

CHAPTER VI

BUSINESS & TRADES

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CHAPTER VI

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CITY OF PINCONNING
PEDDLERS/DOOR-TO-DOOR SALES
ORDINANCE NO. 01-3

THE CITY OF PINCONNING, BAY COUNTY, MICHIGAN ORDAINS:

Section 1. Intent

Many of the occupants of business and residential properties within this City value their freedom to be let alone from unwanted and uninvited invasions of their privacy, become annoyed by the actions of solicitors and peddlers, and are apprehensive of the entry upon their properties of persons who may be there for criminal purposes. It is therefore deemed to be in the public interest and the intent of this ordinance to regulate the actions of person who enter upon the property in the possession of another for the apparent purpose of soliciting or peddling in accordance with the provisions of this ordinance.

Section 2. Definitions

For the purpose of this ordinance a "peddler" is defined as all persons who enter upon the property of another (a) for the purpose of asking an occupant to give or donate money, property, or services, or (b) for the purpose of attempting to sell goods, services, or any other things of value, (c) to solicit for an organization and/or to distribute information and (d) all persons who engage in a combination of such activities.

Section 3. Scope

The acts and actions of certain types of peddlers are protected from municipal ordinance prohibition and/or regulation by the Constitutions and statutes of the United States and the State of Michigan. No person shall be found to be in violation of this ordinance to the extent, and only to the extent, the actions of such person are so protected in the occurrence, which is the subject of the alleged violation. This ordinance shall not apply on October 31 of any year.

Section 4. License Required

It is unlawful to engage in any business of being a peddler as defined in this ordinance without first obtaining a permit therefore. No license shall be granted except upon certification of the City Manager. No such license shall be issued or become effective until 48 hours, excluding Sundays and Holidays, has elapsed from the time of the application.

All peddlers must obtain a license from the City of Pinconning, said license will include:

- (a) the name of the person, firm, corporation or organization for whom or which the soliciting is being conducted,
- (b) the dates between which the soliciting will occur,
- (c) the full name, residence address, and birth date of the agent or agents who is/are authorized to solicit door-to-door on behalf of the principal,
- (d) a photocopy of a valid driver's license or State identification card,
- (e) the license numbers of any motor vehicles which will be used

There shall be no fee for said license and licenses shall be deemed valid for a period not to exceed three days.

Section 5. Exhibition of License

All persons licensed under this chapter are required to exhibit their license at the request of any citizen.

Section 6. Prohibited Solicitation Hours

No person shall act as a peddler in this City except during daylight hours.

Section 7. Prohibited Conduct

Violation of any of the following prohibited conducts shall result in a forfeiture of license:

- a) Entering a private residence under pretenses other than for doing the business of a peddler.
- b) Remaining on a private residence or on the premises thereon after the owner or occupant thereof has requested any such person to leave.
- c) Going in and upon the premises of a private residence by such person to do the business of a peddler when the owner or occupant thereof has displayed a "No Peddling" sign on such premises.

Section 8. Loud Noises and Speaking Devices

No peddler nor any person in his behalf, shall shout, blow a horn, ring a bell or use any sound device, including any loud speaker, radio, or sound amplifying system upon any of the streets, avenues, alleys, parks or other public places of said City where sound of sufficient volume is emitted or produced there from that is in violation of the Bay County Noise Control Ordinance.

Section 9. Repeal


City of Pinconning Ordinance Number 603 – Hawkers and Peddlers is hereby repealed.

Section 10. Violation

Any violation of or any failure to comply with provisions of this ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or both, revocation of current license and of any license issuance in the future.

Section 11. Effective Date

This ordinance is effective 10 days after the date of publication.


Daniel Byrne, Mayor


Terri Hribek, City Clerk

Adopted by Pinconning City Council February 4, 2002

ORDINANCE TO LICENSE BILLIARD AND POOL TABLES
AND INDOOR SHUFFLEBOARDS

THE CITY OF PINCONNING ORDAINS:

SECTION 1. No pool table, billiard table, or indoor shuffleboard shall be kept, operated or maintained for hire or reward in the City of Pinconning without a license therefor having first been obtained, which license shall be renewed yearly.

