

City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499

Telephone (269) 637-0700 • FAX (269) 637-5319

VENDOR LICENSE APPLICATION

Vendor License Fee \$35

Name _____

Address _____ City _____ State _____ Zip _____

Drivers License # _____ Social Security # _____ Phone # _____

Birth Date _____ License number of vehicle to be used: _____ State _____

Insurance Company: _____

Have you ever been convicted of a crime, excluding minor traffic offenses? _____ If yes, describe in detail:

Which type of Vendor License are you requesting:

- Cart Vendor
- Concession Vendor
- Day Vendor

Describe vending location (See Vendor Ordinance) _____

Describe the nature of the business and method of distributing products: _____

Dates & times of operation being requested: _____

Nature of proposed advertising to be done for the business at the proposed location: _____

Do you have a valid retail vendors sales tax permit from the Michigan Department of Treasury? _____

Do you possess all licenses or permits required by the City of South Haven, Van Buren County and State of Michigan for the operation of the proposed business? (Health Dept. etc.) _____

Signature of Applicant _____

Date _____

Please attach the following:

- Drawing or photo of stand, cart or other means of sales
- Dimensions of stand, cart or other means of sales
- Proof of Insurance naming City as additional insured
- Copy of Drivers License
- Sales Tax Certificate (Sales Tax Number) if taxable items sold
- Health Department Certificate if applicable
- List of all products sold
- Names and addresses of all employees who will work vending location



**CITY OF SOUTH HAVEN
ORDINANCE NUMBER 858**

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 2
- SPECIFIC OCCUPATIONS, SECTION 14-44 OF THE CODE OF
ORDINANCES OF THE CITY OF SOUTH HAVEN; REGULATING THE
STREET VENDORING IN THE CITY OF SOUTH HAVEN; AND,
REPEALING SECTIONS 14-45, 14-47, 14-54, 14-60, 14-61, 14-62 OF SAID
CHAPTER, ARTICLE AND DIVISION OF SAID CODE

THE CITY OF SOUTH HAVEN ORDAINS:

Section 14-44(1). TITLE: This Ordinance shall be known and may be cited as the
"Street Vendor Ordinance".

Section 14-44(2). STREET VENDOR DEFINITIONS.

- A. CART VENDOR: Operator of a mobile vending cart between the hours of 8:00 a.m. and 10:00 p.m. in specified street vending areas on the public right of way or on public property.
- B. CONCESSION VENDOR: Operator of a stationary, removable stand which may remain on a single site for the entire period of the vendor license, and which may have water, sewer and power hook-ups.
- C. DAY VENDOR: Operator of a removable stand or mobile vending cart from a single location approved by the City Council. The removable stand or mobile vending cart must be removed every evening after the vending hours. The day vendor shall be located on public right of way or public property.
- D. FESTIVAL VENDOR: Operator of a removal stand or mobile vending cart licensed for a limited, specific period in association with a festival blanket vendor license. The removable stand or mobile vending cart may be left on the site for the duration of the license, and may be located on private property. The festival

vendor shall be licensed by the festival organization which has been approved by the City Council to organize a special event with a blanket vendor license.

E. **VENDOR:** For purposes of this Article, Vendor shall be defined as a Concession Vendor, Festival Vendor, Day Vendor or Cart Vendor.

F. **ESTABLISHED BUSINESS:** A business legally occupying a permanent structure.

(1) A business operator located on the right of way adjacent to an established business selling goods, wares and merchandise on outdoor display, which are not available in the established business, shall be considered a vendor for the purpose of this ordinance.

(2) A business operator located on the right of way adjacent to an established business selling goods, wares and merchandise on outdoor display, which are not the property of or not on consignment to the established business, shall be considered a vendor for the purpose of this ordinance.

(3) An established business operator selling goods, wares and merchandise from an established business, on outdoor display in the right of way adjacent to the established business, is not considered a vendor for the purpose of this ordinance.

SECTION 14-44(3) DEFINITIONS OF VENDING STANDS AND CARTS.

