

## ***DIVISION 2. LICENSES***

### **Sec. 10-151. Required.**

No person shall engage in a temporary business of selling goods, wares, or merchandise at retail within the city from any lot, premises, building, room or structure, including railroad cars, without first obtaining a transient merchant license therefor.

(Code 1976, § 7.61)

### **Sec. 10-152. Application.**

- (a) The application for a transient merchant license required by this article shall contain the following items, together with such additional information as the city clerk may require:
- (1) The full name, permanent residence and local address, if other than the foregoing, of the applicant.
  - (2) The name of the firm or corporation represented, if any, together with the address of the central or district office of such firm or corporation.
  - (3) The address or location of the place within the city at which the applicant proposes to engage in business.
  - (4) A list or general description of the goods, wares or merchandise to be sold or offered for sale.
  - (5) The length of time for which the license is desired.
  - (6) Whether the applicant is a licensed transient merchant under the provisions of the laws of the state (Act No. 51 of the Public Acts of Michigan of 1925 (MCL 445.371 et seq., MSA 19.691 et seq.)).
  - (7) The affidavit of the applicant to the truth of the statements contained in the application, signed by the applicant.
- (b) If the business of the applicant shall require the use of weighing or measuring devices, the application shall be accompanied by a certificate from the sealer of weights and measures stating that such devices have been examined and approved.

(Code 1976, § 7.63)

### **Sec. 10-153. Investigation and issuance.**

Upon receipt of an application under this division, the chief of police shall cause such investigation of such person's business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the character and business reputation appear to be satisfactory, the chief of police shall so certify in writing, and a transient merchant's license shall be issued by the city clerk. The city clerk shall keep full record in his office of all licenses issued. Such licenses shall contain the number of the license, the date such license is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on, the date of such license, and the name of the person authorized to carry on the business.

---

(Code 1976, § 7.64)

#### **Sec. 10-154. Bond.**

Before any license shall be issued for engaging in a transient or itinerant business in the city, such applicant shall file with the city clerk a bond running to the city in the sum of \$1,000.00 executed by the applicant, as principal, together with surety or sureties upon which service of process may be made in the state. Such bond shall be approved by the city attorney, and shall be conditioned that the applicant shall comply fully with all of the provisions of this Code and the statutes of the state regulating and concerning the sale of goods, wares and merchandise; he will pay all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the city attorney, both as to form, and as to the responsibility of the sureties thereon.

(Code 1976, § 7.65)

#### **Sec. 10-155. Service of process.**

Before any license shall be issued for engaging in business as an itinerant merchant in the city, such applicant shall file with the city clerk an instrument nominating and appointing the city clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service or notice of matters connected with or arising out of the business transacted under such license and the bond given as required by section 10-154, or for the performance of the conditions of such bonds or for any breach thereof, which such instrument shall also contain recitals to the effect that such applicant for such license consents and agrees that service of any notice or process may be made upon such agent and, when so made, shall be taken and held to be as valid as if personally served upon the person applying for the license, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement or service or manner of service. Immediately upon service of process upon the city clerk, as provided in this section, the city clerk shall send to the licensee at his last known address, by registered mail, a copy of such process.

(Code 1976, § 7.66)

#### **Sec. 10-156. Exhibition of license.**

The transient merchant license issued under this division shall be posted conspicuously in the place of business named therein. If such person applying for such license shall desire to do business in more than one place within the city, separate licenses shall be issued for each place of business and shall be posted conspicuously in each place of business.

(Code 1976, § 7.67)

#### **Sec. 10-157. Fees.**

For each transient merchant license issued under the provisions of this division, the applicant shall pay the fee required by section 10-73.

(Code 1976, § 7.68)

---

**Secs. 10-158—10-180. Reserved.**