SECTION 2. The City Clerk is hereby authorized to issue licenses and renewals for all such equipment upon the payment of an annual license fee of \$10.00 to the City Clerk for each table or shuffleboard.

SECTION 3. All licenses shall expire on the first day of July next after issued and shall be renewed annually on or before such date. The license fee shall be the same for any portion of the year, with the provision; however, that the City Clerk may transfer a license from one table or shuffleboard to any replacement thereof.

SECTION 4. No person, persons, firm or corporation shall keep, operate, or maintain any gambling device or apparatus in or on the premises and no gambling shall be permitted or allowed therein or thereon where any pool table, billiard table or indoor shuffleboard is kept or maintained under the terms of this ordinance.

SECTION 5. No minor child under the age of eighteen (18) years nor any minor who is a student in any public, private or parochial school of the city, county, state or any state, shall be permitted to remain in or about the premises where billiard tables or pool tables are maintained, kept or operated for hire or reward.

SECTION 6. If any person, firm or corporation holding a license under this ordinance, refuses, neglects, violates or fails to comply with all the provisions herein, the City Council may revoke all licenses

issued to such person, persons, firm or corporation, and may direct the City Clerk to refuse to issue any further licenses to such person, persons, firm or corporation.

SECTION 7. Any person, persons, firm or corporation owning or operating or who are in possession of premises where such tables or shuffleboards are operated contrary to the terms of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof be fined not to exceed \$100,00 or may be imprisoned for a period not exceeding ninety (90) days or may be both so fined and imprisoned. Each day an unlicensed table or shuffleboard is operated or permitted to be operated shall be deemed a separate offense.

SECTION 8. This ordinance shall take effect July 2, 1949.

S/

JOHN R. FOTHERINGHAM-Mayor

S/

MARTHA R. MOORE-Clerk.

At a Regular Meeting of the City Council held on March 13, 1972, the following amendments to the Ordinance to License Billiard & Pool Tables were offered for adoption by Councilman Kleinhans and supported by Councilman Flynn:

RESOLVE for adoption of the following amendments to the Ordinance to License Billiard and Pool Tables and Indoor Shuffleboards:

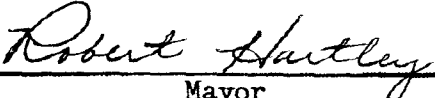
Section 5. No minor child under 16 years of age, shall be permitted to enter or remain in or about the premises, and any minor who wishes to enter any poolroom or billiard room or cigar store must show either his birth certificate or some other identification before he is able to enter or is permitted to remain on said premises.

Section 6. The restriction as to age as set forth in Section 5 shall not apply to amusement places or other places of business, other than places where intoxicating beverages are handled or sold wherein coin-operated pool or billiard tables or any other coin-operated games are being operated in conjunction with another business, provided that said coin-operated pool or billiard tables or coin operated games shall be subject to licensing as provided by the Pinconning Code of Ordinances.

FURTHER that the present Section 6 become Section 7, the present Section 7 become 8 and Section 8 to become Section 9,

BE IT FURTHER RESOLVED, that these amendments be published once in the Pinconning Journal on March 22, 1972 as part of the minutes of the Council Meeting.

AND, that the amendments become effective March 24, 1972. -



Mayor

Attest:



Clerk

*repealed
2-13-2009*

AN ORDINANCE TO AMEND SECTIONS TWO AND THREE
OF AN ORDINANCE OF THE VILLAGE OF PINCONNING,
ADOPTED OCT. 17TH, 1887, RELATIVE TO LICENSING
HAWKERS AND PEDDLERS.

SECTION 1. The Village of Pinconning ordains that Sections Two and Three of an Ordinance of the Village of Pinconning, adopted Oct. 17, 1887, relative to licensing hawkers and peddlers, be and the same is hereby amended so as to read as follows:-

SECTION 2. Any person violating any of the provisions of this Ordinance shall on conviction thereof, be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the Bay County Jail for a period of not exceeding three months, or by both such fine and imprisonment, in the discretion of the Court before which the conviction may be had.