A. Mobile Vending Cart shall mean a structure not exceeding forty-two (42) inches in width with at least two (2) operational wheels and which is movable by one (1) person without assistance, the primary purpose of which is for vending purposes.

B. Removal Stand means a non-motorized vending trailer or shed, tent or other removable vending stand.

SECTION 14-44(4) DEFINITIONS OF VENDING LOCATION

- A. **CONCESSION LOCATION:** A site where a concession vendor places a removable stand for the duration of the vending season. Concession locations are established by City Council Resolution, and are valid for up to one vending season. The fee may be a flat concession fee, a negotiated fee, or the location may be offered to the highest bidder. The location may be on any City property or right of way, as approved by the City Council. Vendors may request that a location be considered for a concession.
- B. **DAY VENDOR LOCATION:** Sites suitable for a removable stand or mobile vending cart to remain stationary on site all day, removing the stand or cart after vending hours. The location may be on City property or right of way, as established by City Council Resolution. Approval of the Day Vendor location means the Vendor has an exclusive right to the location for the period of the license. The license, however, is personal to the Day Vendor and not transferable or assignable. Vendors may request a specific location be considered for Day Vending.
- C. **FESTIVAL/EVENT BLANKET VENDOR LICENSE LOCATION:** Vendor sites in an area approved under a Festival Blanket Vendor License for a specified period of time. The area in which may Vendors may operate is designated in a festival special event application. The City Council shall approve the special event and festival blanket vendor license by resolution. The festival organization approves vendors based upon their own criteria.
- D. **STREET VENDING AREAS:** Areas specified for mobile vending carts as established by resolution of the City Council. They may include parks, right of ways, public parking areas, parkways, city buildings and grounds, sidewalks, public institutions, or vacant city property at the option of the City Council. Mobile vending cars may remain in one location in an area all day, or they may move in or between street vending areas. Cart Vendors do not have an exclusive right to a location. Cart Vendors shall not block sidewalks, cause traffic congestion, or operate within 200 feet of an established business, concession vendor or day vendor.

SECTION 14-44(5) NUMBER OF LICENSES FOR EACH VENDING AREA:

The City Council shall by resolution establish the number and types of vendors by area. Except for Festival/Event Blanket Vendor Licenses, no Vendor licenses shall be granted in the Central Business District as indicated on the zoning map of the South Haven Zoning Ordinance.

SECTION 14-44(6) FESTIVAL/EVENT BLANKET VENDOR LICENSE

A. The license limitations may be expanded or waived during the following annual events, and other events which the City Council may determine by resolution. During any of these events, the City Council, by resolution, may authorize the issuance of additional street vendor licenses to such a number as deemed to be in the best interests of the City.

(1) Harborfest, Blueberry Festival: No Vendors shall be allowed in the Central Business District, except by City Council approval.

(2) The City Manager shall be empowered to issue a special event blanket vendor license to a valid local not-for-profit organization sponsoring and operating a special community event within a specified area of the City. No person, group or organization shall sell any food, merchandise, goods, services, amusements, rides or other items on any public street, alley, sidewalk or any other public property within the special event area during the time of the special event without first being approved by the sponsoring not-for-profit organization overseeing the special community event.

SECTION 14-44(7) VENDOR OPERATION FROM PRIVATE PROPERTY PROHIBITED; EXCEPTIONS: No license shall be granted for sales from a removable stand, mobile vending cart, vehicle or other method of selling or display operating on private property, except for:

- (1) farmers or nursery owners selling his or her own production, and
- (2) vendors associated with a festival/event blanket vendors license, and
- (3) vendors on private property in the B-2 General Business District and B-4 Major Thoroughfare Business District who have met the standards of the zoning ordinance for outdoor display of goods; however no more than two such licenses shall be issued for a lot of record per year, and no such license shall be issued for a period of more than two (2) weeks.

SECTION 14-44(8) LICENSE; FEES AND APPLICATION.

A. LICENSE REQUIRED; EXCEPTIONS; It shall be unlawful for any person to engage in business as a Vendor within the City without first having obtained a license from the City Clerk as provided in this division.

