

ORDINANCE NO. 1072

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE
SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF
MACKINAW TO PROVIDE AMENDMENTS RELATING TO PEDDLERS, ITINERANT
MERCHANTS AND SOLICITORS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF MACKINAW:

SECTION 1: Chapter 111 of the Village Code of the Village of Mackinaw is hereby
amended by adding and deleting wordage (additions shown in underlined font and deletions
shown in ~~striketrough font~~):

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

SECTION 2: §111.01 of the Village Code of the Village of Mackinaw is hereby amended:

111.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context
clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant,
peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted
to, wares and food stuffs.

MOBILE FOOD TRUCK. A motorized vehicle or a towed trailer that is equipped with
facilities for cooking, preparing, and selling food.

ITINERANT MERCHANT. Any person whether as an owner, agent or consignee or
the person is an employee of another person, who on real property in which he does not
hold a fee simple interest or does not have a leasehold interest of at least six (6) months
establishes a display, exhibition, or sales facility for the purpose of selling, offering or
displaying for sale and immediate delivery of tangible personal property at retail or sale
of food shall be considered an itinerant merchant for purposes of this Chapter if:

- A. The display, exhibition, or sales facility is established with the intent that such
display, exhibition, or sales facility will remain in operation for a period of no more
than six (6) months; or
- B. The display, exhibition, or sales facility is established with the intent that its operation
will be interrupted for a period of more than ninety (90) days in any calendar year.

MOBILE FOOD TRUCK. No person shall operate a Mobile Food Truck on a property unless said Mobile Food Truck obtains the proper licensing from the Village of Mackinaw.

A. Location and Operational Standards:

1. Mobile Food Trucks operating within the public right-of-way:

- a. Mobile Food Trucks' hours of operation shall be limited to between 7:00 am and 10:00 pm.
- b. Mobile Food Trucks shall be legally parked in full compliance with all State and local parking provisions which apply to the location at which it is parked, including any sign prohibiting the parking or standing of a vehicle or indicating a parking time limit.
- c. No unattended Mobile Food Truck vehicle shall be parked or left overnight within a public right-of-way or on any other public property, unless participating in an approved special event.
- d. Mobile Food Trucks shall not be parked within twenty-five feet (25') from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five feet (25') from a railroad crossing.
- e. Portable lights, lights which flash, and similar attention-getting devices are not permitted.
- f. Any power required for a Mobile Food Truck shall be self-contained and shall not use utilities drawn from public property, unless otherwise approved by the Village. Mobile Food Trucks may also use power from a private sector.
- g. Outside amplifying equipment or noisemakers shall not be used.
- h. Mobile Food Trucks operators shall be responsible for organizing customer queuing in a manner that maintains a clear path along the sidewalk.
- i. All sales and service shall be limited solely to that side of the Mobile Food Truck facing away from the public street.
- j. Mobile Food Trucks shall not encroach onto a public sidewalk with any part of the vehicle, or any other equipment or furniture related to the operation of its business.
- k. Mobile Food Trucks parked within required parking areas shall not impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way.
- l. Mobile Food Trucks shall not block fire lanes, designated construction traffic lanes for ingress or egress or access to or from the construction site.
- m. No person shall operate a Mobile Food Truck without a valid Mobile Food Truck License unless it is part of a special event (example: Mack A Fest) approved by the Village of Mackinaw.

PEDDLER.

1. Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
2. Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the village.
3. A person who is a peddler is not an itinerant merchant.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

SECTION 3: §111.02 of the Village Code of the Village of Mackinaw is hereby amended:

111.02 License Requirement

1. Any person who is an itinerant merchant, mobile food truck, peddler or solicitor shall obtain a license before engaging in such activity within the village except for a person who is employed or acting on behalf of another government entity, a not-for-profit organization including but not limited to a church or 501(c)(3) organization, or a business that has a regular route that services the village on at least a monthly basis and is part of a company that provides services for home delivery to homes across the United States.
2. The fee for the license required by this chapter shall be as set from time to time by the Board of Trustees.
3. No license issued under this chapter shall be transferable.
4. The Village of Mackinaw may issue an itinerant merchant, or solicitor a one-day license. The one-day license shall expire at 7:01 p.m. on the date for which that license was issued. (Am. Ord. passed 2-27-12)
5. The Village of Mackinaw may issue a peddler either a one-day license or a yearly license. Peddler will give the Village of Mackinaw a time frame they shall be in the Village and their permit will expire 8:01 p.m. on the end date.
6. The Village of Mackinaw will issue a one (1) year license to mobile food truck operator. The one (1) year license shall expire at 10:01 p.m. on December 31st of the year issued.

Penalty, see § 111.99

SECTION 4: §111.09 of the Village Code of the Village of Mackinaw is hereby amended:
111.09 Village Policy on Soliciting and Peddling

1. No Soliciting prior to 9:00 a.m. in the morning or after 7:00 p.m. in the evening, Monday through Friday
2. No Soliciting Saturday or Sunday or State or National Holiday
3. Must carry and display their permit while they are soliciting. Every person in the company must have a permit
4. Solicitors are to respect our residents by being courteous and not to pressure any into a contract sale
5. Solicitors must immediately leave any residence that displays a "No Soliciting" or "No Solicitors" posting
6. Solicitors must leave a premises immediately and peacefully when requested to do so by the occupant
7. Licensed peddlers will be allowed to peddle Monday through Sunday from 7:00 a.m. to 8:00 p.m.
8. Licensed peddlers must display their permit while operating.

SECTION 5: §111.10 of the Village Code of the Village of Mackinaw is hereby amended:
111.10 Notice Regulating Soliciting

Notice of the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

1. A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:
"NO SOLICITORS", "NO SOLICITING" or "NO TRESPASSING"
2. The letters shall be at least 1/3-inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.
3. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

SECTION 6: §111.11 of the Village Code of the Village of Mackinaw is hereby amended:
111.11 Duty of Solicitors

1. It shall be the duty of every solicitor upon going onto any premises in the village upon which a residence is located to first examine the notice provided for in § 111.10 if any is attached and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS", "NO SOLICITING" or "NO TRESPASSING" then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

2. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. Penalty, see § 111.99

SECTION 7: §111.13 of the Village Code of the Village of Mackinaw is hereby amended:

§111.13 Time Limit on Soliciting

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near a door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting prior to 9:00 a.m. or after 7:00 p.m. on any weekday anytime on Saturday or Sunday or a state or national holiday.

SECTION 8: §111.99 of the Village Code of the Village of Mackinaw is hereby amended:
111.99 Penalty

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be subject to the general penalty provision, § 10.99(A) of the Village Code. Each day a violation continues shall be deemed a separate offense. (Am. Ord. 833, passed 9-12-11)


SECTION 9: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 10: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 11: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 24 day of March, 2025.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:

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NAYS:

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ABSENT:

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