SECTION 3. This Ordinance is ordered to take effect from and after the 20th day of June 1889.

S/
D.A. McDonell, Clerk

S/
W.G. Cogswell, President

I hereby certify that the above Ordinance was published in The Pinconning News, a weekly paper published in the Village of Pinconning, on the 24th day of May A.D. 1889.

S/
D.A. McDonell, Clerk.

BUSINESSES AND TRADES

CHAPTER I - LICENSES

AN ORDINANCE LICENSING AND REGULATING THE CONDUCT OF TRADES, PROFESSIONS, INDUSTRIES, AND BUSINESSES IN THE CITY OF PINCONNING. THE CITY OF PINCONNING ORDAINS:

- 1.1 Licenses Required. No person shall engage, or be engaged, in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any provision of this Ordinance without first obtaining a license from the City in the manner provided for in this Chapter. Any person duly licensed on the effective date of this Ordinance shall be deemed licensed hereunder for the balance of the current license year.
- 1.2 Multiple Businesses. The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or is composed of, trades, professions, businesses, or privileges which are required by this Ordinance to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business or privilege, except as specifically provided elsewhere in this Ordinance.
- 1.3 State and County Licensed Businesses. The fact that a license or permit has been granted to any person by the State of Michigan, or the County of Bay, to engage in the operating, conduct or carrying on of any trade, profession, business

or privilege shall not exempt such person from the necessity of securing a license or permit from the City if such license or permit is required by this Ordinance.

- 1.4 License Application. Unless otherwise provided in this Ordinance, every person required to obtain a license from the City to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for said license to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license. No person shall make any false statement or representation in connection with any application for a license under this Ordinance.
- 1.5 License Year. The license year applicable to annual licenses, shall begin on July 1st of each year and shall terminate at midnight on June 30th the following year. License applications for license renewals shall be accepted and licenses issued for a period of fifteen (15) days prior to the annual expiration date. In all cases where the provisions of this Ordinance permit the issuance of licenses of periods of less than one (1) year, the effective date of such licenses shall commence with the date of issuance thereof.
- 1.6 Conditions for Issuance. No license or permit required by this Ordinance shall be issued to any person who is required to have a license or permit from the State of Michigan or County of Bay, until such person shall submit evidence of such State or County license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor

until such applicant has complied with all of the provisions of this Ordinance applicable to the trade, profession or privilege for which application for license is made.

- 1.7 Where Certification Required. No license shall be granted where the certification of any officer of the City is required prior to the issuance thereof until such certification is made.
- 1.8 Health Officer's Certificate. In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting the trade, professions, business or privilege comply with all the sanitary requirements of the State of Michigan, County of Bay, and of the City.
- 1.9 Fire Chief's Certificate. In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the State of Michigan, County of Bay, and of the City.
- 1.10 Police Chief's Certificate. In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character, and a law abiding citizen.

- 1.11 Building Inspector's Certificate. In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Inspector shall certify that the proposed use is not prohibited by the Building Ordinance, or zoning regulations of the City.
- 1.12 Bonds. Where the provisions of this Ordinance require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper City officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in Chapter II or elsewhere in this Ordinance, in the amount so required; the form of such bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved as to substance by the City official issuing said license or permit and as to form by the City Attorney.
- 1.13 Late Renewals. All fees for the renewal of any license which are not paid at the time said fees shall be due, shall be paid as "late fees" with an additional twenty-five (25%) percent of the license fee required for such licenses under the provisions of Chapter II for the first fifteen (15) days that such license fee remain unpaid and thereafter the license fee shall be that stipulated for such licenses under Chapter II, plus fifty (50%) percent of such fee.
- 1.14 Right to Issuance. If the application for any license is approved by the proper officers of the City, as provided in this Ordinance,