B. LICENSE TERM: The term for a Vendor License shall be April 1 through October 31 of the year issued.

C. APPLICATION:

Before any license shall be issued:

- (1) The application must be approved by the Director of Public Safety;
- (2) The applicant shall obtain a Michigan Sales Tax Number;
- (3) An applicant selling food shall have a permit from the Van Buren County Health Department; and,
- (4) The applicant shall provide the City Clerk with satisfactory proof of insurance in an amount and kind deemed sufficient by the City Council and naming the City of South Haven as an additional insured.

D. DELINQUENT PERSONAL PROPERTY TAXES: No license shall be granted to any person owing any personal property taxes or other indebtedness to the City, or who contemplates using any personal property, in the operation of such business, on which personal property taxes are owing.

E. FEES: Fees for the various categories of Vendors shall be established by the City Council by resolution.

F. APPLICATION: An applicant shall file with the City Clerk a written application, upon a form provided for that purpose. The following information is required in the application:

1. Name, address, date of birth, driver's license number, and telephone number of the applicant;

2. The criminal history of the applicant;
3. The nature, character and quality of the goods or services offered for sale or delivery;
4. Proof that the applicant possesses a valid retail vendors sales tax permit from the Michigan Department of Treasury, if a sales tax permit is required for the type of proposed operation;
5. The nature of the proposed advertising to be done for the business at the proposed location;
6. License number of any vehicle which is to be used;
7. Nature of business and method of distributing products;
8. Nature of License requested and proposed location;
9. Dates and times of operation being requested;
10. Names and addresses of employees or agents who will be assisting the applicant in the proposed business;
11. Proof that the applicant possesses all licenses or permits required by this municipality, Van Buren County or State of Michigan for the operation of the proposed business;
12. Any other information which is required by the City Manager to clarify items on the application.

G. ISSUANCE OF LICENSE: When an application has been filed with the appropriate fee with the City Clerk, the same shall be forthwith transmitted to the City Manager. The City Manager shall initiate appropriate action to process the application. The City Manager shall make an appropriate investigation of the applicant, which may include but is not limited to, an inspection of the stand, cart, and place of location, to insure compliance with this Ordinance. The City Manager shall issue a license to the applicant within Thirty (30) days after receipt of the application, unless the City Manager finds one or more of the following to be true:

- (1) The applicant is under 18 years of age;
- (2) All available sites, as designated by the City Council and assigned by the City Manager, are occupied by licensees;
- (3) The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed or imposed upon the applicant.
- (4) The applicant has failed to answer or falsely answered a question or request for information on the application;

- (5) The applicant has failed to provide proof of a license or permit required by this Ordinance or by State law for the operation of the proposed business;
- (6) The applicant, applicant's employees or agents, individually or cumulatively, have been convicted of two violations of this Ordinance, within the five years immediately preceding the application. A plea of guilty or no contest in any court of law, shall constitute a conviction for purposes of the Section. The fact a conviction is being appealed shall have no effect.
- (7) The required license fee has not been paid;
- (8) The applicant has failed to comply with or the proposed business will violate any applicable law, ordinance, or regulation of the City;
- (9) The applicant's business or method of doing business will interfere with traffic flow on public streets or sidewalks;

If the City Manager finds any of the items listed above as true, the City Manager shall deny the application and send to the applicant by registered mail, return receipt requested, a written statement setting forth the reason or reasons for the denial and notifying the applicant of his or her right to Appeal.

H. SALES LIMITED TO PRODUCTS ON APPLICATION: Vendors shall be limited to the sale of products specified on the application. Amendments to the original application may be made to the City Manager, however, no amendments will be considered prior to ninety (90) days of operation as a Vendor. An application fee of Fifty (\$50.00) Dollars must accompany each request for a new item.

I. LICENSES; NONASSIGNABLE AND NONTRANSFERABLE: Licenses issued under the authority of this Article shall be nonassignable and nontransferable.

