



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

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**Dated: August 6, 2012**

**ORDER NO. S-227**

**RE: Temporary Street and Stationary Vendors Ordinance**

**TO: Sherikia Hawkins, City Clerk**  
**Charles Smith, Project Manager, Wade Trim**

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

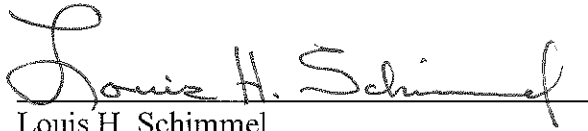
**It is hereby ordered:**

1. That the attached ordinance to regulate temporary street and stationary vendors of the City of Pontiac, being Ordinance No. 2266, is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly adopted ordinance.

**The Order shall have immediate effect.**

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

**Ordinance No. 2266**

**An Ordinance to regulate temporary street and stationary vendors.**

The City of Pontiac Ordains:

**Section 1. Amendments**

**a. Section 26-1201 shall be amended to add the following definitions:**

Temporary Special Event Area:

An area approved by the director of community development for the location of a temporary special event as defined in Section 2.542 of the Pontiac Zoning Ordinance.

Temporary Special Event Sponsor:

A person, party, or entity responsible for facilitating, organizing, and executing a temporary special event.

Temporary Special Event Vendor:

Means any peddler, huckster or person who sells or peddles temporary special event related souvenirs, snack foods or other products which he carries on his person, sells from a cart or removable stand, or from a vehicle in a designated temporary special event area whose boundaries are determined by the director of community development or city council, from one hour before until one hour after each special event.

**b. Section 26-1213 shall be amended to read as follows:**

No person shall conduct the business or occupation of foot vendor, stationary vendor, street vendor, temporary special event vendor, or temporary special event sponsor under this article within the city without first having obtained a license therefore from the city.

**c. Section 26-1214(b) shall be amended to read as follows:**

A license under this article will not be issued until the applicant has provided the City with an acceptable liability insurance policy if determined by the City's risk manager or insurance company to be required, in an amount to be determined by the City's risk manager or insurance company, and the insurance is to be kept in full force and effect during the life of the license, a cash bond to cover public safety and clean-up expenses in an amount determined by the Community Development Director, and payment of all required fees, taxes, and assessments due to the City.

**d. Section 26-1224 - VENDING FOR TEMPORARY SPECIAL EVENTS, shall be added to read as follows:**

1. Only temporary special event vendor licenses shall be issued to vendors for temporary special events.
2. Only temporary special event vendors shall operate in the approved temporary special events areas, and they may sell only from approved removable stands or

carts which are to be maintained in a stationary position during operation, except during such time and in such places as the director of community development may prohibit vending altogether in the public interest. The number of such licenses issued for the temporary special events shall be limited by public convenience and necessity. In determining public convenience and necessity, the director of community development shall consider the number of vendor licenses issued, the demands of the public for vendors, the vehicular and pedestrian traffic conditions, whether such service would result in a greater hazard to the public and such other related facts as may be deemed advisable or necessary. Stationary vendors shall not locate themselves close to a fire hydrant or to hose hookups on the exterior of buildings so as to obstruct access by the fire department.

3. No license shall be issued unless the design and specifications of any removable stand or cart within the temporary special events areas are prepared or approved by the community development department and planning division. Vending displays shall be constructed by the licensee in accordance with specifications which have been prepared or approved in the manner set forth in this article, and the expense of constructing such vending displays shall be the sole responsibility of the licensee and without any expense whatsoever to the City. Vendors in these areas shall be subject to all the rules and regulations contained in every other section of this article.
4. Vendors in the temporary special events areas shall be allowed to sell temporary special event related items only, such as: T-shirts; balloons; sweat shirts; snack foods; souvenirs and handcrafts.
5. Only temporary special events vendors licenses shall be issued to vendors in the designated theme area.
6. Only temporary special events vendors shall operate in this area, and they may sell only from one hour before until one hour after each temporary special event.
7. The license is applicable only for the duration of the temporary special event. The director of community development shall have power to designate an event as a "temporary special event."

#### **Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

#### **Section 3. Repealer**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

#### **Section 4. Emergency Declaration**

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect upon publication as required by law.