said license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

- 1.15 Fees - When Paid. The fee by this Ordinance for any license or permit shall be paid at the office of the issuing authority prescribed in this Ordinance upon or before the granting of said license or permit.
- 1.16 Exempt Persons. No license fee shall be required from any person exempt from such fee by State or Federal Law. Such persons shall comply with all other provisions of this Chapter. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to said exemption and the reason therefor.
- 1.17 Suspension or Revocation. Any license issued by the City may be suspended by the City Council for cause, and any permit issued by the City may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the City Council on any such action of the City Clerk, provided a written request therefor is filed with the City Clerk within five (5) days after receipt of said notice of such suspension. The Council may confirm such suspension or revoke or reinstate any such license. The action taken by the Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded. Except as otherwise specifically provided in this Ordinance, any licensee whose license has been revoked shall not be eligible to apply for a new license for the trade, profession, business or privilege for a period of one (1) year after such revocation.
- 1.18 "Cause" Defined. The term "cause" as used in this Chapter, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or

privilege for which a license or permit is granted under the provisions of this Ordinance, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to the health, morals, safety, or welfare of the public;
- (2) Unlawful, irregular or fraudulent in nature;
- (3) Unauthorized or beyond the scope of the license or permit granted; or
- (4) Forbidden by the provisions of this Ordinance or any duly established rule or regulation of the City applicable to the trade, profession, business or privilege for which the license or permit has been granted.

1.19 License Renewal. Unless otherwise provided in this Ordinance, an application for renewal of a license shall be considered in the same manner as an original application.

1.20 Exhibition of License. No licensee shall fail to carry any license issued in accordance with the provisions of this Chapter upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee shall produce his license for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

1.21 Exhibition on Vehicle and Machine. No licensee shall fail to display

conspicuously on each vehicle or mechanical device or machine required to be licensed by this Ordinance such tags or stickers as are furnished by the City Clerk.

- 1.22 Displaying Invalid License. No person shall display any expired license or any license for which a duplicate has been issued.
- 1.23 Transferability; Misuse. No license or permit issued under the provisions of this Ordinance shall be transferable unless specifically authorized by the provisions of this Ordinance. No licensee or permittee shall, unless specifically authorized by the provisions of this Ordinance, transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the same.
- 1.24 Misuse-Automatic Revocation. In addition to the general penalty provision for violation thereof, any attempt by a licensee or permittee to transfer his license or permit to another, unless specifically authorized by the provisions of this Code, or to use the same improperly shall be void and result in the automatic revocation of such license or permit.
- 1.25 Repealing Clause. All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.
- 1.26 Saving Clause. The repeal of the ordinances or parts of ordinances effectuated/ by the enactment of this Ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinance or as discontinuance, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Ordinance.

1.27 Penalty. Unless another penalty is expressly provided by this Ordinance for any particular provision or section, every person convicted of a violation of any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Ordinance whether or not such penalty is re-enacted in the amendatory ordinance.

1.28 Severability. It is the legislative intent of the Commission in adopting this Code, that all provisions and sections of this Ordinance be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City of Pinconning and should any provision or section of this Ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of this Ordinance whether or not the wording of this section is set forth in the amendatory ordinance.

CHAPTER II - FOOD DEALERS

- 1.41 Definitions. The term "food dealer" as used in this chapter shall be construed to mean and include every person, firm or corporation engaged in the business of selling food at retail or wholesale for human consumption off the premises.
- 1.42 License Required. It shall be unlawful for any food dealer to engage in or do business in the City without having first secured a license therefor. Applications for such licenses shall be made in compliance with the general provisions of this Ordinance relating thereto, and shall state thereon the kind of food intended to be sold or handled. The annual fee for such license shall be \$5.00.
- 1.43 Revocation of License. Any food dealer's license may be revoked by the City Council for repeated violation of the provisions of this Chapter or for any violation of any other ordinance provisions relating to health, to the conduct of the business, the condition of the premises, the articles sold, or to the license required.
- 1.44 Unwholesome Food. No person, firm or corporation shall offer for sale, or keep for the purpose of selling or offering for sale any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.
- All tainted or unwholesome food intended for human consumption may be condemned by the Board of Health, and shall thereupon be seized and destroyed by the health officer or any policeman.
- 1.45 Adulterations. It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way,

or which does not comply with the statutes governing the same.