J. DISPLAY OF LICENSE REQUIRED: All licenses shall display the license on a prominent place on the removable stand or mobile vending unit. The failure of a licensee to conspicuously display such license when engaged in licensed business shall be sufficient cause for the suspension or revocation of the license.

- K. **PRICES POSTED:** The Vendor shall have posted on the stand or pushcart, the current prices charged for each item offered for sale and no item shall be sold for more than the posted price.
- L. **BUSINESS HOURS, RESTRICTIONS:** No vendor shall conduct business before the hour of 8:00 a.m. or after the hour of 10:00 p.m. or as otherwise restricted on a location basis by resolution of the City Council.
- M. **TRAFFIC REGULATIONS:**
- A. Vendors using mobile vending carts on the streets shall observe all traffic and parking regulations.
 - B. Vendors using mobile vending carts on the sidewalk shall yield to pedestrians.
- N. **OBSTRUCTING PUBLIC PLACES:** No street vendor shall conduct business in a congested area. No Vendor using a mobile vending cart shall occupy a stationary location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is to be used by pedestrians/persons operating motor vehicles. Such Vendor shall be presumed to have occupied a stationary location if he/she has conducted business in any such place for a period in excess of ten (10) minutes.
- O. **PROHIBITED LOCATIONS FOR SALE:** Sales to person standing in roadway, to occupants of vehicles at red lights and to occupants of vehicles in moving traffic lanes are prohibited.
- P. **LITTER CLEAN UP REQUIRED:** Vendors shall keep the sidewalks, streets and other public places adjoining and adjacent to their locations of business clean and free from any refuse generated from the operation of their business. Vendors shall dispose of their own refuse and shall not use City trash receptacles.
- Q. **LOUD NOISE/SPEAKING DEVICES/ LIGHTS:**
- A. It shall be unlawful for any licensee, or any person on the licensee's behalf, to shout, cry, blow a horn, ring a bell, or use any sound device, including loud speakers or sound amplifiers, upon any streets, alleys, parks or other public places of the City, or upon any private premises, for the purpose of attracting attention to any

goods, wares or merchandise which licensee proposes to sell.

B. It shall be unlawful for any licensee, or any person on the licensee's behalf, to use or employ any flashing lights on any vehicle or any other device for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

R. DESIGNATING OFF LIMITS LOCATIONS: The City Manager shall have the power to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas wherein it shall be unlawful for any Vendor to operate or conduct his/her business. Locations may be designated off limits at any time, including after a license has been granted. Such designation shall be made whereby reason of congested traffic conditions or the character of the neighborhood, or where the conduct of such business constitutes a public nuisance.

S. REVOCATION: The City Manager is designated to revoke the license of any Vendor who has violated of the rules and regulations set forth herein. Written notice of revocation shall be sent to the Vendor at the address on the application for the license. The Vendor, may within five (5) days from the date appearing on the notice of revocation , file a written request with the City Clerk's office for a hearing to appeal the revocation. The appeal hearing shall be held before the City Manager.

T. RETURN OF LICENSE: A Vendor may, on or before July 1st, return a license and receive a pro-rated refund of the license fee. No refund of fee shall be available after July 1st.

U. APPEAL. If the City Manager denies the issuance of a license, suspends or revokes a license, the aggrieved party may appeal the decision to the City Council. An appeal shall not stay the action of the City Manager in suspending or revoking a license.

SECTION 14-44(9) PENALTY:

A. A person commits a misdemeanor if the person fails to comply with or violates any of the requirements of this Article. A culpable state of mind is required for the commission of an offense.

B. An offense punishable under this article is punishable by a fine or not less

than \$100 nor more than \$500 and up to 90 days imprisonment in the County jail or both. A second or subsequent conviction for violation of this Article is punishable by a fine of not less than \$250.00 nor more than \$500 and up to 90 days imprisonment in the County jail or both.

- C. In addition to prosecution, the City may employ such other equitable or other administrative procedures or enforcement remedies and shall be available to them to correct the conduct involved in the offense.

