupant of such property, as expressed through a "no solicitation" or "no trespassing" sign, a sign displaying words of similar import, or any other means.**
 - (3) **No transient merchant, whether licensed pursuant to this article or not, shall barter, sell, or offer for sale any goods, wares, or merchandise within 500 feet of the entrance to any school building between the hours of 8:00 a.m. and 5:00 p.m. on the days when school is in session or on the portion of a street abutting a public park.**
 - (4) **No person shall engage in business as a transient merchant on or within any street, alley or public place after having been requested to desist by any police officer of the City.**
 - (5) **Except as permitted by the City, no transient merchant shall, while in any public space, shout or cry out his or her goods or merchandise, blow any horns, ring any bell, broadcast or play any sound, or use any similar device to attract the attention of the public.**
 - (6) **A transient merchant may not offer food for sale within 100 feet of any restaurant, storefront, or establishment that sells the same type of food being offered for sale by the transient merchant.**
- (d) **Violation of subsections (b) and (c) of this section. Any person that violates any provision of subsection (b) or (c) of this section shall, with respect to each violation, be guilty of a misdemeanor and punished as provided in section 1-7.**

(Ord. No. 6-08, § 1, 3-28-2008)

Sec. 1-7. - General penalty; continuing violations.

- d) Except as otherwise provided by law, a person convicted of a violation of this Code shall be guilty of a misdemeanor and punished by a fine not to exceed \$500.00, imprisonment for a period of not more than 90 days, or both; however, unless otherwise provided by law, a person convicted of a violation of any provision of this Code that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine of not more than \$500.00, imprisonment for a term of not more than 93 days, or both. A person convicted of a violation of this Code shall be responsible for costs. This subsection does not apply to any municipal civil infraction.
- f) Except as otherwise provided by law or ordinance with respect to:
 - (1) Violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) Other violations, each violation constitutes a separate offense.
- g) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.
- h) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief, or civil or quasi-judicial enforcement.