- 1.46 Sanitary Regulations. Premises used for the sale of storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four hours and it shall be unlawful to permit any decaying animal or plant material to remain on such premises.
- 1.47 Application for License. All applications for a license to conduct a business connected with the storage, handling, sale or preparation of food or drink intended for human consumption shall be referred:
- (1) To the health officer, who shall make or cause to be made an investigation of the premises to be used, and report his findings thereon, recommending or advising against the issuance of the license.
 - (2) To the police chief for certification as to the applicant's record of compliance with the law and the moral character of the applicant.
 - (3) To the Building Inspector for certification as to compliance with the Building Ordinance, and the Zoning Regulations of the City.
- 1.48 Flies and Vermin. Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies and vermin and rodents.
- 1.49 Employees. All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.

It shall be unlawful for any person who is afflicted with or a carrier of any infectious or contagious disease to handle or be engaged in the care of preparation of any such food; and it shall be unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver any such food.

This Ordinance shall be effective on the 15th day of November, 1960.

Passed by the Council and signed by the Mayor and Clerk this 25th day of October, 1960.

S/

Dr. F.H. Letchfield, Mayor

S/

Leona Hill, Clerk

ORDINANCE TO LICENSE AND REGULATE
MECHANICAL DEVICES

THE CITY OF PINCONNING ORDAINS:

SECTION 1. No mechanical device operated by the insertion of a coin or slug for amusement as a game, contest, or for information or for the playing of music or recordings shall be operated in the City of Pinconning without license therefor having first been obtained, and said license having been kept in full force and effect by renewal as herein provided.

SECTION 2. The City Clerk is hereby authorized to issue a license, which must be renewed yearly, for all such devices legal under the law, upon the payment of a license fee of Twenty-five (\$25.00) Dollars to the said City Clerk, for each device. The renewal fee shall be \$25.00 each year.

SECTION 3. All yearly licenses shall expire on the first day of July next after issued and shall be renewed annually on or before such date. The license fee shall be the same for any part or portion of a year. The City Clerk may transfer a license from one device to a replacement thereof.

SECTION 4. Any owner or owners of such devices or persons or other legal entities in control or possession of the premises where such devices are operated, who operates or operate any device or devices for which a license has not been issued and in good standing, or permits any such unlicensed device to be operated, shall be guilty of a misdemeanor, and upon conviction thereof/be fined not to exceed One Hundred (\$100.00) Dollars, or may be imprisoned for a period not exceeding ninety (90)

days, or may be both so fined and imprisoned. Each day an unlicensed device is operated or permitted to be operated, shall be deemed a separate offense.

SECTION 5. Ordinance No. 104 entitled "An ordinance to license and regulate the operation of vending machines, automatic slot machines, mechanical slot machines, automatic weighing machines, mechanical amusement devices and mechanical devices for the playing of music, to impose penalties for violation; and to repeal all ordinances inconsistent herewith" and all former ordinances or parts of ordinances which are contrary to the provisions of this ordinance, are hereby repealed.

SECTION 6. This ordinance shall take effect the 9th day of July, 1949.

At the regular Council meeting held on June 14, 1976 the following ordinance amendment was offered.

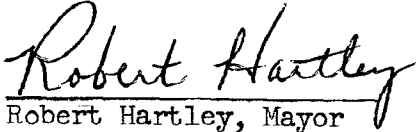
J.Byrne/R.Byrne: Move that Section 4 of Ordinance to License and Regulate Mechanical Devices is hereby amended to read as follows: Effective July 3, 1976.

Section 4.1. Permitting use by minors; installing in place where Minors congregate.

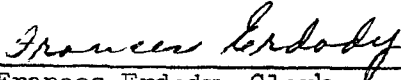
No person shall permit any amusement device to be used or played by any minor under the age of eighteen (18) years, or install or permit such device in any establishment or place of business where minors under the age of eighteen (18) years are habitually permitted to congregate. This section shall not apply to amusement ride devices.