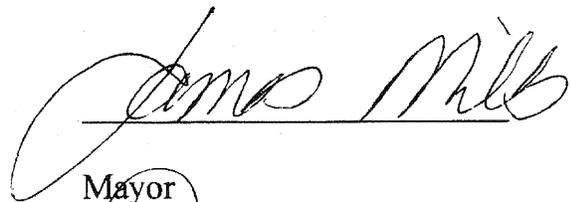
SECTION 14-44(10) SEVERABILITY: Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14-44(11) AMENDED: Section 14-44 of 62 of the Code of Ordinances of the City of South Haven, and the Ordinance underlying the same, is hereby amended.

SECTION 14-44(12) REPEALED: SECTIONS 14-45, 14-47, 14-54, 14-60, 14-61, 14-62 of the Code of Ordinances of the City of South Haven, and the Ordinance or Ordinances underlying the same, are hereby repealed.

SECTION 14-44(13) EFFECTIVE DATE: This Ordinance shall become effective the 28th day of May, 1998.

Adopted by the City Council of the CITY OF SOUTH HAVEN, Michigan on this 18th day of May, 1998.



James Mills

Mayor

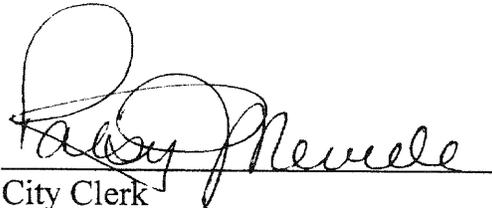


Daisy Newell

City Clerk

**** CERTIFICATE OF PUBLICATION ****

I, Patsy J. Neville, City Clerk of the CITY OF SOUTH HAVEN, Van Buren County, Michigan do hereby certify that the above for adoption of said Ordinance the 18th day of May, 1998 and the same was published in the South Haven Tribune in a paper of general circulation within the City in accordance with the City Charter of the City of South Haven.



City Clerk

CITY OF SOUTH HAVEN

Van Buren County, Michigan.

Published May 26, 1998

CITY OF SOUTH HAVEN

RESOLUTION #98-18

RESOLUTION ESTABLISHING STREET VENDING AREAS AND THE NUMBER OF
CART VENDORS FOR THE STREET VENDING AREA

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on Monday, May 18, 1998 at 7:30 o'clock p.m., local time.

PRESENT: Members Beatty, Fanger, Gruber, McClendon and Mills.

ABSENT: Members Adler and Mezak.

The following resolution was offered by Member Beatty and supported by Member Fanger.

WHEREAS, the Vendor Ordinance of the City of South Haven empowers the City Council to establish street vending areas and the number and type of vendors by area; and

WHEREAS, the City Council wishes to permit the use of a certain number of Mobile Vending Carts in certain areas.

NOW, THEREFORE, BE IT RESOLVED, that the South Haven City Council establishes the maximum number of cart vendors at five (5) vendors in the City of South Haven; and

BE IT FURTHER RESOLVED that the South Haven City Council establishes a street vending area in the City of South Haven, in the following locations:

- a. All street right of ways in Residential Zoning Districts, except not including the Central Business District, and not within two hundred (200') feet of an established business; and
- b. City Parks are not included in the street vending area; and
- c. Private property is not included in the street vending area; and
- d. The City Manager shall have the authority to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas wherein it shall be unlawful for any vendor to operate or conduct his/her business, under Section 14-44(8).R of the Vendor Ordinance.

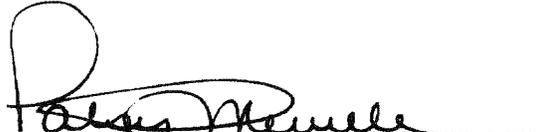
BE IT FURTHER RESOLVED that the South Haven City Council establishes the application fee for a vendor license at thirty-five (\$35.00) dollars.

Adopted this 18th day of May, 1998.

AYES: Beatty, Fanger, Gruber, McClendon and Mills

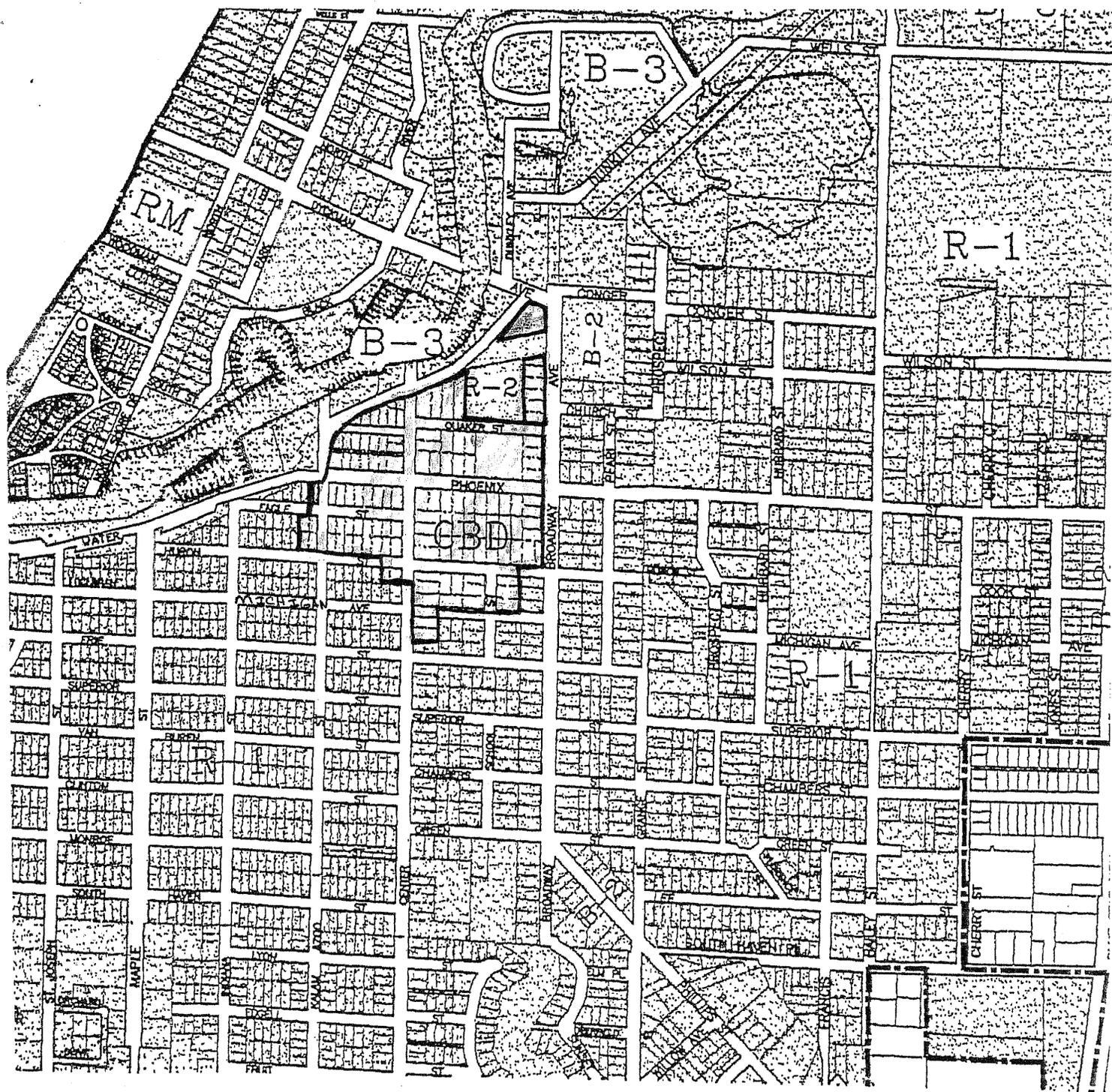
NAYS: None

ABSENT: Adler and Mezak



Patsy J. Neville, City Clerk

RESOLUTION DECLARED ADOPTED.



CBD