Roll Call Vote: Yeas: 6. Nays: 0. Absent: 1.

This amendment to be published in the Pinconning Journal on July 23, 1976.
Effective date being July 3, 1976.


Robert Hartley, Mayor

Attest:


Frances Erdody, Clerk

At a regular Council meeting held on August 10, 1981, the following amendment to the Ordinance to License and Regulate Mechanical Devices was offered.

Beechum/Byrne: Be it hereby resolved that the Ordinance to License and Regulate Mechanical Devices be amended as follows:

Section 2. That Section 2 of said Ordinance be amended to reduce the license fees from Twenty-five and 00/100 (\$25.00) Dollars to Ten and 00/100 (\$10.00) Dollars for each device, with a renewal fee of Ten and 00/100 (\$10.00) Dollars each year.

Section 4.1. That Section 4.1, adopted effective July 3, 1976 regulating use by minors and installing in place where minors congregate, be repealed in its entirety.

Effective August 22, 1981

ROLL CALL VOTE: Yeas: 6 Nays: 0 Absent: 1

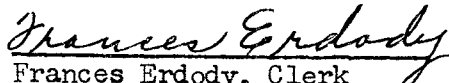
This amendment to be published in the Pinconning Journal on August 12, 1981.

Effective August 22, 1981



W.W. Evans, Mayor

Attest:



Frances Erdody, Clerk

AN ORDINANCE RELATIVE TO STREET VENDERS.

SECTION 1. The Village of Pinconning ordains that any person or persons who shall sell or offer for sale any goods, wares, merchandise, medicine or patent articles of any kind or description upon any street, square, corner, park, alley or other public places shall pay a license of not less than \$5.00 nor more than \$10.00 per day.

SECTION 2. Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine not exceeding \$20.00, or Ninety days in the Bay County Jail or both, such fine and imprisonment in the discretion of the Court.

SECTION 3. This Ordinance shall not pertain to sales made under due process of the law.

This Ordinance to take effect on and after October 17th, 1888.

Dated, September 24th, 1888.

S/
D.A. McDonell, Clerk

S/
W.G. Cogswell, President

I hereby certify that the above Ordinance was published in the Pinconning News, a weekly paper published in the Village of Pinconning on the 28th day of September, 1888.

S/
D.A. McDonell, Clerk

ORDINANCE NUMBER 104

AN ORDINANCE TO LICENSE AND REGULATE THE OPERATION OF VENDING MACHINES, AUTOMATIC SLOT MACHINES, MECHANICAL SLOT MACHINES, AUTOMATIC WEIGHING MACHINES, MECHANICAL AMUSEMENT DEVICES AND MECHANICAL DEVICES FOR THE PLAYING OF MUSIC, TO IMPOSE PENALTIES FOR VIOLATIONS: AND TO REPEAL ALL ORDINANCES INCONSISTENT HEREWITH.

THE CITY OF PINCONNING ORDAINS:

SECTION 1. No person or persons, firm or corporation shall, either directly or indirectly, by his, her, their or its officers, agents or employees, operate any vending machines, automatic slot machines, mechanical slot machines, automatic weighing machines, mechanical devices for the playing of music or recordings, in the City of Pinconning, without first having obtained a license therefor, or without having an annual renewal of a license heretofore issued, and without complying with the provisions of the Ordinance.

SECTION 2. The word "person" as used in this Ordinance, shall mean and include one or more persons of either sex, natural persons, any corporations, partnerships, associations, joint stock companies, societies, and all other entities of any kind capable of being sued.

A vending machine is defined as a mechanical device, which upon the insertion of a coin or slug, or upon the insertion of a coin or slug and-or turning or pushing of a crank or lever, returns or delivers merchandise of any kind.

A mechanical amusement device is a device or machine which, upon the insertion of a coin or slug, operates or may be operated as a game, contest or for amusement or information, and which contains no automatic pay-off device for the return of slugs, money, coins, checks, tokens or merchandise, or which does not provide for such pay-off by

any other manner or means: also is here included as a mechanical amusement device any mechanical device for the playing of music or recordings.

SECTION 3. No license shall be issued for the operation of any vending machine, automatic slot machine, automatic weighing machine, mechanical amusement device or machine, or mechanical device for the playing of music which machine is prohibited by law.

Machines shall not vend articles or merchandise which are obscene or objectionable as being immoral or contrary to public policy.

SECTION 4. The city clerk is hereby authorized to issue a license under the provisions of this Ordinance, upon the payment of license fee as follows:

Automatic slot machines of any kind and description except automatic vending and weighing machines, each machine \$10.00 per year.

Automatic weighing machines each machine \$1.00 per year.

Automatic vending machines, operated by less than five cents, each machine \$1.00 per year; operated by five cents or more, each machine \$5.00 per year.

Mechanical slot machines, or devices of any kind or nature, not automatic in operation, each machine \$10.00 per year.

Mechanical devices for the playing of music, each machine \$5.00 per year.

Mechanical amusements devices of any kind or nature, each machine \$5.00 per year.

SECTION 5. Application for all licenses shall be made at the office of the city clerk and all fees shall be paid at the office of the city clerk.

SECTION 6. The city clerk is hereby authorized to permit the transfer of a license issued under the provisions of this Ordinance upon a good and proper showing that the device for which said license is issued, has been taken out of use in the City of Pinconning shall be placed back in use until a new license has been secured for the same. All licenses shall permit the operation of machines only at the location stated in the application. The license shall be displayed in a permanent and conspicuous place on licensed device. Transfer of licenses must be applied for at the office of city clerk.

SECTION 7. All yearly licenses shall expire on the first day of July next after they are issued, and shall be renewed annually on or before such date.

The license fee shall be the same for any part or portion of a year.

SECTION 8. Any person who shall violate the provisions of this Ordinance in any particular, or who fails to secure the necessary license or permit, or who fails to comply with the regulatory measures adopted pursuant hereto, shall, upon conviction thereof be fined not to exceed One Hundred (\$100.00), or may be imprisoned for a period not to exceed ninety days, or may be fined and imprisoned, in the discretion of the Court, and each day such violation continues shall be deemed a separate offense.

SECTION 9. The sentence, clauses, paragraphs, and sections hereof are hereby declared to be independent and severable.

SECTION 10. This Ordinance shall take effect the first day of July, 1942.

Approved this first day of June, 1942.

S/

 WM. Hasso, Jr. Mayor
 S/

 L.G. Shearer, Clerk

An Ordinance by the City of Pinconning to regulate and control transient merchants, and specifically the taking and sale of photographs at retail within the City of Pinconning, the penalty to be attached for the violation of said Ordinance and the repeal of any Ordinance not conforming to this Ordinance.

THE CITY OF PINCONNING ORDAINS:

Section 1. No person, either as a principal or an agent, shall engage in business as a transient merchant within the limits of the City of Pinconning without having first obtained a license in the manner hereinafter provided.

Section 2. The term "transient merchant" as used in this Ordinance, shall be construed to mean and to include all persons, associations, firms and corporations, and their agents, servants and employees who engage temporarily in a retail sale of goods of wares or merchandise within the limits of the City of Pinconning and specifically such terms shall include the taking and sale of photographs at retail.

Section 3. A transient merchant is a person, firm or corporation, who or which has not a regular place of business established in the City of Pinconning for at least three months prior to the application for this license.

Section 4. No transient merchant shall be exempt from the provisions of this Ordinance by reason of associating himself temporarily with any merchant, tradesman, or other person doing business in connection with or as a part of the business of, or in the name of, any merchant, tradesman or other person doing business permanently in the City of Pinconning.

Section 5. Any person desiring to engage in business as a transient

merchant within the limits of the City of Pinconning, shall make and file with the City Clerk a written application for a license to engage in business as a transient merchant. Such application shall be signed by and sworn to by the applicant and shall state his full name, his physical description, his local and permanent business addresses and his local and permanent residential addresses. At the time of application for license, the applicant shall furnish the City Clerk with two photographs of himself.

At the time of making and filing such application, the applicant shall cause to be filed with the City Clerk a power of attorney appointing said City Clerk the agent of the applicant and of the applicant's principal if such applicant is acting as the agent of another person, upon whom service of process may be made in any suit commenced against said applicant, or said applicant's principal. At the same time said applicant shall pay to the City Clerk the sum of Twenty-five (\$25.00) Dollars as a license fee, and the further sum of Five (\$5.00) Dollars for the first day of the use of said license and Three (\$3.00) Dollars for each day thereafter; and shall deposit with the City Clerk the sum of Five Hundred (\$500.00) Dollars as a cash bond, or shall file a surety company bond in a like amount. Such cash bond or surety bond shall be conditioned for the faithful performance of his promises and contracts made during his course of business as a transient merchant within the City of Pinconning and for compliance with all ordinances of such city. Said bonds shall further provide that any person injured by the breach of any obligation which a bond is given to secure may sue upon each bond in his own name in any court or competent jurisdiction to recover any damages such person may have sustained by such breach and shall be

for a term of not less than six (6) months.

Section 6. Each person engaged in business as a transient merchant under this ordinance shall be required to comply with all the provisions of Section 5 of this ordinance.

Section 7. All license granted under this ordinance shall be in such form as to contain a true photograph of the licensee, his name, address, physical description, and the period of time for which the license is issued. All licensees shall carry with them at all times the license above described. No licensee shall alter, remove, or obliterate any entry made upon such licensee. All licenses issued under the provisions of this ordinance shall expire six (6) months from and after the date of issue and all licenses must thereafter be renewed by compliance with the provisions of this ordinance.

Section 8. Deposits of money or bonds made with the said City Clerk as required by the provisions of this ordinance shall be subject to the claims of creditors in all cases where a judgment has been obtained against such transient merchant and the date for the appeal of such judgment has expired. In such cases garnishment proceedings may be commenced against the said City Clerk. It shall be the duty of the City Clerk to remit to any court any balance of said case remaining in his hands not exceeding/the amount of said judgment for the purpose of satisfying the same. Any balance of said deposit remaining in the hands of the Said City Clerk for a period of six (6) months after the expiration of said license shall be remitted to said transient merchant.

Section 9. Any license under the provision of this ordinance shall expire and be void as soon as the amount of the bond filed with the City Clerk as provided in Section 5 hereto shall have diminished

or used in whole or in part because of suits as hereinbefore provided.

Section 10. After the giving of reasonable notice to the licensee, and opportunity to be heard, the City Council may revoke any license issued under the provision of this ordinance upon proof that the licensee has violated any law or ordinance of any state or municipality or upon proof that such licensee has acted fraudulently or dishonestly in any business transaction while such license is in force and effect, or upon proof that the licensee has falsified any information supplied by himself in the application for such license. No person whose license has been revoked by the City Council shall be eligible for another such license for a period of one (1) year from and after the date of such revocation and in the event of revocation, the license fee shall not be refunded.

Section 11. RECORDS: A full, complete record of each license issued here under including renewals or revocations thereof, and serious complaints and charges against the licensee together with his photograph and finger prints shall be kept on file by the City Clerk.

Section 12. CONSTRUCTION OF ORDINANCE: This ordinance and the licenses required herein shall be cumulative to the provisions of, and the licenses required by, any laws and ordinances relative to hawkers and peddlers and street vendors. This ordinance shall be construed in conjunction with such laws and ordinances.

Section 13. PENALTY: Any person violating the provision of this ordinance shall be punished by a fine of not more than One Hundred (\$100.00) Dollars and costs or by imprisonment in the Bay County Jail for not to exceed ninety (90) days or both such fine and imprisonment in the discretion of the court.

Section 14. VALIDITY OF ORDINANCE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared unconstitutional or invalid.

Section 15. Any ordinance to provide licensing for the sale of goods, wares and merchandise by transient trades, dealers, and street vendors, and all amendments thereto are hereby repealed.

This ordinance shall take effect on the 13th day of September 1965.

/s/ C.L. REYNOLDS, Mayor

/s/ Ronald R. Saha, City Clerk